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Arizona Administrative REGISTER

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Information **3720**
Rulemaking Guide **3721**

RULES AND RULEMAKING

Proposed Rulemaking, Notices of
4 A.A.C. 33 Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers . . . 3723

Proposed Expedited Rulemaking, Notices of
9 A.A.C. 7 Department of Health Services - Radiation Control 3726
9 A.A.C. 28 Arizona Health Care Cost Containment System - Arizona Long-term Care System 3730
9 A.A.C. 31 Arizona Health Care Cost Containment System - Children's Health Insurance Program 3732

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking
4 A.A.C. 33 Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers . . . 3734

Public Information, Notices of
Department of Environmental Quality - Water Quality Assurance Revolving Fund Program 3735
Department of Environmental Quality - Water Quality Control 3741

INDEXES
Register Index Ledger 3769
Rulemaking Action, Cumulative Index for 2023. 3770
Other Notices and Public Records, Cumulative Index for 2023 3781

CALENDAR/DEADLINES
Rules Effective Dates Calendar. 3783
Register Publishing Deadlines. 3785

GOVERNOR'S REGULATORY REVIEW COUNCIL
Governor's Regulatory Review Council Deadlines 3786

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE *REGISTER*?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* Chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking.very document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

December 8, 2023
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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register.* These dates include file submittal dates with a three-week turnaround from filing to published document.

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The Office of the Secretary of State is an equal opportunity employer.

Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register.* Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

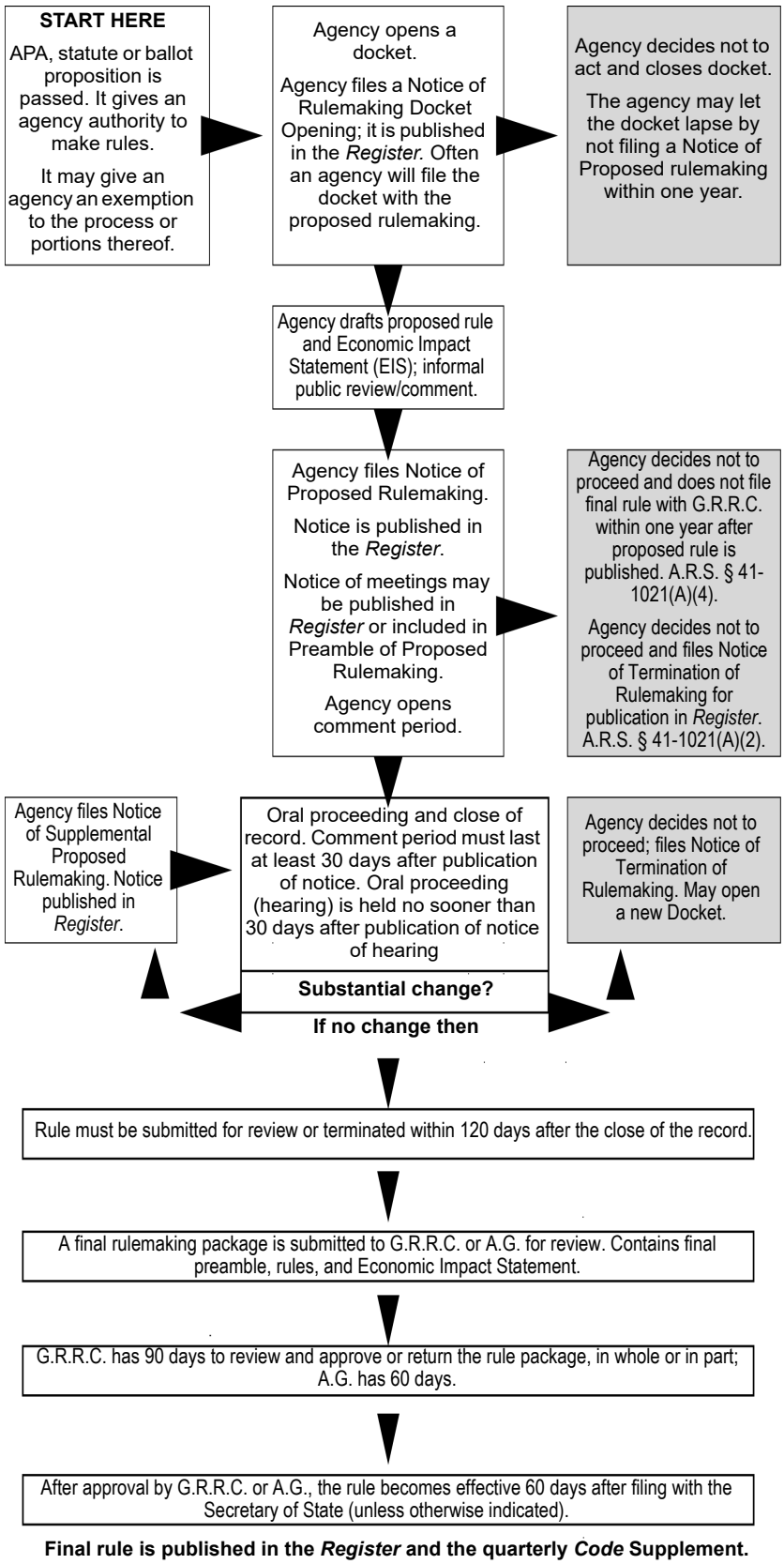
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

***Arizona Administrative Code* (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

***Arizona Administrative Register* (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.", and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

G.R.R.C. – Governor's Regulatory Review Council

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

[R23-242]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) **Rulemaking Action**

R4-33-104 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 36-446.03

Implementing statute: A.R.S. §§ 36-446 et seq.

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rules:

Notice of Rulemaking Docket Opening: 29 A.A.R. 3734, December 8, 2023 (*in this issue*)

4. The agency's contact person who can answer questions about the rulemaking:

Name: John Confer, Executive Director

Address: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007

Telephone: (602) 542-8156

Email: john.confer@azncia board.us

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board needs to amend its rules to update its fees.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is little to no economic, small business, or consumer impact, other than the cost to the Board to prepare the rule package, because the rulemaking simply clarifies statutory requirements that already exist. However, the 22% increase in most fees will have a small financial impact on the regulated community. Thus, the economic impact is minimized.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: John Confer, Executive Director

Address: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007

Telephone: (602) 542-8156
Email: john.confer@aznciaboard.us

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: January 8, 2024
Time: 1:00 p.m.
Location: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007
Conference Room B, First Floor

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The Board issues general permits to licensees who meet the criteria established in statute and rule.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 1. GENERAL

Section
R4-33-104. Fees

ARTICLE 1. GENERAL

R4-33-104. Fees

A. Under the authority provided at A.R.S. § 36-446.12(A), the Board establishes and shall collect the following fees related to nursing care institution administrators. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, ~~$150~~$183;
2. Arizona examination, ~~$500~~$610;
3. Re-administer Arizona examination, ~~$150~~$183;
4. Issuance of a license, ~~$400~~ $488 or ~~$17~~ $20.33 for each month remaining in the biennial period, whichever is less;
5. Duplicate license, ~~$75~~$91.50;
6. Biennial active license renewal, ~~$400~~$488;
7. Biennial inactive license renewal, ~~$200~~$244;
8. Late renewal, ~~$100~~$122;
9. Temporary license, ~~$300~~$366;
10. Certify licensure status, ~~$15~~$18.30;
11. Review sponsorship of a continuing education, ~~$10~~$12.20 per credit hour;
12. Review a licensed administrator's request for continuing education credit, ~~$5~~$6.10 per credit hour.

B. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to assisted living facility managers. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, ~~$150~~$183;
2. Arizona examination, ~~$150~~$183;
3. Re-administer Arizona examination, ~~$150~~$183;
4. Issuance of a certificate, ~~$150~~$183or ~~$7~~ $7.63 for each month remaining in the biennial period, whichever is less;
5. Duplicate certificate, ~~$75~~$91.50;
6. Biennial active certificate renewal, ~~$150~~$183;
7. Biennial inactive certificate renewal, ~~$100~~$122;

8. Late renewal, ~~$75~~$91.50;
9. Temporary certificate, ~~$100~~$122;
10. Review sponsorship of a continuing education, ~~$10~~$12.20 per credit hour;
11. Review a certified manager's request for continuing education credit, ~~$5~~$6.10 per credit hour.

C. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility manager training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, ~~$1,000~~$1,220; and
2. Renewal approval, ~~$600~~$732.

D. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, ~~$1,500~~$1,830; and
2. Renewal approval, ~~$1,300~~$1,586.

E. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver medication management training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, ~~$300~~$366; and
2. Renewal approval, ~~$250~~$305.

F. The Board shall ensure that fees established under this subsection are not increased by more than 25 percent above the amounts previously prescribed by the Board.

NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Expedited rulemaking is a rulemaking process that does not increase the cost of regulatory compliance, or increase a fee, or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027.

Under A.R.S. § 41-1027(C), the Governor's Regulatory Review Council also posts Notices of Proposed Expedited Rulemakings on its website and allows any person to provide written comment for at least 30 days after posting the notice.

Questions about the interpretation of expedited rules should be addressed to the agency promulgating the rules.

Refer to item 4 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

[R23-243]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R9-7-902	Amend
R9-7-904	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 30-654(B)(5), 36-132(A)(1), 36-136(G)

Implementing statute: A.R.S. §§ 30-654, 30-657, 30-671, 30-672, and 30-673

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 29 A.A.R. 3586, November 17, 2023

4. The agency's contact person who can answer questions about the rulemaking:

Name:	Brian D. Goretzki, Chief, Bureau of Radiation Control
Address:	Arizona Department of Health Services Public Health Licensing Services 4814 S. 40th St. Phoenix, AZ 85040
Telephone:	(602) 255-4840
Fax:	(602) 437-0705
Email:	Brian.Goretzki@azdhs.gov
or	
Name:	Stacie Gravito, Office 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
Email:	Stacie.Gravito@azdhs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Arizona Revised Statutes (A.R.S.) §§ 30-671(B) and 30-672 specify that the Department may require registration of sources of radiation. A.R.S. § 30-654 specifies requirements for the Department to regulate sources of radiation and those using these sources to protect health and safety. The Department has learned that some critical access hospitals are having difficulty in obtaining and retaining qualified medical professionals. These hospitals are generally located in remote areas of the State with few other sources of medical treatment, so patients may have to travel long distances to obtain radiation therapy if the radiation therapy cannot be provided at the critical access hospital. After obtaining approval for the rulemaking under A.R.S. § 41-1039(A), the Department is revising some requirements related to the type of supervision that may be provided, under specific circumstances, to a radiation therapy technologist providing radiation therapy in a critical access hospital, to include those circumstances under which radiation therapy technologists may provide radiation therapy under general supervision. To ensure patient safety while receiving radiation therapy, the Department is including additional requirements for a critical access hospital registrant planning to provide radiation

therapy under general supervision. The Department believes that these changes will reduce the regulatory burden on critical access hospitals while protecting the health and safety of patients, staff, and the general public.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study for this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Not applicable

10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):

Close of record: Monday, December 18, 2023, 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The Department believes the registration of a particle accelerator issued to a person is a specific permit, under A.R.S. § 41-1037(A)(3) in that registration specifies the person, device, and facility location authorized by registration, as well as the scope of practice, which are necessary to protect health and safety, according to A.R.S. § 30-672.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No business competitiveness analysis was received by the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

ARTICLE 9. PARTICLE ACCELERATORS

Section
R9-7-902. Definitions
R9-7-904. Registration of Particle Accelerators Used in the Practice of Medicine or Human Research

ARTICLE 9. PARTICLE ACCELERATORS

R9-7-902. Definitions

The following definitions apply in this Article, unless the context otherwise requires:

"Added filter" (See ~~Article 6~~ R9-7-602)

"Arc therapy" means radiation therapy that uses electrons to treat large, superficial volumes that follow curved surfaces, as in post-mastectomy patients.

"Authorized medical physicist" means an individual who meets the requirements in R9-7-711. For purposes of ensuring that personnel are adequately trained, an authorized medical physicist is a "qualified expert" as defined in Article 1.

"Beam-limiting device" (See ~~Article 6~~ R9-7-602)

"Beam-monitoring system" means a ~~system~~ set of devices that will monitor the useful beam, as defined in R9-7-602, during irradiation and terminate irradiation when a preselected number of monitor units has been accumulated.

"Collimator" (See R9-7-602)

"Control panel" (See ~~Article 6~~ R9-7-602)

"Full beam detector" means a radiation detector of such size that the total cross section of the maximum size useful beam is intercepted.

"Gantry" means that part of a linear accelerator that supports the radiation source so that it can rotate about a horizontal axis.

"General supervision" means that a radiation therapy technologist is furnished with a procedure for performing therapy under an authorized user's overall direction and control, and the authorized user is responsible for ensuring that the procedure is followed, but the authorized user's presence is not required in a medical institution during the performance of the procedure.

"Intensity-Modulated Radiation Therapy (IMRT)" means an advanced mode of high-precision radiotherapy that uses computer-controlled linear accelerators to deliver precise radiation doses to a tumor or specific areas within the tumor.

~~"Interlock" (See Article 1)~~

"Isocenter" means the point of intersection of the collimator axis and the axis of rotation of the gantry.

"Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"Moving beam therapy" means radiation therapy in which there is displacement of the useful beam relative to the patient. Moving beam therapy includes arc therapy, skip therapy, and rotational beam therapy.

"Radiation therapy technologist" means an individual certified according to 9 A.A.C. 16, Article 6, whose scope of practice is specified according to A.A.C. R9-16-608(D).

"Rotational beam therapy" means radiation therapy that is administered to a patient from a radiation source that rotates around the patient's body or the patient is rotated while the beam is held fixed.

"Skip therapy" means rotational beam therapy that is administered in a way that maximizes the dose to an area of interest and minimizes the dose to surrounding healthy tissue.

"Special procedure" means a type of therapy through which radiation is delivered to a patient through five or fewer fractions or with a dose per fraction greater than 6 Gy.

"Spot check" (See ~~Article 6~~ R9-7-602)

"Stationary beam therapy" means radiation therapy that involves a beam from a radiation source that is aimed at the patient from different directions. The distance of the source from the isocenter remains constant irrespective of the beam direction.

"Virtual source" means a point from which radiation appears to originate.

R9-7-904. Registration of Particle Accelerators Used in the Practice of Medicine or Human Research

A. The requirements in this Section supplement the registration requirements in R9-7-903.

B. An applicant that is a "medical institution," as defined in ~~9 A.A.C. 7,~~ Article 7 of this Chapter, and performing human research shall appoint a radiation safety committee that ~~meets the following requirements~~:

1. ~~The committee shall consist~~ Consists of at least four individuals ~~and shall include~~ including:
   a. An authorized user of each type of use permitted by the registration,
   b. The Radiation Safety Officer,
   c. A representative of the nursing service, ~~and~~
   d. A representative of management who is neither an authorized user nor a Radiation Safety Officer, and
   e. Any other members the registrant selects;
2. ~~The committee shall meet~~ Meets at least once in each 12-month period, unless otherwise specified by registration condition;
3. ~~To conduct~~ Only conducts business if at least 50 percent of the membership of the committee ~~shall be~~ are present~~,~~ including the Radiation Safety Officer and the management representative;
4. ~~The~~ Includes in the minutes of each radiation safety committee meeting ~~shall include~~ a reference ~~of~~ to any discussion or documents related to the review required in R9-7-407(C);
5. ~~Review~~ Reviews the radiation safety program for all sources of radiation as required in R9-7-407(C);
6. ~~Establish~~ Establishes a table that contains investigational levels for occupational and public dose that, when exceeded, will initiate an investigation and consideration of actions by the Radiation Safety Officer; and
7. ~~Establish~~ Establishes the safety objectives of the quality management program required by subsection (E).

C. The applicant shall ensure that an individual designated as an authorized user is an Arizona licensed physician~~;~~, approved by the radiation safety committee, if applicable~~;~~, ~~and is~~ who has documentation that the individual is either:

1. Certified in radiation oncology by the:
   a. ~~Radiology, therapeutic radiology, or radiation oncology by the~~ American Board of Radiology; ~~or~~
   b. ~~Radiation oncology by the~~ American Osteopathic Board of Radiology; or
   ~~c. Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or~~
   ~~d.~~c. ~~Therapeutic radiology by the Canadian~~ Royal College of Physicians and Surgeons of Canada; or
2. Engaged in the active practice of therapeutic radiology~~,~~ and has completed:
   a. At least 200 hours of instruction in basic techniques applicable to the use of a particle accelerator, ~~500 hours of supervised work experience, and a minimum of three years of supervised clinical experience.~~ including
   ~~a. To satisfy the requirement for instruction, the~~ classroom and laboratory training ~~shall include~~ in all of the following subjects:

i. Radiation physics and instrumentation,
ii. Radiation protection,
iii. Mathematics pertaining to the use and measurement of radiotherapy, and
iv. Radiation biology~~.~~;

b. ~~To satisfy the requirement for~~ At least 500 hours of supervised work experience~~, training shall occur~~ under the supervision of an authorized user at a medical institution, ~~and shall include~~ including:
i. Reviewing full calibration measurements and periodic spot checks,
ii. Preparing treatment plans and calculating treatment times,
iii. Using administrative controls to prevent misadministration,
iv. Implementing emergency procedures to be followed in the event of the abnormal operation of a particle accelerator, and
v. Checking and using survey meters~~.~~;

c. ~~To satisfy the requirement for a period of supervised clinical experience, training shall include~~ A minimum of three years of supervised clinical experience:
i. Consisting of:
(1) At least one year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association, and
(2) At least an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution~~. The supervised clinical experience shall include:~~; and
ii. Including:
~~i.~~(1) Examining individuals and reviewing their case histories to determine their suitability for treatment, noting any limitations or contraindications;
~~ii.~~(2)Selecting the proper dose and how it is to be administered;
~~iii.~~(3)Calculating the therapy doses and collaborating with the authorized user in the review of patients' or human research subjects' progress and consideration of the need to modify originally prescribed doses, as warranted by patients' or human research subjects' reaction to radiation; and
~~iv.~~(4)Post-administration follow up and review of case histories; and

d. Is qualified to independently act as an authorized user, signed by the individual supervising the clinical experience in subsection (C)(2)(c).

D. With the application the applicant shall provide the name of each authorized user to the Department so the names can be listed on the registration form, and so that the Department can determine whether the authorized user's training and experience satisfies the requirements in subsection (C).

E. Each registrant shall establish and maintain a written quality management program to provide high confidence that the radiation produced by the particle accelerator will be administered as directed by an authorized user. The quality management program shall include, at minimum, the tests and checks listed in Appendix A.

F. Each registrant shall ensure that a particle accelerator is calibrated by an authorized medical physicist who meets the training and experience qualifications in R9-7-711.

G. At the time of application for registration or when a therapy program is expanded to multiple sites, each applicant or registrant shall provide the Department with:
1. ~~a~~ A description of the quality management program, developed, maintained, and implemented according to the American Society for Radiation Oncology's 2019 "Safety is No Accident: A Framework for Quality Radiation Oncology Care," incorporated by reference, available under R9-7-101, and containing no future editions;
2. ~~a~~ A listing of the professional staff assigned to the facility~~.~~; and
3. ~~the~~ The expected ratio of patient workload to staff member ~~for programs involving multiple therapy sites~~.

H. If the staffing ratio exceeds the recommended levels in ~~Radiation Oncology in Integrated Cancer Management, Report of the Inter-Society Council for Radiation Oncology, December 1991~~ the document incorporated by reference in subsection (G)(1), the applicant shall provide to the Department for approval the justification for the larger ratio and the safety considerations that have been addressed in establishing the program. ~~This report is incorporated by reference and available under R9-7-101. The incorporated material contains no future editions or amendments. The report is available from the American Association of Physicists in Medicine: online at http://www.aapm.org/pubs/reports; print copies may be purchased from Medical Physics Publishing, 4513 Vernon Blvd., Madison, WI 53705; toll free at (800) 442-5778.~~

I. A registrant shall ensure that:
1. Two radiation therapy technologists are at the treatment console for all procedures;
2. An authorized user and authorized medical physicist are:
a. At the treatment console for all single fraction special procedures, such as stereotactic radiosurgery (SRS), a method of external beam radiotherapy that delivers a precisely targeted high dose of radiation in a single session;
b. At the treatment console for the first fraction of all special procedures using multiple fractions, such as:
i. Stereotactic radiotherapy (SRT), a method of external beam radiotherapy in which radiotherapy is delivered from many different angles around the body of a patient, with the beams meeting at the tumor in such a manner that the tumor receives a high dose of radiation and the tissues around the tumor receive a much lower dose; or
ii. Stereotactic body radiation therapy (SBRT), a method of external beam radiotherapy that delivers a precisely targeted high dose of radiation to an extracranial target in five or fewer fractions; and
c. On-site and within range for patient care access for subsequent fractions of the special procedures specified in subsection (I)(2)(b);
3. For all Intensity-Modulated Radiation Therapy (IMRT), the planned doses are verified by direct measurement;

4. Except as provided in subsection (J), an authorized user is on-site and available for consultation about patient care; and
5. The health and safety of a patient are maintained.

J. If a registrant meets the requirements of a Critical Access Hospital, according to 42 CFR, Part 485, Subpart F, Conditions of Participation: Critical Access Hospitals, the registrant may allow a radiation therapy technologist to perform a procedure under general supervision if the registrant ensures that:

1. The registrant or an authorized user:
   a. Has established a written protocol for the application of radiation to a patient for each procedure that may be conducted by a radiation therapy technologist under the general supervision of an authorized user, including follow-up instructions for the patient;
   b. Reviews and, as necessary, revises the written protocols in subsection (J)(1)(a) at least annually; and
   c. Documents the review in subsection (J)(1)(b) with a signature and date of signature;
2. The procedure is not a special procedure;
3. A radiation therapy technologist follows the applicable written protocol established according to subsection (J)(1)(a) when delivering radiation to a patient; and
4. At least every six months, an authorized user:
   a. Observes each radiation therapy technologist, while the radiation therapy technologist is performing a procedure, for adherence to the applicable written protocol in subsection (J)(1)(a); and
   b. Documents the observation and the assessment in subsection (J)(4)(a);
5. An authorized user is on-site and available for consultation about patient care at least once every five working days, as shown in documentation maintained by the registrant; and
6. The health and safety of a patient are maintained.

K. A registrant that uses the general supervision in compliance with subsection (J) shall develop, maintain, and implement policies and procedures to monitor:

1. The performance of a procedure by a radiation therapy technologist under general supervision, and
2. The quality of patient care.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ARIZONA LONG-TERM CARE SYSTEM

[R23-244]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R9-28-1001 — Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 36-2918

Implementing statute: A.R.S. § 36-2957

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 29 A.A.R. 3694, December 1, 2023

4. The agency's contact person who can answer questions about the rulemaking:

Name: Sladjana Kuzmanovic

Address: AHCCCS Office of Administrative Legal Services
801 E. Jefferson
Phoenix, AZ 85034

Telephone: (602) 417-4232

Fax: (602) 253-9115

Email: AHCCCSRules@azahcccs.gov

Website: www.azahcccs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The proposed rulemaking is submitted in response to the Five-Year Review Report approved on October 3, 2023, which is intended to clarify the current rules. The rule amendments are proposed to promulgate rules that are clear, concise, and understandable for members of the public. The proposed rules do not impose any additional burdens or costs to regulated persons, and failure to conduct this rulemaking will promote unnecessary utilization of resources, and the incurring of unnecessary costs.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were conducted relevant to the rule.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:
None of the changes proposed in this 5YRR have any effect on the economic impact of this chapter. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration. These proposed changes are merely clarifying.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Sladjana Kuzmanovic
Address:	AHCCCS Office of Administrative Legal Services 801 E. Jefferson Phoenix, AZ 85034
Telephone:	(602) 417-4232
Fax:	(602) 253-9115
Email:	AHCCCSRules@azahcccs.gov
Website:	www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Proposed rule language will be available on the AHCCCS website www.azahcccs.gov. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., December 18, 2023.

Date:	December 18, 2023
Time:	2:00 p.m.
Location:	meet.google.com/pbi-stec-rcx
Nature:	Public Hearing

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
The rulemaking must be established consistent with 42 CFR § 1003.200. The rule is not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:
No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ARIZONA LONG-TERM CARE SYSTEM

ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section
R9-28-1001. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-28-1001. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims
AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of ~~penalties, assessments, and~~ penalties and assessments.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) CHILDREN'S HEALTH INSURANCE PROGRAM

[R23-245]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) **Rulemaking Action**
R9-31-1101 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 36-2918
Implementing statute: A.R.S. § 36-2957

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:
Notice of Rulemaking Docket Opening: 29 A.A.R. 3694, December 1, 2023

4. The agency's contact person who can answer questions about the rulemaking:

Name:	Sladjana Kuzmanovic
Address:	AHCCCS Office of Administrative Legal Services 801 E. Jefferson Phoenix, AZ 85034
Telephone:	(602) 417-4232
Fax:	(602) 253-9115
Email:	AHCCCSRules@azahcccs.gov
Website:	www.azahcccs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
The proposed rulemaking is submitted in response to the Five-Year Review Report approved on October 3, 2023, which is intended to clarify the current rules. The rule amendments are proposed to promulgate rules that are clear, concise, and understandable for members of the public. The proposed rules do not impose any additional burdens or costs to regulated persons, and failure to conduct this rulemaking will promote unnecessary utilization of resources, and the incurring of unnecessary costs.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
No studies were conducted relevant to the rule.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:
None of the changes proposed in this 5YRR have any effect on the economic impact of this chapter. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration. These proposed changes are merely clarifying.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Sladjana Kuzmanovic
Address:	AHCCCS Office of Administrative Legal Services 801 E. Jefferson Phoenix, AZ 85034
Telephone:	(602) 417-4232
Fax:	(602) 253-9115
Email:	AHCCCSRules@azahcccs.gov
Website:	www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Proposed rule language will be available on the AHCCCS website www.azahcccs.gov. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., December 18, 2023.

Date:	December 18, 2023
Time:	2:00 p.m.
Location:	meet.google.com/pbi-stec-rcx

Nature: Public Hearing

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rulemaking must be established consistent with 42 CFR § 1003.200. The rule is not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) CHILDREN'S HEALTH INSURANCE PROGRAM

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of ~~penalties, assessments, and~~ penalties and assessments.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that an agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires publication of the Notice of Rulemaking Docket Opening in the Register.

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along 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

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

[R23-246]

1. Title and its heading: 4, Professions and Occupations

Chapter and its heading: 33, Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers

Article and its heading: 1, General

Section number: R4-33-104 (*Sections may be added, deleted, or further modified as necessary.)*

2. The subject matter of the proposed rule:

The Board needs to amend its rules to update its fees.

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

Notice of Proposed Rulemaking: 29 A.A.R. 3723, December 1, 2023

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

Name: John Confer, Executive Director

Address: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007

Telephone: (602) 542-8156

Email: john.confer@aznciaboard.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 determined.

NOTICES OF PUBLIC INFORMATION

Agencies use Notices of Public Information to notify stakeholders about other information that pertains to rulemaking notices under A.R.S. § 41-1013(B)(14). When required by law, agencies also use this notice to notify the public about information not related to rulemaking.

The most common use for this notice is to correct errors printed in a rulemaking notice or extend a public comment period.

The Administrative Rules Division of the Office does not provide a standard template for Notices of Public Information because the content of this type of notice varies.

An agency shall follow the Office's formatting standards when preparing this type of notice and use a numbered list of questions and answers. Additionally, an agency receipt shall be filed with a Notice of Public Information.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

ADEQ PUBLICATION NUMBER EQR-23-10

2023 WATER QUALITY ASSURANCE REVOLVING FUND REGISTRY

[M23-62]

Pursuant to Arizona Revised Statute (A.R.S.) §49-287.01(D)(E), the Arizona Department of Environmental Quality (ADEQ) is providing this annual report of the location, remedial status, and score of the sites on the Water Quality Assurance Revolving Fund (WQARF) Registry (Registry) as of October 1, 2023. The Registry includes those sites within the state that may pose a risk to public health, welfare, or the environment from the release of hazardous substances and for which there is current or planned investigation and cleanup. There are 38 sites on the Registry:

21 in Maricopa County,
8 in Pima County,
2 in Gila County,
1 in Graham County,
1 in Navajo County,
2 in Yavapai County
2 in Mohave County, and
1 in Yuma County.

Sites on the Registry are given an Eligibility and Evaluation (E&E) score based in part upon the nature and extent of contamination present and the number of people that may be exposed to the contamination. The maximum E&E score a site may receive is 120. E&E scores are used to help determine relative risk at the site, but does not necessarily mean that there is a direct risk to public health and/or the environment.

The Registry and additional information regarding these sites are available on the ADEQ website at www.azdeq.gov/WQARF. An appointment to review related documentation is available Monday through Friday, from 8:30 a.m. to 4:30 p.m., at the ADEQ Records Management Center located at 1110 West Washington Street in Phoenix. Please call (602) 771-4380 to schedule an appointment to review documents.

7th Avenue and Bethany Home Road - The site was placed on the WQARF Registry on August 25, 2004, with an E&E score of 29. The site is located in Phoenix and is approximately bound by Maryland Avenue to the north, Bethany Home Road to the south, 5th Avenue to the east, and 8th Avenue to the west. The contaminants of concern at the site are tetrachloroethene (PCE), trichloroethene (TCE), and vinyl chloride (VC).

A soil vapor extraction (SVE) system operated at the site from June 2005 through January 2006 as an early response action (ERA). ADEQ issued the Final Remedial Investigation (RI) Report in April 2011, the Feasibility Study (FS) Report in November 2012, the Proposed Remedial Action Plan (PRAP) in April 2015, and the Record of Decision (ROD) in June 2016. The selected remedy is being implemented in accordance with the ROD. Additional remedial actions are on hold as ADEQ and Salt River Project (SRP) work to determine a path forward regarding potential impacts to several SRP wells. The Community Advisory Board was merged with the Central Phoenix Community Advisory Board (CAB) and meets as needed or as requested from the public.

7th Street and Arizona Avenue - The site was placed on the WQARF Registry on April 27, 2000, with an E&E score of 40. The site is located in downtown Tucson and is approximately bound by Speedway Boulevard to the north, 8th Street and the railroad to the south, 4th Avenue to the east, and 10th Avenue to the west. The contaminants of concern at the site are PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE).

An SVE system operated from June 2006 to July 2009 as an ERA. ADEQ issued the RI Report in March 2014, the FS Report in April 2014, the PRAP in February 2020, and the ROD in June 2020. The selected remedy is being implemented in accordance with the ROD. The site is part of the Central Tucson CAB and meets as needed or as requested from the public.

7th Street and Missouri Avenue - The site was placed on the WQARF Registry on June 24, 2016, with an E&E score of 42. The site is located in Phoenix and is approximately bound by Montebello Avenue to the north, Georgia Avenue to the south, 6th Street to the west, and 10th Street to the east. The contaminants of concern at the site are PCE and TCE.

Fashion Cleaners entered into ADEQ's Voluntary Remediation Program (VRP) to address cleaning up their portion of the contamination in 2016. An ozone sparging groundwater remediation system was installed and has been operating as an ERA since October 2018. ADEQ issued the RI Report in November 2018, the FS Report in November 2019, the PRAP in June 2020, and the ROD in November 2021. The remedy is on hold as ADEQ and SRP work to determine a path forward regarding potential impacts to several SRP wells. The CAB was merged with the Central Phoenix CAB and meets as needed or as requested from the public.

16th Street and Camelback - The site was placed on the WQARF Registry on April 21, 1999, with an E&E score of 23. The site is located in Phoenix and is approximately bound by Camelback Road to the north, Highland Avenue to the south, 17th Street to the east, and 15th Street to the west. The contaminant of concern at the site is PCE.

ADEQ issued the RI Report in May 2015, the FS Report in March 2016, the PRAP in July 2016, and the ROD in February 2017. The remedy is being implemented in accordance with the ROD. The CAB was merged with the Central Phoenix CAB and meets as needed or as requested from the public.

20th Street and Factor Avenue - The site was placed on the WQARF Registry on March 30, 2000, with an E&E score of 31. The site is located in Yuma and is approximately bound by 17th Street to the north, 21st Street to the south, Kennedy Lane to the east, and 4th Avenue to the west. The contaminants of concern at the site are PCE, TCE, 1,1-dichloroethene (1,1-DCE), and cyanide.

ADEQ conducted a soil removal action and cleaned out sumps and septic tanks at the site as part of an ERA in 2002. ADEQ completed the installation of a permanent asphalt-based engineered cap over the cyanide-impacted soils in February 2014. ADEQ issued the RI Report in June 2014, the FS Report in August 2016, the PRAP in June 2017, and the ROD in February 2018. The remedy is being implemented in accordance with the ROD. The CAB for the site is no longer active.

51st Avenue and Camelback Road – The site was placed on the WQARF Registry on August 18, 2021, with an E&E score of 29. The site is located in the cities of Glendale and Phoenix and is approximately bound by Bethany Home Road to the north, Indian School Road to the south, 43rd Avenue to the east, and 59th Avenue to the west. The contaminants of concern at the site are PCE, TCE, and 1,1-DCE.

A preliminary investigation was performed between 2019 and 2020 which confirmed the presence of the contaminants of concern above Aquifer Water Quality Standards (AWQS). Remedial investigation activities at the site were initiated in the fall of 2021 and are ongoing. The RI Report will be issued at the conclusion of the site remedial investigation activities. The CAB was selected in December 2021. The first CAB meeting was held in February 2022 and will continue to meet.

56th Street and Earll Drive - The site was placed on the WQARF Registry on June 2, 2004, with an E&E score of 40. The site is located in Phoenix and is approximately bound by Earll Drive to the north, Roosevelt Street to the south, 56th Street to the east, and 24th Street to the west. The contaminants of concern at the site are PCE and TCE.

ADEQ is working with a potentially responsible party (PRP) to remediate the site. A pump and treat groundwater system began operation in November 2013 as an ERA. ADEQ issued the RI Report in November 2018 and the FS Report in March 2022. ADEQ is currently preparing the PRAP. The CAB for the site is no longer active.

Bahama Avenue and Bimini Lane - The site was placed on the WQARF Registry on September 16, 2021, with an E&E score of 46. The site is located in Lake Havasu City and is approximately bound by Industrial Boulevard to the north, El Camino Drive to the south, the Orion Lane alignment to the east, and Lake Havasu to the west. The contaminants of concern at the site are PCE, TCE, thallium, and arsenic.

A preliminary investigation was performed between 2019 and 2020 which confirmed the presence of the contaminants of concern in groundwater above AWQS and in soil above Arizona Soil Remediation Levels (SRLs). RI activities at the site were initiated in the fall of 2021 and are ongoing. In 2023, an ERA was conducted at the site which included the removal of a clarifier and impacted soil within the source area. A CAB for the site has not been formed due to low public interest.

Broadway-Pantano - The site was placed on the WQARF Registry on September 15, 1998, with an E&E score of 48. The site is located in the east-central part of Tucson and is approximately bound by Speedway Boulevard to the north, Broadway Boulevard to the south, Pantano Wash to the east, and Wilmot Road to the west. The contaminants of concern at the site are PCE, TCE, and dross (arsenic, cadmium, and lead).

ERAs implemented at the site include: a groundwater containment system which operated between 2003 and 2012, an SVE system at the Broadway North Landfill which operated between 2000 and 2002, an SVE system at Broadway South Landfill which operated between 2018 and 2021, an asphalt cap that was installed over the dross area in 2018, and an in-situ groundwater treatment system at the Broadway North Landfill site which began operation in 2018 and is currently operating.

ADEQ issued a Groundwater RI Report in June 2012, a Landfill RI Report in February 2015, the FS Report in June 2017, and the PRAP in September 2019. ADEQ is currently preparing the ROD. The CAB for the site is no longer active.

Central and Camelback - The site was placed on the WQARF Registry on June 21, 2000, with an E&E score of 32. The site is located in Phoenix and is approximately bound by Orange Drive to the north, Mariposa Street to the south, 2nd Street to the east, and 1st Avenue to the west. The contaminants of concern at the site are PCE and TCE.

ERAs implemented at the site include a groundwater treatment system which operated between in 2001 and 2018 and an SVE system which began operation in 2007 and is currently operating. ADEQ issued the RI Report in December 2014, the FS Report in June 2015, and the PRAP in July 2017. The ROD is on hold as ADEQ and Salt River Project (SRP) work to determine a path forward regarding potential impacts to several SRP wells. The CAB for the site was merged with the Central Phoenix CAB and meets as needed or as requested from the public.

Cooper Road and Commerce Avenue - The site was placed on the WQARF Registry on June 14, 2004, with an E&E score of 33. The site is located in Gilbert and is approximately bound by Houston Avenue to the north, Cullumber Avenue to the south, Golden Key Drive to the east, and El Dorado Drive to the west. The contaminants of concern at the site are PCE and TCE.

ERAs implemented at the site include an SVE/air sparging system which operated between 2009 and 2014 and a groundwater pump and treat system which operated between 2010 and 2014. ADEQ issued the RI Report in June 2015, the FS Report in February 2018, the PRAP in June 2019, and the ROD in June 2020. The remedy is being implemented in accordance with the ROD. A CAB was established for the site and meets as needed or as requested from the public.

East Central Phoenix (ECP) 24th Street and Grand Canal - The site was placed on the WQARF Registry on May 18, 2000, with an E&E score of 29. The site is located in Phoenix and is approximately bound by Pinchot Avenue to the north, McDowell Road to the south, 25th Street to the east, and Edgemere Street to the west. The contaminant of concern at the site is PCE.

ERAs implemented at the site include an SVE system which operated between 2016 and 2017 and an *in situ* chemical oxidation (ISCO) groundwater treatment pilot study which operated between 2020 and 2023. ADEQ issued the RI Report in June 2019, the FS Report in September 2019, and the PRAP in June 2020. The ROD is on hold as ADEQ and Salt River Project (SRP) work to determine a path forward regarding potential impacts to several SRP wells. The site is part of the East Central Phoenix CAB and meets as needed or as requested from the public.

ECP 32nd Street and Indian School Road - The site was placed on the WQARF Registry on May 18, 2000, with an E&E score of 29. The site is located in Phoenix and is approximately bound by Indian School Road to the north, McDowell Road to the south, 32nd Street to the east, and 12th Street to the west. The contaminants of concern at the site are PCE and TCE.

ERAs implemented at the site include two SVE systems which operated at two source properties for several years and an enhanced reductive dichlorination (ERD) groundwater treatment which operated between 2020 to 2023. ADEQ issued the RI Report in June 2019, the FS Report in September 2019, and the PRAP in December 2020. The ROD is on hold as ADEQ and SRP work to determine a path forward regarding potential impacts to several SRP wells. The site is part of the East Central Phoenix CAB and meets as needed or as requested from the public.

ECP 38th Street and Indian School Road - The site was placed on the WQARF Registry on September 21, 1998, removed from the Registry in June 2018, and reopened in December 2019, with an E&E score of 20. The site is located in Phoenix and is approximately bound by Indian School Road to the north, Piccadilly Road to the south, 38th Street to the east, and 34th Street to the west. The contaminant of concern at the site is PCE.

As part of an ERA, an SVE system was installed to remediate the source of PCE in the soil and groundwater. The system was decommissioned in March 2003. ADEQ issued the RI Report in April 2015. In 2017, ISCO injections took place and a FS Closeout Report was issued in June 2018. Groundwater sampling confirmed levels were below AWQS and the site was removed from the WQARF Registry. In December 2019, ADEQ reopened the site to investigate concentrations of PCE above the AWQS. Additional monitoring wells have been installed and regular groundwater sampling and monitoring continue. ADEQ is currently preparing the FS Report. The site is part of the East Central Phoenix CAB and meets as needed or as requested from the public.

ECP 40th Street and Osborn - The site was placed on the WQARF Registry on May 18, 2000, with an E&E score of 30. The site is located in Phoenix and is approximately bound by Fairmount Avenue to the north, Hubbell Street to the south, 42nd Street to the east, and 25th Street to the west. The contaminant of concern at the site is PCE.

ADEQ issued the RI Report in July 2020 and the FS Report in June 2021. The PRAP is on hold as ADEQ and SRP work to determine a path forward regarding potential impacts to several SRP wells. The site is part of the East Central Phoenix CAB and meets as needed.

ECP 48th Street and Indian School Road - The site was placed on the WQARF Registry on March 26, 1999, with an E&E score of 27. The site is located in Phoenix and is approximately bound by Devonshire Avenue to the north, Fairmont Avenue to the south, 48th Street to the east, and 45th Place to the west. The contaminant of concern at the site is PCE.

ADEQ and SRP operated a source control interim remedial action (IRA) which consisted of an SVE system which operated from 2004 to 2012. ADEQ issued the RI Report in November 2019 and the FS Report in July 2020. ADEQ is currently preparing the PRAP. The site is part of the East Central Phoenix CAB and meets as needed or as requested from the public.

Estes Landfill - The site was placed on the WQARF Registry on April 28, 1998, with an E&E score of 45. The site is located in Phoenix south of Sky Harbor Airport and is approximately bound by the Salt River to the north, Magnolia Street to the south, 44th Street to the east, and 40th Street to the west. The contaminants of concern at the site are TCE, cis-1,2-DCE, and VC in groundwater and lead, arsenic, and thallium in soil.

ADEQ issued the RI Report in July 1999, the FS Report in July 2002, the PRAP in February 2015, and the ROD in February 2017. The remedy is being implemented in accordance with the ROD. The CAB is no longer active.

Highway 260 and Johnson Lane - The site was placed on the WQARF Registry on June 24, 2016, with an E&E score of 40. The site is located in the Lakeside portion of Pinetop-Lakeside and is approximately bound by the Jackson Lane to the north, Burke Lane to the south, the Blue Ridge Unified School District property to the east, and Rainbow Drive to the west. The contaminant of concern at the site is PCE.

During groundwater sampling as part of a preliminary investigation in 2015, PCE and TCE were detected in private wells. ADEQ worked with well owners to supply safe drinking water. ADEQ issued the RI Report in January 2019, the FS Report in June 2019, the PRAP in March 2020, and the ROD in February 2021. The remedy is being implemented in accordance with the ROD. A CAB was established for the site and meets as needed or as requested from the public.

Highway 260 and Main Street - The site was placed on the WQARF Registry on December 12, 2016, with an E&E score of 40. The site is located in Cottonwood and is approximately bound to the north by Mingus Avenue, to the south by Mongini Lane, to the east by the Verde River, and to the west by 15th Street, Main Street, and Highway 260. The contaminants of concern at the site are PCE and TCE.

ERAs implemented at the site include the operation of several wellhead groundwater treatment systems at private wells and an ERD groundwater treatment system which operated between 2020 and 2022 within the source area. ADEQ issued the RI Report in May 2021 and the FS Report in March 2022. ADEQ is currently preparing the PRAP. A CAB was established for the site and meets as needed or as requested from the public.

Klondyke Tailings Project - The site was placed on the WQARF Registry on September 28, 1998, with an E&E score of 69. The site is located approximately 1.5 miles north of the town of Klondyke in Section 6, Township 7 South, Range 20 East. The site boundaries are defined by the extent of the soil contamination above the residential SRL for lead of 400 milligrams per kilogram (mg/kg). The contaminants of concern at the site are arsenic, cadmium, copper, lead, manganese, vanadium, and zinc in the soil.

ERAs implemented at the site include erosion protection installed on the upper tailings pile and the clean soil cap was seeded in June 2008, the removal of contaminated soils at three properties in June 2012 and October 2013, and the removal of contaminated soils from Klondyke Road and two residential properties in 2016. ADEQ issued the RI Report in June 2014, the FS Report in May 2017, the PRAP in June 2017, and the ROD in April 2018. The remedy as prescribed in the ROD was implemented and includes annual inspections and maintenance. The CAB is no longer active.

Lake Havasu Avenue and Holly Avenue - The site was placed on the WQARF Registry on December 4, 2017, with an E&E score of 50. The site is located in Lake Havasu City and is approximately bound by Centers Avenue to the north, Holly Avenue to the south, San Juan Drive to the east, and Aviation Drive to the west. The contaminants of concern at the site are PCE, TCE, cis-1,2-DCE, vinyl chloride, nitrate, and chromium.

The preliminary investigation took place in 2015. RI activities at the site were initiated in 2018 and the RI Report was issued in December 2020. In 2020, a pilot test to remediate the groundwater was initiated. In August 2022, an ERA was initiated to remediate contamination within the source area. The FS Report was issued in September 2022. ADEQ is currently preparing the PRAP. A CAB for the site has not been formed due to low public interest.

Los Reales Landfill - The site was placed on the WQARF Registry on April 23, 1999, with an E&E score of 32. The site is an active municipal sanitary landfill located in southeast Tucson and has been in operation since 1967. The contaminants of concern at the site are PCE and TCE.

The City of Tucson (COT) implemented a groundwater pump and treat system in 1999. COT continues to run the system, collect data, and perform additional modeling to support the approved Remedial Action Plan (RAP). COT submitted an updated Sampling Analysis Plan in 2020 and monitors groundwater.

Miller Valley Road and Hillside Avenue – The site was placed on the WQARF Registry on December 12, 2016, with an E&E score of 40. The site is located in Prescott and is approximately bound by the Merritt Avenue alignment to the north, Miller Creek to the south, Division Street to the east, and Miller Creek and Valley Street to the west. The contaminants of concern at the site are PCE and TCE.

ADEQ issued the RI Report in April 2020 and the FS Report in March 2023. ADEQ is currently conducting pilot testing and preparing the PRAP. ADEQ is in the process of forming a CAB.

Miracle Mile - The site was placed on the WQARF Registry on September 18, 1998, with an E&E score of 62. The site is located in Tucson and is approximately bound by Curtis Road to the north, Prince Road to the south, Pomona Road to the east, and La Cholla Boulevard to the west. The contaminants of concern at the site are TCE and chromium.

ERAs implemented at the site include the construction and operation of groundwater wellhead treatment systems at four drinking water wells. ADEQ issued the RI Report in April 2013, the FS Report in October 2019, and the PRAP in June 2020. ADEQ is currently preparing the ROD. A CAB was established for the site and meets as needed or as requested from the public.

Park-Euclid - The site was placed on the WQARF Registry on April 23, 1999, with an E&E score of 51. The site is located in Tucson and is approximately bound by 9th Street to the north, 14th Street to the south, Highland Avenue to the east, and Park Avenue to the west. The contaminants of concern at the site are PCE, TCE, VC, and cis-1,2-DCE.

ADEQ issued the RI Report in November 2011, the FS Report in October 2017, the PRAP in June 2020, and the ROD in July 2021. The remedy is being implemented in accordance with the ROD. The site is part of the Central Tucson CAB and meets as needed or as requested from the public.

Payson PCE - The site was placed on the WQARF Registry on April 29, 1998, with an E&E score of 63. The site is located in Payson and the groundwater plume is approximately bound by Main Street to the north, Cedar Lane to the south, Beeline Highway (State Route 87) to the east, and McLane Road to the west. The contaminant of concern at the site is PCE.

ADEQ issued the RI Report in June 2002, the FS Report in May 2003, the PRAP in August 2003, and the ROD in May 2007. The remedy is being implemented in accordance with the ROD. The CAB is no longer active.

Pinal Creek - This site was placed on the WQARF Registry on October 23, 1998, with an E&E score of 97. The site is located in Gila County in and around the communities of Globe, Miami, Claypool, and Wheatfield. The site includes the BHP Copper and Freeport McMoRan (formerly Phelps Dodge) Miami mining properties as well as the drainages and underlying aquifers of Miami Wash, Bloody Tanks Wash, Russell Gulch, and Pinal Creek. The site also includes the entire floodplain of Pinal Creek from the Old Dominion Mine to the Salt River, plus those portions of the communities underlain by contaminated groundwater. The contaminants of concern in groundwater are aluminum, iron, manganese, copper, cobalt, nickel, zinc, cadmium, sulfate, acidity, and dissolved solids, as well as arsenic, lead copper, cadmium, manganese, nickel, and zinc in localized soil and stream sediments.

The Pinal Creek Group (PCG), which includes BHP Copper, Freeport McMoRan, and Inspiration Copper, has conducted remedial actions including source control since 1988. The PCG has completed an RI Report, a risk assessment for the site, a FS Report, a RAP, and a well-replacement program for contaminated private and public supply wells. The PCG has been conducting groundwater extraction and treatment from the alluvial and regional aquifers since 1988. In 2010, the PCG was dissolved and Freeport McMoRan's Pinal Creek Project (PCP) became the sole owner/operator of the Pinal Creek groundwater remediation systems and responsible for the Groundwater Remedial Action Plan described in the 1998 Consent Decree. BHP Copper is no longer a part of the group, though they remain responsible for management of their properties in accordance with the governing Consent Decree. To accelerate aquifer restoration, groundwater remedy optimization pilot tests have been conducted near the source area in Bloody Tanks Wash. The work at this site is ongoing in accordance with the approved RAP.

Shannon Road/El Camino del Cerro - The El Camino del Cerro Site was placed on the WQARF Registry on August 18, 1998, with an E&E score of 71. The Shannon Road-Rillito Creek Site was placed on the WQARF Registry on April 23, 1999, with an E&E score of 53. The El Camino del Cerro WQARF Site and Shannon Road-Rillito Creek WQARF Site were administratively combined into one site in the fall of 2004. The site is located in northwest Tucson and is approximately bound by West Rudasill Road to the north, El Camino del Cerro Road on the south, North Moonbrook Road to the east, and North Camino de la Tierra to the west. The contaminants of concern at the site are PCE, TCE, 1,1-DCE, cis-1,2-DCE, and VC.

A wellhead treatment system which became operational in 1997 provides capture of the plume and removes volatile organic compounds (VOCs) to meet drinking water standards. ADEQ issued the RI Report in April 2015, the FS Report in July 2017, and the PRAP in March 2020. ADEQ is currently preparing the ROD. A CAB was established for the site and meets as needed or as requested from the public.

Silverbell Landfill - The site was placed on the WQARF Registry on April 23, 1999, with an E&E score of 51. The site is located at 3200 North Silverbell Road in northwest Tucson. The site is approximately bound by Sweetwater Drive to the north, Grant Road/Ironwood Hills Drive to the south, Interstate 10 to the east, and Silverbell Road to the west. The contaminants of concern at the site are PCE, TCE, cis-1,2-DCE, and VC.

The site is being remediated in accordance with the approved RAP and subsequent approved addendums to the RAP. Construction of the groundwater extraction and treatment system concluded in late 2019 and began full-time operation in April 2020. COT continues to conduct groundwater and soil vapor (methane) monitoring.

South Mesa - The site was placed on the WQARF Registry on August 18, 1998, with an E&E score of 26. The site is located in Gilbert and is approximately bound by Baseline Road to the north, Melody Drive to the south, Hobson Street to the east, and McQueen Road to the west. The contaminants of concern at the site are PCE, TCE, and cis-1,2-DCE.

ADEQ issued the RI Report in June 2013, the FS Report in April 2014, the PRAP in November 2014, and the ROD in June 2016. ISCO was initiated to accelerate the remedy in 2017. The ISCO and remedy activities are ongoing. The CAB is no longer active.

Stone Avenue and Grant Road - The site was placed on the WQARF Registry on January 20, 2017, with an E&E score of 45. The site is located in Tucson and is approximately bound by Jacinto Street to the north, Sahuaro Street to the south, Estrella Avenue to the east, and Oracle Road to the west. The contaminant of concern at the site is PCE in the soil.

ADEQ issued the RI Report in October 2019, the FS Report in February 2020, the PRAP in February 2020, and the ROD in June 2020. The remedy is being implemented in accordance with the ROD. The site is part of the Central Tucson CAB and meets as needed or as requested from the public.

Vulture Mill Site - The site was placed on the WQARF Registry on April 28, 1998, with an E&E score of 65. The site is located east of U.S. Route 89/93 about one-mile northwest of the center of the Town of Wickenburg. The eastern boundary of the site is approximately 0.25 miles west of the Hassayampa River. The contaminants of concern at the site are lead and arsenic.

The ROD was signed in September 1999. ADEQ implemented the remedy which consisted of the excavation of contaminated soil and placement of the soil in a consolidation pile, installation of a clean soil cover over the consolidation pile, and planting of vegetation on the soil cover to control erosion. The site is presently used as a pasture for livestock and is inspected annually. The CAB is no longer active.

West Central Phoenix (WCP) - East Grand Avenue - The site was placed on the WQARF Registry on April 15, 1998, with an E&E score of 31. The site is located in Phoenix and is approximately bounded by the SRP Grand Canal to the north, Cherry Lynn Road to the south, 29th Avenue to the east, and 33rd Avenue to the west. The contaminants of concern at the site are PCE, TCE, and DCE.

ERAs conducted at the site include an SVE system within the source area that operated from 2004 to 2013. ADEQ issued the RI Report in June 2006, the FS Report in July 2020, and the PRAP in December 2020. ADEQ is currently preparing the ROD. The site is part of the West Central Phoenix CAB and meets as needed or as requested from the public.

WCP North Canal Plume - The site was placed on the WQARF Registry on April 15, 1998, with an E&E score of 22. The site is located in Phoenix and is approximately bound by Indian School Road to the north, Flower Street to the south, Grand Avenue to the east, and 41st Avenue to the west. The contaminants of concern at the site are PCE, TCE, 1,1-DCE, and chromium.

ADEQ issued the RI Report in December 2017. An SVE system was installed as an ERA in the East Plume in 2019, and is still operating. ADEQ issued the FS Report in January 2020, and the PRAP in December 2020. The ROD is on hold as ADEQ and SRP work to determine a path forward regarding potential impacts to several SRP wells. The site is part of the West Central Phoenix CAB and meets as needed or as requested from the public.

WCP North Plume - The site was placed on the WQARF Registry on April 15, 1998, with an E&E score of 50. The site is located in Phoenix and is approximately bound by Highland Avenue to the north, Grand Avenue to the northeast, Indian School Road to the south, 37th Avenue to the east, and 43rd Avenue to the west. The contaminants of concern at the site are PCE, TCE, and 1,1-DCE.

Since 2000, multiple ERAs including SVE and ERD, were implemented at the site prior to issuing the ROD. ADEQ issued the RI Report in January 2009, the FS Report in August 2016, the PRAP in June 2017, and the ROD in November 2019. The remedy is being implemented in accordance with the ROD. The site is part of the West Central Phoenix CAB and meets as needed or as requested from the public.

WCP West Osborn Complex - The site was placed on the WQARF Registry on August 11, 1998, with an E&E score of 47. The site is located in Phoenix and is approximately bound by the Grand Canal to the north, Van Buren Street to the south, 33rd Avenue to the east, and 55th Avenue to the west. The contaminants of concern at the site are TCE and PCE.

ADEQ issued the RI Report in July 2004, the FS Report for the shallow groundwater system in January 2012, the FS Report for the deep groundwater system in May 2012, and a comprehensive PRAP in July 2020. The ROD is on hold as ADEQ and SRP work to determine a path forward regarding potential impacts to several SRP wells. The site is part of the West Central Phoenix CAB and meets as needed or as requested from the public.

West Van Buren - The site was placed on the WQARF Registry on April 10, 1998, with an E&E score of 50. The site is located in Phoenix and is approximately bound by Roosevelt Street to the north, Lower Buckeye Road to the south, Seventh Avenue to the east, and 75th Avenue to the west. A finger shaped plume also exists from approximately Durango Street to the north, Pima Street to the south, 24th Avenue to the east, and 19th Avenue to the west. The contaminants of concern at the site are PCE, TCE, 1,1,1-trichloroethane (1,1-TCA), 1,1-dichloroethane (1,1-DCA), 1,1-DCE, cis-1,2-DCE, and chromium.

Source removal through SVE has taken place at several facilities under Consent Orders or Working Agreements. Other facilities continue to be monitored and/or evaluated through other ADEQ programs, primarily Hazardous Waste, while other facilities have settled their liability with ADEQ. ADEQ finalized the RI Report in August 2012. Two interested parties, under working agreements with ADEQ, submitted separate FS Reports in July 2013 and July 2014.

A site wide sampling event took place in 2019 which indicated the groundwater plume at site has a reduced footprint and lower concentrations. ADEQ requested that the Environmental Protection Agency (EPA) consider taking over investigation and remediation of the site. EPA started a Preliminary Assessment to determine if the site qualifies for federal listing, which was completed in 2021. A soil-gas study was started and completed by EPA in 2021. A site-wide sampling event was also started by ADEQ in 2023 to determine current concentrations. A comprehensive PRAP will be developed following analysis of the current groundwater concentrations. A CAB was established and is no longer active.

Western Avenue Plume - The site was placed on the WQARF Registry on December 15, 1998, with an E&E score of 51. The site is located in Avondale and Goodyear and is approximately bound by San Xavier Boulevard to the north, State Route 85 to the south, 3rd Street to the east, and Phoenix-Goodyear Airport to the west. The contaminant of concern at the site is PCE.

ADEQ issued the RI Report in June 2006, the FS Report in April 2014, the PRAP in October 2014, and the ROD in June 2018. The remedy is being implemented in accordance with the ROD. The remaining PCE in the shallow subunit is being captured by the Phoenix-Goodyear Airport South extraction wells. The CAB was disbanded; however, a Community Advisory Group continues to meet under direction from the EPA.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M23-63]

1. Title and its heading: 49, The Environment
Chapter and its heading: 2, Water Quality Control
Article and its heading: 2.1, Total Maximum Daily Loads
Section: A.R.S. § 49-232. Lists of Impaired Waters; data requirements; rules

2. The public information relating to the listed statute

Arizona Revised Statute (A.R.S.) 49-232(A) requires the Arizona Department of Environmental Quality (ADEQ) to prepare a list of impaired waters at least once every five years to comply with Section 303(d) of the Clean Water Act [33 U.S.C. 1313(d)]. ADEQ provides public notice and allows for comment on the draft 303(d) List of impaired waters prior to its submission to the United States Environmental Protection Agency (EPA). ADEQ published a draft 303(d) List in a document entitled *Draft 2024 303(d) Impaired Water's List* (hereafter referred to as the "303(d) List") and provided an opportunity for public comment on the Integrated Report from June 28, 2023 to September 11, 2023. ADEQ prepares written responses to public comments received on the draft 303(d) List of impaired waters and publishes a summary of ADEQ's responses to comments in the *Arizona Administrative Register* at least 45 days before submitting the list to EPA for their approval.

3. Procedures for challenging an impaired water listing

The publication of the 303(d) List of impaired waters in the *Arizona Administrative Register* is an appealable agency action under A.R.S. § 41-1092. Any party that submitted written comments on ADEQ's draft 2024 303(d) List may challenge a listing of an impaired water by submitting a notice of appeal to the Department in accordance with A.R.S. 41-1092.03. You have the right to request a hearing and file an appeal under A.R.S. § 41-1092.03. To do this you must file a Request for Hearing or Notice of Appeal within 30 days of receipt of this notice. A request for Hearing or Notice of Appeal is filed when it is received by ADEQ's Hearing Administrator as follows:

Hearing Administrator
Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

The Request or Notice must contain the following:

1. The name of the party that is filing the appeal;
2. The address of the party that is filing the appeal;
3. The action being appealed; and
4. A concise statement of the reasons for the appeal.

Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal, you have the right to request an informal settlement conference with ADEQ under A.R.S § 41-1092.06. This request must be made in writing no later than 20 days before a scheduled hearing and must be filed with the Hearing Administrator at the above address.

The submission of a timely notice of appeal "stays" ADEQ's initial submission of a challenged listing to EPA. ADEQ may subsequently submit a challenged listing to EPA if the challenged listing is upheld in a final administrative decision by the Director under A.R.S. 41-1092.08 or if the person who challenges a listing withdraws the appeal prior to a final administrative decision by the Director.

4. 305(b) and 303(d) of the Clean Water Act

Section 305(b) of the Clean Water Act requires each state to prepare and submit to EPA a biennial report describing the water quality of all surface waters in the state. Each state must monitor water quality and review available data and information from various sources to determine if surface water quality standards are being met. From this 305(b) water quality assessment report and other sources of information, ADEQ creates the 303(d) List. The 303(d) List identifies Arizona surface waters that do not meet water quality standards. These waters are

known as "water quality limited segments" or "impaired waters." Identifying a surface water as impaired may be based on an evaluation of physical, chemical, or biological data demonstrating evidence of a numeric standard exceedance, a narrative standard exceedance, designated use impairment, or a declining trend in water quality, such that the surface water would exceed a water quality standard before the next listing period.

The 303(d) List provides a list of Arizona lakes and streams that do not meet water quality standards. Section 303(d) of the Clean Water Act requires each state to prepare several lists of surface water segments not meeting surface water quality standards, including those not expected to meet state surface water quality standards after implementation of technology-based controls. The draft 303(d) List is revised based on public input and finalized for submission to EPA. Arizona, like most states, prepares one list containing all of the waters meeting the criteria in section 303(d). At a minimum, ADEQ must consider the following sources of data:

- Surface waters identified in the Section 305(b) Report, including Section 314 lakes assessment that do not meet water quality standards;
- Surface waters for which dilution calculations or predictive models indicate nonattainment of water quality standards;
- Surface waters for which problems have been reported by other agencies, institutions, and the public;
- Surface waters identified as impaired or threatened in the state's non-point assessments submitted to EPA under Section 319 of the Clean Water Act;
- Fish consumption advisories and restrictions on water sports and recreational contact;
- Reports of fish kills or abnormalities (cancers, lesions, tumors);
- Water quality management plans;
- The Safe Drinking Water Act 1453 source water assessments; and
- Superfund and Resource Conservation and Recovery Act (RCRA) reports and the Toxic Release Inventory.

ADEQ's 303(d) List and supporting documentation are submitted to EPA for review. The ADEQ submission to EPA will contain the 303(d) List, including the pollutants or suspected pollutants impairing water quality; the surface waters targeted for Total Maximum Daily Load (TMDL) development; a priority ranking and schedule for TMDL development; a description of the process used to develop the 303(d) List; the basis for listing decisions, including reasons for not including a surface water or segment on the list; and a summary of ADEQ responses to public comments received on the draft list. 40 CFR 130.7(b)(6)(iv) requires a state to demonstrate "good cause" for not listing a surface water where there are exceedances of water quality standards and places the burden of proof on the state to justify excluding a surface water from the list. "Good cause" factors include more recent or accurate data, flaws in the original analysis, more sophisticated water quality modeling, or changes in the conditions that demonstrate that the surface water is no longer impaired.

The 303(d) List is due to be submitted to the U.S. Environmental Protection Agency on or before April 1, 2024. State law requires that the initial 303(d) List be published in the *Arizona Administrative Register* at least 45 days before the list is submitted to the Regional Administrator. The list of impaired waters that ADEQ plans to submit to EPA is contained in the table titled "Arizona's 2024 303(d) List of Impaired Waters" published in Section 7 of this notice.

EPA has added impaired waters to Arizona's 303(d) List in previous assessment cycles. These EPA listings do not meet the requirements of A.R.S. 49-232 or impaired water identification criteria established in ADEQ's Impaired Water Identification Rules (A.A.C. R18-11-601 through R18-11-606) but do meet federal requirements.

5. Arizona laws governing ADEQ identification of impaired waters and preparation of the 303(d) List

The Arizona Legislature enacted laws governing ADEQ's development of the 303(d) List in 2000. A.R.S. 49-232(B) requires that ADEQ consider only "reasonably current, credible and scientifically defensible" data that the ADEQ has collected or received from another source in determining whether a water body is an impaired water. The results of water sampling or other assessments of water quality are considered credible and scientifically defensible data only if ADEQ has determined:

1. Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing the data;
2. The samples or analyses are representative of water quality conditions at the time the data was collected;
3. The data consists of an adequate number of samples based on the water body in question and the parameters being analyzed; and
4. The method of sampling and analysis, including analytical, statistical and modeling methods, is generally accepted and validated in the scientific community as appropriate for use in assessing the condition of the water.

ADEQ considered reasonable current, credible and scientifically defensible data in preparing the 303(d) List. In 2002 ADEQ adopted, by rule, the methodology used in identifying waters as impaired. These rules specify the following:

1. Minimum data requirements and quality assurance and quality control requirements consistent with the requirements of A.R.S. 49-232(B)(1-4).
2. Appropriate sampling, analytical and scientific techniques that may be used in assessing whether a water is impaired.
3. Any statistical or modeling techniques that ADEQ uses to assess or interpret data.
4. Criteria for including and removing waters from the list of impaired waters, including any implementation procedures used for identifying impaired waters on the basis of exceedances of narrative water quality standards.

ADEQ prepared the 303(d) List in accordance with its Impaired Water Identification Rule (IWIR) that ADEQ adopted in 2002 [*See* A.A.C. R18-11-601 through R18-11-606].

Under A.R.S. 49-232(D), ADEQ must consider available data in light of the nature of each water body being assessed (including whether a water body is an ephemeral water) when determining whether to include a water body on the 303(d) List of impaired waters.

ADEQ is prohibited by A.R.S. 49-232(F) from listing a water body as impaired based on a violation of a narrative or biological water quality standard prior to adopting implementation procedures identifying the objective bases for determining that a violation of the standard exists. None of the waters identified by ADEQ on the 303(d) List are listed because of violations of narrative or biological water quality standards.

6. ADEQ response to comments on draft 303(d) List

Arizona's 303(d) List was made available for public review and comment from June 28, 2023 to September 11, 2023.

Environmental Protection Agency - Region 9

Comment #1 - Total Hardness vs Dissolved Hardness

ADEQ's use of total hardness to calculate hardness dependent metal criteria when dissolved hardness data are not available is not supported by the most recent science, as stated in EPA's letter to ADEQ. Standard practice is to use dissolved hardness to calculate hardness dependent metal criteria because it is the more conservative measurement. This is because total hardness is typically higher than dissolved hardness in any given sample. While it is appropriate to use total harness to identify impairments, it is not appropriate to use total hardness to demonstrate attainment.

Response #1 - Total Hardness vs Dissolved Hardness

ADEQ agrees that it is preferred to use dissolved hardness for hardness dependent standards. The vast majority of samples use dissolved hardness for hardness dependent standards; 55 out of 8,538 samples used total hardness to make a meeting criteria decision. ADEQ also concurs that total hardness should be used to make impairment decisions if dissolved hardness is not available.

ADEQ appreciates comments from EPA during the informal review period which helps make the assessment a better product before the public comment period. ADEQ met with EPA staff from September 2022 to April 2023 regarding several issues including hardness. Considering evidence such as the metal concentration, existing dissolved hardness data and the relationship between paired total and dissolved metals is appropriate to demonstrate attainment. ADEQ has added a process to review meeting criteria data that only uses total hardness to determine if it is statistically likely that any of those samples may not meet criteria. A linear regression was modeled based on paired total and dissolved hardness data. A 99% prediction interval was determined based on the paired data. Six samples were moved from 'meeting criteria' to 'inconclusive' before the public comment period because calculated dissolved hardness values fell outside the 99 percent prediction interval and may not meet the standard. The remaining 49 samples will remain as 'meeting criteria' because it is statistically unlikely that they can exceed the standard using a 99% prediction interval.

EPA stated in a March 31, 2023, email that total hardness can be used for the Santa Cruz River (15050301-009) attainment decision because the evidence shows that the dissolved hardness is not likely to be high enough to cause an exceedance. ADEQ appreciates the collaboration with EPA on the Integrated Report to ensure quality data is utilized in decision making.

Comment #2 - Omission of Patagonia Lake Mercury in Fish Tissue Impairment

ADEQ has readily available data and information to identify Patagonia Lake (waterbody ID 15050301-1050) as impaired for mercury in fish tissue. However, under Arizona law, assessment procedures must be adopted in its Impaired Waters Identification Rule (IWIR) for Arizona to list impairments. The IWIR does not include fish tissue assessment procedures therefore, the State cannot use the available information that includes fish consumption advisories, associated fish tissue data, and individual exceedances as the basis to add waters to the CWA 303(d) list. When available data and information show impairment and the state fails to list this impairment, the Clean Water Act requires EPA to add those impairments to the state's CWA 303(d) list. EPA urges Arizona to revise its IWIR to allow the state to list all water quality impairments.

Response #2 - Omission of Patagonia Lake Mercury in Fish Tissue Impairment

ADEQ appreciates EPA adding Patagonia Lake to the impaired waters list. ADEQ intends to revise the Impaired Water Identification Rule in 2024, which will allow ADEQ to impair based on fish tissue standards along with narrative criteria.

Courtney Ramirez

Comment #3 - Clean Water

Hello, I'm responding to public comment for the Clean Water Act. The link below is circulating on social media. Showing results by zip code

https://www.ewg.org/tapwater/system.php?pws=AZ0411017&fbclid=IwAR1vd5RYejFYVV5HNC3Ai6ZEonOKNS9dwUXtNoKXeahg-pvJGFZ1RKRuzSQM

Holy cow the arsenic, other metals, toxic chemicals and other toxins in our water is deadly to humans! It's insane how toxic it is. Even if we don't drink it, we shower in it and those toxins absorb in our skin.

So NO, Arizona and the federal government has failed the people and is not doing nearly enough to clean our water to make it 100% safe. No amount of arsenic or toxins are healthy for human consumption. None!

We must fix this immediately.

The toxic air pollution also enters our water.

Our counties do nothing to enforce toxic dust control either especially with home builders and contractors of that nature.

We must clean up our water and air pollution immediately.

Response #3 - Clean Water

The provided link is a drinking water report from the Environmental Working Group (EWG) for the town of Florence, Arizona. This comment is not relevant for the 2024 Clean Water Act Assessment public notice because the Clean Water Act does not have authority over drinking water. Your comment was forwarded to the ADEQ Drinking Water Section, which administers the Safe Drinking Water Act in Arizona. The Drinking Water Section reviewed the data and found that the Town of Florence public water system is currently in compli-

ance with safe drinking water standards. Data can be found at Arizona Drinking Water Watch, https://azsdwis.azdeq.gov/DWW_EXT/JSP/WaterSystemDetail.jsp?tinwsys_is_number=2262&tinwsys_st_code=AZ&wsnumber=AZ0411017.

Freeport

Comment #4 - Waters of the United States (WOTUS)

Freeport Minerals Corporation ("Freeport") appreciates the opportunity to submit comments on the Arizona Department of Environmental Quality's ("ADEQ") draft 2024 water quality assessment under federal Clean Water Act ("CWA") § 305(b) and associated CWA § 303(d) impaired waters list (Appendix C). As stated in A.R.S. 49-232(A), "[a]t least once every five years, [ADEQ] shall prepare a list of impaired ["waters of the United States"] WOTUS to comply with [§] 303(d) of the [CWA] (33 United States code [§] 1313(d))."

Freeport's comments focus on the proposal to include three segments of Mule Gulch (Waterbody Identification ("WBID") 15080301-090A, 15080301-090B, & 15080301-090C) and Brewery Gulch (WBID 15080301-337) as impaired WOTUS subject to CWA jurisdiction. As explained below, none of these surface drainage features qualify as jurisdictional WOTUS and all should be removed from ADEQ's proposed CWA § 303(d) list.

The U.S. Supreme Court recently issued a decision that substantially narrowed the scope of surface water features that may qualify as WOTUS under the CWA. See *Sackett v. EPA*, 598 U.S. ----, 143 S.Ct. 1322 (May 25, 2023). The Court found that the CWA's use of the term "waters" reaches "only those relatively permanent, standing or continuously flowing bodies of water 'forming geographic[al] features' that are described in ordinary parlance as 'streams, oceans, rivers, and lakes.'" *Id.* at 1336 (quoting *Rapanos v. United States*, 547 U.S. 715, 739, 126 S.Ct. 2208 (2006) (plurality opinion)). Based on this finding, the Court held that WOTUS are limited to "relatively permanent bod[ies] of water connected to traditional interstate navigable waters." *Sackett*, 143 S.Ct. at 1334, 1341. The Court defined "traditional navigable waters" as "interstate waters that were either navigable in fact and used in commerce or readily susceptible of being used in this way." *Id*. at 1330.

The U.S. Environmental Protection Agency ("EPA") states on its WOTUS website "the agencies will interpret the phrase [WOTUS] consistent with the Supreme Court's decision in *Sackett*." *See* https://www.epa.gov/wotus/definition-waters-united-states-rule-status-and-litigation-update. EPA and the Army Corps of Engineers also are in the process of revising the current regulatory definition of WOTUS to track the *Sackett* decision.

Mule Gulch is a predominately ephemeral drainage feature that extends approximately 16 miles from its origination near Mule Pass in the Mule Mountains to the east towards Whitewater Draw. The Mule Mountains are located west of Bisbee, Arizona. With respect to flow regime, the first 3 miles of the Mule Gulch drainage have been identified as potentially intermittent, while the remainder of the drainage is ephemeral. As can be seen on the ground and consistent with USGS topo maps of this area, more than 2 miles before Mule Gulch would reach Whitewater Draw, the drainage fans out and loses any distinct drainage features. Whitewater Draw in turn is an ephemeral drainage that drains south across the international border near Douglas, Arizona into Mexico and does not return back to Arizona or the United States. Whitewater Draw is tributary to the Rio de Bavispe, which in turn flows to the Rio Yaqui, which is tributary to the Gulf of California (all of which are water features in Mexico). Brewery Gulch is an ephemeral tributary of Mule Gulch.

Based on these facts, neither Mule Gulch nor Brewery Gulch are relatively permanent bodies of water. In contrast, both Mule Gulch and Brewery Gulch are dry ephemeral drainages for the vast majority of their length and have ephemeral flow characteristics at the point they enter a higher order drainage feature (*i.e.*, Whitewater Draw for Mule Gulch and Mule Gulch for Brewery Gulch). *See* 88 Fed. Reg. 3086 (Jan. 18, 2023) ("the agencies will assess the flow characteristics of a particular tributary at the farthest downstream limit of such tributary (*i.e.*, the point the tributary enters a higher order stream). . . . Where data indicate the flow characteristics at the downstream limit are not representative of the entire reach of the tributary, the flow characteristics that best characterize the entire tributary reach will be used.").

Further, neither Mule Gulch nor Brewery Gulch are connected to any type of water feature that would qualify as a "traditional interstate navigable water." Ephemeral Brewery Gulch is connected to ephemeral Mule Gulch, which then drains toward ephemeral Whitewater Draw. At the point that Mule Gulch may connect to Whitewater Draw (as noted above, that connection is not visible on the ground or on USGS maps), any stormwater flow in Whitewater Draw drains into Mexico never to return to the United States. None of the receiving surface features associated with Mule Gulch or Brewery Gulch could be identified or classified in any way as being, or readily susceptible of being, "navigable in fact" surface waters that are "used in commerce." Rather, the features are dry isolated washes that never have been or could be navigated or used in commerce.

In light the *Sackett* decision, the three segments of Mule Gulch identified above and Brewery Gulch do *not* meet either of the two conditions required for a surface water feature to qualify as WOTUS and should be removed from ADEQ's draft 2024 CWA § 303(d) list. If they are not removed, the list would be in violation of federal and state law requiring that Arizona's 303(d) list of impaired waters include only water features that are WOTUS. If for some reason, these segments are not removed from ADEQ's draft 2024 CWA § 303(d) list, at the very least the priority ranking for these segments should be changed from "high" to "low." Such a change in priority is warranted not only because the segments are not jurisdictional WOTUS but also because Mule Gulch and Brewery Gulch are ephemeral (*see* A.A.C. R18-11-606(B)(3)(d)), the pollutant causing the alleged impairment poses a low ecological and human health risk (in light of the location of the segments and the lack of connection with downstream receiving waters) (*see* A.A.C. R18-11-606(B)(3)(e)), naturally occurring conditions are a major contributor to the alleged impairment (*see* A.A.C. R18-11-606(B)(3)(h)), and no effective analytical tools exist to develop a TMDL to address stormwater inputs and natural occurring conditions within these segments (*see* A.A.C. R18-11-606(B)(3)(i)).

Response #4 - Waters of the United States (WOTUS)

ADEQ is requesting patience from Freeport and other stakeholders as the agency evaluates jurisdiction under the "Amendments to the 2023 WOTUS Rule" issued by the EPA and the U.S. Army Corps of Engineers (USACE) on August 29, 2023. As the new rule did not include implementation guidance, ADEQ is engaging with the EPA and USACE to add clarity to finalize evaluations, as needed.

A.A.C. R18-11-606 does not dictate how specific priority rankings shall be given in the case where there are high and low priority criteria for the same waterbody and pollutant. ADEQ prioritizes considerations in the high category over considerations in the low category. Mule and Brewery Gulch are not perennial and could be considered 'Low' priority. They could also be considered 'high' priority because they

have also been on the impaired waters list for over eight years. ADEQ consistently prioritizes any waterbody and pollutant that has been on the impaired waters list for more than eight years as 'High' priority.

ASARCO

Comment #5 - Waters of the United States

ASARCO LLC ("**Asarco**") hereby makes the following comments on the above-referenced draft assessment and report ("**Draft**"):

The Draft is unlawful for being ultra vires, to the extent that it includes any assessment or listing that relates to (i) the Mineral Creek Diversion Tunnel and (ii) the lined channel and unlined channel of Mineral Creek south of the tunnel (hereinafter the "**Relevant Reach**"), because:

A. Sections 305(b) and 303(d) of the federal Clean Water Act can apply only to "waters of the United States" under 33 U.S.C. § 1362(7) ("**WOTUS**");
B. A surface water feature, such as Mineral Creek, cannot constitute WOTUS unless it consists of a "relatively permanent, standing or continuously flowing bod[y] of water" that has a "continuous surface connection" ultimately to a "traditional navigable water" ("**TNW**"), Sackett v. EPA, 143 S. Ct. 1322, 1336, 1341 (May 5, 2023);
C. The Relevant Reach does not consist of, or include, a "relatively permanent, standing or continuously flowing bod[y] of water"; and
D. Water flowing in the Relevant Reach does not have a "continuous surface connection" ultimately to a TNW.

Regarding comments C and D, above, it is "the party asserting jurisdiction" over a surface water feature under the Clean Water Act that must "establish, first" that the surface water feature consists of a "relatively permanent, standing or continuously flowing bod[y] of water"; and "second," that the water in the surface water feature has a "continuous surface connection" ultimately to a TNW. 143 S. Ct. at 1341. This, ADEQ has not done, with respect to the Relevant Reach, even though the Draft purports to assert ADEQ's jurisdiction over the Relevant Reach pursuant to the Clean Water Act. There is absolutely nothing in the Draft or the documents that ADEQ has published in support of the Draft, including the spreadsheets of appendices and assessment decisions, that indicates ADEQ has established, first, that the Relevant Reach consists of a relatively permanent, standing or continuously flowing body of water, or second, that water in the Relevant Reach has a continuous surface connection ultimately to a TNW.

To the contrary, documentation that Asarco has previously filed with ADEQ establishes that the Relevant Reach does not consist of, or include, a permanent, standing or continuously flowing body of water and that water in the Relevant Reach does not have a continuous surface connection ultimately to a TNW. See Asarco's October 17, 2022 comments regarding ADEQ's notices of proposed rulemaking that were published on September 16, 2022 in Volume 28, Issue 37, pp. 2327 et seq. and 2329 et seq. of the Arizona Administrative Register (ADEQ's then-proposed surface water protection program ("**SWPP**") and protected surface waters list ("**PSWL**") rulemaking), which Asarco hereby incorporates by this reference in these comments—particularly and without limitation, the report prepared by WestLand Engineering & Environmental Services entitled "Jurisdictional Evaluation of a Portion of Mineral Creek," dated October 17, 2022 ("**WestLand's Report**"), which was incorporated in Asarco's October 17, 2022 comments, including, without limitation, the following figures and attachments to WestLand's Report:

- Figure 1 – Vicinity Map
- Figure 2 – Site Overview
- Figure 3 – Regional Overview
- Figure 4 – Well and Gaging Station Locations in Mineral Creek
- Attachment 1 – AZPDES Permit, Streamflow Gaging Work Plan, and ADEQ's Approval of Work Plan
- Attachment 2 – Correlation of Mineral Creek Flow Gage Data to Releases from Big Box Dam
- Attachment 3 – Antecedent Precipitation Tool Output
- Attachment 4 – Documentation of Releases from Big Box Dam and Depths to Groundwater
- Attachment 5 – Correlation of Groundwater Table Level Data to Releases from Big Box Dam (2018-2021)
- Attachment 6 – Correlation of Groundwater Table Level Data to Releases from Big Box Dam (2021-2022)
- Attachment 7 – Army Corps' Approved Jurisdictional Determination of Lowest 293 Feet of Mineral Creek
- Attachment 8 – Army Corps' Memorandum for the Record Concerning the TNW Reach
- Attachment 9 – Flow Data from USGS Gage 09479350 (May 1995 through April 2022)
- Attachment 10 – Photos of Five Aggregate Pits within Gila River Channel
- Attachment 11 – Army Corps Precedent (2008 to 2016)

Presumably the above-referenced documents remain on file with ADEQ pursuant to applicable public records and records retention statutes and the inchoate right to appeal the SWPP and PSWL rulemaking. A.R.S. §§ 39-121.01(B)-(C), 49-221(G). To assist your reference, copies of Asarco's cover letter to its October 17, 2022 comments and ADEQ's confirmation of its receipt of all of the above-referenced documents are provided herewith.

In relation to Figure 3 and Attachment 9, listed above, Asarco notes in addition the following:

- The flow data entered at USGS Gauge 09479350 consist of 9,761 daily-mean flows for the period May 1995 through April 2022 (26.7 years). Only 160 of those daily mean flows are greater than zero. This means that, during the 26.7-year period, there was no flow from the portion of the Gila River hydraulically upgradient of the gauge 98.3 percent of the time. Of the 160 daily-mean flows greater than zero, 126 (79.8 percent) of them occurred during two large storm events in 2005 and 2006.

- Of the flow data entered at USGS Gauge 09479350 after April 2022, through April 1, 2024—consisting of 336 entries, 59 of which have been approved by USGS, and 277 of which remain provisional—all but one of the entries are zero. The exception is the provisional entry of July 30, 2022, which is 1.3 cubic feet per second.
- Thus, the flow data gathered at USGS Gauge 09479350 demonstrate conclusively that it is impossible for water in the Relevant Reach to have a continuous surface connection ultimately to a TNW. A copy of Figure 3, depicting the location of the gauge relative to the nearest hydraulically downgradient TNW, is also provided herewith to assist your reference. [1- The data from USGS Gauge 09479350 are matters of public record; ADEQ has often relied on flow data from that gauge in its administrative decision-making, and ADEQ should take administrative notice of those data in this proceeding.]

For the above-stated and referenced reasons, the Relevant Reach cannot constitute WOTUS. Therefore, ADEQ is without legal authority to perform a § 305(b) assessment and is without legal authority to perform a § 303(d) listing that includes the Relevant Reach.

ADEQ should, accordingly, exclude the Relevant Reach from its final integrated assessment and listing report.

Response #5 - Waters of the United States

ADEQ is requesting patience from ASARCO and other stakeholders as the agency evaluates jurisdiction under the "Amendments to the 2023 WOTUS Rule" issued by the EPA and the U.S. Army Corps of Engineers (USACE) on August 29, 2023. As the new rule did not include implementation guidance, ADEQ is engaging with the EPA and USACE to add clarity to finalize evaluations, as needed.

Patagonia Area Resource Alliance

Comment #6 - Data From Harshaw Creek

These comments are provided to the Arizona Department of Environmental Quality (ADEQ) in accordance with the open public comment period on the draft 2024 Clean Water Act Assessment ("Draft 2024 CWA Assessment" or "Assessment") (ending September 11, 2023).[1]

It is our understanding that Draft 2024 CWA Assessment is intended to be a "comprehensive analysis of water quality data associated with Arizona's surface waters to determine whether surface water quality standards are met and designated uses are being supported."[2] Specifically, the Assessment serves three functions: (1) it identifies Arizona waters that need to be protected, maintained or restored by ADEQ; (2) it helps to set priorities, allocate resources, and make decisions about land use activities, discharges to the water, future monitoring, and ADEQ program initiatives, while also fulfilling ADEQ's reporting requirements to EPA; and (3) it provide the public with an important opportunity to learn about and comment on the status of water quality in Arizona.[3] As discussed below, at least in reference to Harshaw Creek, ADEQ's Draft 2024 CWA Assessment falls short of these requirements.

ADEQ must revise the Draft 2024 CWA Assessment to incorporate, at minimum, water quality data on Lower Harshaw Creek (WBID 15050301-025B)[4] in the Patagonia Mountains of Santa Cruz County, Arizona which is readily available to ADEQ and, in fact, was produced by ADEQ. Anything less fails to comply with Sections 303(d) and 305(b) of the Clean Water Act.

The EPA published a Memorandum on March 29, 2023, to provide guidance for states to perform integrated reporting under Sections 303(d), 305(b) and 314 of the Clean Water Act. See Information Concerning 2024 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions (EPA Guidance Memo). The EPA Guidance Memo, at page 9, provides, in relevant part:

In developing their CWA 303(d) lists, states, territories, and authorized tribes are required to assemble and evaluate all existing and readily available water quality-related data and information, including for waters for which water quality problems have been reported by local, state, or federal agencies; members of the public; or academic institutions. [citing 40 CFR 130.7(b)(5) in footnote]. These organizations and groups should be actively solicited for research they may be conducting or reporting. [citing 40 CFR 130.7(b)(5)(iii) in footnote]. States, territories, and authorized tribes must use such data and information in developing the CWA 303(d) list unless they provide a rationale not to. [citing 40 CFR 1307(b)(6)(iii) in footnote].

EPA also specifically notes that it will evaluate whether a state, territory, or authorized tribe provides a technical, science-based rationale for its decisions not to use data or information. See 2006 Guidance Memo on Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b), and 314 of the Clean Water Act (cited in the EPA Guidance Memo).

I. The Legal Requirements of Sections 303(d) and 305(b) of Clean Water Act Are Not Met By The Current Draft 2024 CWA Assessment

Section 303(d) of the Clean Water Act requires, in part, that states monitor and assess the water quality of their surface waters, and identify waters that are impaired. To this end, states are required to evaluate existing water quality data to develop a list of impaired waters, so that these waters can be improved and brought into compliance. This is commonly referred to as the "303(d) List".

The data in ADEQ's Draft 2024 CWA Assessment indicates that ADEQ has either failed to conduct adequate monitoring of Lower Harshaw Creek or it has improperly disregarded or failed to incorporate water quality data readily available to it on Lower Harshaw Creek. This is a violation of the requirements of Section 303(d) and must be remedied in order to comply with the law.

Section 305(b) requires states to report to EPA on the overall condition of aquatic resources within their state. ADEQ plainly understands its obligations under this section. See Draft 2024 CWA Assessment at Chapter 1-2.

These two requirements have been combined together in the Draft 2024 CWA Assessment, therefore logically, the report must fulfill both requirements. However for reasons discussed herein, ADEQ's failure to adequately describe and analyze the water quality of Lower Harshaw Creek falls short of both legal requirements. This should be remedied by ADEQ.

Response #6 - Data From Harshaw Creek

The 2024 Assessment covers data from July 1, 2017 to June 30, 2022. ADEQ uses the EPA's water quality portal (www.waterqualitydata.us) as the primary source of water quality data for the assessment. Water quality portal for the lower portion of Harshaw Creek (15050301-025B) does not include sufficient data during this time period to make impairment or attainment decisions per Arizona's Impaired Waters Identification Rule. Core parameters such as copper, cadmium, lead and *Escherichia coli* need to be collected for at least three seasons as described in the 'Core Parameters and Seasonal Distribution' section of the 2024 CWA Assessment report.

See the following link for information on available data: https://www.waterqualitydata.us/data/Result/search?statecode=US%3A04&siteid=AZDEQ_SW-187&startDateLo=07-01-2017&startDateHi=06-30-2022&mimeType=csv&zip=yes&dataProfile=resultPhysChem&providers=NWIS&providers=STEWARDS&providers=STORET.

The 2026 Assessment is currently accepting data and includes data collected from July 1, 2019, to June 30, 2024. Data can be submitted directly to the EPA's water quality portal. See https://www.epa.gov/waterdata/water-quality-data for more information.

Comment #7 - Where is the Data for Harshaw Creek

II. The Draft 2024 CWA Assessment Contains Insufficient Data on Lower Harshaw Creek (WBID 15050301-025B)

ADEQ's Assessment of water samples from Upper Harshaw Creek (WBID 15050301-025A) appear to have been tested for multiple characteristics including Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Copper, Fluoride, Lead, Manganese, Mercury, Nickel, pH, Selenium, Silver, Thallium, and Zinc.[5]

In addition to the recent cleanup of acid mine drainage flowing from Lead Queen Mine into Harshaw Creek (discussed below), ADEQ has long been aware that "[m]ining residues are a significant source of pollutants" in Upper Harshaw Creek (*see* Upper Harshaw Creek TMDL at 15). The U.S. Geological Survey (USGS) also concludes that the historic mine sites in the Harshaw watershed –

"typically include numerous adits and shafts, waste rock, and relic tailings dumps, and the larger sites typically have the remains of mills or other ore-handling fixtures, all resting on steep, rocky banks of the stream. These sites release concentrations of metals in the "high metal" (high concentrations) category relative to a large range of mine types compiled from world literature." *Id.* at 16 (internal citations omitted).

In stark contrast, and despite well-known and ongoing water quality impairments as well as pollution and associated remediation in this water body known to ADEQ, Lower Harshaw Creek appears to only have been sampled for pH.[6] It is unclear why Lower Harshaw Creek, which is part of the same body of water as Upper Harshaw Creek (which is impaired for multiple elements, and which flows into Lower Harshaw Creek), was not sampled for any of the same characteristics as those sampled in Upper Harshaw.

Of the 16 samples taken in Lower Harshaw Creek (at unknown dates from unknown locations),[7] 12 samples are noted by ADEQ as "Insufficient Information – Exceedance", with the remaining 4 samples noted as "NA" (see excerpted table entries below from Appendix A). Ultimately, ADEQ concludes that Lower Harshaw Creek has "Insufficient information" for decision use and a Category 3 "Inconclusive". *See* Excerpts (below) from Appendix A of Draft CWA Assessment (emphasis added).

1	WBID	Waterbody Name	AcuteChronic	Use	Characteristic Name	ResultSampleFractionText	Binomial	Number Criteria Met	Number Criteria Not Met	Total Samples
12679	15050301-025B	HARSHAW CREEK	AGL	AGL	PH	Total	Yes	5	1	6
12680	15050301-025B	HARSHAW CREEK	AWEAcute	AWE	PH	Total	Yes	4	0	4
12681	15050301-025B	HARSHAW CREEK	PBC	PBC	PH	Total	Yes	5	1	6

Impairment Type	Comment	paramcarryforward	usecarryforward	DecisionParameter	DecisionUse	DecisionWBID
No	Insufficient Information - Exceedance	Current	Current	Meeting criteria	Insufficient information	Inconclusive
No	NA	Current	Current	Meeting criteria	Insufficient information	Inconclusive
No	Insufficient Information - Exceedance	Current	Current	Meeting criteria	Insufficient information	Inconclusive

EPACategory	TMDL	WATERSHED	REACH_DISTANCE	LAKE_ACRES	ORIGIN	TERMINUS
3 Inconclusive	NA	SC	11.1	NA	31°27'43.9"/110°43'21.1"	SONOITA CREEK @ 31°32'35.91"/110°44'45.12"
3 Inconclusive	NA	SC	11.1	NA	31°27'43.9"/110°43'21.1"	SONOITA CREEK @ 31°32'35.91"/110°44'45.12"
3 Inconclusive	NA	SC	11.1	NA	31°27'43.9"/110°43'21.1"	SONOITA CREEK @ 31°32'35.91"/110°44'45.12"

ADEQ's limited and radically insufficient water quality efforts on Lower Harshaw fail to comply with its obligations under the Clean Water Act, particularly given the well-known and ongoing impairments in Upper Harshaw Creek as well as water quality data readily available to ADEQ on Lower Harshaw Creek. Interestingly, the prior (now-finalized) 2022 CWA Assessment also included only a small handful of water quality samples for Lower Harshaw Creek, and ADEQ only tested for pH. For these reasons, ADEQ concluded there was "not enough information" for a decision and was ultimately "Inconclusive." *See* Excerpts (below) from Appendix A of 2022 CWA Assessment (emphasis in original).

	A	B	C	D	E	F	G	H	I	J
1	WBID	WaterbodyName	AcuteChronic	Use	CharacteristicName	Fraction	Core	Binomial	NumberCriteriaMet	NumberCriteriaNotMet
9863	15050301-025B	HARSHAW CREEK	AGL	AGL	PH	Total	Y	Yes	1	1
9864	15050301-025B	HARSHAW CREEK	PBC	PBC	PH	Total	Y	Yes	1	1

K	L	M	N	O	P
TotalSamples	ImpairmentType	Comment	paramcarryforward	usecarryforward	DecisionParameter
2	No	Insufficient Information - Exceedance	Current	Current	not enough information
2	No	Insufficient Information - Exceedance	Current	Current	not enough information

Q	R	S	T	U	V	W	X
DecisionUse	DecisionWBID	EPACategory	WATERSHED	REACH_DISTANCE	LAKE_ACRES	ORIGIN	TERMINUS
Insufficient information	Inconclusive	3 Inconclusive	SC	11.1	NA	31°27'43.9"/110°43'21.1"	SONOITA CREEK @ 31°32'35.91"/110°44'45.12"
Insufficient information	Inconclusive	3 Inconclusive	SC	11.1	NA	31°27'43.9"/110°43'21.1"	SONOITA CREEK @ 31°32'35.91"/110°44'45.12"

While comments on the prior 2022 CWA Assessment are not being proffered here, the point is that between at least these two subsequent CWA Assessments, ADEQ has consistently and without justification gathered and considered virtually no information about Lower Harshaw while, all the while, recognizing and still declining to address what ADEQ acknowledges is an insufficient amount of information on Lower Harshaw. Given the long history of mining in the area and known contamination associated with this mining, including in

Harshaw Creek generally, ADEQ's deliberate indifference to its water quality assessment obligations under Sections 303(d) and 305(b) of Clean Water Act is alarming and should be corrected.

Response #7 - Where is the Data for Harshaw Creek

The 2024 Assessment covers data from July 1, 2017, to June 30, 2022. Readily available data from this timeframe is insufficient to make attainment or impairment decisions for Harshaw Creek (15050301-025B). Core parameters such as copper, cadmium, lead and *Escherichia coli* need to be collected for at least three seasons as described in the 'Core Parameters and Seasonal Distribution' section of the 2024 CWA Assessment report. Data has been collected in this area by Friends of Sonoita Creek and ADEQ after the 2024 assessment window that currently indicate the reach is fully supporting all uses (https://azdeq.shinyapps.io/assessment_dashboard_2026_Prod/#section-decisions). This data will be included in the 2026 assessment which covers data from July 1, 2019 to June 30, 2024.

Additionally, the 2026 Assessment is currently accepting until June 30, 2024. Data can be submitted directly to the EPA's water quality portal. See https://www.epa.gov/waterdata/water-quality-data for more information.

Comment #8 - ADEQ Data From Harshaw Creek Not Included in Assessment

III. ADEQ Is Well Aware of (And Has Been Sampling) Water Quality Issues in Lower Harshaw Creek Due to Contamination From Legacy Mines

ADEQ is well aware of, and has been actively involved in the environmental cleanup and remediation of a long history of contamination in the Harshaw area due to acid mine drainage from the historic Lead Queen Mine, which drains into Lower Harshaw Creek (see Figure 1). Leached metals, including from tailings and waste rock, and acidic stormwater runoff had been carrying metals into Harshaw Creek and severely impacting water quality for some time (see Figure 2).

Figure 1. Harshaw Creek is in southern Arizona

Figure 2. The adit at Lead Queen Mine, before remediation.

This map is from a recent publication by EPA highlighting the "collaborative effort" between the U.S. Forest Service and ADEQ to address acid mine drainage from the Lead Queen Mine in the Lower Harshaw Creek area[8] (attached here as Attachment A). This cleanup of acid mine drainage from the Lead Queen Mine has been ongoing for several years.

The Lead Queen Mine adit was plugged first in 2016, and again in 2019 when the first remedy began to fail and allow further discharge of pollutants into the surface water.[9] ADEQ has reportedly continued to collect and test samples from Harshaw Creek for effectiveness monitoring before and after this work, reportedly testing for lead (total), copper (total and dissolved), zinc (dissolved), and pH[10] (see Table 2).

In July 2023 (even more recently), the U.S. Forest Service published a Post-Construction Completion Monitoring Report regarding its cleanup work on Lead Queen Mine and ongoing monitoring (attached here as Attachment B). The Report indicates that ADEQ has been involved in this ongoing monitoring including surface water sampling in Lower Harshaw Creek.

Indeed, the U.S. Forest Service reported that ADEQ has installed what appears to be an autosampler outside of the Lead Queen Mine adit.[11] The U.S. Forest Service has also reported that ADEQ and U.S. Forest Service are continuing to coordinate on and review sampling efforts.[12]

Table 2. Monitoring results in Harshaw Creek before and after plugging the main adit.

Pollutant[1]	Pre-plug	Post-plug (2020)	WQS	Designated use
Lead (total)	0.021	0.0013	0.015	PBC
Copper (total)	1.4	0.033	0.5	AgL
Copper (dissolved)	1.3	0.027	0.055	AWe
Zinc (dissolved)	4.1	0.082	2.4	AWe
pH	3.69	7.01	6.5–9.0	PBC

[1]Units are in milligrams per liter (except for pH).

Results

Remediation of the Lead Queen Mine improved surface water quality in the Lead Queen Mine tributary, which flows into Harshaw Creek. Data collected post-remediation in 2020 showed no exceedances of surface water quality standards (WQS) (Table 2). ADEQ continues to monitor Harshaw Creek to measure improvements.

It is recommended to monitor the Site for another year. The Forest Service will continue to coordinate with ADEQ staff and review any sampling results for the effectiveness of the remedies. After the monitoring phase is complete, the Forest Service will evaluate road access to the Site.

Based on this information, ADEQ is plainly in possession of (and has indeed directly conducted) more extensive water quality sampling of Lower Harshaw Creek than has been included in the Draft 2024 CWA Assessment. And yet, despite the requirement that "States must consider all readily available data when preparing the Clean Water Act Assessment," 2024 Draft CWA Assessment at Chapter 3-3 (emphasis added), none of this data appears to be included anywhere in the 2024 Draft CWA Assessment for Lower Harshaw Creek.

Response #8 - ADEQ Data From Harshaw Creek Not Included in Assessment

The 2024 Assessment covers data from July 1, 2017, to June 30, 2022. Readily available data from this timeframe is insufficient to make attainment or impairment decisions for Harshaw Creek (15050301-025B). Core parameters such as copper, cadmium, lead and *Escherichia coli* need to be collected for at least three seasons as described in the 'Core Parameters and Seasonal Distribution' section of the 2024 CWA Assessment report. Data has been collected in this area by Friends of Sonoita Creek and ADEQ after the 2024 assessment window that currently indicate the reach is fully supporting all uses (https://azdeq.shinyapps.io/assessment_dashboard_2026_Prod/#section-decisions). This data will be included in the 2026 assessment which covers data from July 1, 2019 to June 30, 2024.

Additionally, the 2026 Assessment is currently accepting until June 30, 2024. Data can be submitted directly to the EPA's water quality portal. See https://www.epa.gov/waterdata/water-quality-data for more information.

The data used in the EPA success story is from sample site SCULQ000.11 collected on 1/23/2020 by ADEQ. SCULQ000.11 is an unnamed tributary to the former Lead Queen adit and is not from Harshaw Creek. Data must be collected from Harshaw Creek to be included in the assessment for Harshaw Creek in accordance with the 2024 CWA Assessment.

Comment #9 - Friends of Sonoita Creek Data

IV. ADEQ Has Other Water Quality Testing in Lower Harshaw Creek

For many years, volunteers in the Patagonia area have been collecting, testing and reporting water quality data on Harshaw Creek. And since 2021, the Friends of Sonoita Creek has been doing extensive monthly water sampling work across the Sonoita Creek watershed including on Lower Harshaw Creek, **and sending that data to ADEQ Community Science Water Watch Program, Water Science Division**. This work has been done, in part, using equipment provided, calibrated, and audited regularly by the ADEQ Community Science Water Watch Program. It is our understanding that the ADEQ Community Science Water Watch Program reviews this data and submits it to the EPA. It is also our understanding that this testing has consisted of testing for field data, pH, dissolved oxygen, dissolved solids, air and water temperature, and turbidity. Testing for metals is also being done as part of this initiative, and is also being reported to ADEQ.

This data is readily available to ADEQ, given that ADEQ already has it in their possession. Furthermore, ADEQ notes that they submit data to the water quality portal through EPA's Water Quality Exchange "on a daily basis" (*see* Draft 2024 CWA Assessment at Chapter 3-3), and ADEQ uses data from the water quality portal in preparing these CWA Assessments (*id.* at Chapter 3-2). We know that at least some data submitted by Friends of Sonoita Creek has been uploaded to this portal (www.waterqualitydata.us), since queries to this database (shared with PARA) show hundreds of water quality sample data points marked as "Friends of Sonoita Creek" volunteer project between 2021 and 2023.

But for reasons unknown, however, Friends of Sonoita Creek is not listed as one of the organizations involved in collecting data for the Draft 2024 CWA Assessment. *See* Assessment, Chapter 2-2. It is therefore unclear whether any of this testing data was included in the Draft 2024 CWA Assessment, for Lower Harshaw Creek or any other sampled water bodies.

ADEQ should acknowledge all testing/sampling sources and include these data in its combined 303(b) and 305(d) Draft CWA 2024 Clean Water Act Assessment. Moreover, ADEQ should use these data to properly assess and make determinations about potential impairments in Lower Harshaw Creek. Additionally, if ADEQ has determined for some reason not to use these data, the law requires and EPA guidance indicates, ADEQ is required to provide a rationale why these data sources were not included. *See* 40 CFR 1307(b)(6)(iii).

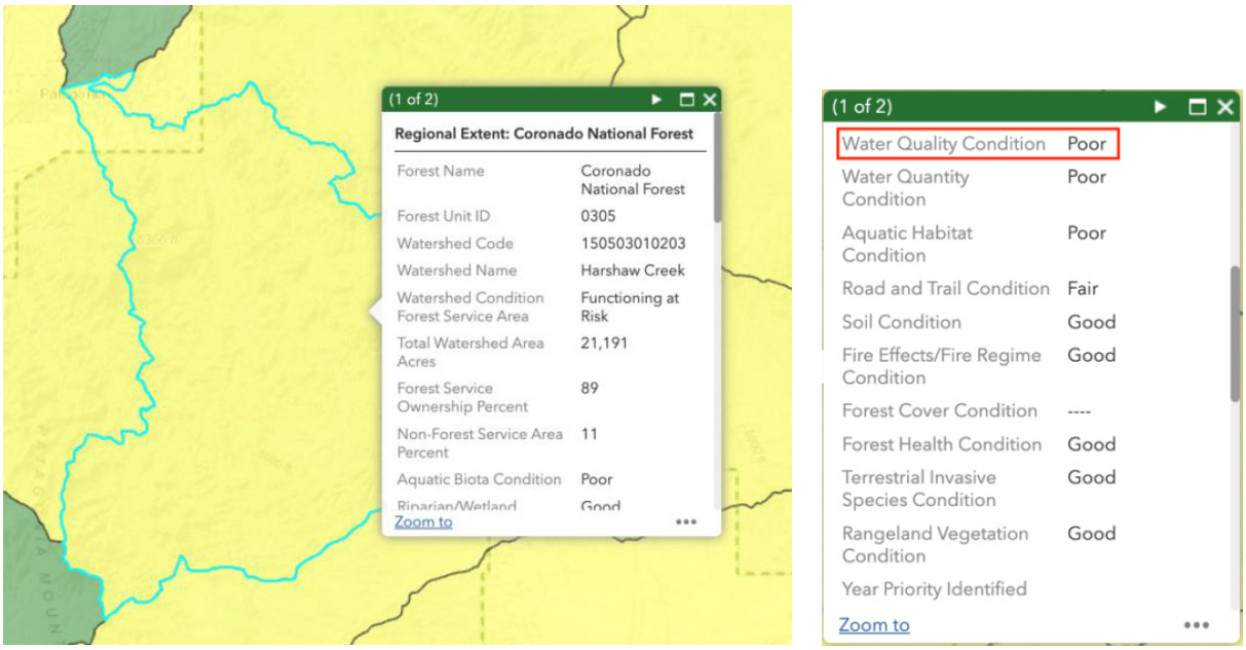
Response #9 - Friends of Sonoita Creek Data

ADEQ appreciates the data that ADEQ Community Science program volunteers collect. Nearly ten percent of the data collected for the 2024 assessment is from these volunteers as we acknowledge in Chapter 2 of the assessment report. ADEQ has included Friends of Sonoita Creek as one of the data providers in Chapter 2 of the assessment and is therefore included in the 2024 Assessment cycle decisions. Data collected by Friends of Sonoita Creek was originally included under the 'Patagonia Area Watershed' group.

Comment #10 - Forest Service Documents Issues

V. The U.S. Forest Service Has Also Documented Water Quality Issues In The Harshaw Creek Watershed

Current U.S. Forest Service data from the Watershed Classification Interactive Map (see images on the following page) shows the Harshaw Creek Watershed as having "Poor" overall water quality condition,13 and that it is in a "Functioning at Risk" watershed condition. It is PARA's understanding that these scores are based, in part, on issues already known as well as hydrological analysis indicating numerous abandoned mine sites throughout the watershed with acid rock drainage issues. It is also PARA's understanding that the U.S. Forest Service is working on a Watershed Restoration Action Plan (WRAP) to address these issues within the Harshaw Creek Watershed, including cleaning up and monitoring several additional abandoned mines in the area.



Above: Images from the U.S. Forest Service Watershed Classification Interactive Map Viewer (outline of the Harshaw Creek Watershed and associated watershed condition data).

Given ADEQ's extensive coordination with the U.S. Forest Service on the multi-year cleanup of acid mine drainage at Lead Queen Mine and ongoing monitoring, and work being done by both entities on water quality in the Harshaw Creek Watershed, ADEQ is almost certainly aware of the U.S. Forest Service's work here. As such, water quality data by the U.S. Forest Service in this Watershed that is not already in possession of ADEQ is "readily available" and should have been incorporated in this Draft 2024 CWA Assessment.

VI. Conclusion

Impairment of Lower Harshaw Creek has not been properly assessed under this Draft 2024 CWA Assessment. Indeed the document currently omits almost all known existing data which has a high likelihood of indicating this fact. Given historic contamination from Lead Queen Mine and ongoing monitoring of the area by ADEQ and other entities, it is clear that such data exists. ADEQ therefore should have analyzed and considered this information as part of its Assessment.

In order to comply with the requirements of Clean Water Act Section 303(d) and 305(b), ADEQ must take this opportunity to amend the Draft 2024 CWA Assessment to more properly incorporate data which is readily available regarding Lower Harshaw Creek. Anything less than this is a fails to meet ADEQ's obligations to report to EPA on the overall condition of the waterbody under Section 305(d) of the Clean Water Act, and to properly monitor and assess the water quality and identify impaired waters under Section 303(b) of the Clean Water Act.

End Notes

1 https://azdeq.gov/notices/extended-comment-period-begins-draft-2024-clean-water-act-assessment

2 Draft 2024 CWA Assessment at Chapter 1-1.

3 *Id.*

4 Lower Harshaw Creek (WBID 15050301-025B) is identified as an 11-mile reach originating at 31º27'43.9"N, 110º43'21.1"W and terminating at its confluence with Sonoita Creek (31º32'35.91", 110º44'45.12"). However, PARA has reason to believe that Upper Harshaw Creek may actually extend *lower* than these provided coordinates ("The bottom portion of the subject reach includes dump number 3 of the Trench Camp Mine and a spring near the downstream end of the subject reach with the only observed constant drainage in the subject basin", Upper Harshaw Creek TMDL at 3).

5 *See* Draft 2024 CWA Appendix A – Decisions, lines 12651 through 12678. Data on Upper Harshaw Creek appears to be from only one (1) test sample for each parameter.

6 *See* Draft 2024 CWA Appendix A – Decisions, lines 12679 through 12681. Data on Lower Harshaw Creek appears to be from 16 (or fewer) samples.

7 The Draft 2024 CWA notes that approximately half of the data in the assessment was gathered by ADEQ and half by external entities/ data sharing partners (Chapter 2-1).

8 *See* "Nonpoint Source Success Story, Arizona", EPA Flyer, September 2022.

9 *See* FN 8.

10 *See* FN8. Supposedly, as of mid-2022 and using CWA 319 funds, "ADEQ continues to monitor Harshaw Creek to measure improvements."

11 See U.S. Forest Service, Southwestern Regional Office, Coronado National Forest. Lead Queen Mine Remediation – 2023 Post-Construction Completion Monitoring Report (July 23, 2023).

12 *See* FN 11.

13 *See* Watershed Condition Framework – Watershed Classification Interactive Map Viewer (Harshaw Creek Watershed Code No. 150503010203).

Response #10 - Forest Service Documents Issues

The 2024 Assessment covers data from July 1, 2017, to June 30, 2022. All readily available data from this timeframe was used but is insufficient to make attainment or impairment decisions for Harshaw Creek (15050301-025B). Core parameters such as copper, cadmium, lead and *Escherichia coli* need to be collected for at least three seasons as described in the 'Core Parameters and Seasonal Distribution' section of the 2024 CWA Assessment report. Data has been collected in this area by Friends of Sonoita Creek and ADEQ after the 2024 assessment window that currently indicate the reach is fully supporting all uses (https://azdeq.shinyapps.io/assessment_dashboard_2026_Prod/#section-decisions). This data will be included in the 2026 assessment which covers data from July 1, 2019 to June 30, 2024.

Additionally, the 2026 Assessment is currently accepting until June 30, 2024. Data can be submitted directly to the EPA's water quality portal. See https://www.epa.gov/waterdata/water-quality-data for more information.

The Forest Service evaluates water quality as 'poor' if a 303(d) listed water is within the watershed (USFS 2011 Watershed Condition Framework). ADEQ would support USFS collecting water quality data in the Harshaw Creek Watershed. ADEQ and ADEQ Community Science program volunteers have been the primary data collectors in the Harshaw Creek watershed. No data was submitted by the Forest Service to the water quality portal during the 2024 Assessment cycle.

Pima County

Comment #11 - Santa Cruz Impairments

Pima County Regional Wastewater Reclamation Department (RWRD) appreciates the opportunity to submit comments regarding Arizona Department of Environmental Quality's (ADEQ) 2024 Clean Water Act Assessment. Pima County Regional Wastewater Reclamation Department operates seven water reclamation facilities (WRFs) in Pima County, including the two facilities in Tucson that support the effluent-dependent reaches of the Lower Santa Cruz River (WBIDs 15050301-001, 15050301-003B and 15050303-005A) that are listed as impaired in the draft 2024 Clean Water Act Assessment Report. Not only has RWRD operated these facilities under AZPDES permits since the inception of the NPDES program, but we have also monitored surface water quality in these reaches for nearly a decade and

shared with your agency results used in the assessment. Given ADEQ's decision to designate portions of these reaches as impaired, RWRD wants to provide context that will be useful as ADEQ undertakes the Total Maximum Daily Load (TMDL) evaluation.

Between 2004 and 2014, RWRD undertook the $600 Million Regional Optimization Master Plan (ROMP), in which Tres Rios WRF was newly upgraded with state-of-the-art technologies, and Agua Nueva WRF was newly built. Both facilities are operated by experienced and dedicated teams, and both produce high quality effluent that support miles of riparian and aquatic habitat.

Our surface water quality monitoring efforts in the Lower Santa Cruz River began around 2014 when we completed these upgrades to our surface-discharging facilities. We see your efforts to improve water quality in the Santa Cruz River as complementary to our management goals. Our permit compliance history at both facilities is complete and reflective of the exceptional work staff do operating these facilities and complying with permit terms and discharge limits.

According to the draft 2024 CWA Assessment Report, the Santa Cruz River downstream of our metro Tucson facilities will be listed as impaired for two parameters – ammonia and E. *coli*. The surface water segment WBID 15050301-003B is downstream of the Agua Nueva WRF outfall and will be newly impaired for ammonia. The surface water segment WBID 15050301-001 is downstream of the Tres Rios WRF outfall and while this segment has an existing impairment for E. coli, it will also be newly designated as impaired for ammonia. The final surface water segment, WBID 15050303-005A, is located downstream of the previously mentioned segment, and flows from roughly Avra Valley Road and into Pinal County. This segment has a new impairment for E. *coli*.

Given the nature of 1) our industry treating municipal sewage, 2) our discharges to the proposed impaired river segments, and 3) ADEQ's limited regulatory options to control nonpoint sources of pollution, we want to ensure your future actions to improve the conditions of these river segments do not place an unreasonable burden on our facilities, which are already tightly regulated as point sources by your agency. These river segments are used extensively by wildlife and are surrounded by urban development as well as current and historical agricultural practices, which no doubt impact water quality.

From 2017 to 2022, the period covered by the draft report, we had just one single instance of non-compliance from either facility related to E. *coli*. This instance of non-compliance at Agua Nueva WRF was due not to an exceedance of the discharge limit in our permit, but rather to an equipment failure that caused a non-reportable test result. Final effluent discharged to the river is routinely <1 MPN/100mL, as evidenced by data submitted to you throughout the 5 years covered in your report. For context, the concentration limit for E. *coli* in the AZPDES permit for either facility is 126 MPN/100mL for a monthly average and 575 MPN/100 mL for a daily maximum. Therefore, as expected of a managed river in an urban setting, high E. coli in the proposed impaired reach reflects pollution inputs outside of our discharges.

Though, we have experienced a few instances of non-compliance related to ammonia in 2017, discharge from the facilities between the years of 2018 through 2022 has resulted in no ammonia non-compliance events from either facility. The AZPDES permit for both facilities now requires reporting of ammonia using the ammonia impact ratio (AIR), which is a tool for dynamically comparing the discharge of a facility to the chronic total ammonia standard as given in ADEQ's Surface Water Quality Standards (A.A.C R18-11-1). The limit in our permits for AIR is 2 for a daily maximum and 1 for a monthly average. We routinely meet this limit for both facilities.

Pima County RWRD is committed to operating our facilities in a manner that meets our permit obligations and protects the Santa Cruz River. As you undertake the TMDL study we hope you recognize the commendable work we do in service of our community and not place an unreasonable regulatory burden on our utility given that these segments of the Santa Cruz River are fully dependent on the effluent delivered from our WRFs.

Response #11 - Santa Cruz Impairments

ADEQ appreciates improvements Pima County has made to the Santa Cruz River. ADEQ will take into account non-point source contributions when a TMDL is developed.

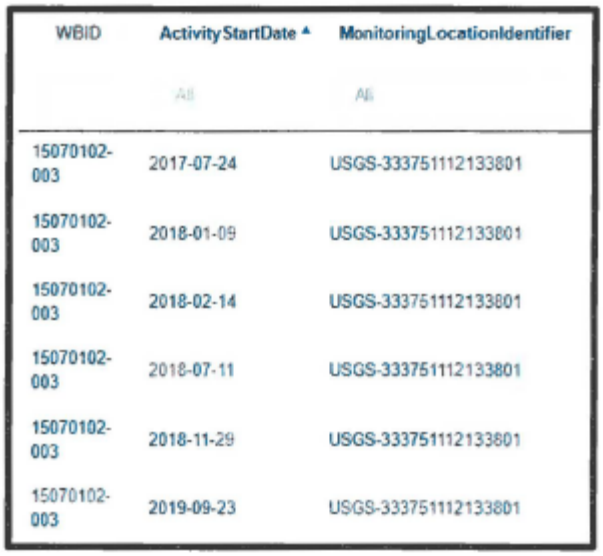
City of Glendale

Comment #12 - Data Not From Skunk Creek

The City of Glendale reviewed the draft 2024 Clean Water Act Assessment (CWM) and provides the following comments specific to the raw data provided for Skunk Creek (Waterbody Identification Code 15070102-003).

Skunk Creek (Waterbody Identification Code 15070102-003)

As stated on page 5 of the draft 2024 CWAA, raw data are available through ADEQ's Water Quality Assessment Dashboard (https://azdeq.shinyapps.io/assessment_dashboard_2024_Prod/#section-decisions). These data include results from sample events for Skunk Creek dated July 24th of 2017, January 9th, February 14th, July 11th and November 29th of 2018, and September 23rd of 2019 (see screenshot on the right).



WBID	ActivityStartDate ▲	MonitoringLocationIdentifier
	All	All
15070102-003	2017-07-24	USGS-333751112133801
15070102-003	2018-01-09	USGS-333751112133801
15070102-003	2018-02-14	USGS-333751112133801
15070102-003	2018-07-11	USGS-333751112133801
15070102-003	2018-11-29	USGS-333751112133801
15070102-003	2019-09-23	USGS-333751112133801

Based on the sample dates and sample results, the data appear to correspond to stormwater samples collected by the USGS under contract to the City of Glendale. Samples were collected from Glendale's "Arrow" stormwater sampling station (which discharges to Skunk Creek east of Loop 101) on the dates specified in ADEQ's raw data table. Refer to Figures 1 through 6 for excerpts from the laboratory reports which show the City's stormwater data match the data (with the use of significant figures) provided in ADEQ's database for all six sample events. Copies of the laboratory reports for these stormwater samples are available upon request.

While the data itself may meet ADEQ's criteria ("reasonably current, credible, and scientifically defensible"), the data ***do not represent water quality within Skunk Creek. No data were provided in the draft 2024 CWAA to demonstrate the water quality within Skunk Creek did not meet the applicable designated uses on July 24th of 2017; and January 10th, February 14th, July 11th, and November 29th of 2018; and September 23rd of 2019.***

These stormwater samples were collected from a sub-watershed (approximately 341 acres)

discharging into Skunk Creek. This sub-watershed is primarily comprised of commercial land use (estimated at 93% of the drainage area), followed by residential land use (estimated at 7% of the drainage area). ***No data were provided in the draft 2024 CWAA to demonstrate the land use in this subwatershed, for which the stormwater sample data represent, is similar to the composition of the entire drainage area for this Skunk Creek segment (15070102-003).***

Since the data for Skunk Creek 15070102-003 provided in the draft 2024 CWAA are not representative of the water quality within the surface water body or surface water segment, it is recommended that ADEQ remove the aforementioned stormwater data from the 2024 Water Quality Assessment Dashboard.

Figure 1: Total Metals lab report for stormwater sample collected from the "Arrow" station on July 24, 2017

XENCO LABORATORIES

Certificate of Analytical Results 558286

City of Glendale - Stormwater, Glendale, AZ

ARROW-Comp

Sample Id: **ARROW-Comp** Matrix: Water Date Received:07.24.17 17.15

Lab Sample Id: 558286-001 Date Collected: 07.24.17 11.00

Analytical Method: Metals, Total, by EPA 200.7 Prep Method: E200.7P

Tech: MLI % Solids:

Analyst: DEP Date Prep: 07.27.17 14.05

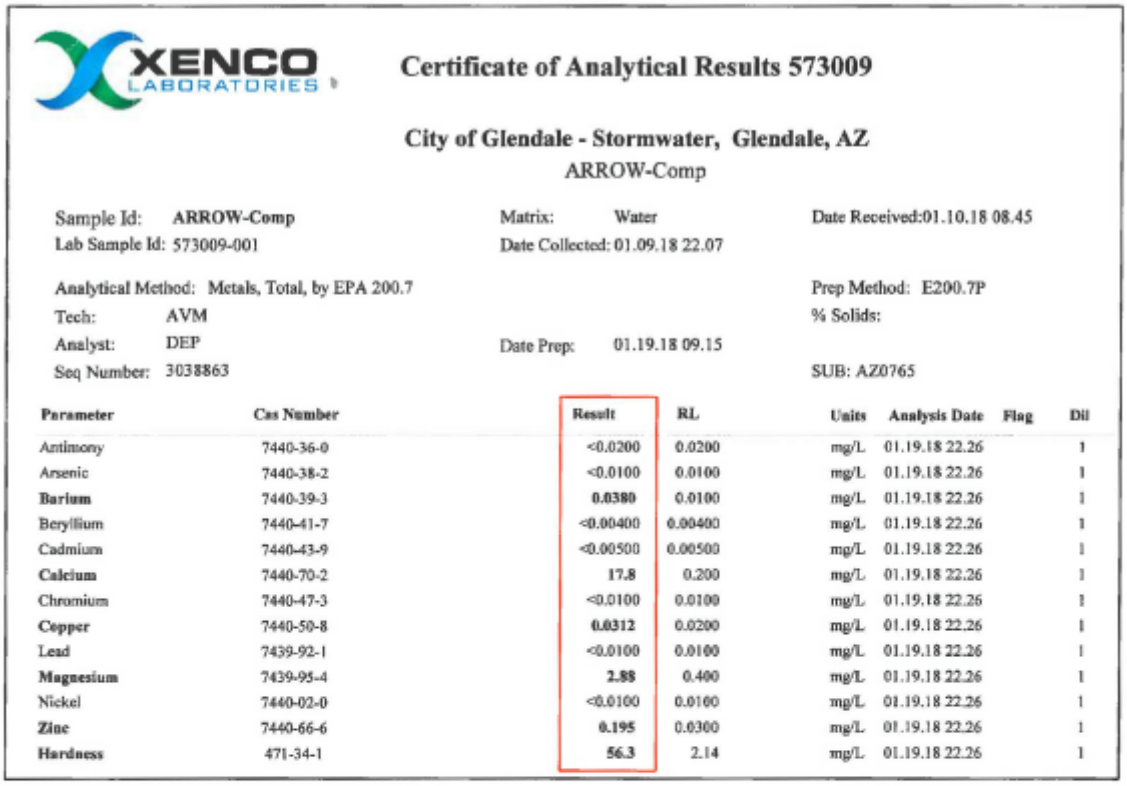
Seq Number: 3023525 SUB: AZ0765

Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Antimony	7440-36-0	<0.0200	0.0200	mg/L	07.29.17 01.27		1
Arsenic	7440-38-2	<0.0100	0.0100	mg/L	07.29.17 01.27		1
Barium	7440-39-3	0.125	0.0100	mg/L	07.29.17 01.27		1
Beryllium	7440-41-7	<0.00400	0.00400	mg/L	07.29.17 01.27		1
Cadmium	7440-43-9	<0.00500	0.00500	mg/L	07.29.17 01.27		1
Calcium	7440-70-2	19.4	0.200	mg/L	07.29.17 01.27		1
Chromium	7440-47-3	0.0139	0.0100	mg/L	07.29.17 01.27		1
Copper	7440-50-8	0.170	0.0200	mg/L	07.29.17 01.27		1
Lead	7439-92-1	<0.0100	0.0100	mg/L	07.29.17 01.27		1
Magnesium	7439-95-4	4.74	0.400	mg/L	07.29.17 01.27		1
Nickel	7440-02-0	0.0142	0.0100	mg/L	07.29.17 01.27		1
Zinc	7440-66-6	0.517	0.0300	mg/L	07.29.17 01.27		1
Hardness	471-34-1	67.9	2.14	mg/L	07.29.17 01.27		1

Total Metals reported by ADEQ for 2017-07-24	
Characteristic	**Result (mg/L)**
Antimony	0.02*
Arsenic	0.01*
Barium	0.12
Beryllium	0.004*
Cadmium	0.005*
Calcium	19
Chromium	0.014
Copper	0.17
Lead	0.01*
Magnesium	4.7
Nickel	0.014
Zinc	0.52
Hardness	68

**Not detected or below reporting limit; result is reported as the standard detection limit by ADEQ*

Figure 2: Total Metals lab report for stormwater sample collected from the "Arrow" station on January 9, 2018



XENCO LABORATORIES

Certificate of Analytical Results 573009

City of Glendale - Stormwater, Glendale, AZ

ARROW-Comp

Sample Id: **ARROW-Comp** Matrix: Water Date Received:01.10.18 08.45

Lab Sample Id: 573009-001 Date Collected: 01.09.18 22.07

Analytical Method: Metals, Total, by EPA 200.7 Prep Method: E200.7P

Tech: AVM % Solids:

Analyst: DEP Date Prep: 01.19.18 09.15

Seq Number: 3038863 SUB: AZ0765

Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Antimony	7440-36-0	<0.0200	0.0200	mg/L	01.19.18 22.26		1
Arsenic	7440-38-2	<0.0100	0.0100	mg/L	01.19.18 22.26		1
Barium	7440-39-3	**0.0380**	0.0100	mg/L	01.19.18 22.26		1
Beryllium	7440-41-7	<0.00400	0.00400	mg/L	01.19.18 22.26		1
Cadmium	7440-43-9	<0.00500	0.00500	mg/L	01.19.18 22.26		1
Calcium	7440-70-2	**17.8**	0.200	mg/L	01.19.18 22.26		1
Chromium	7440-47-3	<0.0100	0.0100	mg/L	01.19.18 22.26		1
Copper	7440-50-8	**0.0312**	0.0200	mg/L	01.19.18 22.26		1
Lead	7439-92-1	<0.0100	0.0100	mg/L	01.19.18 22.26		1
Magnesium	7439-95-4	**2.88**	0.400	mg/L	01.19.18 22.26		1
Nickel	7440-02-0	<0.0100	0.0100	mg/L	01.19.18 22.26		1
Zinc	7440-66-6	**0.195**	0.0300	mg/L	01.19.18 22.26		1
Hardness	471-34-1	**56.3**	2.14	mg/L	01.19.18 22.26		1

Total Metals reported by ADEQ for 2018-01-09	
Characteristic	**Result (mg/L)**
Antimony	0.02*
Arsenic	0.01*
Barium	0.038
Beryllium	0.004*
Cadmium	0.005*
Calcium	18
Chromium	0.01*
Copper	0.031
Lead	0.01*
Magnesium	2.9
Nickel	0.01*
Zinc	0.2
Hardness	56
**Not detected or below reporting limit; result is reported as the standard detection limit by ADEQ*	

Figure 3: Dissolved Metals lab report for stormwater sample collected from the "Arrow" station on February 14, 2018

XENCO LABORATORIES

Certificate of Analytical Results 576555

City of Glendale - Stormwater, Glendale, AZ

Arrow-Comp

Sample Id: **Arrow-Comp** Matrix: Water Date Received:02.15.18 10.02

Lab Sample Id: 576555-001 Date Collected: 02.14.18 00.00

Analytical Method: Metals, Dissolved, by EPA 200.7 Prep Method: E200.7P

Tech: AVM % Solids:

Analyst: DEP Date Prep: 02.19.18 12.15

Seq Number: 3041596 SUB: AZ0765

Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Antimony, Dissolved	7440-36-0	<0.0200	0.0200	mg/L	02.20.18 17.47		1
Arsenic, Dissolved	7440-38-2	<0.0100	0.0100	mg/L	02.20.18 17.47		1
Barium, Dissolved	7440-39-3	**0.0158**	0.0100	mg/L	02.20.18 17.47		1
Beryllium, Dissolved	7440-41-7	<0.00400	0.00400	mg/L	02.20.18 17.47		1
Cadmium, Dissolved	7440-43-9	<0.00500	0.00500	mg/L	02.20.18 17.47		1
Chromium, Dissolved	7440-47-3	<0.0100	0.0100	mg/L	02.20.18 17.47		1
Copper, Dissolved	7440-50-8	**0.0469**	0.0200	mg/L	02.20.18 17.47		1
Lead, Dissolved	7439-92-1	<0.0100	0.0100	mg/L	02.20.18 17.47		1
Nickel, Dissolved	7440-02-0	<0.0100	0.0100	mg/L	02.20.18 17.47		1
Zinc, Dissolved	7440-66-6	**0.0654**	0.0300	mg/L	02.20.18 17.47		1

Dissolved Metals reported by ADEQ for 2018-02-14	
Characteristic	**Result (mg/L)**
Antimony	0.02*
Arsenic	0.01*
Barium	0.016
Beryllium	0.004*
Cadmium	0.005*
Chromium	0.01*
Copper	0.047
Lead	0.01*
Nickel	0.01*
Zinc	0.065
**Not detected or below reporting limit; result is reported as the standard detection limit by ADEQ*	

Figure 4: Total Metals lab report for stormwater sample collected from the "Arrow" station on July 11, 2018

XENCO LABORATORIES

Certificate of Analytical Results 591945

City of Glendale - Stormwater, Glendale, AZ

Arrow-Comp

Sample Id: **Arrow-Comp** Matrix: Water Date Received:07.12.18 00.45
Lab Sample Id: 591945-001 Date Collected: 07.11.18 21.34

Analytical Method: Metals, Total, by EPA 200.7 Prep Method: E200.7P
Tech: AHI % Solids:
Analyst: DEP Date Prep: 07.17.18 10.57
Seq Number: 3057224 SUB: AZ0765

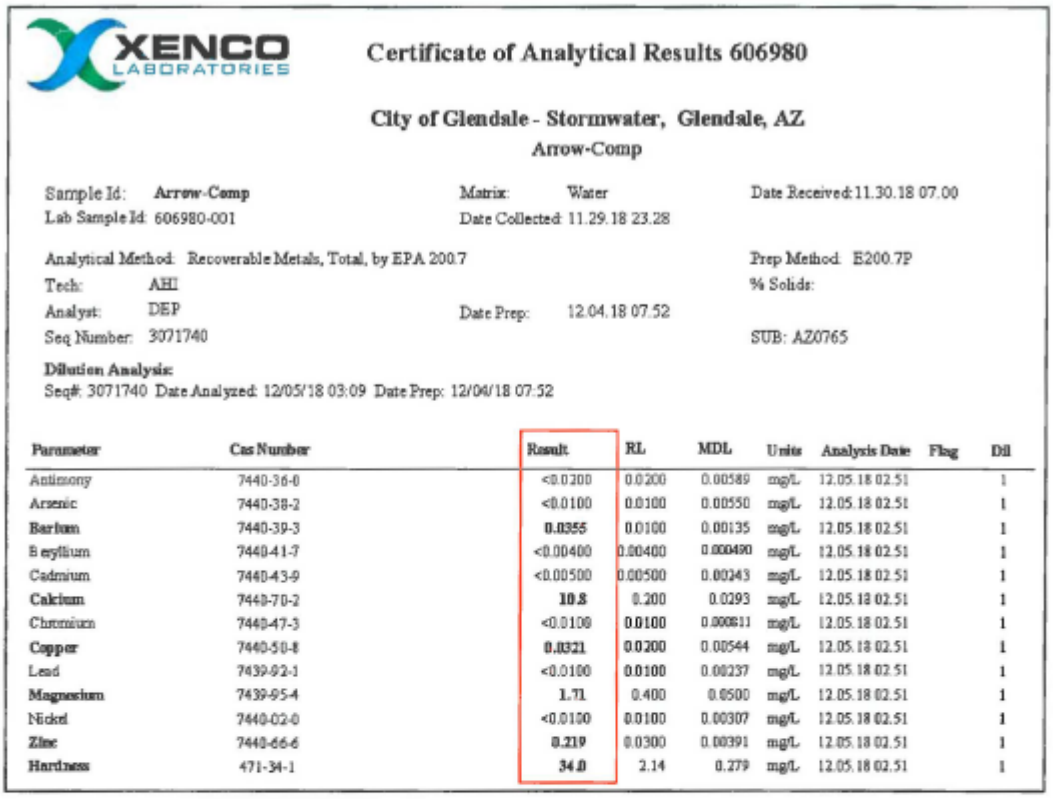
Dilution Analysis:
Seq#: 3057224 Date Analyzed: 07/21/18 02:47 Date Prep: 07/17/18 10:57

Parameter	Cas Number	Result	RL	Units	Analysis Date	Flag	Dil
Antimony	7440-36-0	<0.0200	0.0200	mg/L	07.20.18 15.29		1
Arsenic	7440-38-2	<0.0100	0.0100	mg/L	07.22.18 21.38		1
Barium	7440-39-3	**0.0630**	0.0100	mg/L	07.20.18 15.29		1
Beryllium	7440-41-7	<0.00400	0.00400	mg/L	07.20.18 15.29		1
Cadmium	7440-43-9	<0.00500	0.00500	mg/L	07.20.18 15.29		1
Calcium	7440-70-2	**19.0**	0.200	mg/L	07.20.18 15.29		1
Chromium	7440-47-3	<0.0100	0.0100	mg/L	07.20.18 15.29		1
Copper	7440-50-8	**0.0612**	0.0200	mg/L	07.20.18 15.29		1
Lead	7439-92-1	**0.0134**	0.0100	mg/L	07.20.18 15.29		1
Magnesium	7439-95-4	**2.92**	0.400	mg/L	07.20.18 15.29		1
Nickel	7440-02-0	**0.0119**	0.0100	mg/L	07.20.18 15.29		1
Zinc	7440-66-6	**0.284**	0.0300	mg/L	07.20.18 15.29		1
Hardness	471-34-1	**59.5**	2.14	mg/L	07.20.18 15.29		1

Total Metals reported by ADEQ for 2018-07-11	
Characteristic	**Result (mg/L)**
Antimony	0.02*
Arsenic	0.01*
Barium	0.063
Beryllium	0.004*
Cadmium	0.005*
Calcium	19
Chromium	0.01*
Copper	0.061
Lead	0.013
Magnesium	2.9
Nickel	0.012
Zinc	0.28
Hardness	60

**Not detected or below reporting limit; result is reported as the standard detection limit by ADEQ*

Figure 5: Total Metals lab report for stormwater sample collected from the "Arrow" station on November 29, 2018



XENCO LABORATORIES

Certificate of Analytical Results 606980

City of Glendale - Stormwater, Glendale, AZ
Arrow-Comp

Sample Id: **Arrow-Comp** Matrix: Water Date Received:11.30.18 07.00
Lab Sample Id: 606980-001 Date Collected: 11.29.18 23.28

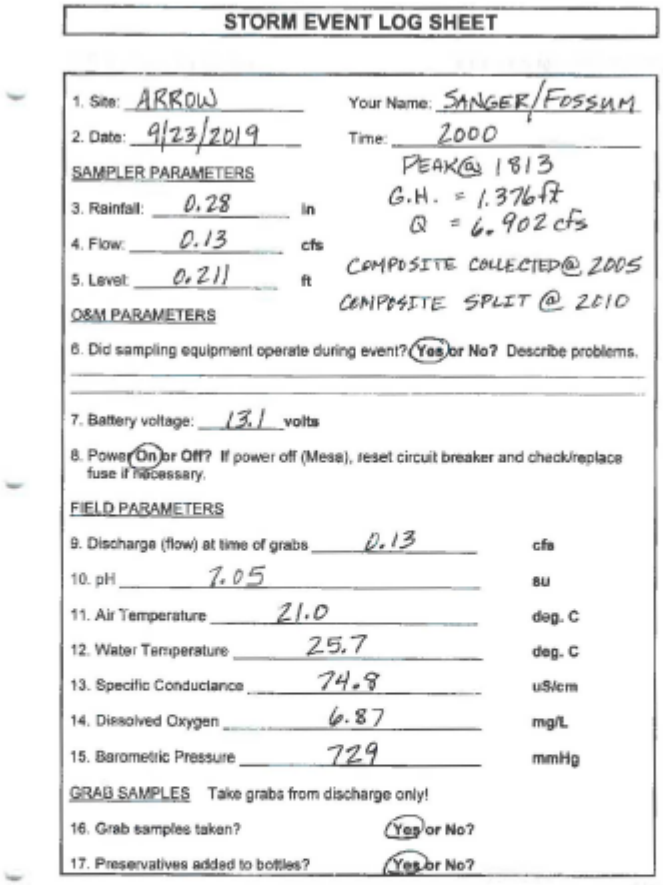
Analytical Method: Recoverable Metals, Total, by EPA 200.7 Prep Method: E200.7P
Tech: AHI % Solids:
Analyst: DEP Date Prep: 12.04.18 07.52
Seq Number: 3071740 SUB: AZ0765

Dilution Analysis:
Seq#: 3071740 Date Analyzed: 12/05/18 03:09 Date Prep: 12/04/18 07:52

Parameter	Cas Number	Result	RL	MDL	Units	Analysis Date	Flag	Dil
Antimony	7440-36-0	<0.0200	0.0200	0.00589	mg/L	12.05.18 02.51		1
Arsenic	7440-38-2	<0.0100	0.0100	0.00550	mg/L	12.05.18 02.51		1
Barium	7440-39-3	**0.0355**	0.0100	0.00135	mg/L	12.05.18 02.51		1
Beryllium	7440-41-7	<0.00400	0.00400	0.000490	mg/L	12.05.18 02.51		1
Cadmium	7440-43-9	<0.00500	0.00500	0.00243	mg/L	12.05.18 02.51		1
Calcium	7440-70-2	**10.8**	0.200	0.0293	mg/L	12.05.18 02.51		1
Chromium	7440-47-3	<0.0100	**0.0100**	0.000811	mg/L	12.05.18 02.51		1
Copper	7440-50-8	**0.0321**	**0.0200**	0.00544	mg/L	12.05.18 02.51		1
Lead	7439-92-1	<0.0100	**0.0100**	0.00237	mg/L	12.05.18 02.51		1
Magnesium	7439-95-4	**1.71**	0.400	0.0500	mg/L	12.05.18 02.51		1
Nickel	7440-02-0	<0.0100	0.0100	0.00307	mg/L	12.05.18 02.51		1
Zinc	7440-66-6	**0.219**	0.0300	0.00391	mg/L	12.05.18 02.51		1
Hardness	471-34-1	**34.0**	2.14	0.279	mg/L	12.05.18 02.51		1

Total Metals reported by ADEQ for 2018-11-29	
Characteristic	**Result (mg/L)**
Antimony	0.02*
Arsenic	0.01*
Barium	0.036
Beryllium	0.004*
Cadmium	0.005*
Calcium	11
Chromium	0.01*
Copper	0.032
Lead	0.01*
Magnesium	1.7
Nickel	0.01*
Zinc	0.22
Hardness	34
**Not detected or below reporting limit; result is reported as the standard detection limit by ADEQ*	

Figure 6: Field sheet for stormwater sample collected from the "Arrow" station on September 23, 2019
**ADEQ's Water Quality Assessment Dashboard only references field measurements for this sample event*



STORM EVENT LOG SHEET

1. Site: ARROW — Your Name: SANGER/FOSSUM
2. Date: 9/23/2019 — Time: 2000

PEAK@ 1813
G.H. = 1.376ft
Q = 6.902 cfs

SAMPLER PARAMETERS
3. Rainfall: 0.28 in
4. Flow: 0.13 cfs
5. Level: 0.211 ft

COMPOSITE COLLECTED@ 2005
COMPOSITE SPLIT @ 2010

O&M PARAMETERS
6. Did sampling equipment operate during event? (Yes) or No? Describe problems.
7. Battery voltage: 13.1 volts
8. Power (On) or Off? If power off (Mesa), reset circuit breaker and check/replace fuse if necessary.

FIELD PARAMETERS

9. Discharge (flow) at time of grabs	0.13	cfs
10. pH	7.05	su
11. Air Temperature	21.0	deg. C
12. Water Temperature	25.7	deg. C
13. Specific Conductance	74.8	uS/cm
14. Dissolved Oxygen	6.87	mg/L
15. Barometric Pressure	729	mmHg

GRAB SAMPLES Take grabs from discharge only!
16. Grab samples taken? (Yes) or No?
17. Preservatives added to bottles? (Yes) or No?

Sample characteristics reported by ADEQ for 2019-09-23	
Characteristic	**Result**
Water Temperature (°C)	25.7
Air Temperature (°C)	21
Instantaneous Flow (cfs)	6.9
Gage Height (ft)	1.38
Specific Conductance (uS/cm)	75
pH	7
Dissolved Oxygen (mg/L)	6.9

Response #12 - Data Not From Skunk Creek
ADEQ appreciates the clarification from the City of Glendale and has removed monitoring location USGS-333751112133801 from the assessment.

7. Arizona's 2024 303(d) List of Impaired Waters

This list contains assessment units that were assessed as impaired by ADEQ or EPA during the current and previous assessment listing cycles. A Total Maximum Daily Load (TMDL) has not been completed for these waters. See Section 8 for a list of impaired waters with completed TMDLs. **Bold waters and parameters indicate new impairments.** Watersheds are abbreviated as follows: BW = Bill Williams, CG = Colorado Grand Canyon, CL = Colorado Lower Gila, LC = Little Colorado, MG = Middle Gila, SC = Santa Cruz, SP = San Pedro, SR = Salt River, UG = Upper Gila, VR = Verde River.

Watershed	WBID	Waterbody Name	Cause
BW	15030204-003	BILL WILLIAMS RIVER	AMMONIA-NITROGEN
BW	15030204-0040A	ALAMO LAKE	AMMONIA-NITROGEN
BW	15030204-0040A	ALAMO LAKE	MERCURY IN FISH TISSUE
BW	15030204-0040A	ALAMO LAKE	PH
CG	14070006-001	COLORADO RIVER	SELENIUM
CG	14070006-1130	LAKE POWELL	MERCURY IN FISH TISSUE
CG	14070007-123	PARIA RIVER	ESCHERICHIA COLI
CG	14070007-123	PARIA RIVER	SELENIUM
CG	14070007-123	PARIA RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
CG	**15010001-003**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-005**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-006**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-008**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-010**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-011**	**COLORADO RIVER**	**SELENIUM**
CG	**15010001-022**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-001**	**COLORADO RIVER**	**SELENIUM**
CG	15010002-003	COLORADO RIVER	SELENIUM
CG	15010002-003	COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
CG	**15010002-004**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-007**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-009**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-012**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-013**	**COLORADO RIVER**	**SELENIUM**
CG	**15010002-020B**	**HERMIT CREEK**	**SELENIUM**
CG	**15010002-318**	**SPRING CANYON CREEK**	**SELENIUM**
CG	**15010002-871**	**ROYAL ARCH CREEK**	**SELENIUM**
CG	**15010002-935**	**MATKATAMIBA CREEK**	**SELENIUM**
CG	15010003-001	KANAB CREEK	SELENIUM
CG	15010004-0710	KAIBAB LAKE	IRON
CG	15010004-1340	SANTA FE RESERVOIR	MERCURY IN FISH TISSUE
CG	**15010005-027**	**COLORADO RIVER**	**SELENIUM**
CG	15010010-003	VIRGIN RIVER	SELENIUM
CG	15010010-003	VIRGIN RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
CG	15010010-004	VIRGIN RIVER	SELENIUM
CL	15030101-0590	LAKE HAVASU	SELENIUM
CL	15030101-0960	LAKE MOHAVE	SELENIUM
CL	**15030107-001**	**COLORADO RIVER**	**DISSOLVED OXYGEN (DO)**
CL	15030107-001	COLORADO RIVER	SELENIUM
CL	15070201-1010	PAINTED ROCK LAKE	DISSOLVED OXYGEN (DO)
LC	15020001-0150	BECKER LAKE	MERCURY IN FISH TISSUE

Watershed	WBID	Waterbody Name	Cause
LC	15020001-0850	LYMAN RESERVOIR	MERCURY IN FISH TISSUE
LC	15020005-1360	SCOTT RESERVOIR	MERCURY IN FISH TISSUE
LC	15020007-007	PUERCO RIVER	COPPER
LC	15020007-007	PUERCO RIVER	ESCHERICHIA COLI
LC	15020010-0180	BLACK CANYON LAKE	MERCURY IN FISH TISSUE
LC	15020010-1670	WILLOW SPRINGS LAKE	MERCURY IN FISH TISSUE
LC	**15020016-001**	**LITTLE COLORADO RIVER**	**SELENIUM**
MG	15050100-008	GILA RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
MG	15050100-012B	MINERAL CREEK (MIN)	COPPER
MG	15050100-012B	MINERAL CREEK (MIN)	DISSOLVED OXYGEN (DO)
MG	15050100-012B	MINERAL CREEK (MIN)	MERCURY
MG	15050100-012D	MINERAL CREEK (MIN)	COPPER
MG	15050100-012D	MINERAL CREEK (MIN)	DISSOLVED OXYGEN (DO)
MG	15050100-014A	QUEEN CREEK	COPPER
MG	15050100-014A	QUEEN CREEK	LEAD
MG	15050100-014B	QUEEN CREEK	COPPER
MG	15050100-014C	QUEEN CREEK	COPPER
MG	15050100-1000	UNNAMED TRIB (UQ2) TO QUEEN CREEK	COPPER
MG	15050100-1662	DEVILS CANYON	COPPER
MG	15050100-1662	DEVILS CANYON	MERCURY
MG	15050100-1818	ARNETT CREEK	COPPER
MG	15050100-1843	UNNAMED TRIB (UQ3) TO QUEEN CREEK	COPPER
MG	15070102-023	AGUA FRIA RIVER	ESCHERICHIA COLI
MG	15070102-031B	AGUA FRIA RIVER	SELENIUM
MG	15070102-031B	AGUA FRIA RIVER	ZINC
MG	15070102-033A	LYNX CREEK	CADMIUM
MG	15070102-033A	LYNX CREEK	COPPER
MG	15070102-033A	LYNX CREEK	ZINC
MG	15070102-034A	BIG BUG CREEK	CADMIUM
MG	15070102-034A	BIG BUG CREEK	ZINC
MG	15070102-034B	BIG BUG CREEK	ARSENIC
MG	15070102-034B	BIG BUG CREEK	COPPER
MG	15070102-034B	BIG BUG CREEK	LEAD
MG	15070102-039	LITTLE ASH CREEK (LAS)	DISSOLVED OXYGEN (DO)
MG	15070102-0630	HORSETHIEF LAKE	MERCURY IN FISH TISSUE
MG	15070102-1100	LAKE PLEASANT	MERCURY IN FISH TISSUE
MG	15070102-123	MONEY METALS TRIB	COPPER
MG	15070102-123	MONEY METALS TRIB	ZINC
MG	15070102-124	UNNAMED TRIB TO LYNX CREEK	COPPER
MG	15070102-1994	UNNAMED TRIB TO EUGENE GULCH	COPPER
MG	15070102-234	UNNAMED TRIB TO BIG BUG CREEK (UB1)	COPPER
MG	15070102-234	UNNAMED TRIB TO BIG BUG CREEK (UB1)	ZINC

Watershed	WBID	Waterbody Name	Cause
MG	15070102-768	EUGENE GULCH	COPPER
MG	15070103-001B	HASSAYAMPA RIVER	ESCHERICHIA COLI
MG	**15070103-349**	**JERSEY GULCH**	**IRON**
MG	**15070103-415**	**CASH GULCH**	**IRON**
MG	**15070103-415**	**CASH GULCH**	**LEAD**
SC	**15050301-001**	**SANTA CRUZ RIVER**	**AMMONIA-NITROGEN**
SC	15050301-001	SANTA CRUZ RIVER	ESCHERICHIA COLI
SC	**15050301-003B**	**SANTA CRUZ RIVER**	**AMMONIA-NITROGEN**
SC	15050301-011	NOGALES WASH	AMMONIA-NITROGEN
SC	15050301-011	NOGALES WASH	CHLORINE
SC	15050301-011	NOGALES WASH	COPPER
SC	15050301-1040	PARKER CANYON LAKE	MERCURY IN FISH TISSUE
SC	**15050301-1050**	**PATAGONIA LAKE**	**MERCURY IN FISH TISSUE**
SC	15050301-1070	PENA BLANCA LAKE	MERCURY
SC	15050301-500B	POTRERO CREEK	CHLORINE
SC	15050301-558B	THREE R CANYON	NICKEL
SC	15050301-558B	THREE R CANYON	SELENIUM
SC	15050301-561B	ALUM GULCH	LEAD
SC	15050302-153A	DAVIDSON CANYON	COPPER
SC	**15050303-005A**	**SANTA CRUZ RIVER**	**ESCHERICHIA COLI**
SP	15050202-003	SAN PEDRO RIVER	DISSOLVED OXYGEN (DO)
SP	15050202-003	SAN PEDRO RIVER	ESCHERICHIA COLI
SP	15050202-004	BABOCOMARI RIVER	ESCHERICHIA COLI
SP	15050202-006	SAN PEDRO RIVER	COPPER
SP	15050202-008	SAN PEDRO RIVER	COPPER
SP	15050202-008	SAN PEDRO RIVER	ESCHERICHIA COLI
SP	15050202-394	CURRY DRAW	ESCHERICHIA COLI
SP	15050202-425	GREENBUSH DRAW	ESCHERICHIA COLI
SP	15050203-003	SAN PEDRO RIVER	ESCHERICHIA COLI
SP	15050203-003	SAN PEDRO RIVER	SELENIUM
SP	15050203-004C	ARAVAIPA CREEK	ESCHERICHIA COLI
SP	15050203-022A	COPPER CREEK	CADMIUM
SP	15050203-022A	COPPER CREEK	COPPER
SP	15050203-022A	COPPER CREEK	IRON
SP	15050203-022A	COPPER CREEK	SELENIUM
SP	15050203-022A	COPPER CREEK	ZINC
SP	15080301-090A	MULE GULCH	COPPER
SP	15080301-090B	MULE GULCH	COPPER
SP	15080301-090C	MULE GULCH	COPPER
SP	15080301-337	BREWERY GULCH	COPPER
SR	15060101-0420	CRESCENT LAKE	PH
SR	15060103-004	SALT RIVER	ARSENIC
SR	15060103-004	SALT RIVER	ESCHERICHIA COLI

Watershed	WBID	Waterbody Name	Cause
SR	15060103-018C	PINTO CREEK	SELENIUM
SR	15060103-1240	ROOSEVELT LAKE	MERCURY IN FISH TISSUE
SR	15060103-885	FIVE POINT MOUNTAIN TRIBUTARY	COPPER
SR	15060105-004	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-006	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-008	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-009	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-011	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-013A	TONTO CREEK (TON)	DISSOLVED OXYGEN (DO)
SR	15060105-013B	TONTO CREEK (TON)	MERCURY IN FISH TISSUE
SR	15060105-353	CHRISTOPHER CREEK	DISSOLVED OXYGEN (DO)
SR	15060106A-0070	APACHE LAKE	DISSOLVED OXYGEN (DO)
SR	15060106A-0070	APACHE LAKE	MERCURY IN FISH TISSUE
SR	15060106A-0250	CANYON LAKE	DISSOLVED OXYGEN (DO)
SR	15060106A-0250	CANYON LAKE	MERCURY IN FISH TISSUE
UG	15040004-001	SAN FRANCISCO RIVER	ESCHERICHIA COLI
UG	15040004-003	SAN FRANCISCO RIVER	ESCHERICHIA COLI
UG	15040005-022	GILA RIVER	LEAD
VR	15060202-016	OAK CREEK	ESCHERICHIA COLI
VR	15060202-025	VERDE RIVER	ESCHERICHIA COLI
VR	15060202-059A	GRANITE CREEK	DISSOLVED OXYGEN (DO)
VR	15060203-004	VERDE RIVER	ARSENIC
VR	15060203-0110	BARTLETT LAKE	MERCURY IN FISH TISSUE
VR	15060203-024	FOSSIL CREEK	ESCHERICHIA COLI

8. Impaired Waters Not on Arizona's 2024 303(d) List

The following list includes impaired waters that have a completed Total Maximum Daily Load (TMDL). These waters are not considered part of the 303(d) list of impaired waters even though they do not currently meet standards. Watersheds are abbreviated as follows: BW = Bill Williams, CG = Colorado Grand Canyon, CL = Colorado Lower Gila, LC = Little Colorado, MG = Middle Gila, SC = Santa Cruz, SP = San Pedro, SR = Salt River, UG = Upper Gila, VR = Verde River.

Watershed	WBID	Waterbody Name	Cause
BW	15030202-005A	BOULDER CREEK	ARSENIC
BW	15030202-005A	BOULDER CREEK	ZINC
BW	15030202-005B	BOULDER CREEK	ARSENIC
LC	15020001-005	LITTLE COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020001-009	LITTLE COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020001-010	LITTLE COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020001-011	LITTLE COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020001-015	NUTRIOSO CREEK	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020001-017B	NUTRIOSO CREEK	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020002-004	LITTLE COLORADO RIVER	ESCHERICHIA COLI
LC	15020002-004	LITTLE COLORADO RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
LC	15020005-1170	RAINBOW LAKE	DISSOLVED OXYGEN (DO)

Watershed	WBID	Waterbody Name	Cause
LC	15020005-1170	RAINBOW LAKE	NUTRIENTS
LC	15020005-1170	RAINBOW LAKE	PH
LC	15020008-0820	LONG LAKE (LOWER)	MERCURY IN FISH TISSUE
LC	15020008-1430	SOLDIER ANNEX LAKE	MERCURY IN FISH TISSUE
LC	15020008-1440	SOLDIER LAKE	MERCURY IN FISH TISSUE
LC	15020015-0890	LAKE MARY (LOWER)	MERCURY IN FISH TISSUE
LC	15020015-0900	LAKE MARY (UPPER)	MERCURY IN FISH TISSUE
MG	15070101-008	GILA RIVER	BORON
MG	15070101-008	GILA RIVER	SELENIUM
MG	15070101-010	GILA RIVER	SELENIUM
MG	15070102-036B	TURKEY CREEK	COPPER
MG	15070102-036B	TURKEY CREEK	LEAD
MG	15070103-001B	HASSAYAMPA RIVER	SELENIUM
MG	15070103-007A	HASSAYAMPA RIVER	CADMIUM
MG	15070103-007A	HASSAYAMPA RIVER	COPPER
MG	15070103-007A	HASSAYAMPA RIVER	PH
MG	15070103-007A	HASSAYAMPA RIVER	ZINC
MG	15070103-239	FRENCH GULCH	CADMIUM
MG	15070103-239	FRENCH GULCH	COPPER
MG	15070103-239	FRENCH GULCH	ZINC
MG	15070103-349	JERSEY GULCH	CADMIUM
MG	15070103-349	JERSEY GULCH	COPPER
MG	15070103-349	JERSEY GULCH	ZINC
MG	15070103-415	CASH GULCH	CADMIUM
MG	15070103-415	CASH GULCH	COPPER
MG	15070103-415	CASH GULCH	ZINC
SC	15050301-008A	SANTA CRUZ RIVER	ESCHERICHIA COLI
SC	15050301-008B	SANTA CRUZ RIVER	ESCHERICHIA COLI
SC	15050301-009	SANTA CRUZ RIVER	ESCHERICHIA COLI
SC	15050301-011	NOGALES WASH	ESCHERICHIA COLI
SC	15050301-025A	HARSHAW CREEK	COPPER
SC	15050301-025A	HARSHAW CREEK	PH
SC	15050301-1070	PENA BLANCA LAKE	MERCURY IN FISH TISSUE
SC	15050301-340	HUMBOLDT CANYON	CADMIUM
SC	15050301-340	HUMBOLDT CANYON	COPPER
SC	15050301-340	HUMBOLDT CANYON	PH
SC	15050301-340	HUMBOLDT CANYON	ZINC
SC	15050301-500B	POTRERO CREEK	ESCHERICHIA COLI
SC	15050301-558A	THREE R CANYON	CADMIUM
SC	15050301-558A	THREE R CANYON	COPPER
SC	15050301-558A	THREE R CANYON	PH
SC	15050301-558A	THREE R CANYON	ZINC
SC	15050301-558B	THREE R CANYON	CADMIUM

Watershed	WBID	Waterbody Name	Cause
SC	15050301-558B	THREE R CANYON	COPPER
SC	15050301-558B	THREE R CANYON	PH
SC	15050301-558B	THREE R CANYON	ZINC
SC	15050301-558C	THREE R CANYON	COPPER
SC	15050301-558C	THREE R CANYON	PH
SC	15050301-560	COX GULCH	BERYLLIUM
SC	15050301-560	COX GULCH	CADMIUM
SC	15050301-560	COX GULCH	COPPER
SC	15050301-560	COX GULCH	PH
SC	15050301-560	COX GULCH	ZINC
SC	15050301-561A	ALUM GULCH	CADMIUM
SC	15050301-561A	ALUM GULCH	COPPER
SC	15050301-561A	ALUM GULCH	PH
SC	15050301-561A	ALUM GULCH	ZINC
SC	15050301-561B	ALUM GULCH	CADMIUM
SC	15050301-561B	ALUM GULCH	COPPER
SC	15050301-561B	ALUM GULCH	PH
SC	15050301-561B	ALUM GULCH	ZINC
SC	15050301-561C	ALUM GULCH	CADMIUM
SC	15050301-561C	ALUM GULCH	COPPER
SC	15050301-561C	ALUM GULCH	PH
SC	15050301-561C	ALUM GULCH	ZINC
SC	15050301-641	UNNAMED TRIB (UA2) TO ALUM GULCH	COPPER
SC	15050301-641	UNNAMED TRIB (UA2) TO ALUM GULCH	ZINC
SC	15050301-888	UNNAMED TRIB (ENDLESS MINE TRIBUTARY) TO HARSHAW CREEK	COPPER
SC	15050301-888	UNNAMED TRIB (ENDLESS MINE TRIBUTARY) TO HARSHAW CREEK	PH
SC	15050301-889	THREE R CANYON	CADMIUM
SC	15050301-889	THREE R CANYON	COPPER
SC	15050301-889	THREE R CANYON	PH
SC	15050301-889	THREE R CANYON	ZINC
SC	15050301-890	UNNAMED TRIB TO COX GULCH	CADMIUM
SC	15050301-890	UNNAMED TRIB TO COX GULCH	COPPER
SC	15050301-890	UNNAMED TRIB TO COX GULCH	PH
SC	15050301-890	UNNAMED TRIB TO COX GULCH	ZINC
SC	15050302-0760	LAKESIDE LAKE	EPA-AQUATIC PLANTS
SC	15050302-0760	LAKESIDE LAKE	NITROGEN
SC	15050302-0760	LAKESIDE LAKE	PHOSPHORUS
SC	15050304-0080	ARIVACA LAKE	MERCURY IN FISH TISSUE
SP	15050203-001	SAN PEDRO RIVER	ESCHERICHIA COLI
SR	15060103-006	SALT RIVER	PHOSPHORUS
SR	15060103-008	SALT RIVER	PHOSPHORUS
SR	15060103-018A	PINTO CREEK	COPPER

Watershed	WBID	Waterbody Name	Cause
SR	15060103-018B	PINTO CREEK	COPPER
SR	15060103-018C	PINTO CREEK	COPPER
SR	15060103-887	GIBSON MINE TRIBUTARY	COPPER
SR	15060105-013A	TONTO CREEK (TON)	ESCHERICHIA COLI
SR	15060105-013B	TONTO CREEK (TON)	ESCHERICHIA COLI
UG	15040002-001	GILA RIVER	ESCHERICHIA COLI
UG	15040002-002	GILA RIVER	ESCHERICHIA COLI
UG	15040002-004	GILA RIVER	ESCHERICHIA COLI
UG	15040002-004	GILA RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
UG	15040004-0840	LUNA LAKE	AMMONIA-NITROGEN
UG	15040004-0840	LUNA LAKE	DISSOLVED OXYGEN (DO)
UG	15040004-0840	LUNA LAKE	NUTRIENTS
UG	15040004-0840	LUNA LAKE	PH
UG	15040005-022	GILA RIVER	ESCHERICHIA COLI
UG	15040005-022	GILA RIVER	SUSPENDED SEDIMENT CONCENTRATION (SSC)
VR	15060202-013	NORTH FORK MILLER	ESCHERICHIA COLI
VR	15060202-017	OAK CREEK	PHOSPHORUS
VR	15060202-017	OAK CREEK	ESCHERICHIA COLI
VR	15060202-018A	OAK CREEK	ESCHERICHIA COLI
VR	15060202-018B	OAK CREEK	ESCHERICHIA COLI
VR	15060202-018C	OAK CREEK	ESCHERICHIA COLI
VR	15060202-019	OAK CREEK	ESCHERICHIA COLI
VR	15060202-022	SPRING CREEK (SPN)	ESCHERICHIA COLI
VR	15060202-059A	GRANITE CREEK	ESCHERICHIA COLI
VR	15060202-059B	GRANITE CREEK	ESCHERICHIA COLI
VR	15060202-1060	PECK'S LAKE	DISSOLVED OXYGEN (DO)
VR	15060202-1060	PECK'S LAKE	PH
VR	15060202-1490	STONEMAN LAKE	DISSOLVED OXYGEN (DO)
VR	15060202-1490	STONEMAN LAKE	PH
VR	15060202-1590	WATSON LAKE	DISSOLVED OXYGEN (DO)
VR	15060202-1590	WATSON LAKE	NITROGEN
VR	15060202-1590	WATSON LAKE	PH
VR	15060202-3313	UNNAMED TRIB TO UGC (UUG)	ESCHERICHIA COLI
VR	15060202-3333	UNNAMED TRIB TO GRANITE CREEK (UGC)	ESCHERICHIA COLI
VR	15060202-415	MUNDS CREEK	NITROGEN
VR	15060202-757	NORTH GRANITE CREEK	ESCHERICHIA COLI
VR	15060202-767	MILLER CREEK	ESCHERICHIA COLI
VR	15060202-768	BUTTE CREEK	ESCHERICHIA COLI
VR	15060202-769	ASPEN CREEK	ESCHERICHIA COLI
VR	15060202-772	MANZANITA CREEK	ESCHERICHIA COLI
VR	15060202-774	BANNING CREEK	ESCHERICHIA COLI
VR	15060202-775	GOVERNMENT CANYON	ESCHERICHIA COLI

Watershed	WBID	Waterbody Name	Cause
VR	15060202-777	SLAUGHTERHOUSE GULCH	ESCHERICHIA COLI

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See "General Information" in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING
PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING
SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING
FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING
PROPOSED SUMMARY
PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section
FINAL SUMMARY
FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
FINAL EXPEDITED
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
EXEMPT
XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

TERMINATION OF RULES
TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

CORRECTIONS
C = Corrections to Published Rules

2023 *Arizona Administrative Register*
Volume 29 Page Guide

Issue 1, Jan. 6, 2023.....1-46
Issue 2, Jan. 13, 2023.....47-214
Issue 3, Jan. 20, 2023.....215-262
Issue 4, Jan. 27, 2023.....263-436
Issue 5, Feb. 3, 2023.....437-528
Issue 6, Feb. 10, 2023.....529-562
Issue 7, Feb. 17, 2023.....563-602
Issue 8, Feb. 24, 2023.....603-632
Issue 9, March 3, 2023.....633-662
Issue 10, March 10, 2023.....663-724
Issue 11, March 17, 2023.....725-752
Issue 12, March 24, 2023.....753-798
Issue 13, March 31, 2023.....799-824
Issue 14, April 7, 2023.....825-844
Issue 15, April 14, 2023.....845-888
Issue 16, April 21, 2023.....889-950
Issue 17, April 28, 2023.....951-986
Issue 18, May 5, 2023.....987-1018
Issue 19, May 12, 2023.....1019-1088
Issue 20, May 19, 2023.....1089-1162
Issue 21, May 26, 2023.....1163-1216
Issue 22, June 2, 2023.....1217-1322
Issue 23, June 9, 2023.....1323-1356
Issue 24, June 16, 2023.....1357-1382
Issue 25, June 23, 2023.....1383-1422
Issue 26, June 30, 2023.....1423-1494
Issue 27, July 7, 2023.....1495-1544
Issue 28, July 14, 2023.....1545-1596
Issue 29, July 21, 2023.....1597-1650
Issue 30, July 28, 2023.....1651-1692
Issue 31, Aug. 4, 2023.....1693-1724
Issue 32, Aug. 11, 2023.....1725-1756
Issue 33, Aug. 18, 2023.....1757-1804
Issue 34, Aug. 25, 2023.....1805-1914
Issue 35, Sept. 1, 2023.....1915-1990
Issue 36, Sept. 8, 2023.....1991-2020
Issue 37, Sept. 15, 2023.....2021-2186
Issue 38, Sept. 22, 2023.....2187-2226
Issue 39, Sept. 29, 2023.....2227-2292
Issue 40, Oct. 6, 2023.....2293-2366
Issue 41, Oct. 13, 2023.....2367-2510
Issue 42, Oct. 20, 2023.....2511-3372
Issue 43, Oct. 27, 2023.....3373-3468
Issue 44, Nov. 3, 2023.....3469-3508
Issue 45, Nov. 10, 2023.....3509-3556
Issue 46, Nov. 17, 2023.....3557-3610
Issue 47, Nov. 24, 2023.....3611-3662
Issue 48, Dec. 1, 2023.....3663-3718

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 48 OF VOLUME 29.

Accountancy, Board of

R4-1-229. FM-1184
R4-1-341. FM-1184
R4-1-453. FM-1184
R4-1-454. FM-1184
R4-1-455. FM-1184

Administration, Department of - Risk Management Division

R2-10-101. PM-3377
R2-10-102. PM-3377
R2-10-103. PM-3377
R2-10-106. PM-3377
R2-10-107. PM-3377
R2-10-110. PN-3377
R2-10-301. PM-3377
R2-10-407. PM-3377

Agriculture, Department of - Animal Services Division

R3-2-203. XM-3483
R3-2-401. PM-1995
R3-2-408. PM-1995
R3-2-409. PM-1995
R3-2-409.01. PN-1995
R3-2-701. XM-3483
R3-2-810. XM-3483
R3-2-1201. FN-1327
R3-2-1202. FN-1327
R3-2-1203. FN-1327

Agriculture, Department of - Environmental Services Division

R3-3-101. PM-1221
Table 1. PM-1221
R3-3-200. PN-1221
R3-3-201. PM-1221
R3-3-202. PR-1221
R3-3-203. PM-1221
R3-3-204. PN-1221
R3-3-205. PN-1221
R3-3-206. PN-1221
R3-3-207. PN-1221
R3-3-208. PN-1221
R3-3-209. PR-1221
R3-3-210. PN-1221
R3-3-211. PN-1221
R3-3-212. PN-1221
Appendix A. PR-1221
R3-3-301. PN-1221
R3-3-302. PN-1221
R3-3-303. PN-1221
R3-3-305. PM-1221
R3-3-306. PM-1221
R3-3-307. PM-1221
R3-3-401. PM-1221
R3-3-402. PM-1221
R3-3-403. PM-1221
R3-3-404. PM-1221
R3-3-502. PM-1221
R3-3-503. PM-1221
R3-3-505. PM-1221
R3-3-506. PM-1221
R3-3-702. PM-1221
R3-3-703. PM-1221
R3-3-704. PM-1221
R3-3-801. PN-1221
R3-3-802. PN-1221
R3-3-803. PN-1221
R3-3-804. PM-1221
R3-3-901. PM-1221
R3-3-902. PM-1221
R3-3-903. PM-1221
R3-3-904. PM-1221
R3-3-905. PM-1221
R3-3-910. PM-1221
R3-3-913. PM-1221
R3-3-1001. PM-1221
R3-3-1002. PR-1221
R3-3-1003. PM-1221
R3-3-1004. PM-1221
R3-3-1006. PM-1221
R3-3-1007. PM-1221
R3-3-1008. PM-1221
R3-3-1009. PM-1221
R3-3-1010. PM-1221
R3-3-1011. PM-1221

Agriculture, Department of - Office of Commodity Development and Promotion

R3-6-102. XM-3488

Agriculture, Department of - Pest Management Division

R3-8-102. FM-757
R3-8-103. FM-757
R3-8-107. FM-757
R3-8-202. FM-757

R3-8-203. FM-757
R3-8-204. FM-757
R3-8-210. FM-757
R3-8-211. FM-757
R3-8-212. FM-757
R3-8-216. FM-757
R3-8-301. FM-757
R3-8-308. FM-757
R3-8-310. FM-757
R3-8-401. FM-757
R3-8-402. FM-757
R3-8-404. FM-757
R3-8-501. FM-757
R3-8-502. FM-757
R3-8-503. FM-757
R3-8-606. FM-757

Agriculture, Department of - Plant Services Division

R3-4-203. PM-567
Table 2. PM-567
Table 3. PM-567
Table 4. PM-567
Table 5. PM-567
Table 6. PM-567
R3-4-301. XM-3486
R3-4-401. PM-567
R3-4-402. PM-567
R3-4-403. PM-567
R3-4-404. PM-567
R3-4-406. PM-567
R3-4-408. PM-567

Agriculture, Department of - Weights and Measures Services Division

R3-7-101. FM-441
R3-7-103. FM-441
R3-7-104. FM-441
R3-7-108. FM-441
R3-7-109. FM-441
R3-7-110. FM-441
Table 1. FM-441
R3-7-201. FM-441
R3-7-203. FM-441
R3-7-204. FR-441
R3-7-302. FM-441
R3-7-402. FM-441
R3-7-501. FM-441
R3-7-502. FM-441
R3-7-503. FM-441
R3-7-504. FM-441
R3-7-505. FM-441
R3-7-506. FM-441
R3-7-507. FM-441
R3-7-601. FM-441
R3-7-602. FM-441
R3-7-603. FM-441
R3-7-604. FM-441
R3-7-605. FR-441
R3-7-701. FM-441
R3-7-702. FM-441
R3-7-703. FM-441
R3-7-704. FM-441
R3-7-705. FM-441
R3-7-707. FM-441
R3-7-708. FM-441
R3-7-710. FM-441
R3-7-712. FM-441
R3-7-713. FM-441
R3-7-714. FR-441
R3-7-715. FM-441
R3-7-716. FM-441
R3-7-717. FM-441
R3-7-718. FM-441
R3-7-749. FM-441
R3-7-750. FM-441
R3-7-751. FM-441
R3-7-752. FM-441
R3-7-753. FM-441
R3-7-754. FM-441
R3-7-755. FM-441
R3-7-756. FM-441
R3-7-757. FM-441
R3-7-759. FM-441
Table A. FM-441
R3-7-760. FM-441
R3-7-761. FM-441
R3-7-762. FM-441
Table 1. FR-441
Table 2. FR-441
R3-7-901. FR-441
R3-7-902. FR-441
R3-7-903. FR-441
R3-7-904. FR-441
R3-7-905. FR-441
R3-7-906. FR-441
R3-7-907. FR-441
R3-7-908. FR-441
R3-7-909. FR-441
R3-7-910. FR-441
R3-7-911. FR-441
R3-7-912. FR-441
R3-7-913. FR-441
R3-7-1001. FM-441
R3-7-1002. FM-441
R3-7-1003. FM-441
R3-7-1004. FM-441
R3-7-1005. FM-441
R3-7-1006. FM-441
R3-7-1007. FM-441
R3-7-1008. FM-441
R3-7-1009. FM-441
R3-7-1010. FM-441
R3-7-1012. FM-441
R3-7-1013. FM-441

Barbering and Cosmetology Board

R4-10-101. PM-1809
R4-10-102. PM-1809
R4-10-103. PM-1809
R4-10-104. P#-1809
R4-10-105. P#-1809
R4-10-106. PM-1809
R4-10-107. P#-1809
R4-10-108. PR-1809
R4-10-110. P#-1809
R4-10-111. PM-1809
R4-10-112. PM-1809
R4-10-113. PM-1809
R4-10-114. PM-1809
R4-10-115. PM-1809
Table 1. P#-1809

PART A

R4-10-A101. P#-1809; PM-1809
Table A1. P#-1809; PM-1809

PART B

Table B1. P#-1809; PM-1809
R4-10-201. P#-1809; PM-1809
R4-10-202. P#-1809; PM-1809
R4-10-203. P#-1809; PM-1809
R4-10-204. P#-1809; PM-1809
R4-10-205. P#-1809
R4-10-206. P#-1809
R4-10-206.1. P#-1809
R4-10-207. P#-1809
R4-10-208. P#-1809
R4-10-209. P#-1809
R4-10-210. P#-1809

PART A

R4-10-A201. P#-1809; PM-1809
R4-10-A202. P#-1809; PM-1809

PART B

R4-10-B201. PN-1809
R4-10-B202. PN-1809
R4-10-301. PR-1809; P#-1809; PM-1809
R4-10-302. P#-1809; PM-1809
R4-10-303. PR-1809; PN-1809
R4-10-304. PR-1809; P#-1809; PM-1809
R4-10-304.1. PR-1809; P#-1809; PM-1809
R4-10-305. PR-1809; P#-1809; PM-1809
R4-10-306. P#-1809; PM-1809
R4-10-307. P#-1809; PM-1809
R4-10-308. P#-1809; PM-1809
R4-10-309. P#-1809; PM-1809
R4-10-310. P#-1809; PM-1809

PART A

R4-10-A301. P#-1809; PM-1809

R4-10-A302. P#-1809; PM-1809
R4-10-A303. P#-1809; PM-1809

PART B

R4-10-B301. P#-1809; PM-1809
R4-10-B302. P#-1809; PM-1809
R4-10-B303. P#-1809; PM-1809
R4-10-B304. P#-1809; PM-1809
R4-10-B305. PN-1809
R4-10-B306. PN-1809
R4-10-B307. PN-1809
R4-10-401. P#-1809; PM-1809
R4-10-402. P#-1809; PM-1809
R4-10-403. PM-1809
R4-10-404. P#-1809; PN-1809
R4-10-405. P#-1809; PM-1809

PART A

R4-10-A401. P#-1809; PM-1809

PART B

R4-10-B401. P#-1809; PM-1809
R4-10-B402. P#-1809; PM-1809
R4-10-501. P#-1809
R4-10-502. PR-1809
R4-10-503. PR-1809
R4-10-504. PR-1809
R4-10-505. PR-1809
R4-10-506. PR-1809
R4-10-507. PR-1809
R4-10-508. PR-1809
Table 1. P#-1809
R4-10-509. PR-1809
R4-10-601. P#-1809
R4-10-602. P#-1809
R4-10-603. P#-1809
R4-10-701. PR-1809
R4-10-702. PR-1809
R4-10-703. P#-1809
R4-10-704. P#-1809
R4-10-705. PR-1809
R4-10-801. P#-1809
R4-10-802. P#-1809
R4-10-803. PR-1809
R4-10-804. PR-1809
R4-10-805. P#-1809
Exhibit 1. PR-1809
Exhibit 2. PR-1809
R4-10-806. PR-1809
R4-10-807. P#-1809
R4-10-808. PR-1809
R4-10-809. PR-1809
R4-10-811. P#-1809
R4-10-901. PR-1809
R4-10-902. PR-1809

Behavioral Health Examiners, Board of

R4-6-101. TM-1895
R4-6-211. TM-1895
R4-6-212. TM-1895
R4-6-214. TM-1895
R4-6-215. TM-1895
R4-6-216. TM-1895
R4-6-217. TN-1895
R4-6-301. TM-1895
Table 1. TM-1895
R4-6-304. TM-1895
R4-6-305. TM-1895
R4-6-306. TM-1895
R4-6-403. TM-1895
R4-6-404. TM-1895
R4-6-501. TM-1895
R4-6-503. TM-1895
R4-6-601. TM-1895
R4-6-603. TM-1895
R4-6-702. TM-1895
R4-6-703. TM-1895
R4-6-705. TM-1895
R4-6-706. TM-1895
R4-6-801. TM-1895
R4-6-802. TM-1895
R4-6-1101. TM-1895
R4-6-1102. TM-1895
R4-6-1105. TM-1895
R4-6-1106. TM-1895

Child Safety, Department of - Centralized Intake Hotline

R21-3-202. FM-1697

Child Safety, Department of - Child Welfare Agency Licensing

R21-7-101. PN-141; FN-2231
R21-7-102. PN-141; FN-2231
R21-7-103. PN-141; FN-2231
R21-7-104. PN-141; FN-2231
R21-7-105. PN-141; FN-2231
R21-7-106. PN-141; FN-2231
R21-7-107. PN-141; FN-2231
R21-7-108. PN-141; FN-2231
R21-7-109. PN-141; FN-2231
R21-7-110. PN-141; FN-2231
R21-7-111. PN-141; FN-2231
R21-7-112. PN-141; FN-2231
R21-7-113. PN-141; FN-2231
R21-7-114. PN-141; FN-2231
R21-7-115. PN-141; FN-2231
R21-7-116. PN-141; FN-2231
R21-7-117. PN-141; FN-2231
R21-7-118. PN-141; FN-2231
R21-7-119. PN-141; FN-2231
R21-7-120. PN-141; FN-2231
R21-7-121. PN-141; FN-2231
R21-7-122. PN-141; FN-2231
R21-7-123. PN-141; FN-2231
R21-7-124. PN-141; FN-2231
R21-7-125. PN-141; FN-2231
R21-7-126. PN-141; FN-2231
R21-7-127. PN-141; FN-2231
R21-7-128. PN-141; FN-2231
R21-7-129. PN-141; FN-2231
R21-7-130. PN-141; FN-2231
R21-7-131. PN-141; FN-2231
R21-7-132. PN-141; FN-2231
R21-7-133. PN-141; FN-2231
R21-7-134. PN-141; FN-2231
R21-7-135. PN-141; FN-2231
R21-7-136. PN-141; FN-2231
R21-7-201. PN-141; FN-2231
R21-7-202. PN-141; FN-2231
R21-7-203. PN-141; FN-2231
R21-7-204. PN-141; FN-2231
R21-7-205. PN-141; FN-2231
R21-7-206. PN-141; FN-2231
R21-7-207. PN-141; FN-2231
R21-7-208. PN-141; FN-2231
R21-7-209. PN-141; FN-2231

R21-7-210. PN-141; FN-2231
R21-7-211. PN-141; FN-2231
R21-7-212. PN-141; FN-2231
R21-7-213. PN-141; FN-2231
R21-7-214. PN-141; FN-2231
R21-7-215. PN-141; FN-2231
R21-7-216. PN-141; FN-2231
R21-7-217. PN-141; FN-2231
R21-7-218. PN-141; FN-2231
R21-7-219. PN-141; FN-2231
R21-7-220. PN-141; FN-2231
R21-7-221. PN-141; FN-2231
R21-7-222. PN-141; FN-2231
R21-7-223. PN-141; FN-2231
R21-7-224. PN-141; FN-2231
R21-7-225. PN-141; FN-2231
R21-7-226. PN-141; FN-2231
R21-7-227. PN-141; FN-2231
R21-7-228. PN-141; FN-2231
R21-7-229. PN-141; FN-2231
R21-7-230. PN-141; FN-2231
R21-7-231. PN-141; FN-2231
R21-7-232. PN-141; FN-2231
R21-7-233. PN-141; FN-2231
R21-7-234. PN-141; FN-2231
R21-7-235. PN-141; FN-2231
R21-7-236. PN-141; FN-2231
R21-7-237. PN-141; FN-2231
R21-7-238. PN-141; FN-2231
R21-7-239. PN-141; FN-2231
R21-7-240. PN-141; FN-2231

Clean Elections Commission, Citizens

R2-20-211. TM-1149
R2-20-220. FM-994
R2-20-223. FM-994
R2-20-305. PM-219; FM-1549
R2-20-306. PM-219; FM-1549
R2-20-801. PXN-1571; FXN-3523
R2-20-802. PXN-1571; FXN-3523
R2-20-803. PXN-1571; FXN-3523
R2-20-804. PXN-1571; FXN-3523
R2-20-805. PXN-1571; FXN-3523
R2-20-806. PXN-1571; FXN-3523
R2-20-807. PXN-1571; FXN-3523
R2-20-808. PXN-1571; FXN-3523
R2-20-809. PXN-1969; FXN-3687
R2-20-810. PXN-1969; FXN-3687
R2-20-811. PXN-1969; FXN-3687
R2-20-812. PXN-1969; FXN-3687
R2-20-813. PXN-1969; FXN-3687

Corporation Commission - Transportation

R14-5-202. PM-2149
R14-5-203. PM-2149
R14-5-204. PM-2149
Exh. A Form MM-04. PM-2149

Criminal Justice Commission, Arizona

R10-4-101. EXP-1674; EN-1700
R10-4-102. EXP-1674; EN-1700
R10-4-103. EXP-1674; EN-1700
R10-4-104. EXP-1674; EN-1700
R10-4-105. EXP-1674; EN-1700
R10-4-106. EXP-1674; EN-1700
R10-4-107. EXP-1674; EN-1700
R10-4-108. EXP-1674; EN-1700
R10-4-109. EXP-1674; EN-1700
R10-4-110. EXP-1674; EN-1700
R10-4-111. EXP-1674; EN-1700
R10-4-201. EXP-1674; EN-1700
R10-4-202. EXP-1674; EN-1700
R10-4-203. EXP-1674; EN-1700
R10-4-204. EXP-1674; EN-1700
R10-4-205. EXP-1674
R10-4-206. EXP-1674
R10-4-207. EXP-1674
R10-4-501. PM-1507

Deaf and the Hard of Hearing, Commission for the

R9-26-201. PM-3561
R9-26-202. PM-3561
R9-26-203. PM-3561
R9-26-204. PM-3561
R9-26-205. PM-3561
R9-26-207. PM-3561
R9-26-501. PM-3561
R9-26-503. PM-3561
R9-26-505. PM-3561
R9-26-507. PM-3561
R9-26-509. PM-3561

Dental Examiners, State Board of

R4-11-101. FM-1330
R4-11-201. FM-1330
R4-11-202. FM-1330
R4-11-203. FM-1330
R4-11-206. FN-1330
R4-11-301. FM-1330
R4-11-303. FM-1330
R4-11-401. FM-1330
R4-11-403. FM-1330; PM-1387
R4-11-502. PM-1389
R4-11-701. FM-1330
R4-11-702. FM-1330
R4-11-903. PM-1389
R4-11-1210. FN-1330
R4-11-1502. FM-1330
R4-11-1503. FM-1330; PM-1389
R4-11-1601. FN-1330
R4-11-1602. FN-1330
R4-11-1603. FN-1330
R4-11-1604. FN-1330

Education, State Board of

R7-2-302. FXM-183
R7-2-318. FXM-2532
R7-2-602.02. FXM-1401
R7-2-604. FXM-183
R7-2-604.02. FXM-183
R7-2-604.03. FXM-183
R7-2-604.05. FXM-183
R7-2-604.06. FXN-183
R7-2-607. FXM-183
R7-2-610.02. FXM-183
R7-2-616. FXM-183
R7-2-616.01. FXN-183
R7-2-616.02. FXN-183
R7-2-618. FXM-183
R7-2-619. FXM-183
R7-2-902. FXM-1402

R7-2-1501. FXM-542
R7-2-1501.01. FXN-542
R7-2-1503. FXM-542
R7-2-1505. FXM-542
R7-2-1506. FXM-542
R7-2-1507. FXM-542
R7-2-1508. FXM-542
R7-2-1509. FXM-542
R7-2-1510. FXM-542
R7-2-1511. FXM-542

Emergency and Military Affairs, Department of - Division of Emergency Management

R8-2-103. FXM-235
R8-2-104. FXM-235
R8-2-301. FXM-238
R8-2-302. FXM-238
R8-2-303. FXM-238
R8-2-304. FXM-238
R8-2-305. FXM-238
R8-2-306. FXM-238
R8-2-307. FXM-238
R8-2-308. FXM-238
R8-2-309. FXM-238
R8-2-310. FXM-238
R8-2-311. FXM-238
R8-2-312. FXM-238
R8-2-313. FXM-238
R8-2-314. FXM-238
R8-2-315. FXM-238
R8-2-316. FXM-238
R8-2-317. FXR-238; FX#-238; FXM-238
R8-2-318. FX#-238; FXM-238
R8-2-319. FX#-238; FXM-238

Environmental Quality, Department of - Air Pollution Control

PART D

R18-2-D1301. FN-1658
R18-2-D1302. FN-1658
R18-2-D1303. FN-1658
R18-2-1501. FM-1427
R18-2-1502. FM-1427
R18-2-1503. FM-1427
R18-2-1504. FM-1427
R18-2-1505. FM-1427
R18-2-1506. FM-1427
R18-2-1507. FM-1427
R18-2-1508. FR-1427
R18-2-1509. FM-1427
R18-2-1510. FR-1427
R18-2-1511. FM-1427
R18-2-1512. FM-1427
R18-2-1513. FM-1427
R18-2-1514. FM-1427
R18-2-1515. FM-1427

Environmental Quality, Department of - Environmental Reviews and Certification

R18-5-401. PEM-927; FEM-2337
R18-5-406. PEM-927; FEM-2337
R18-5-407. PEM-927; FEM-2337
R18-5-409. PEM-927; FEM-2337
R18-5-410. PEM-927; FEM-2337

Environmental Quality, Department of - Hazardous Waste Management

R18-8-260. FM-729
R18-8-270. FM-729

Environmental Quality, Department of - Permits and Compliance Fees

R18-14-101. PM-955; FM-1869
R18-14-102. PM-955; FM-1869
Table 1. PM-955; FM-1869
R18-14-103. PM-955; FM-1869
R18-14-104. PM-955; FM-1869
Table 2. PM-955; FM-1869
Table 3. PM-955; FM-1869
R18-14-105. PM-955; FM-1869
R18-14-108. PM-955; FM-1869
Table 4. PM-955; FM-1869
Table 5. PM-955; FM-1869
R18-14-109. PM-955; FM-1869
Table 6. PM-955; FM-1869
R18-14-110. PM-955; FM-1869
Table 7. PM-955; FM-1869
R18-14-111. PM-955; FM-1869
R18-14-112. PM-955; FM-1869
R18-14-202. PM-955; FM-1869
Table 1. PM-955; FM-1869
R18-14-301. PM-955; FM-1869

Environmental Quality, Department of - Pesticides and Water Pollution Control

R18-6-106. PEM-931; FEM-2341
R18-6-301. PEM-931; FEM-2341

Environmental Quality, Department of - Safe Drinking

R18-4-103. PEM-1733
R18-4-105. PEM-1733
R18-4-106. PEM-1733
R18-4-107. FEM-1472
R18-4-111. PEM-1733
R18-4-117. PEM-1733
R18-4-119. PEM-1733
R18-4-121. PEM-1733
R18-4-402. FEN-1472

Environmental Quality, Department of - Water Pollution Control

R18-9-101. FM-1023
R18-9-110. FM-1023
R18-9-A303. FM-1023
R18-9-A308. FR-1023
R18-9-A309. FM-1023
R18-9-A310. FM-1023
R18-9-A311. FM-1023
R18-9-A312. FM-1023
R18-9-A314. FM-1023
R18-9-A315. FM-1023
R18-9-A903. FM-296
R18-9-E303. FM-1023
R18-9-E304. FM-1023
R18-9-E314. FM-1023
R18-9-E320. FM-1023
R18-9-E323. FM-1023
Table 1. FM-1023

Environmental Quality, Department of - Water Quality Assurance Revolving Fund

R18-16-201. FEM-3516
R18-16-202. FEM-3516
R18-16-401. FEM-3516
R18-16-402. FEM-3516
R18-16-404. FEM-3516
R18-16-408. FEM-3516
R18-16-413. FEM-3516
R18-16-415. FEM-3516
R18-16-501. FEM-3516
R18-16-503. FEM-3516

Environmental Quality, Department of - Water Quality Standards

R18-11-101. FM-302
Appendix A. FM-302
Table 1. FM-302
Appendix B. FM-302
R18-11-201. FN-302
R18-11-202. FN-302
R18-11-203. FN-302
R18-11-204. FN-302
R18-11-205. FN-302
R18-11-206. FN-302
R18-11-207. FN-302
R18-11-208. FN-302
R18-11-209. FN-302
R18-11-210. FN-302
R18-11-211. FN-302
R18-11-212. FN-302
R18-11-213. FN-302
R18-11-214. FN-302

R18-11-215. FN-302
Table 1. FN-302
Table 2. FN-302
Table 3. FN-302
Table 4. FN-302
Table 5. FN-302
Table 6. FN-302
Table 7. FN-302
Table 8. FN-302
Table 9. FN-302
Table 10. FN-302
Table 11. FN-302
Table 12. FN-302
Table 13. FN-302
Table 14. FN-302
Table 15. FN-302
Table 16. FN-302
Table 17. FN-302
R18-11-216. FN-302
Table A. FN-302
Table B. FN-302
Table C. FN-302
R18-11-217. FN-302
R18-11-403. PEM-934; FEM-2344
R18-11-407. PEM-934; FEM-2344
R18-11-502. PEM-934; FEM-2344
R18-11-504. PEM-934; FEM-2344
R18-11-506. PEM-934; FEM-2344

Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of

R4-33-101. FM-642
R4-33-201. FM-642
R4-33-202. FM-642
R4-33-204. FM-642
R4-33-206. FM-642
R4-33-401. FM-642
R4-33-403. FM-642
R4-33-405. FM-642
R4-33-601. FM-1556
R4-33-602. FM-642; FM-1556
R4-33-603. FM-1556
R4-33-604. FM-1556
R4-33-605. FM-1556
R4-33-701. FM-1556
R4-33-702. FM-1556
R4-33-703. FM-1556
R4-33-703.1. FM-1556
R4-33-704. FM-1556
R4-33-705. FM-1556
R4-33-706. FM-1556

Game and Fish Commission

R12-4-101. PM-849; SPM-2297
R12-4-102.01. PN-10; FN-2196
R12-4-102.02. PN-10; FN-2196
R12-4-107. PM-10; FM-2196
R12-4-118. PM-10; FM-2196
R12-4-121. PM-10; FM-2196
R12-4-216. PM-849; SPM-2297
R12-4-301. PM-849; SPM-2297
R12-4-303. PM-849; SPM-2297
R12-4-304. PM-849; SPM-2297
R12-4-305. PM-849; SPM-2297
R12-4-306. PM-849; SPM-2297
R12-4-308. PM-849; SPM-2297
R12-4-311. PM-849; SPM-2297
R12-4-313. PM-849; SPM-2297
R12-4-314. PM-849
R12-4-318. PM-849; SPM-2297
R12-4-319. PM-849; SPM-2297
R12-4-322. PM-849; SPM-2297
R12-4-411. PM-849
R12-4-609. PM-849; SPM-2297
R12-4-611. PM-10; FM-2196

Health Care Cost Containment System, Arizona (AHCCCS) - Administration

R9-22-711. PM-5; FM-1866
R9-22-712.06. FM-923
R9-22-712.35. PM-1601; FM-3394
R9-22-712.61. PM-1601; FM-3394
R9-22-712.63. FM-19
R9-22-712.71. PM-1601; FM-3394
R9-22-712.90. PM-1601; FM-3394
R9-22-730. PXM-1630; FXM-2204
R9-22-731. PM-1626; FM-3419
R9-22-1104. PM-3671
R9-22-1105. PM-3671
R9-22-1108. PM-3671
R9-22-1428. PN-5; FN-1866
R9-22-1801. EN-1577
R9-22-1802. EN-1577
R9-22-1803. EN-1577
R9-22-1804. EN-1577
R9-22-1805. EN-1577
R9-22-1806. EN-1577

Health Care Cost Containment System, Arizona (AHCCCS) - Behavioral Health Services for Persons with Serious Mental Illness

R9-21-101. FM-898
R9-21-104. FM-898
R9-21-105. FM-898
R9-21-201. FM-898
R9-21-202. FM-898
R9-21-203. FM-898
R9-21-206. FM-898
R9-21-211. FM-898
R9-21-401. FM-898
R9-21-402. FM-898
R9-21-403. FM-898
R9-21-404. FM-898
R9-21-405. FM-898
R9-21-406. FM-898
R9-21-407. FM-898
R9-21-408. FM-898
R9-21-409. FM-898
R9-21-410. FM-898
R9-21-501. FM-898
R9-21-502. FM-898
Exhibit C. FM-898
R9-21-503. FM-898
R9-21-504. FM-898
R9-21-505. FM-898
R9-21-507. FM-898
R9-21-508. FM-898
R9-21-509. FM-898

Health Care Cost Containment System, Arizona (AHCCCS) - Children's Health Insurance Program

R9-31-307. PM-8; TM-3585

Health Services, Department of - Adult-Use Marijuana Program

R9-18-101. XM-2453
R9-18-102. XM-2453
R9-18-103. XM-2453
Table 1.1. XM-2453
R9-18-201. XM-2453
R9-18-202. XM-2453
R9-18-203. XM-2453
R9-18-204. XM-2453
R9-18-205. XM-2453
R9-18-302. XM-2453
R9-18-303. XM-2453
R9-18-304. XM-2453
R9-18-306. XM-2453
R9-18-308. XM-2453
R9-18-310. XM-2453; XM-3532
R9-18-311. XM-2453
Table 3.1. XM-2453
R9-18-312. XM-2453
R9-18-313. XM-2453
R9-18-314. X#-2453; XN-2453
R9-18-315. X#-2453; XM-2453

R9-18-316. X#-2453; XM-2453
R9-18-317. X#-2453; XM-2453
R9-18-402. XM-2453
R9-18-403. XM-2453
R9-18-405. XM-2453
R9-18-407. XM-2453
R9-18-408. XM-2453
R9-18-409. XM-2453
R9-18-410. XM-2453
R9-18-411. XM-2453
R9-18-412. XM-2453
R9-18-413. XM-2453
R9-18-414. XM-2453
R9-18-415. XM-2453

Health Services, Department of - Communicable Diseases and Infestations

R9-6-101. PEM-1510; FEM-3423
R9-6-103. PEM-1510; FEM-3423
R9-6-303. PEM-667; FEM-1890
R9-6-305. PEM-667; FEM-1890
R9-6-338. PEM-667; FEM-1890
R9-6-361. PEM-667; FEM-1890
R9-6-362. PEM-667; FEM-1890
R9-6-381. PEM-667; FEM-1890
R9-6-1101. PEM-1729; FEM-3633
R9-6-1102. PEM-1729; FEM-3633
R9-6-1103. PEM-1729; FEM-3633
R9-6-1104. PEM-1729; FEM-3633

Health Services, Department of - Court-Ordered Program Approvals

R9-20-106. PEM-997; FEM-3435
R9-20-107. PEM-997; FEM-3435
R9-20-108. PEM-997; FEM-3435
R9-20-201. PEM-997; FEM-3435
R9-20-203. PEM-997; FEM-3435
R9-20-206. PEM-997; FEM-3435
R9-20-207. PEM-997; FEM-3435
R9-20-208. PEM-997; FEM-3435

Health Services, Department of - Emergency Medical Services

R9-25-101. PM-2063
R9-25-701. PEM-775; FEM-1461
R9-25-703. PEM-775; FEM-1461
R9-25-704. PEM-775; FEM-1461
R9-25-705. PEM-775; FEM-1461
R9-25-710. PEM-775; FEM-1461
R9-25-711. PEM-775; FEM-1461
R9-25-712. PEM-775; FEM-1461
R9-25-801. PEM-775; FEM-1461
R9-25-803. PEM-775; FEM-1461
R9-25-804. PEM-775; FEM-1461
R9-25-901. PM-2063
R9-25-902. PM-2063
R9-25-903. P#-2063; PM-2063
R9-25-904. P#-2063; PN-2063
R9-25-905. PM-2063
R9-25-906. P#-2063; PM-2063
R9-25-907. PR-2063; P#-2063; PM-2063
R9-25-908. PR-2063; PN-2063
R9-25-909. PR-2063; P#-2063; PM-2063
R9-25-910. P#-2063; PN-2063
R9-25-911. PR-2063; P#-2063; PM-2063
R9-25-912. P#-2063
Exhibit 9A. PR-2063
Exhibit 9B. PR-2063
R9-25-1001. PM-2063
R9-25-1002. P#-2063; PN-2063
R9-25-1003. PR-2063; PN-2063
R9-25-1004. PR-2063; PN-2063
R9-25-1005. PR-2063; P#-2063; PM-2063
R9-25-1006. PR-2063
Table 10.1. PN-2063
Table 10.2. PN-2063
R9-25-1101. PM-2063
R9-25-1102. PM-2063
R9-25-1103. PM-2063
R9-25-1104. PM-2063
R9-25-1105. PM-2063
R9-25-1106. PM-2063
R9-25-1107. PM-2063
R9-25-1108. PM-2063
R9-25-1109. PM-2063
R9-25-1110. PM-2063
R9-25-1201. PM-2063
Table 12.1. PM-2063
R9-25-1301. PEM-1445; FEM-2321
R9-25-1303.01. EXP-421
R9-25-1304. PEM-1445; FEM-2321
R9-25-1306. PEM-1445; FEM-2321
R9-25-1307. PEM-1445; FEM-2321
R9-25-1308. PEM-1445; FEM-2321
Table 13.1. PEM-1445; FEM-2321

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

R9-8-118. PEM-533; TM-1786; PEM-2157
R9-8-201. PM-1860; TM-3535
R9-8-202. PM-1860; TM-3535
R9-8-203. PM-1860; TM-3535
R9-8-204. P#-1860; PN-1860; TM-3535
R9-8-205. P#-1860; PN-1860; TM-3535
R9-8-206. P#-1860; PN-1860; TM-3535
R9-8-207. PN-1860; PM-1860; TM-3535
R9-8-208. PN-1860; PM-1860; TM-3535
R9-8-209. PN-1860; PM-1860; TM-3535
R9-8-403. PEM-533; TM-1786; PEM-2157
R9-8-701. PEM-533; TM-1786; PEM-2157
R9-8-702. PEM-533; TM-1786; PEM-2157
R9-8-703. PEM-533; TM-1786; PEM-2157
R9-8-705. PEM-533; TM-1786; PEM-2157

R9-8-706. PEM-533; TM-1786; PEM-2157
R9-8-707. PEM-533; TM-1786; PEM-2157
R9-8-708. PEM-533; TM-1786; PEM-2157
R9-8-711. PEM-533; TM-1786; PEM-2157
R9-8-801. PEM-533; TM-1786; PEM-2157

Health Services, Department of - Health Programs Services

R9-13-101. TM-1077
R9-13-102. TM-1077
Table 13.2. TN-1077
R9-13-103. TM-1077
Table 13.3. TN-1077
R9-13-104. TM-1077
R9-13-105. TM-1077
R9-13-106. TM-1077
R9-13-107. TM-1077
R9-13-108. TM-1077
R9-13-109. TM-1077
R9-13-110. TM-1077
R9-13-111. TM-1077
R9-13-112. TR-1077; TN-1077
R9-13-113. TR-1077; TN-1077
R9-13-114. TR-1077; TN-1077
R9-13-115. TR-1077; TN-1077
R9-13-116. TN-1077
R9-13-117. TN-1077
R9-13-118. TN-1077
R9-13-119. TN-1077

Health Services, Department of - Loan Repayment

R9-15-101. PM-667; EM-1274; TM-1998; PM-2025
R9-15-102. PN-667; EM-1274; TN-1998; PN-2025
R9-15-103. PN-667; EN-1274; TN-1998; PN-2025
R9-15-104. PN-667; EN-1274; TN-1998; PN-2025
R9-15-105. PN-667; EM-1274; TN-1998; PN-2025
R9-15-106. PN-667; EM-1274; TN-1998; PN-2025
R9-15-107. PN-667; EM-1274; TN-1998; PN-2025
R9-15-108. PN-667; EN-1274; TN-1998; PN-2025
R9-15-109. PN-667; EN-1274; TN-1998; PN-2025
R9-15-110. PN-667; EM-1274; TN-1998; PN-2025
R9-15-201. PR-667; P#-667; PM-667; EM-1274; TR-1998; T#-1998 TM-1998; PR-2025; P#-2025; PM-2025
R9-15-202. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
R9-15-203. P#-667; PM-667; E#-1274; EM-1274; T#-1998 TM-1998; P#-2025; PM-2025
R9-15-204. PM-667; E#-1274; EM-1274; TM-1998; PM-2025
R9-15-205. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
Table 2.1. PM-667; EM-1274; PM-2025
R9-15-206. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
R9-15-207. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
R9-15-208. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
R9-15-209. P#-667; PM-667; EM-1274; T#-1998; TM-1998; P#-2025; PM-2025
R9-15-210. P#-667; E#-1274; T#-1998; P#-2025
R9-15-211. PR-667; ER-1274; TR-1998; PR-2025
R9-15-212. PR-667; ER-1274; TR-1998; PR-2025
R9-15-213. PR-667; ER-1274; TR-1998; PR-2025
R9-15-214. PR-667; ER-1274; TR-1998; PR-2025
R9-15-215. PR-667; ER-1274; TR-1998; PR-2025
R9-15-301. PN-667; EM-1274; TN-1998; PN-2025
R9-15-302. PN-667; E#-1274; EM-1274; TN-1998; PN-2025
R9-15-303. PN-667; E#-1274; EM-1274; TN-1998; PN-2025
R9-15-304. PN-667; EN-1274; TN-1998; PN-2025

R9-15-305. PN-667; EN-1274; TN-1998; PN-2025
Table 3.1. PN-667; EN-1274; TN-1998; PN-2025
R9-15-306. PN-667; EN-1274; TN-1998; PN-2025
R9-15-307. PN-667; EN-1274; TN-1998; PN-2025

Health Services, Department of - Medical Marijuana Program

R9-17-101. PM-1093; FM-2396
R9-17-102. PM-1093; FM-2396
R9-17-104. PM-1093; FM-2396
R9-17-105. PM-1093; FM-2396
R9-17-107. PM-1093; FM-2396
Table 1.1. PM-1093; FM-2396
R9-17-109. PM-1093; FM-2396
R9-17-201. PM-1093; FM-2396
R9-17-202. PM-1093; FM-2396
R9-17-204. PM-1093; FM-2396
R9-17-305. PM-1093; FM-2396
R9-17-308. PM-1093; FM-2396
R9-17-309. PM-1093; FM-2396
R9-17-310. PM-1093; FM-2396
R9-17-313. PM-1093; FM-2396
R9-17-316. PM-1093; FM-2396
R9-17-317. PM-1093; FM-2396
R9-17-317.01. PM-1093; FM-2396
Table 3.1. PM-1093; FM-2396
R9-17-318. PM-1093; FM-2396
R9-17-321. PM-1093; FM-2396
R9-17-322. PM-1093; FM-2396
R9-17-323. PM-1093; FM-2396
R9-17-324. PM-1093; FM-2396
R9-17-402. PM-1093; FM-2396
R9-17-402.01. PM-1093; FM-2396
R9-17-404. PM-1093; FM-2396
R9-17-404.02. PM-1093; FM-2396
R9-17-404.03. PM-1093; FM-2396
R9-17-404.04. PM-1093; FM-2396
R9-17-404.05. PM-1093; FM-2396
R9-17-404.06. PM-1093; FM-2396
R9-17-404.07. PM-1093; FM-2396
R9-17-405. PM-1093; FM-2396
R9-17-406. PM-1093; FM-2396
R9-17-407. PM-1093; FM-2396
R9-17-408. PM-1093; FM-2396
R9-17-409. PM-1093; FM-2396
R9-17-410. PM-1093; FM-2396
R9-17-411. PM-1093; FM-2396S

Health Services, Department of - Occupational Licensing

R9-16-701. PEN-1395
R9-16-702. PEN-1395
R9-16-703. PEN-1395
R9-16-704. PEN-1395
R9-16-705. PEN-1395
R9-16-706. PEN-1395
Table 7.1. PEN-1395
R9-16-707. PEN-1395
R9-16-708. PEN-1395
R9-16-901. XN-803
R9-16-902. XN-803; PEM-1518; FEM-3431
R9-16-903. XN-803; PEM-1518; FEM-3431
R9-16-904. XN-803; PEM-1518; FEM-3431
R9-16-905. XN-803
R9-16-906. XN-803
R9-16-907. XN-803
Table 9.1. XN-803
R9-16-908. XN-803
R9-16-909. XN-803
R9-16-1001. TN-1405 PN-2515
R9-16-1002. TN-1405 PN-2515
R9-16-1003. TN-1405 PN-2515
R9-16-1004. TN-1405 PN-2515
R9-16-1005. TN-1405 PN-2515
Table 10.1. TN-1405 PN-2515
R9-16-1006. TN-1405 PN-2515
R9-16-1007. TN-1405 PN-2515

Health Services, Department of - Procurement Organizations

R9-9-402. TM-1342; PEM-1516; FEM-3429

Health Services, Department of - Radiation Control

R9-7-1438 . PEM-2523
R9-7-1438.01. PER-2523
R9-7-1439. PEM-2523
Appendix C. PEM-2523

Health Services, Department of - Tobacco-Related Programs

R9-2-101. TM-973; PEM-1782
R9-2-107. TM-973; PEM-1782
R9-2-110. TM-973; PEM-1782

Industrial Commission of Arizona

R20-5-502. FM-512
R20-5-504. FM-512
R20-5-505. FM-512
R20-5-506. FM-512
R20-5-507. FM-512
R20-5-508. FM-512
R20-5-509. FM-512
R20-5-510. FM-512
R20-5-511. FR-512
R20-5-513. FM-512
R20-5-514. FN-512
R20-5-515. FN-512
R20-5-1202. FM-607
R20-5-1210. FM-607
R20-5-1213. FM-607
Appendix A. FXR-2537; FXN-2537

Insurance and Financial Institutions, Department of - Financial Institutions Division

R20-4-201. PM-267; FM-1919
R20-4-202. PM-267; FM-1919
R20-4-206. PM-267; FM-1919
R20-4-207. PM-267; FM-1919

R20-4-209. PM-267; FM-1919
R20-4-211. PM-267; FM-1919
R20-4-214. PM-267; FM-1919
R20-4-215. PM-267; FM-1919
R20-4-401. PM-291; FM-1937
R20-4-503. PM-221; FM-1942
R20-4-508. PM-221; FM-1942
R20-4-518. PM-221; FM-1942
R20-4-519. PM-221; FM-1942
R20-4-524. PM-221; FM-1942
R20-4-534. PM-221; FM-1942
R20-4-602. PM-135; FM-1945
R20-4-603. PM-135; FM-1945
R20-4-604. PM-135; FM-1945
R20-4-607. PM-135; FM-1945
R20-4-611. PM-135; FM-1945
R20-4-612. PM-135; FM-1945
R20-4-701. PM-224; FM-1949
R20-4-702. PM-224; FM-1949
R20-4-703. PM-224; FM-1949
R20-4-704. PM-224; FM-1949
R20-4-708. PM-224; FM-1949
R20-4-801. PM-285; FM-1952
R20-4-805. PM-285; FM-1952
R20-4-806. PM-285; FM-1952
R20-4-807. PM-285; FM-1952
R20-4-808. PM-285; FM-1952
R20-4-809. PM-285; FM-1952
R20-4-810. PM-285; FM-1952
R20-4-811. PM-285; FM-1952
R20-4-812. PM-285; FM-1952
R20-4-813. PM-285; FM-1952
R20-4-814. PM-285; FM-1952
R20-4-815. PM-285; FM-1952
R20-4-816. PM-285; FM-1952
R20-4-1001. PM-291; FM-1937
R20-4-1101. PM-291; FM-1937
R20-4-1401. PM-138; FM-1958
R20-4-1403. PM-138; FM-1958
R20-4-1405. PM-138; FM-1958
R20-4-1501. PM-227; FM-1961
R20-4-1502. PM-227; FM-1961
R20-4-1503. PM-227; FM-1961
R20-4-1504. PM-227; FM-1961
R20-4-1505. PM-227; FM-1961
R20-4-1506. PM-227; FM-1961
R20-4-1507. PM-227; FM-1961
R20-4-1508. PM-227; FM-1961
R20-4-1509. PM-227; FM-1961
R20-4-1510. PM-227; FM-1961
R20-4-1511. PM-227; FM-1961
R20-4-1512. PM-227; FM-1961
R20-4-1513. PM-227; FM-1961
R20-4-1514. PM-227; FM-1961
R20-4-1515. PM-227; FM-1961
R20-4-1516. PM-227; FM-1961
R20-4-1518. PM-227; FM-1961
R20-4-1519. PM-227; FM-1961
R20-4-1520. PM-227; FM-1961
R20-4-1521. PM-227; FM-1961
R20-4-1601. PM-291; FM-1937
R20-4-1602. PM-291; FM-1937
R20-4-1701. PM-291; FM-1937
R20-4-1702. PM-291; FM-1937
R20-4-1704. PM-291; FM-1937
Appendix A. XR-2537
Appendix A. XN-2537

Insurance and Financial Institutions, Department of - Insurance Division

R20-6-205. PM-1173; FM-3621
R20-6-307. FM-739
R20-6-401. PM-1167; FM-3615
R20-6-405. PM-1167; FM-3615
R20-6-409. PM-1167; FM-3615
R20-6-604. PM-1173; FM-3621
R20-6-708. FM-612
R20-6-801. PM-1173; FM-3621
Table A. FM-612
R20-6-1003. PM-1173; FM-3621
Appendix B. PM-1173; FM-3621
R20-6-1101. PM-2371
R20-6-1407. PM-2374
R20-6-1408. PM-2374
R20-6-1409. PM-2374
Appendix A. PM-2374
Appendix B. PM-2374
Appendix C. PM-2374
Appendix D. PM-2374
Appendix E. PM-2374
Appendix F. PM-2374
Appendix G. PM-2374
R20-6-2002. PM-1173; FM-3621
R20-6-2401. PM-1173; FM-3621

Land Department, State

R12-5-101. PM-3569
R12-5-102. PM-3569
R12-5-104. PM-3569
R12-5-105. PM-3569
R12-5-106. PM-3569
R12-5-107. PM-3569
R12-5-110. PN-3569
R12-5-702. PM-3569
R12-5-703. PM-3569
R12-5-705. PM-3569
R12-5-801. PR-3569
R12-5-802. PR-3569
R12-5-904. PM-3569
R12-5-910. PR-3569
R12-5-1101. PM-3569

Livestock Loss Board, Arizona

R12-2-101. PN-637; PN-3473
R12-2-102. PN-637; PN-3473
R12-2-103. PN-637; PN-3473
R12-2-104. PN-637; PN-3473

Medical Board, Arizona

R4-16-401. FM-3684

Pharmacy, Board of

R4-23-101. PM-1499
R4-23-119. PM-1499
R4-23-201. PM-1499
R4-23-202. PM-1499
R4-23-203. PM-1499
R4-23-204. PM-829; FM-1655
R4-23-205. PM-1499
R4-23-301. PM-1499
R4-23-302. PM-1499
R4-23-303. PR-1499
R4-23-304. PR-1499
R4-23-305. PR-1499
R4-23-407.2. PN-829; FN-1655
R4-23-1104. PM-893; EM-1196; FM-2191
R4-23-1106. PM-893; EM-1196; FM-2191

Physicians Medical Board, Naturopathic

R4-18-101. PM-3667
R4-18-106. PM-3667
R4-18-108. PM-3667
R4-18-110. PM-3667
R4-18-111. PM-3667
R4-18-601. PM-991
R4-18-602. PM-991
R4-18-603. PM-991
R4-18-902. PM-1391
R4-18-903. PM-1391
R4-18-1001. PN-1391
R4-18-1002. PN-1391
R4-18-1003. PN-1391
R4-18-1004. PN-1391

Podiatry Examiners, Board of

R4-25-101. FM-1551
R4-25-103. FM-1551; PM-3513
R4-25-301. FM-1551
R4-25-302. FM-1551
R4-25-306. FM-1551
R4-25-602. FM-1551
R4-25-605. FM-1551
R4-25-701. FN-1551
R4-25-702. FN-1551

Public Safety, Department of - Criminal Identification Section

R13-1-101. PM-3383
R13-1-102. PM-3383
R13-1-103. PM-3383
R13-1-106. PM-3383
R13-1-107. PM-3383
Exhibit A. PM-3383
Exhibit B. PM-3383
R13-1-201. PM-3383

Racing Commission, Arizona

R19-2-101. PM-51
R19-2-102. PM-51
R19-2-103. PM-51
R19-2-104. PM-51
R19-2-105. PM-51
R19-2-106. PM-51
R19-2-107. PM-51
R19-2-108. PM-51
R19-2-109. PM-51
R19-2-110. PM-51
R19-2-111. PM-51
R19-2-112. PM-51
R19-2-113. PM-51
R19-2-114. PM-51
R19-2-115. PM-51
R19-2-116. PM-51
R19-2-117. PM-51
R19-2-118. PM-51
R19-2-119. PM-51
R19-2-120. PM-51
R19-2-121. PM-51
R19-2-122. PM-51
R19-2-123. PM-51
R19-2-124. PM-51
R19-2-124.01. PN-51
R19-2-125. PM-51
R19-2-126. PM-51
R19-2-201. PM-51
R19-2-202. PM-51
R19-2-204. PM-51
R19-2-205. PM-51
R19-2-401. PM-51
R19-2-402. PM-51
R19-2-403. PM-51
R19-2-404. PM-51
R19-2-405. PM-51
R19-2-406. PM-51
R19-2-407. PM-51
R19-2-408. PM-51
R19-2-409. PM-51
R19-2-410. PM-51
R19-2-411. PM-51
R19-2-412. PM-51
R19-2-413. PM-51
R19-2-414. PM-51
R19-2-415. PM-51
R19-2-416. PM-51
R19-2-417. PM-51
R19-2-418. PM-51
R19-2-419. PM-51
R19-2-420. PM-51
R19-2-501. PM-51
R19-2-502. PM-51
R19-2-503. PM-51
R19-2-504. PM-51
R19-2-505. PM-51
R19-2-506. PM-51
R19-2-507. PM-51
R19-2-508. PM-51
R19-2-509. PM-51
R19-2-510. PM-51
R19-2-511. PM-51
R19-2-512. PM-51
R19-2-513. PM-51
R19-2-514. PM-51
R19-2-515. PM-51
R19-2-516. PM-51
R19-2-517. PM-51
R19-2-518. PM-51
R19-2-519. PM-51
R19-2-520. PM-51
R19-2-523. PM-51
Table 1. PM-51
Table 2. PM-51
Table 3. PM-51
Table 4. PM-51
Table 5. PM-51
Table 6. PM-51
Table 7. PM-51

School Facilities, Division of

R7-1-101. FN-509
R7-1-201. FN-509

State Retirement System, Arizona

R2-8-117. PM-1761
R2-8-118. PM-1763
R2-8-125. PM-1766
R2-8-126. PM-1768
R2-8-133. PM-1768
R2-8-205. PM-1775
R2-8-207. PM-1775
R2-8-1001. PM-1778
R2-8-1003. PM-1778
R2-8-1004. PM-1778

Technical Registration, Board of

R4-30-102. PM-1361; SPM-3674
R4-30-201. SPM-3674
R4-30-202. SPM-3674
R4-30-204. SPM-3674
R4-30-247. PM-1361; SPM-3674
R4-30-301. SPM-3674
R4-30-301.01. PM-1361; SPM-3674

Water Resources, Department of

R12-15-102. PEM-1191; PEM-3478
R12-15-103. PEM-1191; PEM-3478

R12-15-104.	PEM-1191; PEM-3478

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 48 OF VOLUME 29.

Docket Opening, Notices of Rulemaking

Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; p. 2000
Agriculture, Department of - Environmental Services Division; 3 A.A.C. 3; pp. 875, 2167
Barbering and Cosmetology Board; 4 A.A.C. 10; pp. 1896-1897
Child Safety, Department of - Child Welfare Agency Licensing; 21 A.A.C. 7; pp. 201-202
Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 249, 1150
Corporation Commission - Transportation; 14 A.A.C. 5; p. 2170
Criminal Justice Commission, Arizona; 10 A.A.C. 4; p. 1524
Deaf and the Hard of Hearing, Commission for the; 9 A.A.C. 26; p. 3587
Dental Examiners, State Board of; 4 A.A.C. 11; pp. 1406-1407
Environmental Quality, Department of - Administration; 18 A.A.C. 1; pp. 1005, 1343
Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 199, 1477, 1478, 2209-2210
Environmental Quality, Department of - Emergency Planning and Hazardous Materials; 18 A.A.C. 18; p. 3444
Environmental Quality, Department of - Environmental Reviews and Certification; 18 A.A.C. 5; pp. 876, 1005
Environmental Quality, Department of - Permits and Compliance Fees; 18 A.A.C. 14; p. 938, 1007
Environmental Quality, Department of - Pesticides and Water Pollution Control; 18 A.A.C. 6; p. 877
Environmental Quality, Department of - Remedial Action; 18 A.A.C. 7; p. 3443
Environmental Quality, Department of - Solid Waste Management; 18 A.A.C. 13; pp. 1344, 3537
Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; p. 1006
Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; pp. 878, 1007, 1478, 1675-1676
Game and Fish Commission; 12 A.A.C. 4; pp. 23-24, 876
Health Care Cost Containment System, Arizona (AHCCCS) - Administration; 9 A.A.C. 22; pp. 22, 1635-1637, 3693
Health Care Cost Containment System, Arizona (AHCCCS) - Arizona Long-term Care System; 9 A.A.C. 28; p. 3694
Health Care Cost Containment System, Arizona (AHCCCS) - Children's Health Insurance Program; 9 A.A.C. 31; pp. 23, 3694
Health Services, Department of - Child Care Facilities; 9 A.A.C. 5; p. 1366
Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; pp. 618, 1367, 1581
Health Services, Department of - Court-ordered Program Approvals; 9 A.A.C. 20; p. 619
Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; pp. 620, 709, 1897-1898
Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; pp. 2169-2170, 2490
Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 2273-2274
Health Services, Department of - Health Programs Services; 9 A.A.C. 13; p. 1369
Health Services, Department of - Loan Repayment; 9 A.A.C. 15; pp. 2001-2002
Health Services, Department of - Procurement Organizations; 9 A.A.C. 9; pp. 1368, 3639
Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 1202, 1370, 2348
Health Services, Department of - Radiation Control; 9 A.A.C. 7; pp. 2168, 3586
Health Services, Department of - Tobacco-related Programs; 9 A.A.C. 2; pp. 1476-1477
Health Services, Department of - Vital Records and Statistics; 9 A.A.C. 19; pp. 2491-2492
Insurance and Financial Institutions, Department of - Financial Institutions Division; 20 A.A.C. 4; pp. 200-201, 249-252, 423-426
Insurance and Financial Institutions, Department of - Insurance Division; 20 A.A.C. 6; pp. 1203-1204, 2492-2493
Land Department, State; 12 A.A.C. 5; p. 3588
Livestock Loss Board, Arizona; 12 A.A.C. 2; pp. 652, 3490
Pharmacy, Department of; 4 A.A.C. 23; pp. 833, 937, 1523
Physicians Medical Board, Naturopathic; 4 A.A.C. 18, pp. 810-811, 3638
Podiatry Examiners, Board of; 4 A.A.C. 25; p. 3536
Public Safety, Department of - Criminal Identification Section; 13 A.A.C. 1; pp. 1582-1583
State Retirement System, Arizona; pp. 1787-1790
Technical Registration, Board of; 4 A.A.C. 30; p. 422

Formal Rulemaking Advisory Committee, Notices of

Agriculture, Department of; 3 A.A.C. 3; p. 3589

Governor's Office

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 435-436, 631-632, 752, 949-950, 1088, 1492-

1493, 1691-1692, 1912-1913, 2291-2292, 3466-3467, 3662, 3717-3718

Ombudsman, Notices of Agency

Child Safety, Department of; p. 3593
Dental Examiners, State Board of; p. 254
Osteopathic Examiners in Medicine and Surgery, Board of; p. 253
Public Safety, Department of; p. 3643
Real Estate Department, State; p. 427
State Retirement System, Arizona; p. 553
Transportation, Department of; p. 253-254

Public Information, Notices of

Agriculture, Department of - Plant Services Division; p. 2003
Dental Examiners, State Board of; p. 1975
Environmental Quality, Department of - Pesticides and Water Pollution Control; pp. 1408-1410
Environmental Quality, Department of - Safe Drinking Water; pp. 787-788, 2003-2004
Environmental Quality, Department of - Water Quality Assurance Revolving Fund; p. 788
Game and Fish Commission; pp. 519, 711-713, 974-975, 1742-1743
Governor, Office of the; pp. 1205, 1677, 1974, 3448
Health Care Cost Containment System, Arizona (AHCCCS) - Administration; pp. 203-207
Health Services, Department of - Adult-Use Marijuana Program; p. 2171
Health Services, Department of - Group Homes for Individuals with a Developmental Disability; p. 3538
Physicians Medical Board, Naturopathic; p. 1311

Substantive Policy Statement, Notices of

Accountancy, Board of; p. 834
Agriculture, Department of; p. 3592
Corporation Commission, Arizona; pp. 3445-3446, 3590-3592, 3640-3642, 3696-3698
Environmental Quality, Department of; pp. 621, 812-813, 3447
Health Care Cost Containment System, Arizona - Administration; pp. 1525-1531
Health Services, Department of; p. 813
Historic Preservation Office, State; p. 2494
Peace Officer Standards and Training Board, Arizona; p. 593
Pharmacy, Board of; p. 1584
Physicians Medical Board, Naturopathic; p. 814

RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		**February**		**March**		**April**		**May**		**June**	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		**August**		**September**		**October**		**November**		**December**	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date Friday, 5:00 p.m. *(*earlier date due to holiday)*	***Register* Publication Date**	**Oral Proceeding may be scheduled on or after**
October 20, 2023	November 10, 2023	December 11, 2023
October 27, 2023	November 17, 2023	December 18, 2023
November 3, 2023	November 24, 2023	December 26, 2023
*November 9, 2023	December 1, 2023	January 2, 2024
November 17, 2023	December 8, 2023	January 8, 2024
November 24, 2023	December 15, 2023	January 16, 2024
December 1, 2023	December 22, 2023	January 22, 2024
December 8, 2023	December 29, 2023	January 29, 2024
December 15, 2023	January 5, 2024	February 5, 2024
December 22, 2023	January 12, 2024	February 12, 2024
December 29, 2023	January 19, 2024	February 20, 2024
January 5, 2024	January 26, 2024	February 26, 2024
January 12, 2024	February 2, 2024	March 4, 2024
January 19, 2024	February 9, 2024	March 11, 2024
January 26, 2024	February 16, 2024	March 18, 2024
February 2, 2024	February 23, 2024	March 25, 2024
February 9, 2024	March 1, 2024	April 1, 2024
February 16, 2024	March 8, 2024	April 8, 2024
February 23, 2024	March 15, 2024	April 15, 2024
March 1, 2024	March 22, 2024	April 22, 2024
March 8, 2024	March 29, 2024	April 29, 2024
March 15, 2024	April 5, 2024	May 6, 2024
March 22, 2024	April 12, 2024	May 13, 2024
March 29, 2024	April 19, 2024	May 20, 2024
April 5, 2024	April 26, 2024	May 28, 2024
April 12, 2024	May 3, 2024	June 3, 2024
April 19, 2024	May 10, 2024	June 10, 2024
April 26, 2024	May 17, 2024	June 17, 2024
May 3, 2024	May 24, 2024	June 24, 2024

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit https://grrc.az.gov.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2023/2024

(MEETING DATES ARE SUBJECT TO CHANGE)

[M22-60/M23-49]

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday October 24, 2023	*Tuesday* November 21, 2023	*Tuesday* November 28, 2023	*Tuesday* December 5, 2023
Tuesday November 21, 2023	*Tuesday* December 19, 2023	***Wednesday*** December 27, 2023	*Tuesday* January 2, 2024
Tuesday December 19, 2023	*Tuesday* January 23, 2024	*Tuesday* January 30, 2024	*Tuesday* February 6, 2024
Tuesday January 23, 2024	*Tuesday* February 20, 2024	*Tuesday* February 27, 2024	*Tuesday* March 5, 2024
Tuesday February 20, 2024	*Tuesday* March 19, 2024	*Tuesday* March 26, 2024	*Tuesday* April 2, 2024
Tuesday March 19, 2024	*Tuesday* April 23, 2024	*Tuesday* April 30, 2024	*Tuesday* May 7, 2024
Tuesday April 23, 2024	*Tuesday* May 21, 2024	***Wednesday*** May 29, 2024	*Tuesday* June 4, 2024
Tuesday May 21, 2024	*Tuesday* June 18, 2024	*Tuesday* June 25, 2024	*Tuesday* July 2, 2024
Tuesday June 18, 2024	*Tuesday* July 23, 2024	*Tuesday* July 30, 2024	*Tuesday* August 6, 2024
Tuesday July 23, 2024	*Tuesday* August 20, 2024	*Tuesday* August 27, 2024	***Wednesday*** September 4, 2024
Tuesday August 20, 2024	*Tuesday* September 17, 2024	*Tuesday* September 24, 2024	*Tuesday* October 1, 2024
Tuesday September 17, 2024	*Tuesday* October 22, 2024	*Tuesday* October 29, 2024	*Tuesday* November 5, 2024
Tuesday October 22, 2024	*Tuesday* November 19, 2024	*Tuesday* November 26, 2024	*Tuesday* December 3, 2024
Tuesday November 19, 2024	*Tuesday* December 24, 2024	*Tuesday* December 31, 2024	*Tuesday* January 7, 2025
Tuesday December 24, 2024	*Tuesday* January 21, 2025	*Tuesday* January 28, 2025	*Tuesday* February 4, 2025