Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

The table of contents on page one contains links to the referenced page numbers in this Chapter.

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the Arizona Administrative Register.

This Chapter contains rules that were filed to be recodified in the Arizona Administrative Code between the dates of July 1, 2021 through September 30, 2021.

<table>
<thead>
<tr>
<th>Recodified</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>R8-2-601</td>
<td>10</td>
</tr>
<tr>
<td>R8-2-602</td>
<td>10</td>
</tr>
<tr>
<td>R8-2-603</td>
<td>10</td>
</tr>
<tr>
<td>R8-2-604</td>
<td>10</td>
</tr>
<tr>
<td>R8-2-605</td>
<td>10</td>
</tr>
</tbody>
</table>

Questions about the recodification?

Contact:

Department: Department of Environmental Quality
Waste Program Division
Address: 1110 W. Washington St
Phoenix, AZ 85007
Website: https://azdeq.gov/waste-programs-division
Name: Mark Lewandowski
Telephone: (602) 771-2230
Fax: (602) 771-4272
Email: lewandowski.mark@azdeq.gov

The release of this Chapter in Supp. 21-3 replaces Supp. 15-4, 1-12 pages
Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES
The definition for a rule is provided for under A.R.S. § 41-1001. "Rule" means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency."

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.

The Code is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The "R" stands for "rule" with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR
At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing Chapters using these paper colors.

PERSONAL USE/COMMERCIAL USE
This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.
CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS - DIVISION OF EMERGENCY MANAGEMENT

ARTICLE 1. SEARCH AND RESCUE

Section
R8-2-101. Definitions ........................................................... 3
R8-2-102. Support of Search and Rescue Operations .......... 3
R8-2-103. Reimbursement to County Governments .......... 3
R8-2-104. Reimbursement to a Department or Agency of the State .................................................. 4
R8-2-105. Claimant Procedures and Supporting Documentation ..................................................... 4
R8-2-106. Repealed ................................................................. 4
R8-2-107. Repealed ................................................................. 5

ARTICLE 2. REPEALED

Article 2, consisting of Sections R8-2-18 through R8-2-22, repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2002 now the permanent effective date (Supp. 02-2).

Section
R8-2-18. Repealed ................................................................. 5
R8-2-19. Repealed ................................................................. 5
R8-2-20. Repealed ................................................................. 5
R8-2-21. Repealed ................................................................. 5
R8-2-22. Repealed ................................................................. 5

ARTICLE 3. GOVERNOR'S EMERGENCY FUND

Article 3, consisting of Sections R8-2-301 through R8-2-330, adopted effective September 18, 1996 (Supp. 96-3).

Article 3, consisting of Sections R8-2-33 through R8-2-39, adopted effective September 18, 1996 (Supp. 96-3).


Former Article 3, consisting of Sections R8-2-33 through R8-2-38, repealed effective June 11, 1980.

Section
R8-2-33. Repealed ................................................................. 5
R8-2-34. Repealed ................................................................. 5
R8-2-35. Repealed ................................................................. 5
R8-2-36. Repealed ................................................................. 5
R8-2-37. Repealed ................................................................. 5
R8-2-38. Repealed ................................................................. 5
R8-2-39. Repealed ................................................................. 5
R8-2-301. Definitions ........................................................... 5
R8-2-302. Applications for Emergency Assistance .......... 6
R8-2-303. Contents of an Application ................................. 6
R8-2-304. Application by a Political Subdivision .......... 6
R8-2-305. Application by a State Agency ....................... 6
R8-2-306. Action on an Application .................................. 6
R8-2-307. Proclamation File Number ................................. 7
R8-2-308. Limitation of Fund Expenditure ......................... 7

R8-2-309. Time Limit for Filing Claims ................................. 7
R8-2-310. Retention of Records ............................................. 7
R8-2-311. Establishment of the Incident Period and Termination of the Proclamation .......................... 7
R8-2-312. Duplication of Benefits ......................................... 7
R8-2-313. Allowable Claims Against the Fund .................. 7
R8-2-314. Mitigation of Future Damages or Improvements by the Applicant ........................................... 8
R8-2-315. Advance of Funds .................................................. 9
R8-2-316. Final Inspection and Audit .................................... 9
R8-2-317. Procurement Requirements ................................. 9
R8-2-318. Inspection and Audit of Contract Provisions ....... 9
R8-2-319. Overpayment ....................................................... 9
R8-2-320. Appeal of the Director's Decision ......................... 9
R8-2-321. Repealed ................................................................. 9

ARTICLE 4. REPEALED

Article 4, consisting of Section R8-2-41, repealed effective November 16, 1988.

Article 4, consisting of Section R8-2-41, repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

Article 4, consisting of Section R8-2-41, adopted effective April 2, 1985.

Former Article 4, consisting of Section R8-2-41, repealed effective April 2, 1985.

R8-2-41. Repealed ................................................................. 9

ARTICLE 5. EMERGENCY EXPIRED

Section
R8-2-51. Emergency Expired ............................................... 9
R8-2-52. Emergency Expired ............................................... 9
R8-2-53. Emergency Expired ............................................... 9
R8-2-54. Emergency Expired ............................................... 10

ARTICLE 6. RECODIFIED AND REPEALED

Article 6, consisting of Sections R8-2-601 through R8-2-605, recodified to Sections R18-18-201 through R18-18-205, at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

Section
R8-2-601. Recodified .......................................................... 10
R8-2-602. Recodified .......................................................... 10
R8-2-603. Recodified .......................................................... 10
R8-2-604. Recodified .......................................................... 10
R8-2-605. Recodified .......................................................... 10
R8-2-606. Repealed ............................................................ 10
R8-2-607. Repealed ............................................................ 10
R8-2-608. Repealed ............................................................ 10
R8-2-609. Repealed ............................................................ 10
R8-2-610. Repealed ............................................................ 10
R8-2-611. Repealed ............................................................ 10
R8-2-612. Repealed ............................................................ 10

ARTICLE 7. REGISTRATION OF EMERGENCY WORKERS

Article 7, consisting of Sections R8-2-701 through R8-2-704, made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).
CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS - DIVISION OF EMERGENCY MANAGEMENT

ARTICLE 1. SEARCH AND RESCUE

R8-2-101. Definitions
In this Article, for purposes of these rules, and unless the text requires otherwise:

1. “Claim” means documentation of eligible expenses associated with the conduct of a search and rescue mission.
2. “Claimant” means a department of the state or a political subdivision eligible to receive state reimbursement for search or rescue operations.
3. “Emergency Operations Center for Search and Rescue” means the State Emergency Operations Center provides coordination, communications, administrative and support assistance. The center is located in the offices of the State Division of Emergency Management.
4. “Mission” means any action required to accomplish that portion of Title 26, Arizona Revised Statutes, relating to the preparation for and conduct of search and rescue operations.
5. “Mission coordinator” means the county sheriff, or sheriff’s designee, excluding federal reservations, where agreements are nonexistent.
6. “Mission identifier” means a number assigned by the State Division of Emergency Management to identify a search and rescue mission.
7. “On-scene coordinator” means the individual Search and Rescue (SAR) Coordinator designated by the sheriff as the on-scene person in charge of a particular search and rescue mission.
8. “Political subdivision” means, within the context of this Article, a county sheriff.
9. “Recovery” means to relocate, under direction of the statutory authority, a deceased person from the site of his demise to an appropriate location.
10. “Reimbursement” means the payment of state funds in accordance with A.R.S. § 35-192.01(A) and (B).
11. “Rescue” means to render aid, under the direction of the county sheriff, to persons whose life or health is threatened by circumstances beyond their control and return them to a place of safety.
12. “Search” means to seek out and locate, by the use of air, surface, and/or subsurface equipment and qualified registered personnel, live persons known or thought to be, by the county sheriff, in a distress situation and unable to reach a place of safety by their own efforts.

Historical Note

R8-2-102. Support of Search and Rescue Operations
A. The Director of the Division of Emergency Management, in accordance with A.R.S. Title 26, is responsible for supporting search or rescue operations of the state, coordinating the use of state resources or the resources of one or more political subdivisions in support of any other political subdivision in the conduct of search and rescue operations and for providing the services of a state search or rescue coordinator.
B. The Division of Emergency Management shall coordinate activities to include the following:
1. Mission identifiers for search and rescue operations. Authorized county sheriff search and rescue coordinators may obtain Mission Numbers through the Division of Emergency Management’s Search and Rescue (SAR) data collection system.
2. State government personnel and/or equipment, including the Arizona National Guard.
3. United States military personnel and/or equipment.
4. Resources not readily available locally.
5. Resources to support responsible authorities on federal reservations.
6. Specialized personnel and/or equipment from other states.
7. Reimbursement of eligible claims.
8. Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activities, claiming reimbursement of eligible expenses and similar administrative matters.

Historical Note
CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS - DIVISION OF EMERGENCY MANAGEMENT

A. Expenses incurred, resulting from participation in search and rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within 60 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
   a. Salaries or wages of employees directly engaged in search or rescue work.
   b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
   c. Overtime pay for eligible regular employees.
   d. Communications charges directly related to search or rescue operations.
   e. Travel directly related to search or rescue operations.
   f. Reimbursement of recovery expenses should the subject of an eligible search and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Management.
   g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search and rescue mission.
   h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. Sole source providers will be considered. The prior approval of the Director, Division of Emergency Management is required.
   i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
   j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate pre-mission condition.

2. Ineligible:
   a. Salaries or wages of elected or appointed officials.
   b. Salaries or wages of elected or appointed officials, and employees ineligible for overtime pay,
   c. Office supplies and equipment,
   d. Rental of administrative office space,
   e. Purchase of equipment or facilities,
   f. Cost of items of personal wearing apparel,
   g. Firearms.

B. The eligibility of other expenses shall be determined by the Director, Division of Emergency Management, within the scope of this guidance, on a case-by-case basis.

Historical Note
Former Rule Part 5; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-04 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4).

R8-2-104. Reimbursement to a Department or Agency of the State

A. Expenses incurred, resulting from participation in search and rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within 60 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
   a. Salaries or wages of employees directly engaged in search or rescue work.
   b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
   c. Overtime pay for eligible regular employees.
   d. Communications charges directly related to search or rescue operations.
   e. Travel directly related to search or rescue operations.
   f. Reimbursement of recovery expenses should the subject of an eligible search and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Management.
   g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search and rescue mission.
   h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. Sole source providers will be considered. The prior approval of the Director, Division of Emergency Management is required.
   i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
   j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate pre-mission condition.

2. Ineligible:
   a. Salaries or wages of elected or appointed officials.
   b. Office supplies and equipment,
   c. Rental of administrative office space,
   d. Costs of items of personal apparel,
   e. Firearms.

B. The eligibility of other expenses shall be determined by the Director, Division of Emergency Management, within the scope of this guidance, on a case-by-case basis.

Historical Note
Former Rule Part 6; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-04 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4).

R8-2-105. Claimant Procedures and Supporting Documentation

A. Claims for reimbursement require certification by competent authority. Certification must include:

1. The name of the agency.
2. The date of the claim and the search and rescue mission identifier.
3. The name of each payee and the date the claimant paid each.
4. The item or service for which each payee received payment.
5. The amount paid each payee.
6. A statement that the documents supporting the claim are available in the claimant agency for review by the State Auditor General and/or the auditor from the Division of Emergency Management.
7. The signature of the individual authorized to file claims for the claimant agency.

B. The amounts claimed for reimbursement from the Governor’s Emergency Fund must be based on eligible expenditures for a search and rescue mission to which a mission identifier has been assigned.

C. Appropriate documents, as prescribed by the Director, Division of Emergency Management, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Auditor from the Division of Emergency Management. These documents shall be retained following the reimbursement of a claim in accordance with retention schedules established by the Arizona State Library, Archives and Public Records pursuant to A.R.S. § 41-151 et seq.

Historical Note

R8-2-106. Repealed

Historical Note
Former Rule Part 8; Amended subsection (A) effective June 30, 1986 (Supp. 86-3). Repealed effective March 7, 1990 (Supp. 90-1).
CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS - DIVISION OF EMERGENCY MANAGEMENT

R8-2-18. Repealed

Historical Note
Former rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

ARTICLE 2. REPEALED

Article 2, consisting of Sections R8-2-18 through R8-2-22, repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-21. Repealed

Historical Note
Former Rule Part 4; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-22. Repealed

Historical Note
Former Rule Part 5; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

ARTICLE 3. GOVERNOR’S EMERGENCY FUND

R8-2-33. Repealed

Historical Note
Former Rules 1 and 2; Former Section R8-2-33 repealed, new Section R8-2-33 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).
R8-2-302. Applications for Emergency Assistance

A. An applicant shall act for the purpose of this Article through its chief executive officer or body, or the applicant's authorized representative.

B. An applicant shall use forms that are available on the Division's website.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-303. Contents of an Application

A. An applicant shall set forth in an application the cause, location, and beginning date of the emergency, a description of the damage caused by the emergency and potential health hazards arising from the emergency, the costs incurred for emergency response, and an estimate of the number of people affected by the emergency and costs for recovery.

B. Before submitting an application to the Director, the applicant shall use its available resources to respond to the emergency and request assistance from other political subdivisions that might respond to the emergency.

C. The “emergency” must also be clearly demonstrated to be above and beyond the jurisdiction’s ability to recover from without state assistance. Examples as to how to demonstrate this element would be: use of mutual aid, documenting multiple events, lack of physical or personnel resources, depleted contingency funds or redirection of operating funds; which must be attested to in writing by the jurisdiction’s chief financial officer.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-304. Application by a Political Subdivision

A. A county shall issue an emergency resolution before submitting an application to the Director.

B. A political subdivision other than a county shall submit an emergency resolution to the county and request that, if necessary, the county issue an emergency resolution and make application to the Director. If the county fails to issue an emergency resolution expeditiously, a political subdivision may apply directly to the Director for assistance.

C. A political subdivision shall submit an application to the Director using the most expeditious means.

D. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the political subdivision shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-305. Application by a State Agency

A. An applicant that is a state agency shall submit an application directly to the Director using the most expeditious means.

B. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the state agency shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
amount set forth in the Governor’s proclamation, unless such amount is authorized pursuant to R8-2-308.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-307. Proclamation File Number
A. The Division shall assign a file number to each emergency that is the subject of a proclamation.
B. All correspondence regarding an emergency to which a file number is assigned shall reference the file number.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-308. Limitation of Fund Expenditure
Expenditure from the fund, as a result of a particular proclamation, shall not exceed the amount authorized in the proclamation unless an additional amount is authorized by the Governor’s Emergency Council as prescribed in A.R.S. § 35-192.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-309. Time Limit for Filing Claims
A. Following the Governor’s proclamation reasonable work completion time limits shall be established by the Division. If the applicant feels, an extension of time is needed to complete work and submit claims arising from an emergency, a request for time extension, stating good cause for request, shall be submitted to the Division prior to identified time limit. If it is determined that good cause exists, an extension of time will be granted and the applicant will be notified of the decision in writing. Time limits are as follows:
B. Six months for temporary measures and emergency work and 12 months for permanent measures. If no effort has been made to begin work within this timeline, the project can be cancelled and funding withdrawn. If work has begun, a request for time extension should be submitted, as per subsection (A), and needs to include a timeline for project completion. A second extension request will be considered if there are extenuating circumstances outside the applicant’s ability to control and/or work is near completion.
C. All damages attributed to a declared disaster must be identified by the eligible applicant within 60 days of the date of the Governor’s Declaration. A final list of projects will be documented for concurrence and signature by both the applicant and a Division representative at the end of that 60 day period. Any damages identified after the 60 days will not be considered for reimbursement under the declared event.
D. All required information pertaining to the accurate development, review and approval of Project Worksheets identified under subsection (B) must be provided to the Division by the eligible applicant within six months from the date of declaration. Any information not received within that time-frame will not be considered as eligible costs reimbursable under the declared event; with the exception of hidden damages discovered after construction begins.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-310. Retention of Records
The applicant shall maintain for three years all records relating to claims submitted by the applicant in accordance with A.R.S. § 41-151 and shall make the records available for inspection and audit by the Department auditor and the auditor general.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-311. Establishment of the Incident Period and Termination of the Proclamation
A. The Director shall recommend to the Governor, for inclusion in the Governor’s proclamation, the beginning and ending dates of the incident period. If the Director determines that the incident period has a beginning or ending date different from that stated in the proclamation, the Director shall recommend to the Governor that the proclamation be amended to reflect the correct dates.
B. At the Director’s recommendation, the Governor shall terminate the proclamation when the following occur:
1. The recovery work is complete,
2. The Division completes a final inspection of all work for which the applicant submits a claim,
3. The applicant submits a claim to the Director for all work which the applicant seeks reimbursement,
4. The Division pays all authorized claims,
5. The required audits are complete, and
6. The applicant receives amount due or pays amount owed.
C. After the audit and final payment of all eligible applicant’s claims, the Governor shall issue a termination proclamation.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-312. Duplication of Benefits
A. The state is not liable for any claim arising from an emergency for which the applicant receives funds from another source.
B. The state is not liable for any claim arising from an emergency unless the applicant applies for and is denied funding from other available sources before submitting the claim to the state.
C. If an applicant is within the Designated Disaster area of a Presidential Major Disaster Declaration, the state is not liable for any claim deemed ineligible by the Federal Emergency Management Agency (FEMA) under a Presidential Major Disaster Declaration. Claims denied by FEMA will not be considered eligible under the corresponding State Declaration unless otherwise outlined under R8-2-313(B).
D. If the Director or an applicant determines that the applicant received duplicate funds for a claim from the state and from another source, the applicant shall refund the amount received from the state within 60 days of written notification.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-313. Allowable Claims Against the Fund
A. The Director shall allow expenditures from the fund for a claim arising from an emergency only if:
1. The amount claimed is a direct result of response or recovery operations to the emergency,
2. The applicant is legally and financially responsible for providing response or recovery operations in the emergency;
3. The facility is other than a residential structure, and
4. The amount claimed is authorized under the provisions of subsection (B) or (D).
5. Once remediation is complete, projects will comply with appropriate state or federal environmental requirements, building, safety or other appropriate regulatory requirements.

B. The Director shall allow the following costs to be paid as claims against the fund:
1. Overtime salaries or wages and benefits of the applicant’s budgeted personnel directly engaged in eligible emergency work;
2. Salaries or wages and benefits of the applicant’s budgeted personnel directly engaged in eligible permanent work;
3. Salaries or wages and benefits of non-budgeted employees directly engaged in eligible emergency or permanent work;
4. Communication costs directly related to the emergency and directly requested by an eligible applicant;
5. Travel and per diem costs directly related to the emergency for personnel requested by an eligible applicant;
6. Materials and supplies consumed directly requested by an eligible applicant, except those listed under subsection (C)(2);
7. Rental of privately owned equipment at documented contractual rates directly requested by an eligible applicant;
8. Contributions toward the purchase of equipment if the necessary equipment is not available from federal, state, or local sources, and if the contribution does not exceed the cost of renting the item at prevailing local rates. Contribution will be reduced by the fair market value when the item is no longer needed for the declared disaster;
9. Owning and operating the applicant’s equipment using rates established by the applicant or FEMA, whichever is less;
10. Work performed by private contractors. Contracts must be of reasonable cost and competitively bid and adhere to all jurisdictional procurement procedures. Jurisdictions may not enter into contracts with any private entity that has been debarred or suspended. Emergency Procurement, as defined in A.A.C. R2-7-E302, means “any condition creating an immediate and serious need for materials, services, or construction in which the state’s best interests are not met through the use of other source-selection methods. The condition must seriously threaten the functioning of state government, the preservation or protection of property, or the health or safety of a person”. Any procurement need that does not meet this definition would require following standard procurement process/procedures.
11. Work performed under a mutual-aid agreement between local governments or between a local government and a state agency is eligible for reimbursement by the requesting agency. The providing entity shall submit documented costs to the requesting agency for reimbursement. Eligible work must be paid to the responding jurisdiction by the requesting jurisdiction, and the requesting jurisdiction is then eligible for a cost-share reimbursement by the State; and
12. Prison labor including amounts paid to prisoners in accordance with established rates, guards (required number based on guard/prisoner ratio) and costs of transporting and feeding prisoners.

C. The Director shall not allow the following costs to be paid as claims against the fund:
1. Salaries or wages and benefits of elected or appointed officials responsible for directing governmental activities;
2. Administrative Costs, office supplies and equipment;
3. Rental of administrative office space;
4. Depreciation, insurance, storage, and similar fixed overhead costs;
5. Repairs and fuel for privately owned rented equipment, except where the rental agreement provides that the applicant will be responsible for repairs and fuel in addition to the rental fee;
6. Work performed under agreement between a state agency or local government and a federal agency where the work is paid for by federal funds;
7. Costs incurred under contracts based on cost plus a percentage of costs, unless the Director determines that the performance of immediate emergency work would be unduly delayed and would likely result in an imminent hazard to health or safety, in which case the Director may authorize an exception; and
8. Prison labor costs for lodging.

D. To submit a claim for a cost that cannot be classified under subsection (B), an applicant shall make a written request to the Director for an exception. The Director shall grant a request for an exception if the request explains the nature of the exception justifies why it is needed, and meets all other program guidelines as outlined in R8-2-301 through R8-2-320. The Director shall immediately inform the applicant in writing of the decision to grant or deny the request for an exception.

E. When a facility damaged as a result of an emergency is repaired or replaced, the Director shall allow only the costs required to return the facility to the condition it was before the emergency, incorporating current standards and design requirements.

Historical Note
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

R8-2-314. Mitigation of Future Damages or Improvements by the Applicant
A. The applicant shall comply with any mitigation requirements specified by the Director for repair or replacement projects subject to repeated damage from flooding or other threats to life or property.
B. The applicant shall identify and request cost effective mitigation opportunities for the damaged element of the facility that would mitigate future impact from a similar event.
C. With approval by the Director, the applicant may restore pre-disaster function and make improvements for which the applicant is financially responsible. Claims against the Fund are limited to the State share for the project estimate for the repairs.
necessary to return the facility to the condition it was before the emergency. A written request for improvements is to be submitted as soon as possible following receipt of approved project which will include a statement recognizing financial responsibility for the improvements.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

**R8-2-315. Advance of Funds**
All requests for an advance of funds must be made in writing and shall be signed by the applicant's authorized representative and forwarded to the Director. The Director shall assess a request for an advance to determine whether the request is reasonable and for eligible work that has been completed. The Director shall grant a request for an advance for work not completed only if an applicant has demonstrated that the work cannot be completed without an advance. The amount of an advance will be based upon damage assessment, eligible expenditures to date and the estimated eligible expenditures for the next 60-day period.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

**R8-2-316. Final Inspection and Audit**
Upon completion of all work by an applicant, the Division shall inspect all the work that the applicant claims. The applicant shall provide the Division with access to all claimed work and shall permit review of all records relating to the work. After completion of the final inspection, the Department’s chief auditor shall conduct an audit of the applicant's claims. The Director shall use this audit to determine the eligibility of claimed costs and final payment due to the applicant or overpayment due to the Division.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

**R8-2-317. Procurement Requirements**
The Director shall not allow a claim arising from a procurement unless the applicant complies with the Arizona procurement laws set forth in A.R.S. § 41-2501, et seq., and A.A.C. R2-7-101 et seq.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-318. Inspection and Audit of Contract Provisions**
If a contract or subcontract for the furnishing of goods, equipment, labor, materials, or services to the applicant may result in a claim, the applicant shall include in the contract or subcontract a provision that all books, accounts, reports, and other records relating to the contract or subcontract shall be subject to inspection and audit by the state for five years after completion of the contract or subcontract.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-319. Overpayment**
A. If the Director determines that an applicant is required to refund an overpayment, as demonstrated by the audit outlined in R8-2-316, the Director shall provide the applicant written notice of the amount owed. The applicant shall reimburse the Division within two months of the date of notification.
B. An applicant may request a review, as set forth in R8-2-320, of a determination under subsection (A) that an amount must be refunded. If the review results in a decision that the applicant is required to reimburse the Division, the applicant shall refund the amount required within two months of the decision.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

**R8-2-320. Appeal of the Director’s Decision**
A. Any party aggrieved by a decision rendered by the Director may appeal the decision, in writing, not later than 15 days after receipt of notice of the Director’s decision.
B. When an appeal is filed, the Director shall contact the Office of Administrative Hearings to schedule the case with the office in accordance with A.R.S. § 41-1092.02.

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-321. Repealed**

**Historical Note**
Adopted effective September 18, 1996 (Supp. 96-3).
Repealed by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

**ARTICLE 4. REPEALED**

**R8-2-41. Repealed**

**Historical Note**
Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Section R8-2-41 repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (see R4-34-1101, Arizona State Fire Code, adopted as an emergency pursuant to A.R.S. § 41-1026, valid for only 90 days) (Supp. 88-1). Emergency expired. Section R8-2-41 repealed effective November 16, 1988 (see R4-34-1101, Arizona State Fire Code) (Supp. 88-4).

**ARTICLE 5. EMERGENCY EXPIRED**

**R8-2-51. Emergency Expired**

**Historical Note**
Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

**R8-2-52. Emergency Expired**

**Historical Note**
Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

**R8-2-53. Emergency Expired**

**Historical Note**
Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.
R8-2-54. Emergency Expired

Historical Note
Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

ARTICLE 6. RECODIFIED AND REPEALED

R8-2-601. Recodified

Historical Note

R8-2-602. Recodified

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-602 recodified to R18-18-202 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-603. Recodified

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-603 recodified to R18-18-203 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-604. Recodified

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-604 recodified to R18-18-204 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-605. Recodified

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-605 recodified to R18-18-205 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-606. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-607. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-608. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-609. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-610. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-611. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-612. Repealed

Historical Note
Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

ARTICLE 7. REGISTRATION OF EMERGENCY WORKERS

R8-2-701. Scope
This Article is applicable for the registering of emergency workers in accordance with A.R.S. § 26-314.

Historical Note
Section made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).

R8-2-702. Registration
Except what is provided in A.R.S § 26-353, registration is a prerequisite for eligibility of emergency workers for benefits and legal protections under A.R.S. § 26-314.

1. Emergency workers shall register with a department or agency of the state or a political subdivision of the state.
2. The information provided during registration may be used to conduct criminal history and driving record background checks.
3. Temporary registration.
   a. Temporary registration may be used in emergency situations requiring immediate or on-scene recruitment of emergency workers.
   b. Persons shall be temporarily registered if they have provided the required registration information in accordance with R8-2-703, but have not provided supporting documentation.
   c. Period of temporary registration ends when the registering participant has been cleared pursuant to R8-2-703(1) and (2) or when the registering agency determines that the emergency for which the registering participant received a temporary registration is closed whichever occurs first.
4. Registration information shall be reviewed and updated annually.
R8-2-703. Required Registration Information

The following information is the minimum information required to register as an emergency worker:

1. Full name;
2. Birth date;
3. Gender;
4. Social Security Number;
5. Citizenship, to include a document verifying citizenship;
6. Provide verification of eligibility to work in the United States;
7. Address;
8. Contact phone number and e-mail address;
9. Driver’s license number, issuing state and expiration date;
10. Registering jurisdiction;
11. Registering agency/organization;
12. Employer name, address and phone number;
13. Personal reference name, address and phone number;
14. Emergency contact name, address and phone number;
15. Professional licenses, certificates and registrations, to include numbers and expiration dates (copies will be provided);
16. Court record of felony convictions;
17. Record of misdemeanor convictions involving moral turpitude; and
18. Medical conditions which may limit ability to perform as an emergency worker.

R8-2-704. Registration Denial or Revocation; Denied Compensation

A. Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration, revocation of registration as an emergency worker, or denial of compensation for claims arising under A.R.S § 23-1028(a).

B. Registration may be denied or revoked in the event of the following:

1. Failure to satisfactorily provide the information required in Section R8-2-703,
2. Health conditions that could limit the applicant’s performance as an emergency worker, or
3. Felony convictions.

Historical Note

Section made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).