

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
R4-26-101	Amend
R4-26-201	Amend
R4-26-202	Amend
R4-26-203	Amend
R4-26-203.01	New Section
R4-26-204	Amend
Appendix A	Repeal
R4-26-207	Amend
R4-26-208	Amend
Table 1	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2063

Implementing statutes: A.R.S. §§ 32-2071, 32-2071.01, and 32-2072

3. The effective date of the rules:

April 12, 2003

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 8 A.A.R. 1551, March 29, 2002

Notice of Proposed Rulemaking: 8 A.A.R. 4565, November 1, 2002

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

Name: Maxine McCarthy, Executive Director

Address: Arizona Board of Psychologist Examiners
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6. An explanation of the rule, including the agency's reason for initiating the rule:

The Arizona Board of Psychologist Examiners is initiating this rulemaking on 4 A.A.C. 26, Articles 1 and 2, to update licensure procedures, time-frames for approving or denying license applications, and continuing education requirements, and to implement an application procedure for licensure by credential under A.R.S. § 32-2071.01(B).

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did 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

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

Not applicable

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

The time it takes for psychologists to apply for licensure by credential under A.R.S. § 32-2071.01(B) will be substantially reduced since the Board will not need to review documentation previously reviewed by the credentialing agency which issues a psychologist's credential. Such applications are reviewed by Board staff and do not require review by the Board members unless substantive review is required. Consequently, psychologists moving to Arizona and applying for licensure by credential will be eligible for public or private employment sooner. The rule is also expected to reduce costs to applicants by allowing the Board to receive verification of an applicant's national examination score from the state in which an applicant originally tested (a service that is usually provided free of charge or at minimal cost) rather than solely from the examination score reporting service (which usually charges \$85-\$115). Licensees will be required to take four hours of continuing education ("CE") in ethics, but will have increased options in other areas of CE they may take. The rule will impose a minimal initial administrative burden on the Board due to the need to create new forms and procedures and publish the new rule. The impact on small businesses and consumers is expected to be positive, in that this should lead to the establishment of more small businesses in the state due to psychologists opening private practices and thereby providing consumers with additional experienced psychologists. The acceptance of psychologists by credential is expected to have a positive impact on the Board's revenues due to an indeterminate number of new credential applications. The economic impact on other state agencies, such as the Office of the Secretary of State and the Governor's Regulatory Review Council, is expected to be minimal.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The only changes between the proposed and final rules are grammatical.

11. A summary of the comments made regarding the rules and the agency response to them:

The Board did not receive any comments regarding the rules.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

R4-26-101. Definitions

ARTICLE 2. LICENSURE

Section

R4-26-201. Application Deadline

R4-26-202. Doctorate

R4-26-203. Application for Licensure

R4-26-203.01. Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)

R4-26-204. Examinations

Appendix A. Arizona Pass Point for the Examination for the Practice of Psychology Repealed

R4-26-207. Continuing Education

R4-26-208. Time-frames for Processing Applications

Table 1. Time-frames (In Days) for Processing Applications

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

In this Chapter:

“Additional examination” means an examination administered by the Board to determine the competency of an applicant and may include questions about the applicant’s knowledge and application of Arizona law, the practice of psychology, ethical conduct, and psychological assessment and treatment practices.

“Administrative completeness review” means the Board’s process for determining that an applicant has provided all of the information and documents required by the Board to determine whether to grant a license to the applicant.

“Advertising” means the use of any communications media to disseminate information regarding the qualifications of a psychologist or to solicit clients for psychological services, whether or not the psychologist pays for the dissemination of the information. Methods of advertising include a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying professional qualifications or promoting the use of the psychologist’s professional services.

“Applicant” means an individual requesting licensure, renewal, or approval from the Board.

“Application packet” means the forms and documents the Board requires an applicant to submit to the Board.

“Case”, in the context of R4-26-106(D), means a legal cause of action instituted before an administrative or judicial court.

“Case conference” means a meeting that includes the discussion of a particular client or case that is related to the practice of psychology.

“Client record” means “adequate records” as defined in A.R.S. § 32-2061(A)(2), “medical records” as defined in A.R.S. § 12-2291(4), and all records pertaining to assessment, evaluation, consultation, intervention, treatment, or the provision of psychological services in any form or by any medium.

“Confidential record” means:

Minutes of an executive session of the Board;

A record that is classified as confidential by a ~~law~~ statute or rule applicable to the Board;

An applicant’s or licensee’s college or university transcript if requested by a person other than the applicant or licensee;

All materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, or any other information relating to a client’s diagnosis, treatment, or personal or family life. ~~The Board shall disclose whether an investigation is being undertaken and the general nature of the investigation;~~

Home address and home telephone number of an applicant or a licensee;

Test scores of an applicant or a licensee;

Date of birth of an applicant or a licensee; and

Social security numbers of an applicant or a licensee.

“Credentialing agency” means the Association of State and Provincial Psychology Boards, the National Register of Health Service Providers in Psychology, or the American Board of Professional Psychology.

“Days” means calendar days.

“Diplomate” means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.

“Directly available”, in the context of A.R.S. § 32-2071(D)(2), means immediately available in person, by telephone, or by electronic transmission.

“Dissertation” means a document prepared as part of a graduate doctoral program that includes, at a minimum, separate sections that:

Review the literature on the psychology topic being investigated, state each research question under investigation, and state each hypothesis investigated;

Describe the method or procedure used to investigate each research question or each hypothesis;

Describe and summarize the findings and results of the investigation;

Discuss the findings and compare them to the relevant literature presented in the literature review section; and

List the references used in the various sections of the dissertation. ~~A majority of the references used in the dissertation shall which are either be listed in journals of the American Psychological Association’s Association journal, Psychological Abstracts, or classified as a psychology subject by the Library of Congress.~~

“Fellow” means a ~~rank or position~~ status bestowed on a person by a psychology association or society.

“Gross negligence” means a ~~psychologist’s breach of duty to know~~ psychologist knows or ~~have~~ has reason to know of facts that would lead a reasonable psychologist to realize that the psychologist’s act or failure to act creates an unreasonable risk of harm and involves a high degree of probability that substantial harm may result.

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“Internship training program” means the supervised professional experience required in A.R.S. § 32-2071(D).

“National examination” means the national ~~written~~ examination provided by the Association of State and Provincial Psychology Boards.

“Party” means the Board, an applicant, a licensee, or the ~~State~~ state.

“Primarily psychological”, in the context of A.R.S. § 32-2071(A)(6), means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(A)(8).

“Psychometric testing” means measuring cognitive and emotional processes and learning.

“Raw test data” means information collected during a psychologist’s assessment and evaluation.

“Residency” means the same as in A.R.S. § 32-2071(H), ~~except but does not include a~~ domicile or hospital residency.

“Retired”, as used in A.R.S. § 32-2073(E), means a psychologist has permanently stopped practicing psychology, as defined in A.R.S. § 32-2061(A)(8).

“Substantive review” means the Board’s process for determining whether an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.

“Successfully completing”, as used in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from a school or institution.

“Supervise” means to control, oversee, and review the activities of an employee, intern, trainee, or resident who provides psychological services.

“Supervisor” means a psychologist licensed or certified as a psychologist in the state in which the supervision occurs.

~~“Three or more graduate semester hours” means 3 16-week semester hours, 4 12-week quarter hours, or 5 33 9-week trimester hours.~~

ARTICLE 2. LICENSURE

R4-26-201. Application Deadline

To be considered at the next scheduled Board meeting, ~~A~~ a license application and all related supporting materials and documentation, including reference forms mailed from the Board office and any additional information requested by the Board, shall be completed and filed at the Board office at least ~~60~~ 14 days before the date of the ~~next scheduled written examination meeting~~. An applicant who does not meet this deadline shall ~~not sit for that examination~~ have the application reviewed at a subsequent Board meeting.

R4-26-202. Doctorate

A. The Board shall apply the following criteria to determine if a doctoral program complies with A.R.S. § 32-2071:

1. A program is “identified and labeled as a psychology program” under A.R.S. § 32-2071(A)(2), if the university, college, department, school, or institute had institutional catalogues and brochures that specified its intent to educate and train psychologists, at the commencement of the applicant’s degree program;
2. A program “stands as a recognized, coherent organizational entity” under A.R.S. § 32-2071(A)(2), if the university, college, department, school, or institute had a psychology curriculum that was an organized sequence of courses at the commencement of the applicant’s degree program; and
3. A program has “clearly identified entry and exit criteria” within its curriculum under A.R.S. § 32-2071(A)(2), if the university, college, department, school, or institute has requirements that outline the prerequisites for entrance into the program and the sequence of study and has requirements for graduation delineated.

B. The Board shall verify that an applicant has completed the hours in the subject areas described in A.R.S. § 32-2071(A)(4). For this purpose, the applicant shall have the institution that the applicant attended provide directly to the Board an official transcript of all courses taken.

1. The Board shall verify that an applicant’s transcripts have been prepared solely by the institution under A.R.S. § 32-2071(A)(7), by determining whether the applicant had any input into the transcript drafting process.
2. The Board may require additional documentation from the applicant or from the institution to determine whether the applicant has satisfied the requirements of A.R.S. § 32-2071(A)(4).
3. The Board shall count five quarter hours as the equivalent of three semester hours, as required under A.R.S. § 32-2071(A)(4). When an academic term is other than a semester or quarter, 15 classroom contact hours equals one semester hour.

C. To determine whether a comprehensive examination taken by an applicant as part of a doctoral program in psychology satisfies the requirements of A.R.S. § 32-2071(A)(4), the Board shall review documentation provided directly to the Board by the educational institution that granted the doctoral degree, that demonstrates how the applicant’s comprehensive examination was constructed, lists criteria for passing, and provides the information used to determine that the applicant passed.

- D. The Board shall not accept credit hours for workshops, practica, ~~or~~ undergraduate courses ~~from any degree-granting university or institution of higher education~~, for life experiences, or for credits transferred from institutions that are not accredited under A.R.S. § 32-2071(A)(1), to satisfy a requirement of A.R.S. § 32-2071(A)(4).
- E. The Board shall count a course or comprehensive examination only once to satisfy a requirement of A.R.S. § 32-2071(A)(4).
- F. An honorary doctorate degree does not qualify an applicant for licensure as a psychologist.
- G. The Board shall not accept as core program credits practica, workshops, continuing education courses, experiential or correspondence courses, or life experiences. The Board shall not accept core program credits for seminar or readings courses ~~and or~~ independent study ~~only if unless~~ the applicant provides ~~substantiation~~ evidence that the course was an in-depth study devoted to a particular core area. The applicant shall ~~substantiate through~~ submit evidence of one or more of the following:
 1. Course description in official college catalogue,
 2. Course syllabus, or
 3. Signed statement from a dean or psychology department head detailing that the course was an in-depth study devoted to a particular core area.

R4-26-203. Application for Licensure

- A. An applicant for a psychologist license shall submit an application packet to the Board that includes an application form, provided by the Board, signed and dated by the applicant, and notarized, that contains the following information:
 1. Applicant's name, business and home addresses, social security number, business and home telephone numbers, and date and place of birth;
 2. Whether the applicant holds a Certificate of Professional Qualification in Psychology, a National Register of Health Service Providers in Psychology credential, or is a diplomate of the American Board of Professional Psychology;
 3. Name of each jurisdiction in which the applicant is currently or has been licensed as a psychologist;
 4. Whether the applicant has applied for licensure as a psychologist in any other jurisdiction and if so, the date of each application;
 5. Whether the applicant is licensed or certified in a profession or occupation other than psychology;
 6. Whether the applicant has ever taken the national examination in psychology, name of each jurisdiction in which taken, and each date of examination;
 7. Whether the applicant has ever had an application for a professional license, certification, or registration denied or rejected by any jurisdiction;
 8. Whether the applicant has ever had disciplinary action initiated against the applicant's professional license, certification, or registration, or had a professional license, certification, or registration suspended or revoked by any jurisdiction;
 9. Whether the applicant has ever entered into a consent agreement or stipulation arising from a complaint against any professional license, certification, or registration;
 10. Whether the applicant is a member of any professional association in the field of psychology and name of association;
 11. Whether the applicant has ever had membership in a professional association in the field of psychology denied or revoked;
 12. Whether the applicant is currently under investigation for or has been found guilty of violating a code of professional ethics of any professional organization;
 13. Whether the applicant is currently under investigation for or has been found guilty of violating a code of ~~unprofessional~~ professional conduct by any jurisdiction;
 14. Whether the applicant has ever been sanctioned or placed on probation by any jurisdiction;
 15. Whether the applicant has been convicted of a felony or a misdemeanor other than a minor traffic offense, or has ever entered into a diversion program ~~in lieu~~ instead of prosecution, including any convictions that have been expunged or deleted;
 16. Whether the applicant has been sued in civil ~~or criminal~~ court or prosecuted in criminal court pertaining to the applicant's practice as a psychologist, the applicant's work under a certificate or license in another profession, or the applicant's work as a member of a ~~particular~~ profession in which the applicant was not certified or licensed;
 17. Whether the applicant is currently addicted to alcohol or any drug that in any way impairs or limits the applicant's ability to practice;
 18. Whether the applicant currently has any medical, physical, or psychological condition that may in any way ~~currently~~ impair or limit the applicant's ability to practice psychology safely and effectively;
 19. Name and address of each university or college from which the applicant graduated, date of attendance, date of graduation, degree received, name of department, and major subject area;
 20. Major advisor's name and department and the title of the applicant's dissertation or Psy.D. project for the doctoral degree;
 21. Official title of the doctoral degree program or predoctoral specialty area;

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22. Whether the ~~predoctoral~~ internship was an American Psychological Association approved program or ~~an a member of~~ the Association of Psychology and Postdoctoral Internship Center Centers program;
 23. Each location at which the applicant participated in an internship training program and each supervisor's name;
 24. Areas of professional competence;
 25. Intended area of professional practice in psychology;
 26. Name, position, and address of at least ~~2~~ two references who:
 - a. Are ~~licensed psychologists, diplomates of the American Board of Professional Psychology, fellows or members in good standing of the American Psychological Association, Canadian Psychological Association, or American Psychological Society, or other psychologists who are licensed or certified to practice psychology in a United States or Canadian jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;~~
 - b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within 3 the three years immediately preceding before the date of application. If more than ~~3~~ three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may be from the most recent ~~3-year~~ three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
 - c. Recommend the applicant for licensure;
 27. History of employment in the field of psychology including the beginning and ending dates of employment, number of hours worked per week, name and address of employer, name and address of supervisor, and type of employment ~~in the field of psychology~~;
 28. ~~Whether the applicant is requesting a temporary license under A.R.S. § 32-2073, if applicable;~~
 - ~~29-28.~~ Information to demonstrate demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;
 29. Whether the applicant agrees to allow the Board to submit supplemental requests for additional information under R4-26-208(C);
 30. A notarized statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and has not been ~~procured~~ submitted through fraud or misrepresentation;
 31. ~~Two photographs~~ One photograph of the applicant no larger than ~~4-1/2X2~~ one and a half by two inches taken not more than 60 days before the date of application;
 32. Fee required by ~~the Board~~ R4-26-108; and
 33. Any other information authorized by statute.
- B.** In addition to the requirements of subsection (A), an applicant for a psychologist's license shall arrange to have directly submitted to the Board:
1. An official transcript from each university or college from which the applicant has received a graduate degree ~~and that contains~~ the date the degree was received;
 2. An official document from the degree-granting institution indicating that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(H) ~~in its entirety~~;
 3. An affidavit from the applicant's supervisor, if available, or a psychologist knowledgeable of the applicant's internship training program, verifying that the applicant's internship training program meets the requirements in A.R.S. § 32-2071(D); and
 4. An affidavit from the applicant's postdoctoral supervisor, if available, or a psychologist knowledgeable of the applicant's postdoctoral experience verifying that the applicant's postdoctoral experience meets the requirements in A.R.S. § 32-2071(E).
5. Verification of all other psychology licenses or certificates ever held in any jurisdiction.
- C.** In addition to the requirements in subsections (A) and (B), ~~for approval to sit for the additional examination~~, an applicant shall ensure that an official notification of the applicant's score on the national examination is provided to the Board. An applicant who has passed the national examination and is seeking an examination waiver under A.R.S. § 32-2072(C)(1) shall have the examination score sent directly to the Board by the Association of State and Provincial Psychology Boards or by the jurisdiction in which the applicant originally passed the examination.
1. ~~An applicant who has passed the national examination and is seeking an exemption under A.R.S. § 32-2072(C) shall have the examination score sent directly to the Board by the professional examination service.~~
 2. ~~An applicant who is seeking an exemption under A.R.S. § 32-2072(C) due to the applicant's status as a diplomate of the American Board of Professional Psychology shall arrange to have a verification of diplomate status sent directly to the Board by the American Board of Professional Psychology.~~

R4-26-203.01. Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)

- A.** An applicant for a psychologist license by credential under A.R.S. § 32-2071.01(B) shall submit an application packet to the Board that includes:
1. An application form, provided by the Board, signed and dated by the applicant, that contains the information required by R4-26-203(A)(1) through (25), and (A)(29) through (33);

2. Verification sent directly to the Board by the credentialing agency that the applicant:
 - a. Holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards; or
 - b. Holds a current National Register Health Service Provider in Psychology (NRHSPP) credential at the Doctoral Level under A.R.S. § 32-2071; or
 - c. Is a diplomate of the American Board of Professional Psychology (ABPP); and
3. Verification of all other psychology licenses or certificates ever held in any jurisdiction.
- B.** An applicant for a psychologist license by credential based on a National Register Health Service Provider in Psychology credential also shall have passed the national examination and shall have notification of the examination score sent directly to the Board by the Association of State and Provincial Psychology Boards or by the jurisdiction in which the applicant originally tested.
- C.** If the Board determines that an application for licensure by credential requires clarification, the Board may require that an applicant submit or cause the applicant's credentialing agency to submit directly to the Board any documentation including transcripts, course descriptions, catalogues, brochures, supervised experience verifications, examination scores, application for credential, or any other information that is deemed necessary by the Board.

R4-26-204. Examinations

A. General Rules

1. The Board administers the national examination and may administer ~~the an~~ additional examination.
2. Under A.R.S. § 32-2072(B), an applicant who fails an examination at least 3 three or more times; in Arizona or any other jurisdiction, shall comply with the following requirements before taking another examination:
 - a. The applicant shall meet with the Board to review the areas of deficiency and to develop and implement a program of study and ~~practice~~ practical experience designed to remedy the applicant's deficiencies. This remedial program may consist of course work, ~~self-study~~ self-study, internship experience, supervision, or any combination of these.
 - b. An applicant shall not submit a new license application ~~only until~~ after completion of the remedial program described in subsection (A)(2)(a). In addition to the information required on the original application, the new application shall include documentation of all professional activities of the applicant since the date of the original application.
3. If an applicant who has been accepted to sit for a Board examination fails to appear at the time scheduled for the commencement of the examination or any part of the examination, the applicant ~~shall lose eligibility~~ is not eligible to sit for that examination.
4. The Board shall deny a license if an applicant commits any of the following acts:
 - a. Violates the ~~security confidentiality~~ of the examination materials;
 - b. Removes any examination materials from the examination room;
 - c. Reproduces any portion of ~~the a~~ licensing examination;
 - d. Aids in the reproduction or reconstruction of any portion of ~~the a~~ licensing examination;
 - e. Pays or uses another person to take a licensing examination for the applicant or to reconstruct any portion of the licensing examination;
 - f. Obtains examination material, either before, during, or after an examination, or uses or purports to use any examination materials ~~which that~~ were removed or taken from ~~any an~~ examination for the purpose of instructing or preparing applicants for examinations;
 - g. Sells, distributes, buys, receives, or has possession of any portion of a future, current, or previously administered licensing examination that is not authorized by the Board or its authorized agent for release to the public ~~by the Board or its authorized agent~~;
 - h. Communicates with any other examinee during the administration of a licensing examination;
 - i. Copies answers from another examinee or permits the copying of answers by another examinee;
 - j. Possesses during the administration of ~~the a~~ licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than material distributed during the examination; or
 - k. Impersonates another examinee.

B. National Examination

1. Under A.R.S. §§ 32-2063 and 32-2072, the Board shall administer a the national examination ~~provided by the Association of State and Provincial Psychology Boards for the licensure of a psychologist~~. An applicant approved by the Board to take a the national examination passes the examination if the applicant's score equals or exceeds the passing score recommended by the Association of State and Provincial Psychology Boards. The Board shall notify the applicant in writing of the examination results when the Board receives the results from the Association of State and Provincial Psychology Boards.
2. ~~The Board shall not allow inspection of a national examination.~~

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C. Additional Examination

1. An applicant shall pass ~~a~~ the national examination before being permitted by the Board to take ~~the~~ an additional examination.
2. Under A.R.S. § 32-2072(A), the Board may administer an additional examination to all applicants to determine the adequacy of the applicant's knowledge and application of Arizona law. The additional examination may also cover the practice of psychology, ethical conduct, and psychological assessment and treatment practices.
 - a. The Board ~~may~~ shall review and approve the additional examination before administration. The additional examination may be developed by the Board, a committee of the Board, consultants to the Board, or independent contractors.
 - b. The additional examination may be administered by the Board, a committee of the Board, consultants to the Board, or independent contractors.
 - c. Applicants, examiners, and consultants to the Board shall execute a security acknowledgment form stating that they shall maintain examination security.

APPENDIX A Repealed

ARIZONA PASS POINT FOR THE EXAMINATION FOR THE PRACTICE OF PSYCHOLOGY

FORM	DATE	# OF ITEMS	AZ PASS POINT
1	1966		102
1	1967		102
2	1967		113
1	1968		101
2	1968		112
2	1969		110
3	1969		134
2	1970		110
3	1970		133
2	1971		109
3	1971		134
4	1971		105
2	1972		109
3	1972		133
4	1972		103
2	1973		109
3	1973		133
4	1973		103
2	1974		109
3	1974		131
4	1974		103
5	1974		104
2	1975		109
3	1975		131
4	1975		104
5	1975		105
2	1976		109
3	1976		131
4	1976		104
5	1976		105
2	1977		109
4	1977		104
5	1977		105
6	1977		107
7	1977		113
5	1978		105
7	1978		114
8	1978		113
9	1978		129
9	10-20-78	175	127
10	04-20-79	200	142

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11	10-19-79	200	152
12	04-11-80	192	142
13	10-10-80	197	155
14	04-10-81	193	131
15	10-16-81	196	138
16	04-16-82	200	141
17	10-08-82	200	145
18	04-08-83	200	147
19	10-15-83	200	155
20	04-13-84	200	145
21	10-26-84	200	151

R4-26-207. Continuing Education

A. A licensee shall complete a minimum of 60 hours of continuing education during each ~~2-year~~ two-year license renewal period. One clock hour of instruction, training, preparation of a published book or journal article, or making a presentation equals ~~±~~ one continuing education credit.

1. ~~A Psychologists~~ psychologist licensed for less than ~~2~~ two years shall ~~accrue~~ earn continuing education credit based on the number of weeks remaining between the date of ~~their~~ the psychologist's licensure and May 1 of the next renewal year.
2. Continuing education hours are prorated from the date of the Board correspondence notifying ~~a new licensee of an~~ applicant of approval for licensure. To calculate the number of continuing education hours that a new licensee must obtain:
 - a. Count the number of weeks between the week following the date of new licensure notification and May 1 of the next renewal year;
 - b. Divide the number of weeks by 104, the total number of weeks in the renewal period; and
 - c. Multiply that number by 60, the total number of continuing education hours required.
3. The same ~~fraction~~ method specified in subsection (A)(2) is used to calculate the minimum number of continuing education hours required in each of the ~~three~~ categories listed in subsection (B). Calculations that result in a fractional number are rounded to the next largest whole number.

B. During the ~~2-year~~ two-year license period, a licensee shall obtain a minimum of 40 hours from Category I as described in subsection (B)(1). ~~A licensee shall obtain a minimum of four of the 40 hours in professional ethics as described in subsection (B)(1)(a).~~ The other 20 required continuing education hours may be from Category I or Category II.

1. Category I ~~includes~~ consists of:
 - a. ~~A course, seminar, workshop, or home study with certificate of completion, and post-doctoral study sponsored by a regionally accredited university or college, as listed in A.R.S. § 32-2071(A)(1), that provides a graduate-level degree program;~~
 - b. ~~A continuing education program offered by national, international, regional, or state associations, societies, boards, or continuing education providers, if:~~
 - i. ~~At least 75% of the content of the educational experience is related to the "practice of psychology", as defined in A.R.S. § 32-2061(A)(8); and~~
 - ii. ~~A program's instructor meets the qualifications stated in subsection (C);~~
 - a. Post-doctoral study sponsored by a regionally accredited university or college as listed in A.R.S. § 32-2071(A)(1), that provides a graduate-level degree program, or a course, seminar, workshop, or home study with certificate of completion, or a continuing education program offered by a national, international, regional, or state association, society, board, or continuing education provider, if:
 - i. At least 75% of the program is related to the "practice of psychology" as defined in A.R.S. § 32-2061(A)(8); and
 - ii. The program's instructor meets the qualifications stated in subsection (C);
- ~~e.b.~~ Attending a Board meeting. A licensee shall receive ~~4~~ four continuing education hours for attending a full-day Board meeting and ~~2~~ two continuing education hours for attending a half-day Board meeting. ~~These Board-approved continuing education hours may not be accepted outside the State of Arizona.~~ A licensee shall complete documentation provided by the Board at the time ~~of~~ the licensee attends a Board meeting ~~attendance~~. The Board shall not accept ~~no~~ more than 10 continuing education hours obtained by attending a Board meeting from a licensee for each renewal period; ~~or~~ and
- ~~d.c.~~ Serving as a complaint consultant. A licensee who serves as a Board complaint consultant may receive continuing education hours equal to the actual number of hours served as a complaint consultant up to a maximum of 20 continuing education hours per renewal period. ~~Continuing education hours received for complaint consultation may not be accepted outside the State of Arizona.~~
2. Category II ~~includes self study; study groups; publication of authored or co-authored psychology books or psychology~~

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book chapters; publication of articles in peer-reviewed psychology journals; presentation of symposia or papers at a state, regional, national, or international psychology meeting; or attendance at or participation in case conferences.

2. Category II consists of:

- a. Self-study or study groups for professional growth and development as a psychologist;
- b. Publication of authored or co-authored psychology books, psychology book chapters, or articles in peer-reviewed psychology journals;
- c. Presentation of symposia or papers at a state, regional, national, or international psychology meeting;
- d. Attendance at or participation in case conferences; or
- e. Courses, workshops, seminars, or symposia for professional growth and development as a psychologist or enhancement of psychological practice, education or administration.

C. ~~A continuing education instructor's qualifications are subject to unannounced review by the Board. The Board shall not approve continuing education unless the~~ A continuing education instructor ~~shall:~~

1. ~~Be~~ Is currently licensed or certified in the instructor's profession or ~~work works~~ at least 20 hours each week as a faculty member at a regionally accredited college or university, as listed in A.R.S. § 32-2071(A);
2. ~~Be~~ Is a fellow as defined in R4-26-101 or a diplomate as defined in R4-26-101; or
3. ~~Demonstrate~~ Demonstrates competence and expertise in the subject or material the instructor teaches by having an advanced degree, teaching experience, work history, authored professional publication articles, or presented seminars in that subject or material.

D. A licensee who organizes and presents a continuing education activity shall receive the same number and category of continuing education hours described in subsection (B) as those persons attending the continuing education ~~function~~ activity. The Board shall not allow credit ~~only more than~~ only more than once in a ~~2-year~~ two-year license renewal period for organizing and presenting a continuing education function on the same topic or content area.

E. A licensee elected to an officer position in an international, national, regional, or state psychological association or society, or appointed to a government psychology board or committee, shall receive ~~a maximum of~~ up to a maximum of 10 Category I continuing education hours equal to the actual number of hours served in the position up to a maximum of 10 hours per renewal period for each renewal cycle for the licensee's work in the position.

F. Each licensee shall keep the following documents that substantiate completion of continuing education hours for the ~~2~~ two previous, consecutive, license renewal periods: ~~Documents that verify continuing education completion shall include~~

1. ~~a~~ A certificate of attendance;
2. ~~statement~~ Statement signed by the provider verifying participation in the activity;
3. ~~official~~ Official transcript; ~~or;~~
4. ~~documents~~ Documents indicating a licensee's participation as an elected officer or appointed member as specified in subsection (E). ~~The Board shall accept; or~~
5. ~~a~~ A signed affidavit to document ~~self-study~~ self-study activity ~~which~~ that includes a description of the activity, the subject covered, the dates, and the number of hours involved.

G. The Board may audit a licensee's compliance with continuing education requirements. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document required continuing education hours. The Board may discipline ~~A~~ a licensee who commits fraud, deceit, or misrepresentation regarding continuing education hours may be disciplined by the Board.

H. A licensee who cannot meet the continuing education requirement for good cause may seek an extension of time to complete the continuing education requirement by submitting a written request to the Board, including the renewal fee.

1. Good cause is limited to licensee illness, military service, or residence in a foreign country for at least 12 months of the license renewal period.
2. A licensee shall submit a request for extension on or before the expiration of a license, ~~as provided by statute. The Board shall not grant~~ A a time extension ~~shall not exceed~~ longer than one year.
3. A licensee who cannot complete the continuing education requirement within the time extension may apply to the Board for inactive license status under A.R.S. § 32-2073(E).

I. The Board shall not allow continuing education hours in excess of the 60 required hours to be carried beyond the ~~2-year~~ two-year renewal period in which they were accrued.

J. Courses, workshops, seminars, or symposia designed to increase income or office efficiency are not eligible for continuing education hours.

R4-26-208. Time-frames for Processing Applications

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. An applicant and the Board's Executive Director may agree in writing to extend the substantive review time-frame and the overall time-frame. ~~Any~~ An extension shall not exceed ~~25%~~ 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.

1. The administrative completeness review time-frame begins, for approval or denial of:
 - a. ~~To An application to take the national examination, on the date the Board office receives an application packet and ends on the date the Board office sends an applicant a written notice of administrative completeness;~~
 - b. ~~To take the additional examination, if applicable, on the date the Board office receives an application packet for an additional examination, and ends on the date the Board office sends an applicant a written notice of administrative completeness of the additional examination packet;~~
 - e. ~~Of a temporary license for an applicant licensed in another jurisdiction, on the date the Board office receives an application packet from the applicant and ends on the date the Board office sends the applicant a written notice of administrative completeness;~~
 - d. ~~Of a license, on the date an applicant takes the additional examination and ends on the date the Board office notifies the applicant that the applicant has completed the additional examination;~~
 - b. An application for licensure from an applicant licensed in another jurisdiction who is applying for an examination waiver under A.R.S. § 32-2072(C)(1), on the date the Board receives an application packet and ends on the date the Board sends an applicant a written notice of administrative completeness;
 - c. An application for licensure by credential, on the date the Board receives an application packet and ends on the date the Board sends a notice of administrative completeness and if the application does not require substantive review, a request for payment of licensing fee;
 - d. An application to take an additional examination, on the date the Board receives an application packet for the additional examination, and ends on the date the Board sends an applicant a written notice of administrative completeness;
 - e. ~~Of a A license renewal application, on the date the Board office receives a renewal application packet and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes 1st receipt;~~
 - f. ~~Of a A request for reinstatement of an expired license, on the date the Board office receives the request for reinstatement and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes 1st receipt; and~~
 - g. ~~Of a A request for an extension in which to complete continuing education requirements, on the date the Board office receives a request for extension, and ends on the date the Board office sends an applicant written notice of completeness of the request.~~
 2. If an application packet is incomplete, the Board shall send an applicant a written notice specifying the ~~missing document or incomplete information~~ deficiencies. The administrative completeness review time-frame and the overall time-frame are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the notice. If the applicant fails to do so, the Board may close the file unless the applicant requests a denial of the application within 30 days from the date of the notice. An applicant whose file has been closed and who later wishes to ~~become licensed~~ pursue licensure shall reapply and pay the applicable fee.
 3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time-frame and the overall time-frame are suspended from the date of mailing this notice until the date that the Board receives a complete application packet from the applicant.
 4. ~~Once~~ When an application packet is complete, the Board shall send a written notice of administrative completeness to an applicant.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1.
1. The substantive review time-frame begins for approval or denial of:
 - a. An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;
 - b. ~~An application to take the additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;~~
 - e. ~~A temporary license, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the temporary license;~~
 - d. ~~A license, on the date the Board sends an applicant written notification that the applicant has completed the additional examination, if applicable, and ends on the date the Board approves or denies the application;~~
 - b. An application for licensure from an applicant licensed in another jurisdiction, who is applying for an examination waiver under A.R.S. § 32-2072(C)(1), on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;
 - c. An application for licensure by credential that requires substantive review, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;
 - d. An application to take an additional examination, on the date the Board sends the applicant written notice of

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administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;

- e. An application for license renewal that is deficient under subsection (B)(3), on the date an applicant submits a complete renewal application packet ~~the missing information,~~ and ends on the date the Board approves or denies the renewal application;
 - f. A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and
 - g. A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.
2. During the substantive review time-frame, the Board may make ~~± one~~ one comprehensive written request for additional information or documentation. The Board and an applicant may mutually agree in writing to allow the Board to submit supplemental requests for additional information. If the Board issues a comprehensive written request or a supplemental request for additional information by mutual written agreement, The ~~the~~ time-frame for the Board to complete the substantive review is suspended from the date of mailing the ~~comprehensive written request for additional information or documentation~~ until the Board receives the additional information or documentation.
- D.** The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. § 32-2071 through § 32-2076, as applicable.
- E.** The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2071 through § 32-2076, as applicable.
- F.** The Board shall send a renewal ~~certificate~~ receipt to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.
- G.** The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last ~~known~~ address of record in the Board's file.
- H.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the time-frame ends on the next business day.

Table 1. Time-frames (in days) for Processing Applications

Type of Time-frame	Statutory or Rule Authority	Administrative Completeness Time-frame	Time to Respond to Notice of Deficiency	Substantive Review Time-frame	Time to Respond to Request for Additional Information	Overall Time-frame
Approval or denial to take the national examination	A.R.S. § 32-2071; A.R.S. § 32-2071.01; A.R.S. § 32-2072; A.A.C. R4-26-204	30	240	60	240	90
Approval or denial to take additional examination	A.R.S. § 32-2071; A.R.S. § 32-2071.01; A.R.S. § 32-2072; A.A.C. R4-26-204	30	240	60	240	90
Approval or denial to issue temporary license	A.R.S. § 32-2071 A.R.S. § 32-2073	30	240	60	240	90
Approval or denial for licensure	A.R.S. § 32-2071; A.R.S. § 32-2071.01	30	240	60	240	90
Approval or denial of application for renewal of license	A.R.S. § 32-2074 A.A.C. R4-26-205	60	No time specified	90	No time specified	150
Approval or denial of renewal application for reinstatement	A.R.S. § 32-2074; A.A.C. R4-26-206	60	No time specified	90	No time specified	150
Approval or denial of extension for continuing education requirement	A.R.S. § 32-2074 A.A.C. R4-26-207	60	No time specified	90	No time specified	150

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<u>Type of Time-frame</u>	<u>Statutory or Rule Authority</u>	<u>Administrative Completeness Time-frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-frame</u>	<u>Time to Respond to Request for Additional Information</u>	<u>Overall Time-frame</u>
<u>Approval or denial to take the national examination</u>	<u>A.R.S. §§ 32-2071, 32-2071.01, 32-2072; and A.A.C. R4-26-204</u>	<u>30</u>	<u>240</u>	<u>60</u>	<u>240</u>	<u>90</u>
<u>Approval or denial of application for licensure by examination waiver</u>	<u>A.R.S. §§ 32-2071, 32-2071.01, 32-2072(C)(1)</u>	<u>30</u>	<u>240</u>	<u>60</u>	<u>240</u>	<u>90</u>
<u>Approval or denial of application for licensure by credential</u>	<u>A.R.S. §§ 32-2071.01, 32-2072; and A.A.C. R4-26-203.01</u>	<u>30</u>	<u>240</u>	<u>60</u>	<u>240</u>	<u>90</u>
<u>Approval or denial to take additional examination</u>	<u>A.R.S. §§ 32-2071, 32-2071.01, 32-2072; and A.A.C. R4-26-204</u>	<u>30</u>	<u>240</u>	<u>60</u>	<u>240</u>	<u>90</u>
<u>Approval or denial of application for renewal of license</u>	<u>A.R.S. § 32-2074; A.A.C. R4-26-205</u>	<u>60</u>	<u>N/A</u>	<u>90</u>	<u>N/A</u>	<u>150</u>
<u>Approval or denial of application for reinstatement of expired license</u>	<u>A.R.S. § 32-2074; A.A.C. R4-26-206</u>	<u>60</u>	<u>N/A</u>	<u>90</u>	<u>N/A</u>	<u>150</u>
<u>Approval or denial of extension for continuing education requirement</u>	<u>A.R.S. § 32-2074 A.A.C. R4-26-207</u>	<u>60</u>	<u>N/A</u>	<u>90</u>	<u>N/A</u>	<u>150</u>

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

1. Sections Affected

R4-30-101
R4-30-102
R4-30-106
R4-30-107
R4-30-120
R4-30-123
R4-30-124
R4-30-201
R4-30-209
R4-30-212
R4-30-214
R4-30-224
R4-30-247
R4-30-301
R4-30-301.01
R4-30-302
R4-30-304
Appendix A
Appendix B
Appendix C
Appendix D
Appendix E
Appendix F

Rulemaking Action

Amend
New Section
Amend
Amend
Amend
Amend
Repeal
Amend
Amend
Amend
Amend
New Section
Amend
New Section
Amend
Amend
Amend
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-106(A)(1), (5), (6), and (9)
Implementing statutes: A.R.S. §§ 32-106(F), 32-111(D), and 32-122.02

3. The effective date of the rules:

February 12, 2003. The proposed rules regarding home inspectors will replace the emergency rules currently in place, approved by the Attorney General on August 14, 2002. These emergency rules will expire on February 15, 2003 and cannot be renewed. The Board is requesting that these rules have an immediate effective date when they are filed with the Office of the Secretary of State to preserve public safety.

4. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 8 A.A.R. 2641, June 21, 2002
Notice of Rulemaking Docket Opening: 8 A.A.R. 4299, October 11, 2002
Notice of Proposed Rulemaking: 8 A.A.R. 4342, October 18, 2002

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

Name: Nan Mitchell
Address: 1110 W. Washington, Suite 240
Phoenix, AZ 85007
Telephone: (602) 364- 4944
Fax: (602) 364-4931

6. An explanation of the rules, including the agency's reasons for initiating the rules:

The Board is updating existing rules to make them consistent with the recent statutory changes, agency practice, and current rulewriting standards. In addition, the provisions of A.R.S. § 32-122.02 require the Board to regulate the certification of home inspectors and to establish rules regarding certification. This portion of the proposed rules will replace the emergency rules currently in place, approved by the Attorney General on August 14, 2002. These emergency rules will expire on February 15, 2003 and cannot be renewed. In addition, the appendices in the Board's rules

are out-dated and have been replaced by current documents available to the general public on the Board's web site. The appendices contained in the current rules have been repealed.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, 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

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

Not applicable

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

The general changes to the current rules are needed as a result of review of existing rules, updating them to comply with current business practices and modern rulemaking standards. The Board must also come into compliance with A.R.S. § 32-122.02 which requires that rules regulating the certification of home inspectors be established. The general rule changes will impose a minimal administrative burden on the Board. It is anticipated that there will also be minimal economic impact on other state agencies, such as the Secretary of State and the Governor's Regulatory Review Council. The implementation of the rules regarding home inspector certification will impose administrative burden on the Board because it is anticipated that the Board will process several hundred applications and subsequent annual renewals. The Board will also be responsible for investigation of allegations of wrongdoing made against certified home inspectors. It is anticipated that there will be minimal economic impact on other state agencies as a result of the implementation of home inspection certification rules. Certification requirements are imposed on individuals who will bear minimal costs or have the cost borne by their employers. Minimal increased cost of home inspections to consumers may result, however it is anticipated that consumers will benefit from the home inspector certification rules due to required education and training of individuals conducting home inspections and the procedure for resolving complaints.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

None

11. A summary of comments made regarding the rules and the agency response to them:

None

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

"Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on January 1, 2002, is referred to in R4-30-301.01 and attached to this document.

14. Were these rules previously made as emergency rules?

R4-30-101, R4-30-102, R4-30-106, R4-30-107, R4-30-120, R4-30-209, R4-30-247, and R4-30-301.01 were published as follows:

Notice of Emergency Rulemaking: 8 A.A.R. 1102, March 15, 2002

Notice of Emergency Rulemaking: 8 A.A.R. 3842, September 6, 2002

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

- R4-30-101. Definitions
- R4-30-102. ~~Repeated~~ Home Inspection Definitions
- R4-30-106. Fees
- R4-30-107. Registration Expiration Dates; ~~Mandatory Issuance of Codes and Rules~~
- R4-30-120. Complaint Review Process
- R4-30-123. Informal Compliance Procedures
- R4-30-124. ~~Hearings~~ Repealed

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ARTICLE 2. REGISTRATION PROVISIONS

- R4-30-201. Professional Registration
- R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation
- R4-30-212. Architect-in-training Designation
- R4-30-214. Architect Registration
- R4-30-224. Engineer Registration
- R4-30-247. ~~Reserved~~ Home Inspector Certification

ARTICLE 3. REGULATORY PROVISIONS

- R4-30-301. Rules of Professional Conduct
- R4-30-301.01. Home Inspector Rules of Professional Conduct
- R4-30-302. Electrical ~~engineering~~ Plans
- R4-30-304. Use of Seals
- Appendix A. ~~Professional Application – Long Form~~ Repealed
- Appendix B. ~~Certificate of Experience Record and Reference Form~~ Repealed
- Appendix C. ~~Professional Application – Short Form~~ Repealed
- Appendix D. ~~In-Training Application~~ Repealed
- Appendix E. ~~NCARB 1989-1990 Circular of Information No. 1~~ Repealed
- Appendix F. ~~Securing Seal – Sample~~ Repealed

ARTICLE 1. GENERAL PROVISIONS

R4-30-101. Definitions

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

1. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
4. No change
5. “Category” means the ~~registration categories~~ professions of architecture, assaying, geology, engineering, landscape architecture, and land surveying.
6. No change
7. No change
8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
9. No change
10. “Good moral character and repute” ~~shall be established if~~ means that the registration or certification candidate:
 - a. Has not been convicted of a class 1 felony as defined in A.R.S. § 13-601(A).
 - b. Has not been convicted of a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment or category for which the registration, certification, or designation is sought, except that this subsection does not apply to an applicant for certification as a home inspector who can show documentation of absolute discharge from sentence at least five years before the date of application;
 - c. Has not, within five years of application for registration or certification, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the candidate’s proposed area of practice;
 - d. Is not currently incarcerated in a penal institution;
 - e. Has not engaged in fraud or misrepresentation in connection with the application for registration, certification, or related examination;
 - f. Has not had a registration or certification revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a professional license in lieu of disciplinary action;
 - g. Has not practiced without the required technical registration or certification in this state or in another jurisdiction within the two years immediately preceding the filing of the application for registration or certification; ~~or and~~

- h. Has not, within five years of application for registration or certification, committed an act that would constitute unprofessional conduct, as set forth in R4-30-301 or R4-30-301.01.
- 11. No change
- 12. No change
- 13. "Other misconduct" means the registrant:
 - a. Has been convicted of a class 1 felony;
 - b. Has been convicted of a felony or misdemeanor, if ~~such~~ the offense has a reasonable relationship to the functions of the registration;
 - c. Is presently incarcerated in a penal institution;
 - d. Has had a professional license or registration suspended or revoked for cause by this state or by any other jurisdiction or has surrendered a professional license in lieu of disciplinary action;
 - e. Has knowingly acted in violation or knowingly failed to act in compliance with any provisions of the Act, or rules of the Board or any state, municipal, or county law, code, ordinance, or regulation pertaining to the practice of the registrant's ~~professional practice~~ profession; or
 - f. Has refused to respond fully to a Board inquiry relating to an applicant's qualifying experience, or provided the Board with false information relating to an applicant's qualifying experience.
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. "Registrant" means a person or firm who has been granted registration or certification to practice any profession ~~authorized to be registered~~ regulated pursuant to the Act.
- 20. No change
- 21. No change
- 22. No change

R4-30-102. ~~Repealed~~ Home Inspection Definitions

The following definitions apply to home inspection requirements in this Chapter:

- 1. "Automatic safety controls" means devices designated and installed to protect systems and components from high or low pressures and temperatures, electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.
- 2. "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.
- 3. "Component" means a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many similar pieces make up the system.
- 4. "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.
- 5. "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, and those situations that require the use of special protective clothing or safety equipment.
- 6. "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened by other means and that would not be taken apart or removed by a homeowner in the course of normal household maintenance.
- 7. "Major defect" means a system or component that is dangerous or not functioning.
- 8. "Observe" means the act of making a visual examination of a system or component and reporting on its condition.
- 9. "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.
- 10. "Parallel inspection" means a home inspection by a candidate supervised by a certified home inspector, in the presence of no more than three other candidates, that includes a written report prepared by the candidate and reviewed by the supervising certified home inspector.
- 11. "Primary windows and doors" means windows and exterior doors that are designed to remain in their respective openings year round.
- 12. "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices so the panel can be lifted off, swung open, or otherwise removed by one person; and has edges and fasteners that are not painted in place; is within normal reach or accessible from a 4-foot stepladder, and is not blocked by stored items, furniture, or building components.
- 13. "Recreational facilities" means spas, saunas, steam baths, swimming pools, tennis courts, play-ground equipment, and other exercise, entertainment, or athletic facilities.

14. “Representative number” means for multiple identical components such as windows and electrical outlets, the inspection of one component per room. For multiple identical exterior components, the inspection of one component on each side of the building.
15. “Safety glazing” means tempered glass, laminated glass, or rigid plastic.
16. “Shut down” means a piece of equipment whose switch or circuit breaker is in the “off” position, or its fuse is missing or blown, or a system cannot be operated by the device or control that a home owner should normally use to operate it.
17. “Solid fuel heating device” means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.
18. “Structural component” means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads). For purposes of this definition, a dead load is the fixed weight of a structure or piece of equipment, such as a roof structure on bearing walls; and a live load is a moving variable weight added to the dead load or intrinsic weight of a structure.
19. “System” means a combination of interacting or interdependent components, assembled to carry out one or more functions.
20. “Technically exhaustive” means an inspection involving measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

R4-30-106. Fees

- A. The Board shall charge the following fees:
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. The annual renewal fee for certification as a home inspector is \$400.00.
- B. A person paying fees shall remit them in United States dollars in the form of cash, check, or money order; ~~however if~~ If a check is returned for insufficient funds, repayment, including payment of the returned check charge, ~~the person paying fees shall remit them~~ shall be made in the form of cash, money order, or certified check.
- C. No change
- D. No change

R4-30-107. Registration Expiration Dates; ~~Mandatory Issuance of Codes and Rules~~

- A. Registrants’ triennial registration expiration dates are based upon the date of initial registration. The following table indicates registration renewal periods:

Initial Registration Granted Date	Initial Triennial Renewal Expiration Date
Jan. 1 through Mar. 31	3 years from Mar. 31
Apr. 1 three Jun. 30	3 years from Jun. 30
Jul. 1 three Sep. 30	3 years from Sep. 30
Oct. 1 three Dec. 31	3 years from Dec. 31

- B. No change
- ~~C. The Board shall issue to each new and renewing registrant a copy of the statutes and rules governing the practice of the registered professions. All costs of this program shall be included in the renewal fees assessed by the Board.~~
- C. Home inspector certifications expire one year from the date of issuance.

R4-30-120. Complaint Review Process

- A. The Board shall select a pool of volunteers who have submitted resumes and letters of interest to ~~voluntarily~~ serve on enforcement advisory committees. The Executive Director shall select registrants and public members from the pool of volunteers to serve on the committees as needed. Each committee shall be comprised of one public member and a minimum of four registrants, at least one of whom is registered in the same category or branch as the respondent ~~and 1 public~~

~~member~~. The committee members shall ~~be volunteers who~~ provide technical assistance to Board staff in the evaluation and investigation of complaints. A quorum of three committee members is required for each committee meeting.

- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change

R4-30-123. Informal Compliance Procedures

- A. Upon notification of the recommendation of an enforcement advisory committee, a registrant may attend ~~an informal~~ a compliance conference with Board staff. The registrant may appear with or without counsel. The Board staff shall mail the notice of the compliance conference to the registrant at least 15 days ~~prior to~~ before the date of the conference. The purpose of the compliance conference is to discuss informal settlement of the investigative matter. Upon completion of the interview, ~~the a Board's~~ enforcement officer shall make recommendations to the Board.
- B. At any time either before or after formal disciplinary proceedings have been instituted against a registrant, the registrant may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action by the Board, the registrant agrees to accept certain sanctions such as suspension, civil penalties, enrolling in ~~continuing education~~ relevant professional education courses, limiting the scope of practice, submitting work product to professional peer review, or other sanctions. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board shall accept the offer and enter a decision consented to by the registrant, incorporating the proposed settlement.

R4-30-124. Hearings Repealed

- ~~A. All hearings before the Board or an administrative law judge are held in accordance with A.R.S. § 32-128 and A.R.S. Title 41, Chapter 6, Article 10.~~
- ~~B. If the respondent fails to answer the complaint or fails to appear at the hearing, the Board or administrative law judge may vacate the hearing. If a hearing is vacated, the Board may deem the acts and violations charged in the complaint admitted, and impose any of the sanctions provided by A.R.S. § 32-128.~~

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Professional Registration

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- B. A candidate who wishes to sit for professional examination shall submit to the Board an original and one copy of a completed application for professional examination, and provide the following information:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. A detailed explanatory statement, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any ~~other~~ state or jurisdiction on any registration or license held by the candidate in any ~~other~~ state or jurisdiction;
 - b. Refusal of registration or license by any ~~other~~ state or jurisdiction;
 - c. Any pending disciplinary action in any ~~other~~ state or jurisdiction on any registration or license held by the candidate;
 - d. No change
 - e. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. Name, current address, and telephone number, ~~and facsimile number~~ of the candidate's current and former employers in the category for which registration is sought; dates of employment; candidate's title; description of the work performed; and number of hours worked per week;
 - 11. No change
 - 12. No change
 - 13. No change

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- 14. No change
- 15. ~~An affidavit~~ Certification that the information provided to the Board is accurate, true, and complete.
- C. No change
- D. No change
- E. No change
- E.** The Board shall not accept an application for registration renewal unless the applicant has responded to the questions on the application relating to good moral character and other misconduct and signed the application for renewal. The Board shall return an incomplete application to the applicant which may result in assessment of a delinquent renewal fee under R4-30-106.

R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation

- A. Within 60 days of receiving the initial application package for professional registration, certification, or in-training designation, the Board shall finish an administrative completeness review.
 - 1. If the application package is complete, the Board shall notify the candidate that the package is complete and that the administrative completeness review is finished.
 - 2. If the application package is incomplete, the Board shall notify the candidate that the package is deficient and specify the information or documentation that is missing. All time-frames are suspended from the date the notice is mailed to the candidate until the Board receives all missing information or documentation.
 - 3. A candidate with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. If the candidate fails to supply the missing information or documentation, the Board may close the candidate's application file. Any fee paid by the candidate is non-refundable. A candidate whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.
 - 4. If a candidate requests to sit for the professional, certification, or in-training examination, the time-frames in R4-30-210 apply until the Board grants or denies the candidate's request to sit for the examination.
 - 5. If a candidate requests a waiver of examination under R4-30-203, the time-frames in R4-30-211 apply until the Board grants or denies the waiver of examination.
 - 6. If a candidate is applying for certification as a home inspector, the time-frames in this Section apply until the Board grants or denies certification.
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
- D. For purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for a candidate applying for professional registration, certification, or in-training designation:
 - 1. Administrative completeness review time-frame: 60 days;
 - 2. Substantive review time-frame: 60 days; and
 - 3. Overall time-frame: 120 days. Days during which time is suspended under subsection (A)(2) are not counted in the computation of the overall time-frame.

R4-30-212. Architect-in-training Designation

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. ~~Other architectural-related experience: As defined in Appendices A and B of the 1994-1995 National Council of Architectural Registration Boards Circular of Information No. 1 (Appendix E).~~
 - 9. ~~8.~~ No change
- C. A candidate shall successfully complete the architect-in-training examination designated by the Board and provided by the National Council of Architectural Registration Boards.

R4-30-214. Architect Registration

- A. A candidate shall provide evidence of diverse work experience, ~~which~~ that is of a character acceptable to the Board, that includes, but is not limited to, each of the following areas:
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 13. No change
 14. No change
 15. No change
- B. No change
- ~~C. Candidates seeking registration under the provisions of A.R.S. § 32-126(A) and registered by 36-hour examination prior to December 1965 in states or U. S. Territories other than Alaska, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or by education and experience only, shall successfully complete seismic structural technology examination designated by the Board and provided by the National Council of Architectural Registration Boards.~~

R4-30-224. Engineer Registration

- A. Work experience credited toward the eight-year active engagement requirement shall be directly related to the applicant's branch of engineering and of a character satisfactory to the Board and attained as described in ~~R4-30-221~~ ~~R4-30-222~~, except that work experience for specific branches of engineering as described in ~~R4-30-221~~ ~~R4-30-222~~ shall be for the purpose of qualifying a candidate for registration only and shall not be construed to restrict or confine the work practices of or engineering engagements accepted by a registrant.
- B. No change
- ~~C. For candidates requesting registration as Civil, Sanitary or Structural Engineers, the Board shall designate the required examination questions to be answered.~~

R4-30-247. ~~Reserved~~ Home Inspector Certification

- A. An applicant for certification as a home inspector shall submit all of the following in an application package to the Board:
1. An original and one copy of a completed application;
 2. Evidence of successful completion, within two years before the date of application, of the National Home Inspector Examination as administered by the Examination Board of Professional Home Inspectors;
 3. The information in subsections (C)(1) through (10);
 4. A completed fingerprint card;
 5. Applicable fees;
 6. Evidence of successful completion of 80 hours of classroom training or an equivalent course conducted by an educational facility that is licensed by the applicable post-secondary education regulatory agency in the home state of the facility, or accredited by the Accrediting Commission of the Distance Education and Training Council, or by an accrediting agency approved by the United States Department of Education. The course of study shall encompass all of following major content areas:
 - a. Structural Components,
 - b. Exterior,
 - c. Roofing,
 - d. Plumbing,
 - e. Heating,
 - f. Cooling,
 - g. Electrical,
 - h. Insulation and Ventilation,
 - i. Interiors,
 - j. Fireplaces and Solid Fuel-Burning Devices, and
 - k. Professional Practice; and

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7. An applicant who has lawfully conducted home inspections as part of a business shall provide evidence of successful completion of 100 home inspections that meet the standards referenced in R4-30-301.01 on a form provided by the Board. An applicant under this subsection shall meet all other requirements for certification in this Section;
 8. To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7), shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in R4-30-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector.
- B.** The Board may hold an application package for a period of one year based on the need for time to complete the required parallel home inspections.
- C.** The application shall contain the following information:
1. Name, residence address, mailing address, e-mail address (if applicable), residence telephone number, and residence facsimile number (if applicable);
 2. Date of birth and social security number of the candidate;
 3. Citizenship or legal residence;
 4. A detailed explanatory statement regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by another state or jurisdiction on any license or certification held by the applicant in any other state or jurisdiction;
 - b. Refusal of any license or certification by any other state or jurisdiction;
 - c. Any pending disciplinary action in any other state or jurisdiction on any license or certification held by the candidate;
 - d. Any alias or other name used by the applicant;
 - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation.
 5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies;
 6. Jurisdiction in which any other license or certification is held; type of license or certification, number, year granted, and how license or certification was granted (that is, by examination, education, experience, or reciprocity);
 7. The current status of any application for any type of license or certification pending in another state or jurisdiction;
 8. A release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute;
 9. Certification that the information provided to the Board is accurate, true, and complete; and
 10. Copies of five reports that meet the standards in R4-30-301.01.
- D.** The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee for evaluation. If the application is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff or committee shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of qualification for certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established qualification by clear and convincing evidence.
- E.** If a certified home inspector loses financial assurance, the inspector shall provide written notification to the Board within five business days. The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within 90 days of loss of financial assurance or lapse of policy. A candidate shall also provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

- A.** ~~All registrants and certified remediation specialists shall comply with the following standards of professional conduct:~~
1. ~~A registrant or certified remediation specialist shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or subpoena.~~
 2. ~~A registrant or certified remediation specialist shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.~~
 3. ~~A registrant or certified remediation specialist shall not knowingly commit bribery of a public servant as proscribed in A.R.S. § 13-2602, knowingly commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.~~
 4. ~~A registrant or certified remediation specialist shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's or certified remediation specialist's area of practice.~~

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5. A registrant ~~or certified remediation specialist~~ shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's ~~or certified remediation specialist's~~ area of practice.
6. A registrant ~~or certified remediation specialist~~ shall apply the technical knowledge and skill ~~which that~~ would be applied by other qualified registrants ~~or certified remediation specialists~~ who practice the same profession in the same area and at the same time.
7. A registrant ~~or certified remediation specialist~~ shall not accept an assignment if the duty to a client or the public would conflict with the registrant's ~~or certified remediation specialist's~~ personal interest or the interest of another client without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or engagement in question.
8. A registrant ~~or certified remediation specialist~~ shall not accept compensation for services related to the same project or professional engagement from more than one party without making full disclosure to all parties and obtaining the express written consent of all parties involved.
9. A ~~certified remediation specialist~~ registrant shall not accept any professional engagement or assignment outside the ~~specialist's~~ registrant's area of certification.
10. A registrant ~~or certified remediation specialist~~ shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant ~~or certified remediation specialist~~ may hold in a contracting firm or other entity providing goods or services, other than the registrant's ~~or certified remediation specialist's~~ professional services, to a project or engagement.
11. A registrant ~~or certified remediation specialist~~ shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
12. If a registrant's ~~or certified remediation specialist's~~ professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant ~~or certified remediation specialist~~ shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
13. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant ~~or certified remediation specialist~~ shall render decisions impartially and without bias to any party.
14. No change
15. A registrant ~~or certified remediation specialist~~ shall comply with any subpoena issued by the Board or its designated administrative law judge.
16. A registrant ~~or certified remediation specialist~~ shall update ~~their~~ the registrant's address; and telephone number ~~and facsimile number~~ of record with the Board within 30 days of the date of any change.

B. No change

1. No change
2. No change
 - a. No change
 - b. No change
3. No change
4. No change
5. No change

R4-30-301.01. Home Inspector Rules of Professional Conduct

A. To the extent applicable, a certified home inspector shall conduct a home inspection in accordance with the "Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on January 1, 2002, the provisions of which are incorporated by reference and on file with the Office of the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.

B. A Certified Home Inspector shall not:

1. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee;
2. Perform, or offer to perform, for an additional fee, any repairs to a structure that has been inspected by that inspector or the inspector's firm for a period of twenty-four months following the inspection; or
3. Be accompanied by more than four home inspector candidates while conducting any parallel home inspection.

R4-30-302. Electrical engineering Plans

A. No change

B. No change

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1. No change
2. No change
3. No change
4. No change

R4-30-304. Use of Seals

- A.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- B.** No change
- C.** No change
- D.** No change
- E.** No change
1. No change
 2. No change
 3. No change
- F.** No change
- G.** An electronic signature, as an option to a permanently legible signature, in accordance with A.R.S. Title 41 and Title 44, is acceptable for all professional documents. The registrant shall provide adequate security regarding the use of the seal and signature.

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APPENDIX A. Professional Application - Long Form Repealed



State of Arizona
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICATION FEE \$90.00

Application for Registration to Practice

1. GENERAL INFORMATION

Date Filed _____, 19__

Name in Full _____

Residence Address _____

City _____ State _____

Zip Code _____ Telephone (____) _____

Business Address _____

City _____ State _____

Zip Code _____ Telephone (____) _____

Present Position _____

Date of Birth _____ Citizenship _____

Social Security Number (Voluntary
(To Facilitate Accuracy of Records) _____

Legal Resident of what state or country _____

In what profession are you applying for registration: Architecture, Assaying, Engineering, Geology,
Landscape Architecture or Land Surveying? _____

If Engineering, proficiency in (Branch)? _____

Insert unmounted recognizable photograph in this space with face not less than 3/4" wide. Affix signature at bottom of photograph.

Fill Out This Form on Typewriter Only

(Separate applications are required if registration is desired in more than one profession or more than one branch of engineering.)

2. REGISTRATION

If any answer to any of the following questions is "yes" attach a detailed explanatory statement

1. Have you ever been refused registration in any state or other jurisdiction? Yes ____ No ____
2. Has your registration ever been suspended or revoked in any state or other jurisdiction? Yes ____ No ____
3. Have you ever been the subject of professional disciplinary action, or do you now have such action pending against you in any state or other jurisdiction? Yes ____ No ____
4. Have you ever been known by a name other than the one shown on this application?
Yes ____ No ____ If yes, please state that name: _____
5. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
Yes ____ No ____
6. Have you ever been convicted of a felony or a crime of moral turpitude?
Yes ____ No ____
7. If you answered yes to question 6, have your civil rights been restored?
Yes ____ No ____ Non-applicable ____

NOTE: THE ORIGINAL AND A COPY MUST BE SUBMITTED.

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3. PREVIOUS REGISTRATIONS

List all prior registrations

IN-TRAINING REGISTRATION:

Profession _____ Cert. No. _____ State _____ Yr. _____ Hrs. of written exam. _____

PROFESSIONAL REGISTRATION:

<u>Profession</u>	<u>State</u>	<u>Year Reg.</u>	<u>Reg. No.</u>	<u>How registered-exam, education and experience, reciprocity, etc.</u>	<u>Hr. of written exam</u>	<u>Active/Lapsed</u>
-------------------	--------------	------------------	-----------------	---	----------------------------	----------------------

Have you ever applied for or had registration refused in any state or other jurisdiction? Yes _____ No _____
 If so, what state _____ and year _____ Explain (attach additional details if necessary):

4. PENDING APPLICATIONS

Do you have an application for registration pending in any state or other jurisdiction: Yes _____ No _____

What state/jurisdiction: _____

If yes, profession? _____ In-training? _____ Professional? _____

Hours of written examination taken? _____ Results? _____

Current status of application? _____

5. NATIONAL CERTIFICATES OF QUALIFICATION

Do you hold a certificate of qualification in your field of application issued by a national bureau of registration or certification?

Yes _____ No _____

If yes, provide the following information:

Name & Address of Issuing Organization	Type of Certificate	Date of Issue	Status (Active/Lapsed)

6. EDUCATION

ALL EDUCATION MUST BE VERIFIED BY CERTIFIED TRANSCRIPTS FORWARDED DIRECTLY FROM THE OFFICE OF THE REGISTRAR OF THE COLLEGE OR UNIVERSITY ATTENDED. State in chronological order the name and location of each college, university, or technical school attended, the time spent at each and if a graduate, the year of graduation. (If not an Engineering or Architectural graduate, outline nature and extent of studies.)

Name and Location of Institution	Years From - To	Date Graduated	Technical Course	Degree Received
Architectural, Assaying, Engineering, Geological, Landscape Architectural or Land Surveying Education.				
College or University Work other than Architectural, Assaying, Engineering, Geological, Landscape Architectural or Land Surveying education.				

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7. QUALIFYING EXPERIENCE

All experience must be verified by the candidate's current and former employers on Certificates of Experience provided them by the Board. ONLY EXPERIENCE GAINED UNDER THE DIRECT SUPERVISION OF A REGISTRANT MAY BE USED TO QUALIFY FOR EXAMINATION OR REGISTRATION.

LIST EXPERIENCE BELOW STARTING WITH YOUR CURRENT EMPLOYER FIRST.

ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE

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ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE

8. REFERENCES

If you are unable to provide the names and addresses of supervisors for at least three engagements, provide an explanation in the space below and list the names and addresses of three additional references, unrelated to you, at least two of whom shall be registered in the profession in which registration is sought. Do not provide personal references if you can provide the names and addresses of supervisors for at least three engagements.

NAME	ADDRESS	ZIP CODE	POSITION

EXPLANATION (IF UNABLE TO PROVIDE THREE SUPERVISORY REFERENCES):

9. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF _____
 County of _____

_____ being first duly sworn, deposes and says: I am the Applicant named in this application, have read and understand the contents thereof, and to the best of my knowledge and belief, the foregoing statements are true and correct in every respect.

I hereby authorize any individual, company or institution with whom I have been associated to furnish the Arizona State Board of Technical Registration with any information concerning my qualifications for professional registration in Arizona which they have on record or otherwise, and do hereby release the individual, company or institution and all individuals therewith from all liability for any damage whatsoever incurred by me as a result of their furnishing such information.

 (Signature of Applicant)

Subscribed and sworn to before me this ____ day of _____, 19____.

 (Signature of Notary Public)

NOTARY SEAL

My Commission expires _____

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

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APPENDIX B. ~~Certificate of Experience Record and Reference Form~~ Repealed



**State of Arizona
 BOARD OF TECHNICAL REGISTRATION**

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
 1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICANT NAME _____ **APPLICATION ID #** _____ **DISCIPLINE** _____

CERTIFICATE OF EXPERIENCE RECORD AND REFERENCE FORM
 Section A (to be completed by applicant)

ENGAGEMENT #	DATES	FROM	TO	FULL-TIME		PART-TIME	
--------------	-------	------	----	-----------	--	-----------	--

Name of Organization: _____

Address: _____

Your Job Title _____

Telephone number/extension _____

Name of supervisor/Reference _____

Supervisor/Reference's Job Title _____

If the name given above is other than an immediate supervisor, your must indicate below the professional relationship of the person you have chosen for this engagement.

_____ Co-worker _____ Client _____ Other _____

DETAILED SUMMARY OF QUALIFYING EXPERIENCE

Note - The detailed summary should include a description of the projects on which you worked when you were in responsible charge and a breakdown of the time spent on the subprofessional and professional duties. Use a second page if necessary to adequately detail your experience.

DATES OF EMPLOYMENT GIVE MONTH AND YEAR Describe work by project type and accurate outline of what you did.		TIME IN MONTHS				
		Total Time	A Subprofessional Work	B Professional Work	C Responsible Charge	D Design
FROM	TO	TOTAL	A	B	C	D

Approximate number of hours worked weekly: _____

(Professional Engineer or Engineer-in-training candidates only) Please indicate experience in which engineering proficiency (branch). _____

WORK DESCRIPTION _____

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT AND SUPPORTING ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT'S SIGNATURE _____

DATE _____

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APPLICANT NAME _____ APPLICATION ID # _____ DISCIPLINE _____

Section B (to be Completed by Supervisor/Reference)

TO THE SUPERVISOR: The Board will rely on your answers to the following questions in determining whether or not this candidate should be issued a certificate to practice as a professional in Arizona. Please recognize the importance of this information and give due care to your responses. Use additional pages, if required.

TO THE REFERENCE: Please evaluate the qualifications of this applicant in the light of professional requirements. Please understand that, while an examination may determine an applicant's technical ability to do the standard task, it does not determine honesty, integrity, dependability, resourcefulness, judgment, ability to take responsible charge and other qualities and traits of character necessary in a competent and ethical professional. These characteristics show up in practice and are known only to the applicant's acquaintances and associates. Thank you for your help.

YOUR NAME _____ ADDRESS _____
 TELEPHONE NUMBER () _____

Your job title at the time you supervised/knew the applicant: _____
 Your current job title: _____

Have you personally supervised and examined the applicant's work? Yes _____ No _____
 Does the information presented by the applicant accurately reflect his/her experience?
 Yes _____ No _____ Don't know _____ If "No" or "Don't Know", please explain on a separate sheet.
 Give the last date you observed the applicant performing professional duties either directly or indirectly.
 Date: _____ Directly _____ Indirectly _____
 How long have you known this applicant? _____
 Is the applicant related to you by blood or marriage? Yes _____ No _____

From your personal knowledge, your appraisal of the applicant would be:

RATING FACTORS	Excellent	Very Good	Adequate	Below Par	Poor	Don't Know
Quality of Work						
Technical Knowledge						
Professional Attitude						
Professional Judgment						
Character & Reputation						

Remarks: _____

Do you believe the applicant is qualified for registration? Yes _____ No _____ Don't Know _____
 If you marked "No" or "Don't Know" please explain on a separate sheet.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS AND SUPPORTING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

 SUPERVISOR/REFERENCE SIGNATURE _____ DATE _____

Professional Registration _____ Registration # _____ State _____
 Date of Registration _____ Is your registration current? Yes _____ No _____
 Place imprint of seal to right---

NOTE: THIS FORM WILL NOT BE CONSIDERED UNLESS SEALED IF THE SUPERVISOR/REFERENCE IS A REGISTERED PROFESSIONAL.

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APPENDIX C. ~~Professional Application—Short Form~~ Repealed



State of Arizona
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICATION FEE \$90.00

Application for Registration to Practice

1. GENERAL INFORMATION

Date Filed _____, 19____

Name in Full _____

Residence Address _____

City _____ State _____

Zip Code _____ Telephone (____) _____

Business Address _____

City _____ State _____

Zip Code _____ Telephone (____) _____

Present Position _____

Date of Birth _____ Citizenship _____

Social Security Number (Voluntary _____
(To Facilitate Accuracy of Records)

Legal Resident of what state or country _____

In what profession are you applying for registration: Architecture, Assaying, Engineering, Geology,
Landscape Architecture or Land Surveying? _____

If Engineering, proficiency in (Branch)? _____

Insert unmounted recognizable photograph in this space with face not less than 3/4" wide. Affix signature at bottom of photograph.

Fill Out
This
Form on
Typewriter
Only

(Separate applications are required if registration is desired in more than one profession or more than one branch of engineering.)

2. REGISTRATION

If any answer to any of the following questions is "yes" attach a detailed explanatory statement.

1. Have you ever been refused registration in any state or other jurisdiction? Yes _____ No _____
2. Has your registration ever been suspended or revoked in any state or other jurisdiction? Yes _____ No _____
3. Have you ever been the subject of professional disciplinary action, or do you now have such action pending against you in any state or other jurisdiction? Yes _____ No _____
4. Have you ever been known by a name other than the one shown on this application?
Yes _____ No _____ If yes, please state that name: _____
5. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
Yes _____ No _____
6. Have you ever been convicted of a felony or a crime of moral turpitude?
Yes _____ No _____
7. If you answered yes to question 6, have your civil rights been restored?
Yes _____ No _____ Non-applicable _____

NOTE: THE ORIGINAL AND A COPY MUST BE SUBMITTED.

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3. PREVIOUS REGISTRATIONS

List all prior registrations

IN-TRAINING REGISTRATION:

Profession _____ Cert. No. _____ State _____ Yr. _____ Hrs. of written exam _____

PROFESSIONAL REGISTRATION:

<u>Profession</u>	<u>State</u>	<u>Year Reg.</u>	<u>Reg. No.</u>	<u>How registered- exam, education and experience, reciprocity, etc.</u>	<u>Hr. of written exam</u>	<u>Active/ Lapsed</u>
-------------------	--------------	----------------------	---------------------	--	------------------------------------	---------------------------

4. NATIONAL CERTIFICATES OF QUALIFICATION

Do you hold a certificate of qualification in your field of application issued by a national bureau of registration or certification?

Yes _____ No _____

If yes, provide the following information:

Name & Address of Issuing Organization	Type of Certificate	Date of Issue	Status (Active/Lapsed)

5. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF _____
County of _____

being first duly sworn, deposes and says: I am the Applicant named in this application, have read and understand the contents thereof, and to the best of my knowledge and belief, the foregoing statements are true and correct in every respect.

I hereby authorize any individual, company or institution with whom I have been associated to furnish the Arizona State Board of Technical Registration with any information concerning my qualifications for professional registration in Arizona which they have on record or otherwise, and do hereby release the individual, company or institution and all individuals therewith from all liability for any damage whatsoever incurred by me as a result of their furnishing such information.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19_____.

(Signature of Notary Public)

NOTARY
SEAL

My Commission expires _____

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

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APPENDIX D. ~~In-Training Application~~ Repealed



**State of Arizona
 BOARD OF TECHNICAL REGISTRATION**

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
 1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

**APPLICATION FOR THE
 IN-TRAINING PROGRAM**

Architect-in-training _____ Engineer-in-training _____ Landscape Architect-in-training _____
 Assayer-in-training _____ Geologist-in-training _____ Land Surveyor-in-training _____

PLEASE USE TYPEWRITER ONLY

DATE FILED _____

Application Fee \$30

1. GENERAL INFORMATION

Name of Candidate _____
 Current Mailing Address _____ Telephone No. (____) _____
 _____ Zip Code _____
 Permanent Home Address _____ Zip Code _____
 Date of Birth _____ Citizenship _____
 Are you a current resident of Arizona? _____

If any answer to the following questions is "yes", attach a detailed explanatory statement.

1. Have you ever been known by a name other than the one shown on this application?
 Yes _____ No _____ If yes, please state that name: _____
2. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
 Yes _____ No _____
3. Have you ever been convicted of a felony or a crime of moral turpitude?
 Yes _____ No _____
4. If you answered yes to question 3, have your civil rights been restored?
 Yes _____ No _____ Non-applicable _____

2. EDUCATION

ALL EDUCATION MUST BE VERIFIED BY CERTIFIED TRANSCRIPTS FORWARDED DIRECTLY FROM THE OFFICE OF THE REGISTRAR OF THE COLLEGE OR UNIVERSITY ATTENDED PRIOR TO GRANTING OF IN-TRAINING CERTIFICATION. TRANSCRIPTS OF NON-DEGREE APPLICANTS, OTHER THAN SENIORS, CLAIMING ANY EDUCATIONAL CREDIT MUST BE FORWARDED AND RECEIVED PRIOR TO ADMISSION TO EXAMINATION. SENIORS SHOULD NOT HAVE TRANSCRIPTS FORWARDED UNTIL DEGREE HAS BEEN AWARDED.

	DEGREE	DATE	UNIVERSITY	DEPT. OF SCHOOL
First Professional				
Second Professional				
Other				

3. EDUCATION ENDORSEMENT

Must be verified by Dean or Faculty Advisor

I, _____, hereby certify that the education information regarding this applicant and noted in No. 2
 (Type Name)

above is true and correct to the best of my knowledge.

Signature _____ Title (please type) _____

NOTE: GRADUATES MAY HAVE TRANSCRIPTS FORWARDED IN LIEU OF ENDORSEMENT; HOWEVER, TRANSCRIPTS MUST BE FORWARDED AND RECEIVED PRIOR TO ADMISSION TO EXAMINATION.

(CONTINUED ON BACK)

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4. EXPERIENCE RELATED TO THE FIELD OF APPLICATION

ALL EXPERIENCE MUST BE VERIFIED BY THE CANDIDATE'S CURRENT OR FORMER EMPLOYERS ON CERTIFICATES OF EXPERIENCE RECORD AND REFERENCE FORMS PROVIDED THEM BY THE BOARD.

<p style="text-align: center;">Current</p> Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title
Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title
Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title

5. EMPLOYMENT ENDORSEMENT

I, _____ (print name) hereby certify that this applicant is currently in my employ and that the information noted above regarding his current employment is true and correct.

Signed _____ Title _____

Address _____

6. EXAMINATION

If this application is accepted, unless otherwise notified, I will take the examination at () Phoenix () Tucson () Flagstaff
(Check one)

7. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF ARIZONA
County of _____ SS.

_____ being first duly sworn, deposes and says: I am the Applicant named in this application; I have read and know the contents thereof, and the same is true and correct in substance and effect.

(Signature of Candidate)

scribed and sworn to before me this _____ day of _____, 19_____.

My Commission expires _____

(Notary Public)

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

Arizona Administrative Register
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APPENDIX E. ~~NCARB 1989-1990 Circular of Information No. 4~~ Repealed

Editor's Note: The full text of this circular was filed with the Secretary of State. Because of the length of the material, only Appendices A and B are reprinted here.

APPENDIX "A" To Circular of Information No. 1

**EDUCATION, TRAINING AND EXAMINATION REQUIREMENTS FOR NCARB CERTIFICATION
RELEASED JULY 1989.**

THIS EDITION OF APPENDIX "A" SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS. INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS REFER TO APPENDIX "B" FOR THEIR TRAINING REQUIREMENTS.

1. CERTIFICATION STANDARDS

1.1 To be granted NCARB certification, an applicant must:

1.1.1 Be of good character as verified by employers, architects and NCARB member boards.

1.1.2 Hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment or have satisfied NCARB's education requirements as otherwise specified in *Circular of Information No. 3*.

1.1.3 Have at least 3 years of training credits in accordance with Section 2 or have satisfied the IDP training requirements in accordance with Appendix "B".

1.1.4 Have passed the NCARB Architect Registration Examination (A.R.E.), or the NCARB Professional Examination (and the Qualifying Test or the Equivalency Examination when applicable by NCARB standards) or the NCARB 7-part, 36-hour Examination; provided such examinations and the grading procedures applied were in accordance with NCARB

standards current at the time the applicant sat for the examination.

1.1.5 Hold a current registration to practice architecture issued by an NCARB member board.

1.2 Applicants meeting all certification requirements above except 1.1.2 may nonetheless be granted certification if the applicant holds a high school diploma or equivalent and either (a) was registered by NCARB member board prior to July 1, 1984, and has accumulated at least 5 education credits, or (b) had accumulated at least 5 education credits as of June 30, 1984. See *circular of Information No. 3* for explanation of education credits.

1.3 Other experience may be substituted for the certification requirements outlined above, only insofar as NCARB considers it to be equivalent to the required qualifications.

1.4 In evaluating records, NCARB may, prior to certification, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical certification requirements set forth above.

2. TRAINING STANDARDS

2.1 To satisfy the NCARB training standards, an applicant must have at least 3 years of training credits or have satisfied the IDP training requirements in accordance with Appendix "B". The fol-

lowing table sets forth the ways in which training credits can be acquired:

DESCRIPTION OF TRAINING	PERCENT CREDIT ALLOWED	MAXIMUM CREDIT ALLOWED
2.1.1 Diversified experience in architecture as an employee in the office of a registered architect.	100%	No Limit
2.1.2 Diversified experience in architecture as a principal practicing in the office of a registered architect with a verified record of substantial practice.	100%	No Limit (but see 2.4)
2.1.3 Diversified experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is under the direct supervision of a registered architect.	100%	2 Years
2.1.4 Experience directly related to architecture, when under the direct supervision of a registered architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, planner or interior designer.	50%	1 Year
2.1.5 Experience, other than 2.1.1, 2.1.2, 2.1.3, and 2.1.4, experience directly related to onsite building construction operations or experience involving physical analyses of existing buildings.	50%	6 Months
2.1.6 A post professional degree in architecture or teaching or research in an NAAB accredited architectural program.	100%	1 Year

2. TRAINING STANDARDS (CONTINUED)

2.2 No training credits may be earned prior to satisfactory completion of:

- (1) three years in an NAAB accredited professional degree program, or
- (2) the third year of a four year pre-professional degree program in architecture accepted for direct entry to an NAAB accredited professional master's degree program, or
- (3) one year in an NAAB accredited professional master's degree program, or
- (4) 96 semester credit hours as evaluated by EESA in accordance with NCARB *Circular of Information No. 3* of which no more than 60 hours can be in the general education category or
- (5) five education credits in the circumstances described in 1.2.

Note: 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.

2.3 No experience used to meet education requirements may be used to earn training credits.

2.4 After satisfying 1.1.2, every applicant must earn at least (i) one year of credit under 2.1.1 or (ii) three years of credit under 2.1.2 provided the applicant has practiced for those three years in association with another architect practicing as a principal or (iii) five years of credit under 2.1.2.

2.5 To earn credits under 2.1.1, 2.1.2, 2.1.2, 2.1.4, and 2.1.5, an applicant must work at least 35 hours per week for a minimum period or ten consecutive weeks under 2.1.1 or six consecutive months under 2.1.2, 2.1.3, 2.1.4, or 2.1.5. An applicant may earn one-half of the credits specified under 2.1.1 for work of at least 20 hours per week in periods of six or more consecutive months. No credits will be given for part-time work in any category other than 2.1.1.

2.6 To earn credit under 2.1.6, an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture. 20 semester credit hours or 30 quarter credit hours of teaching or equivalent time in research will equal 1 year.

2.7 An organization will be considered to be "an office of a registered architect" if: (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal; and the applicant works under the direct supervision of a registered architect, and (b) the organization is not engaged in construction, and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.

2.8 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:

- (a) undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation, or
- (b) agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.

2.9 A person practices as a "principal" by being (a) a registered architect and (b) the person in charge of the organization's architectural practice, either alone or with other registered architects.

2.10 A "registered architect" is a person registered to practice architecture in the jurisdiction in which (s)he practices.

2.11 The maximum credit for training as an employee of a person practicing architecture who is not an architect registered in a U.S. jurisdiction shall be one year. No credit will be granted for foreign training other than as an employee of a person practicing architecture. Provided, however, that a person with five years of foreign training under category 2.1.2 shall be deemed to have satisfied the training requirements.

2.12 In deciding if training represents "diversified experience in architecture," NCARB will compare the training with the training requirements set forth in the Intern-architect Development Program (IDP). See appendix "B" and *IDP Guidelines*.

Applicants employed in settings described in 2.1.1, 2.1.2, and 2.1.3, whose experience is not diversified, may obtain credit only under 2.1.4.

3. EXAMINATION DEFICIENCIES

3.1 Examination deficiencies shall be subject to the following conditions:

3.1.1 Prior to July, 1973, the NCARB written examination was a 7-part examination of 36 hours duration, but some NCARB member boards administered examinations of a shorter duration. Compensation for each one hour deficiency in duration in the 7-part examination may be achieved by one year of excess training credits. Excess training credits may be earned only after initial registration by accumulating training credits in excess of those required for NCARB Certification. Applicants who have earned under 2.1.2 ten or more years of excess training credits (in the manner described in the preceding sentence) and have received their initial registration by written examination, regardless of hour duration, are eligible for Certification.

3.1.2 NCARB may waive deficiencies in the applicant's examination procedure arising from the examination transitions which occurred between July 1973 and January 1, 1978, and with the implementation of the A.R.E. in 1983 if, in its judgment, such deficiencies are minor in nature or, if substantial, have been adequately compensated for by some equivalent proof of the applicant's competency.

3.1.3 The transition rules relating to the implementation of the NCARB A.R.E. will be described in Circular of Information No. 2.

3.1.4 An applicant whose registration was based in whole or in part on having passed sections of the California Architectural Licensing Examination and who has successfully completed an oral examination administered by NCARB with respect to the subject matter of those sections, shall be deemed to have received a passing grade in the corresponding divisions of the A.R.E.

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APPENDIX "B" To Circular of Information No. 1

TRAINING REQUIREMENTS FOR INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS FOR NCARB CERTIFICATION

THIS EDITION OF APPENDIX "B" SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS.

IDP APPLICANT DEFINED

An IDP Applicant for NCARB Certification is a person who has completed the training requirements listed below in satisfaction of 1.1.3 of Appendix "A".

TRAINING REQUIREMENTS

An IDP applicant must acquire a total of 700 value units (VU's) to satisfy the training requirements. One VU equals 8 hours of acceptable activity. See Appendix "A" for acceptable experience descriptions. The following chart lists the IDP training categories and areas and the value unit requirements for each.

CATEGORY A. Design and Construction Documents

	Minimum VU's Required
1. Programming	10
2. Site and Environmental Analysis	10
3. Schematic Design	15
4. Building Cost Analysis	10
5. Code Research	15
6. Design Development	40
7. Construction Documents	155
8. Specifications & Materials Research	15
9. Documents Checking and Coordination	15

Minimum Total VU's Required **360***

CATEGORY B. Construction Administration

10. Bidding Procedures	10
11. Construction Phase -- Office	15
12. Construction Phase -- Observation	15

Minimum Total VU's Required **70***

CATEGORY C. Office Management

13. Office Procedures	15
14. Professional Activities	10

Minimum Total VU's Required **35***

*The differences between the minimum total VU's required in each of categories A, B and C and the sum of the minimums required for each training area within the category must be acquired by earning VU's from training areas within the same category.

CATEGORY D. RELATED ACTIVITIES

No Minimum Required **0**

The above listing of required minimums in categories A, B and C totals 465 VU's, allowing for 235 additional VU's to be acquired in any of the listed categories. All of the 235 additional VU's may be acquired in one category or distributed among the categories.

EXPLANATION OF REQUIREMENTS

1. VU's in Categories A, B and C may be acquired only if the applicant meets the time requirements of 2.5 of Appendix "A". VU's may be acquired in category D only if the activity is substantial and continuous.

Full VU credit is earned for acceptable full-time employment in the settings described in 2.1.4 and 2.1.5 of Appendix "A", and for acceptable part-time employment in the setting described in 2.1.1 of Appendix "A".

2. No VU's may be acquired prior to meeting the requirements of Appendix "A".

3. A post professional degree in architecture qualifies for 235 VU's under category D.

4. An IDP applicant may earn VU's by completing NCARB-approved supplementary education programs: credit to be in accordance with a table of credits established by NCARB. Supplementary education cannot be used to satisfy the minimum VU requirements in training areas 1-14. No VU's may be earned for supplementary education prior to meeting the requirements of 1.1.2 of Appendix "A" or while enrolled in a post professional degree program in architecture.

5. The VU's which may be earned under paragraphs 3 and 4 may not exceed in the aggregate 235 VU's.

6. To satisfy categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in 2.1.1 or 2.1.3 of Appendix "A".

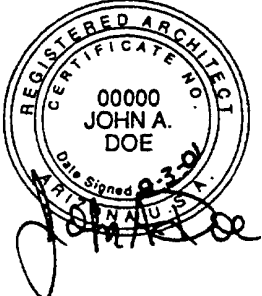


7. A minimum of 235 VU's must be acquired in the setting described in 2.1.1 of Appendix "A" after having satisfied 1.1.2.

8. In evaluating training, NCARB may, prior to certification, require substantiation of the quality and character of the training notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.

9. For detailed descriptions of the IDP training categories and supplementary education requirements, see *IDP Guidelines*.

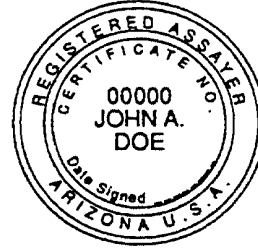
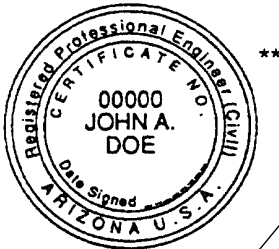
Arizona Administrative Register
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APPENDIX F. ~~Securing Seal—Sample~~ Repealed

SAMPLE	State of <u>Insert Proper</u> } County of <u>State/County</u> } ss. AFFIDAVIT
	<p><u>John A. Doe</u>, being first duly sworn upon his oath, deposes and says:</p> <p>That he is the holder of certificate of registration No. <u>00000</u> issued by the Arizona Board of Technical Registration. That he is familiar with and understands the laws of the State of Arizona and rules and regulations of the Arizona State Board of Technical Registration with reference to the use of his seal. That the accompanying imprint of seal and superimposed signatures is the only one that he is authorized to hold and will use under the above numbered certificate of registration.</p> <p align="center">  Signature </p> <p>Subscribed and sworn to before me this <u>3rd</u> day of <u>September</u>, 19<u>01</u></p> <p>My commission expires <u>August 1, 2002</u></p> <p align="right">  NOTARY PUBLIC </p> <p align="center">DO NOT FOLD, STAPLE OR MUTILATE</p>

SAMPLES:

Sign your name across lower portion of the seal. Do not cover your name or registration number with your signature.



** ENGINEERS MUST LIST DISCIPLINE — Civil, Aeronautical, Chemical, Electrical, Geological, Geophysical, Industrial, Mechanical, Metallurgical, Mining, Nuclear, Petroleum, Sanitary, or Structural.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE MANAGEMENT

PREAMBLE

1. Sections Affected

R18-8-260
R18-8-261
R18-8-262
R18-8-264
R18-8-265
R18-8-266
R18-8-268
R18-8-270
R18-8-271
R18-8-273

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 41-1003 and 49-104
Implementing statute: A.R.S. § 49-922

3. The effective date of the rules:

April 15, 2003

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 8 A.A.R. 2852, July 5, 2002
Notice of Proposed Rulemaking: 8 A.A.R. 3812, September 6, 2002

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

Name: Denise L. McConaghy
Address: Arizona Department of Environmental Quality, Waste Programs Division
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4110 or (800) 234-5677, enter 771-4110 (Arizona only)
Fax: (602) 771-4138
TTD: (602) 771-4829
E-mail: mcconaghy.denise@ev.state.az.us

6. An explanation of the rule, including the agency's reasons for initiating the rule:

Agency's reason for initiating the rule:

The Arizona Department of Environmental Quality (DEQ) is amending the state's hazardous waste rules to incorporate the text of federal regulations. This action will fulfill one requirement for obtaining reauthorization of the state's hazardous waste management program by the United States Environmental Protection Agency (EPA), and complies with A.R.S. § 49-922. Arizona's hazardous waste rules mainly consist of the federal regulations authorized by Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), which are incorporated by reference. These rules, found in 18 A.A.C. 8, Article 2, are well established and have been effective since 1984. The DEQ is using this opportunity to correct errors in the rule and make the language more clear and concise.

Explanation of the rule:

A.R.S. § 49-922 requires the DEQ to adopt rules implementing a program that is equivalent to and consistent with federal hazardous waste regulations. The federal hazardous waste regulations are in the Code of Federal Regulations (CFR) at 40 CFR 260 through 273. Currently, subsection (A) of Sections R18-8-260, R18-8-261, R18-8-262, R18-8-264, R18-8-265, R18-8-266, R18-8-268, R18-8-270, and R18-8-273 incorporate by reference the federal regulations published at 40 CFR 260 through 262, 264 through 266, 268, 270, and 273 as of July 1, 1999. This amendment replaces July 1, 1999 with July 1, 2000 in the incorporations by reference for these subsections.

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The July 1, 2000 regulations include text that is modified from the July 1, 1999 federal regulations. The modifications were published in the federal register. Department staff reviewed the federal register notices for the modifications to the federal regulations, and relied on them in evaluating this rulemaking.

The EPA requires that Arizona be reauthorized annually to manage the federal hazardous waste program in lieu of the EPA administering the program in Arizona. The "reauthorization" process is required for the EPA to fund Arizona's hazardous waste management program. The DEQ received final RCRA authorization in 1985 and continues to apply for reauthorization to comply with changes to federal regulations.

In evaluating a state's reauthorization application, the EPA uses checklists to determine if a state's code adequately addresses changes made in the federal regulations between July 2 of one year and July 1 of the subsequent year. Because the checklists are organized to address only one year's change at a time, the DEQ typically incorporates the federal regulations one year at a time. For this reason, this rulemaking incorporates July 1, 2000, and not the more recent 2001 or 2002 versions. The DEQ intends to incorporate the more recent federal regulations that relate to hazardous waste within the next several months. At that time, the DEQ expects to further improve the rule's clarity, conciseness and understandability.

In addition to incorporating the July 1, 2000 federal regulations, this rulemaking adds, modifies and deletes federal regulation text to tailor the language to Arizona's hazardous waste program. The DEQ does not intend the changes to the incorporated text to substantively change the federal regulations. Most modifications to the text incorporated by reference make the language consistent with state terminology, and do not substantively change the content. For example, the federal regulations incorporated by reference refer to the "EPA," the implementing agency, but since Arizona is authorized to implement and enforce the program contained in the incorporated regulations, most occurrences of "EPA" are replaced with "DEQ" when referring to the implementing agency.

In addition to incorporating federal regulations and modifying their text, this rulemaking modifies existing state code text. These additions, modifications and deletions correct errors, respond to state statutory changes, clarify the DEQ's existing practices, and make the language more clear and concise. They are described under the heading, "Department-initiated changes."

The DEQ believes this rulemaking will benefit the state. Most of the federal regulations incorporated by reference in this rulemaking are required for reauthorization. Adoption of federal regulations also benefits stakeholders by promoting regulatory uniformity among states.

Descriptions of the federal register notices that make changes to the incorporated federal rules between July 2, 1999 and July 1, 2000:

64 FR 36466 -- Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps; Final Rule.

This amendment changes 40 CFR Parts 260, 261, 264, 265, 268, 270, and 273, which are incorporated by R18-8-260, R18-8-261, R18-8-264, R18-8-265, R18-8-268, R18-8-270, and R18-8-273, respectively. The EPA is adding spent hazardous waste lamps to the federal list of universal wastes regulated under RCRA. Universal waste handlers are subject to less stringent standards for storing, transporting and collecting these wastes than are handlers of other hazardous wastes. The EPA has concluded that regulating spent hazardous waste lamps as universal waste under 40 CFR 273 will lead to better management of these lamps and will facilitate compliance with hazardous waste requirements. This rule streamlines the RCRA Subtitle C management requirements for hazardous waste lamps.

64 FR 52828 -- NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule, and 64 FR 63209 -- NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule, Technical Correction.

The first notice changes 40 CFR Parts 260, 261, 264, 265, 266, and 270, which are incorporated by R18-8-260, R18-8-261, R18-8-264, R18-8-265, R18-8-266, and R18-8-270, respectively. The first notice for this rule revises standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. These standards are promulgated under joint authority of the Clean Air Act (CAA) and RCRA. The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas and particulates. These standards reflect the performance of Maximum Achievable Control Technologies (MACT) as specified by the CAA. These MACT standards will improve protection of human health and the environment.

The second notice changes 40 CFR Parts 261 and 266, which are incorporated by R18-8-261 and R18-8-266, respectively. The second notice for this rule clarifies the EPA's intention associated with the Notification of Intent to Comply and Progress Report requirements of the revised standards for Hazardous Waste Combustors. In addition, this rule corrects a typographical error in the comparable fuels specification table and an omission concerning residue testing requirements in the September 30, 1999 notice. The two notices are considered together in this preamble and in the economic impact statement, since the impacted entities and the impacts themselves, are more easily understood when taken together.

64 FR 56469 -- Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters.

This amendment changes 40 CFR Parts 261, 262, and 268, which are incorporated by R18-8-261, R18-8-262, and R18-8-268, respectively. On May 11, 1999, the EPA published technical amendments correcting the Land Disposal Restrictions (LDR) Phase IV final rule. The EPA corrected two minor typographical errors and one omission, along with three other errors in the original May 26, 1998 LDR final rule.

65 FR 12378 -- 180-Day Accumulation Time under RCRA for Waste Water Treatment Sludges from the Metal Finishing Industry; Final Rule.

This amendment changes 40 CFR Part 262, which is incorporated by R18-8-262. This change applies to large quantity generators (LQGs) of F006 sludges from treating electroplating wastewaters. It allows them to accumulate F006 waste without a hazardous waste storage permit or interim status for up to 180 or 270 days, depending on the circumstances, if they recycle the F006 waste through metals recovery and meet certain conditions. Previously, the limit was ninety days. This is part of the Common Sense Initiative, by which the EPA is establishing a cleaner, cheaper, and smarter opportunity for environmental protection for the metal finishing industry.

65 FR 14472 -- Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule, and 65 FR 36365 -- Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments.

The first notice changes 40 CFR Parts 261 and 268, which are incorporated by R18-8-261 and R18-8-268, respectively. The first notice vacates the regulatory provisions governing the identification of certain organobromine production wastes as listed hazardous wastes under RCRA. The EPA is amending its regulations to conform with a court order that vacated EPA regulations listing certain organobromine wastes as hazardous substances under RCRA. The EPA is also modifying the LDR treatment standards of 40 CFR 268 by deleting these wastes and the associated treatment standards. The EPA is also vacating the reportable quantity requirements for these notifications. Under the court order, and the amended rule, the vacated hazardous waste listings and regulatory requirements based on those listings are to be treated as if they were never in effect.

The second notice changes 40 CFR Parts 261 and 268, which are incorporated by R18-8-261 and R18-8-268, respectively. The second notice corrects errors that appeared in the first notice. The second notice also corrects a typographical error that appeared in the August 6, 1998 final rule listing four types of waste in the petroleum refining industry as hazardous. These changes create no new regulatory requirements. The two notices are considered together in this preamble and in the economic impact statement, since the impacted entities and the impacts themselves, are more easily understood when taken together.

Department-initiated Changes

R18-8-260(F)

The DEQ is amending this rule to correct a previous omission in its amendment of the definition of "facility" in 40 CFR 260.10. This action adds item (3) in 40 CFR 260.10, "Facility," as paragraph (c) in R18-8-260(F)(3). This addition will make Arizona's rules consistent with A.R.S. § 49-921(2).

R18-8-260(N)

The DEQ is adding this subsection to require that the fees authorized under A.R.S. § 49-931(A) be paid quarterly by LQGs and annually by small quantity generators (SQGs). This reflects current DEQ practices.

R18-8-261(K)

The phrase "Technical Program" is changed to "Facilities Assistance" to reflect an organizational change within the DEQ. This substitution is made throughout this rulemaking.

R18-8-261(K)

The address "3033 N. Central Ave." and the zip code "85012" are changed to "1110 W. Washington St." and "85007" respectively, to reflect the DEQ's recent move. The address change is made throughout this rulemaking.

R18-8-262(C)

The citation of the CFR is incomplete in item (i). The phrase "40 CFR" is inserted in front of the rest of the citation, "264.1(g)(8)(i)(D)."

R18-8-262(G)

In item (C), the DEQ's phone number is changed from "207-2330" to "771-2330," and the phrase "extension 2330" is removed, to reflect a recent change in the DEQ's phone number. The phone number changes are made throughout this rulemaking.

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R18-8-265(J)

The DEQ is amending this rule to correct a clerical error in its modification of 40 CFR 265.93. Reference to “paragraph (3)” in 40 CFR 265.93 is replaced by “paragraph (a).” This action will make Arizona’s rules consistent with the federal rules.

R18-8-270(K)

The reference to “paragraph (l)(10)” is replaced with “paragraph (L)(10)” to correct the citation.

R18-8-270(L)

The reference to “paragraph (l)” is replaced with “paragraph (L)” to correct the citation.

R18-8-271(Q)

The DEQ is amending this rule to comply with the requirements of A.R.S. Title 41, Chapter 6, Article 10, regarding Uniform Administrative Hearing Procedures. The current rule does not comply with A.R.S. § 41-1092.

R18-8-273

The DEQ is amending this Section to remove language relating to mercury-containing lamps. This language is no longer needed, since they are regulated by the federal hazardous waste lamp regulations incorporated in this rulemaking.

R18-8-260, R18-8-261, R18-8-262, R18-8-264, R18-8-265, R18-8-266, R18-8-268, R18-8-270, R18-8-271, and R18-8-273

The DEQ is making changes recommended by staff of the Governor’s Regulatory Review Commission that will make the language of this Article comply with the requirement in A.R.S. 41-1052(C)(4) that the rules be clear, concise, and understandable. Examples of the style changes are spelling out numbers less than ten, replacing most instances of “which” with “that,” and most instances of “such” with “the.” These changes did not appear in the proposed rule. They do not substantively change the meaning of the rules.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did 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:

- a. 64 FR 36466 -- Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps; Final Rule, July 6, 1999.
- b. 64 FR 52828 -- NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule, September 30, 1999.
- c. 64 FR 56469 -- Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters, October 20, 1999.
- d. 64 FR 63209 -- NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule; Technical Correction, November 19, 1999.
- e. 65 FR 12378 -- 180-Day Accumulation Time under RCRA for Waste Water Treatment Sludges from the Metal Finishing Industry; Final Rule, March 8, 2000.
- f. 65 FR 14472 -- Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule, March 17, 2000.
- g. 65 FR 36365 -- Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments, June 8, 2000.

The DEQ based much of its evaluation of the federal rule changes and its economic impact assessment on information in the notices listed above. The public may view these online at http://www.access.gpo.gov/su_docs/aces/aces140.html, or by visiting the Department’s offices. Please call the contact in item #5 for an appointment. Each study references its underlying data. The analysis of these studies is set out in this rulemaking.

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

Not applicable

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

Identification of the proposed rulemaking:

This rulemaking amends rules codified in 18 A.A.C. 8, Article 2. This amendment replaces July 1, 1999 with July 1, 2000 in the incorporations by reference, in compliance with A.R.S. § 49-922. This rulemaking adds, modifies, and deletes federal regulation text to tailor the language to Arizona’s hazardous waste program. Lastly, this rulemaking

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modifies existing state code text to correct errors, respond to state statutory changes, clarify the DEQ's existing practices and make the language more clear and concise.

Brief summary of the information included in the economic impact statement

Introduction:

A process called "reauthorization" is required for the EPA to fund Arizona's hazardous waste management program, and complies with A.R.S. § 49-922, which requires the DEQ to adopt rules implementing a program that is equivalent to and consistent with federal hazardous waste regulations. The EPA requires that Arizona be reauthorized annually to manage the federal hazardous waste program in lieu of the EPA administering the program in Arizona. The DEQ received final RCRA authorization in 1985 and continues to apply for reauthorization to comply with changes to federal regulations.

In evaluating a state's reauthorization application, the EPA uses checklists to determine if a state's code adequately addresses changes made in the federal regulations between July 2 of one year and July 1 of the subsequent year. Because the checklists are organized to address only one year's change at a time, the DEQ typically incorporates the code of federal regulations one year at a time. For this reason, this rulemaking incorporates July 1, 2000, and not the more recent July 1, 2001 or July 1, 2002 versions. The DEQ intends to incorporate the more recent federal hazardous waste regulations within the next several months.

In addition to incorporating the July 1, 2000 federal regulations, this rulemaking adds, modifies and deletes federal regulation text to tailor the language to Arizona's hazardous waste program. The DEQ does not intend the changes to the incorporated text to substantively change the federal regulations. Most modifications to the text incorporated by reference make the language consistent with state terminology, and do not substantively change the content. For example, the federal regulations incorporated by reference refer to the "EPA," the implementing agency, but since Arizona is authorized to implement and enforce the program contained in the incorporated regulations, most occurrences of "EPA" are replaced with "DEQ" when referring to the implementing agency.

In addition to incorporating federal regulations and modifying their text, this rulemaking modifies existing state code text. These additions, modifications and deletions correct errors, respond to state statutory changes and clarify the DEQ's existing practices. They are described under the heading, "Department-initiated changes."

Limitations of the data:

Adequate data are not reasonably available to comply with the requirements of A.R.S. § 41-1055(B). The following discussion is offered pursuant to A.R.S. § 41-1055(C). It is difficult to estimate the number of facilities impacted by certain of the incorporated federal regulations. The Arizona Unified Repository for Informational Tracking of the Environment (AZURITE) and the Revenue Management System (RMS) are two databases with information about regulated facilities and entities. They were not set up to track certain information. Also, they are living systems, constantly being updated. Sometimes, these updates do not keep pace with certain data needs. For example, the universal waste handler module of AZURITE will not be operational for about two years. For these reasons, it is difficult to identify the number of entities affected by some regulations. Specifically, the DEQ could not determine the numbers of the following impacted entities:

- a. Large and small quantity handlers of universal waste
- b. The numbers of any group of impacted entities who are also state agencies
- c. The numbers of any group of impacted entities who are also subdivisions of the state
- d. The numbers of any group of impacted entities who are also small businesses

Methods that were employed in the attempt to obtain the data:

The RMS and AZURITE databases were used whenever possible to find the number of entities affected by the different changes. Where possible, data gaps were filled by interviewing experienced DEQ staff. None of the rules has a significant economic impact in Arizona. An explanation of why there is no impact is provided for each change. For this reason, the exact number of affected entities was not critical to determining economic impact ($X \text{ times } 0 = 0$, where X = the number of affected entities and 0 = the economic impact on each entity).

The costs and benefits of incorporating updated federal regulations include the costs of all the changes made to the federal regulations between July 2, 1999 and July 1, 2000. The modifications were published in the federal register, and included economic impact information. DEQ staff reviewed the federal register notices for the modifications to the federal regulations, and relied on them in developing this economic impact statement.

The EPA is required to determine whether regulatory actions are significant. Only significant federal regulatory actions are subject to federal Office of Management and Budget review. A "significant regulatory action" is one that may:

- (1) have an annual effect on the national economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

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- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or
- (4) raise novel legal or policy issues.

For many of the federal regulation changes described below, the EPA determined that the subject amendment is not a "significant regulatory action." A summaries of the economic information in each federal register notice follows.

Summaries of economic information in the federal register notices:

64 FR 36466 - Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps; Final Rule.

This amendment changes 40 CFR Parts 261 and 268, which are incorporated by R18-8-261 and R18-8-268, respectively. With this amendment, the EPA added spent hazardous waste lamps to the list of universal wastes. Adding mercury-bearing spent lamps to the universal waste regulations is considered a deregulatory action, which imposes fewer requirements on generators and transporters of lamps than the hazardous waste management standards. The standards for universal waste handlers to store, transport, and collect these wastes are less stringent than they were before this change.

The EPA has concluded that regulating spent hazardous waste lamps as universal waste will lead to better management of these lamps and will facilitate compliance with hazardous waste requirements. This amendment also streamlines the requirements for managing hazardous waste lamps and supports energy conservation efforts. Arizona already regulates hazardous waste lamps as a universal waste.

Persons directly affected by the amendment:

- a. Large quantity handlers of universal waste (LQHUU), who handle more than 5,000 kilograms of total universal waste at one time (number not known)
- b. Small quantity handlers of universal waste (SQHUW), who handle less than 5,000 kilograms of total universal waste at one time (number not known)
- c. Transporters of universal waste (number not known)
- d. Owners and operators of the two Arizona treatment, storage and disposal facilities (TSDs), also known as destination facilities, that accept lamps and other universal waste.

The EPA conducted an economic assessment of this amendment, described in the notice at 64 FR 36466. The assessment addressed only mercury-containing fluorescent lamps. The EPA estimates that non-flourescent lamps represent a negligible proportion of hazardous waste lamps, so their exclusion is not expected to affect the economic impact estimates appreciably.

The EPA's economic assessment estimates that the total national annualized costs of compliance and disposal prior to this amendment is \$80.01 million under the high (100 percent) compliance scenario and \$54.37 million under the low (20 percent) compliance scenario. Under the amendments being incorporated, the EPA projects the compliance costs will be \$78.52 million for the high (100 percent) compliance scenario, and \$56.14 million for the low (80 percent) compliance scenario. The costs are close in the high compliance scenario because transportation and disposal costs account for about 76 percent of total costs, and are virtually the same. Under the amendments being incorporated, the low compliance scenario costs are higher than before the changes because of the higher compliance rate assumed under the universal waste scheme. The EPA projects cost savings for most individual generators, and only negligible increases for a few generators.

Public health protection is expected to improve under the amendment. EPA research shows that hazardous waste lamp mismanagement, without government intervention, could lead to disposal activities resulting in unnecessarily high releases of mercury into the environment. This amendment is expected to increase compliance and recycling, which reduce releases of mercury into the environment.

Flourescent lamps contain a small amount of mercury that emits light when stimulated with electrical current. When a flourescent lamp breaks, the mercury in the lamp is released into the environment and may cause health risks. Neurotoxicity is the health effect of most concern to people; death, impaired growth, and development and behavioral abnormalities may affect fish, birds, and mammals.

This amendment has no adverse economic impact on Arizona's regulated entities, small businesses, state agencies and subdivisions or consumers because Arizona already regulates spent hazardous waste lamps. This amendment is expected to increase recycling. Recycling facilities may benefit from additional revenues.

64 FR 52828 - NESHAAPS: Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule and 64 FR 63209 - NESHAAPS: Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule, Technical Corrections.

The first notice changes 40 CFR Parts 260, 261, 264, 265, 266, and 270, which are incorporated by R18-8-260, R18-8-261, R18-8-264, R18-8-265, R18-8-266, and R18-8-270, respectively. The first notice promulgates revised standards for hazardous waste incinerators, hazardous waste burning cement kilns and hazardous waste burning lightweight aggregate kilns. These standards are being promulgated under joint authority of the Clean Air Act and RCRA. The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. These standards reflect the performance of Maximum Achievable Control Technologies (MACT) as specified by CAA. These MACT standards will result in increased protection to human health and the environment over existing RCRA standards.

Persons directly affected by this amendment:

- a. Owners or operators of hazardous waste incinerators (none in Arizona)
- b. Owners or operators of hazardous waste burning cement kilns (none in Arizona)
- c. Owners or operators of hazardous waste burning lightweight aggregate kilns (none in Arizona)

The EPA conducted an economic assessment of this amendment, described in the notice at 64 FR 52828. To develop industry compliance cost estimates, the EPA modeled combustion units based on source category and size, and estimated engineering costs for the air pollution control devices needed to achieve the proposed standards. The regulatory impact analysis also examined average total annual compliance costs per combustion unit. This indicator was designed to assess the relative impact of the amendment on each facility type in the combustion universe. The EPA has determined that this amendment does not represent a significant regulatory action, and that annualized social costs for this amendment range from \$50 million to \$63 million for the final standards.

In states with regulated facilities, the EPA inferred that the amendment will reduce dioxin levels in foods, reduce the likelihood of adverse health effects including cancer, reduce mercury emissions, and reduce human exposures to methyl mercury from ingesting fish. None of these facilities currently exist in Arizona, therefore, this amendment will have no economic impacts on facilities in the state. There will be no incremental economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because none of these facilities currently exist in Arizona.

The second notice changes 40 CFR Parts 261 and 266, which are incorporated by R18-8-261 and R18-8-266, respectively. The second notice clarifies the EPA's intention associated with the Notification of Intent to Comply and Progress Report requirements of the Revised Standards for Hazardous Waste Combustors. In addition, this notice corrects a typographical error in the comparable fuels specification table and an omission concerning residue testing requirements in the Hazardous Waste Combustors Rule at 64 FR 52828.

Persons directly affected by this amendment are the same as for the first notice. Since this notice merely corrects typographical errors and clarifies the EPA's intention associated with the Notification of Intent to Comply and Progress Report requirements of the NESHAPS final rule, this amendment does not fit the definition of "significant regulatory action." The DEQ would anticipate no incremental cost increases, even if there were regulated entities in Arizona.

64 FR 56469 - Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters.

This amendment changes 40 CFR Parts 261, 262, and 268, which are incorporated by R18-8-261, R18-8-262, and R18-8-268, respectively. On May 11, 1999, the EPA published technical amendments correcting the LDR Phase IV final rule. The LDR Phase IV final rule promulgated treatment standards for contaminated soil. The EPA corrected two minor typographical errors and one omission in the May 11, 1999 amendment, along with three other errors in the original May 26, 1998, LDR final rule incorporated in this rulemaking.

Persons directly affected by this amendment:

- a. Owners and operators of facilities that generate metal wastes, mineral processing wastes, mineral processing secondary materials, materials subject to the Bevill Exclusion, hazardous soils, and recycled wood preserving wastewaters (number not known)
- b. Transporters of metal wastes, mineral processing wastes, mineral processing secondary materials, materials subject to the Bevill Exclusion, hazardous soils, and recycled wood preserving wastewaters (number not known)
- c. Owners and operators of facilities that treat metal wastes, mineral processing wastes, mineral processing secondary materials, materials subject to the Bevill Exclusion, hazardous soils, and recycled wood preserving wastewaters (number not known)

The EPA has determined that this amendment has no significant regulatory impact. There will be no incremental economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because this amendment does not impose any enforceable duty or significant or unique impact on regulated entities, and therefore, no incremental cost increases.

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65 FR 12378 - 180-Day Accumulation Time under RCRA for Waste Water Treatment Sludges from the Metal Finishing Industry; Final Rule.

This amendment changes 40 CFR Parts 262, which is incorporated by R18-8-262. This amendment increases the time LQGs of F006 sludges can accumulate F006 waste without a RCRA hazardous waste storage permit or interim status. F006 hazardous wastes are certain sludges from treating electroplating wastewaters. Previously, the limit was ninety days. Under the amendment, LQGs of F006 waste can accumulate F006 waste up to 180 days, or up to 270 days, where transport distance exceeds 200 miles. The extended accumulation is effective so long as these generators recycle the F006 waste through metals recovery and meet certain other conditions.

Persons directly affected by this amendment:

- a. Owners and operators of the six Arizona TSD facilities that handle F006 waste
- b. Owners and operators of the approximately 56 LQG facilities that generate F006 waste
- c. The fourteen transporters of F006 hazardous waste in Arizona
- d. Owners and operators of the two Arizona destination facilities that recycle F006 hazardous waste

The EPA conducted an economic assessment of this amendment, described in the notice at 65 FR 12378. The EPA estimates the cost savings associated with this amendment for LQGs of F006 waste. The EPA evaluated two options in completing its economic analysis: Option 1 evaluated a maximum accumulation of 17.7 tons (16,000 kilograms) of material in a 180-day period (or 270 days); Option 2 evaluated a maximum accumulation of 22 tons (20,000 kilograms) in a 180- or 270-day period. The EPA estimates the total annual incremental savings to be between \$3.9 million and \$5.0 million for Option 1, and between \$4.2 million and \$5.3 million for Option 2. The savings may result from reducing the total number of shipments of F006 waste off-site for recycling; and from lower transportation costs per ton, since the fixed cost portion of transportation is less for a full truck as compared with a partial truck load.

There will be no adverse economic impact on regulated entities, including those that are small businesses, state agencies and subdivisions, because this amendment is deregulatory. By allowing generators to accumulate F006 wastes for longer periods, this amendment allows greater savings due to economies of scale. Small businesses and state agencies and subdivisions who are transporters benefit by making fewer trips, so that per-trip costs are reduced. Consumers benefit from a decreased risk of spills, resulting from a reduction in the number of vehicle trips with F006 wastes.

The EPA also assessed qualitative benefits of the amendment. The EPA concluded that the shift from land disposal to recycling should result in a conservation of natural resources associated with minerals extraction, including reduced water and energy inputs and reduced solid waste (e.g., slag, tailings) outputs. Other benefits expected include conservation of hazardous waste landfill capacity, reduced balance of payments for nonferrous mineral commodities, and conservation of strategic metals.

65 FR 14472 - Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule and 65 FR 36365 - Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments.

The first notice changes 40 CFR Parts 261 and 268, which are incorporated by R18-8-261 and R18-8-268, respectively. The first notice vacates the regulatory provisions governing the identification of certain wastes as listed hazardous wastes. The EPA is amending its regulations to conform with an order issued by the United States Court of Appeals for the District of Columbia Circuit in *Great Lakes Chemical Corp. v. EPA* (No. 98-1312). The order vacated EPA regulations listing certain organobromine wastes as hazardous substances under RCRA. The EPA is also modifying the LDR treatment standards of 40 CFR 268 by deleting these wastes and the associated treatment standards. In addition, the EPA is vacating the reportable quantity requirements for these wastes. Under the Court's order, the vacated hazardous waste listings and regulatory requirements based on those listings are to be treated as though they were never in effect.

Persons directly affected by this amendment:

- a. Owners and operators of facilities that generate organobromine production wastes (none known in Arizona)
- b. Transporters of organobromine production wastes (none known in Arizona)
- c. Owners and operators of facilities that recycle organobromine production wastes (none known in Arizona)
- d. Owners and operators of facilities that treat organobromine production wastes (none known in Arizona)

This amendment is expected to have no significant adverse economic impact on regulated entities, small businesses, state agencies and subdivisions or consumers. This amendment has no regulatory impact because it merely reflects the current legal status of the regulations. The effect of vacating the hazardous waste listing of these wastes is to clarify that the wastestreams are not subject to the hazardous waste management and treatment standards under RCRA. They are also not subject to emergency notification requirements for releases of hazardous substances into the environment. This amendment is deregulatory, and as such, no significant economic impacts have been identified.

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The second notice changes 40 CFR Parts 261 and 268, which are incorporated by R18-8-261 and R18-8-268, respectively. The second notice corrects errors that appeared in 65 FR 14472, and corrects a typographical error that appeared in the August 6, 1998 final rule listing four types of waste in the petroleum refining industry as hazardous. This notice creates no new regulatory requirements.

Persons directly affected by this notice are the same as those affected by the first notice. The EPA has concluded that this notice has no significant regulatory impact since the amendments to RCRA hazardous waste management regulations only correct errors in CFR documents. There will be no adverse economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers.

Costs and benefits of the Department-initiated changes:

R18-8-260(F)

This amendment inserts a previous omission in its amendment of the definition of “facility” in 40 CFR 260.10. This action adds item (3) in 40 CFR 260.10, “Facility” as paragraph (c) in R18-8-260(F)(3). This addition will make Arizona’s rules consistent with the federal rules.

Persons directly affected by this amendment:

- a. Owners and operators of the eight Arizona TSD facilities that are regulated by the DEQ
- b. Owners and operators of remediation waste management sites (number unknown)

The correction excludes remediation waste management sites from the definition of “facility.” There will be no adverse economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because this amendment merely corrects rule language, and creates no new requirements. Further, it is deregulatory in nature, since it clarifies that certain sites are not “facilities.”

R18-8-260(N)

This new Section requires that the fees authorized under A.R.S. § 49-931(A) be paid annually by SQGs and quarterly by LQGs, within thirty days after the postmark on the invoice.

Persons directly affected by this amendment:

- a. Owners and operators of the approximately 1,672 active and inactive Arizona SQG facilities
- b. Owners and operators of the approximately 200 Arizona LQG facilities

Currently, the DEQ prepares bills for the fee authorized under A.R.S. § 49-931(A). These are prepared annually for SQGs and quarterly for LQGs. However, there is no rule stipulating when they must pay the invoice for fees. This new Section clarifies the DEQ’s current invoice practices, and sets a deadline for paying the invoice. There will be no adverse economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because this amendment merely clarifies the DEQ’s existing practices, and creates no new requirements. This amendment will benefit the DEQ by reducing the costs of sending out second notices and collecting delayed payments. Consumers will benefit from a more efficient agency.

R18-8-265(J)

This amendment corrects a clerical error in its amendment of 40 CFR 265.93. Reference to “paragraph (3)” in 40 CFR 265.93 is replaced by “paragraph (a).” This action will make Arizona’s rules consistent with the federal rules.

Persons directly affected by this amendment:

- a. Owners and operator of the eight Arizona TSD facilities that are regulated by the DEQ

There will be no adverse economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because this amendment merely corrects an existing rule, and creates no new requirements.

R18-8-271(Q)

This amendment will change the rule to comply with the requirements of A.R.S. Title 41, Chapter 6, Article 10, regarding Uniform Administrative Hearing Procedures.

Persons directly affected by this amendment:

- a. Any person who files comments on a draft permit or participates in a draft permit public hearing
- b. Any person who failed to file comments or to participate in a draft permit public hearing
- c. Owners and operators of facilities applying for a draft permit

The current rule does not comply with A.R.S. § 41-1092 changes. The DEQ does not have the authority to decide whether a hearing will be held on an administrative appeal of a permit. This amendment clarifies that all final permit decisions to deny a permit for the active life of a RCRA hazardous waste management facility or unit are appealable agency actions. There will be no adverse economic impact on regulated entities, small businesses, state agencies and

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subdivisions, or consumers because this change reflects what the law currently requires, and creates no new requirements.

R18-8-273

This amendment will remove the state language relating to mercury-containing lamps.

Persons directly affected by this amendment:

- a. Large quantity handlers of universal waste or LQHUU, who handle more than 5,000 kilograms of total universal waste at one time (number unknown)
- b. Small quantity handlers of universal waste or SQHUW, who handle less than 5,000 kilograms of total universal waste at one time (number unknown)
- c. Transporters of universal waste (number unknown)
- d. Owners and operators of the two Arizona TSD destination facilities that handle universal waste

This language is no longer needed, since the federal regulations concerning hazardous waste lamps are incorporated at 64 FR 36466. There will be no adverse economic impact on regulated entities, small businesses, state agencies and subdivisions, or consumers because this amendment merely reflects an incorporation made in this rulemaking, and removes what would otherwise be redundancies in the state regulations. It creates no new requirements.

Probable costs and benefits to state agencies:

The DEQ is the implementing agency for these rules. No additional full-time equivalent employees (FTEs) will be required to implement these changes, and the DEQ does not anticipate any increases in costs or revenues. This rule-making will benefit the DEQ by fulfilling one requirement for federal reauthorization and funding, and for complying with A.R.S. § 49-922. Also, the DEQ will benefit by clearer regulations, since omissions, typographic errors, and inconsistencies are also addressed. State agencies that are regulated entities will incur the same costs and receive the same benefits as businesses in the private sector. No new costs to regulated agencies are expected. No new costs to the DEQ are expected.

Probable costs and benefits to political subdivisions of the state:

Municipalities and counties that are regulated entities include owners or operators of TSD facilities or destination facilities (facilities that treat, dispose of, or recycle universal wastes), which are subject to all hazardous waste requirements. Political subdivisions of the state will benefit by having clearer regulations. Political subdivisions of the state that are regulated entities will incur the same costs and receive the same benefits as businesses in the private sector. No new costs to regulated political subdivisions are expected.

Probable costs and benefits to private businesses, including small businesses:

Private businesses, including small businesses, that are regulated entities include owners or operators of LQGs, SQGs, recyclers, transporters, or TSD facilities, which are subject to all hazardous waste requirements. Private businesses, including small businesses, will benefit by having clearer regulations. Private businesses, including small businesses, that are regulated entities will incur the same costs and receive the same benefits as any other regulated entity. No new costs to private businesses, including small businesses, are expected.

Probable costs and benefits to residents and consumers

The primary benefit of this amendment for residents and consumers pertain to their intended public health effects. However, in selected instances, economic impacts are positive for regulated entities. They may pass on these positive economic impacts to customers and the general public.

For example, in the case of the Hazardous Waste Lamp rule, although these lamps are already regulated in Arizona, economic benefits in the form of cost savings are expected to accrue to regulated entities. Likewise, incorporating the federal rule extending accumulation times for F006 waste is expected to result in cost savings to regulated facilities. They may pass these savings to consumers in the form of lower costs for services and products.

Reduction of rule impacts on small businesses:

The DEQ did not consider reducing impacts on small businesses because separate standards for large businesses are not considered legally feasible. Further, since the amendments either have no economic impact, or have a positive economic impact, the DEQ did not believe it necessary to reduce impacts on small businesses.

Probable impact of the rule on private and public employment:

These amendments are not expected to create any significant incremental impacts on private or public employment.

Probable effect of the rule on state revenues:

No additional fees are to be charged by the DEQ or other state agency by this rulemaking; hence, there are no expected economic impacts on state revenues.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Only technical and grammatical changes were made between the proposed and final rules.

11. A summary of the comments made regarding the rule and the agency response to them:

One written comment was submitted regarding this rulemaking.

Issue: The commenter requested that the DEQ confirm that it has no intention of invalidating any compliance agreements executed pursuant to R18-8-273(J) and that, following adoption of the rule, the compliance agreements will remain valid and enforceable.

Response: The DEQ confirms that it does not intend to invalidate any compliance agreements that have been executed pursuant to R18-8-273(J). All existing compliance agreements will remain valid and enforceable. This confirmation will not require any changes to the final rule.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

40 CFR 260	R18-8-260(A)
40 CFR 261	R18-8-261(A)
40 CFR 262	R18-8-262(A)
40 CFR 264	R18-8-264(A)
40 CFR 265	R18-8-265(A)
40 CFR 266	R18-8-266(A)
40 CFR 268	R18-8-268(A)
40 CFR 270	R18-8-270(A)
40 CFR 124	R18-8-271(A)
40 CFR 273	R18-8-273(A)

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE MANAGEMENT**

ARTICLE 2. HAZARDOUS WASTES

Section

R18-8-260.	Hazardous Waste Management System: General
R18-8-261.	Identification and Listing of Hazardous Waste
R18-8-262.	Standards Applicable to Generators of Hazardous Waste
R18-8-264.	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
R18-8-265.	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
R18-8-266.	Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities
R18-8-268.	Land Disposal Restrictions
R18-8-270.	The Hazardous Waste Permit Program
R18-8-271.	Procedures for Permit Administration
R18-8-273.	Standards for Universal Waste Management

ARTICLE 2. HAZARDOUS WASTES

R18-8-260. Hazardous Waste Management System: General

- A. Federal ~~and state statutes and~~ regulations cited in ~~these rules~~ this Article are those adopted as of July 1, ~~1999~~ 2000, unless otherwise noted. 40 CFR 124, 260 through 266, 268, 270 and 273 or parts thereof, are ~~adopted~~ incorporated by reference when so noted. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not ~~adopted~~ incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B. Any reference or citation to 40 CFR 124, 260 through 266, 268, 270, and 273, or parts thereof, appearing in the body of this Article and regulations incorporated by reference, ~~is inclusive of the new, amended, or replaced paragraphs and wording presented in~~ includes any modification to the CFR section made by this Article. When federal regulatory language that

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has been ~~adopted~~ incorporated by reference has been amended, brackets [] enclose the new language.

- C. All of 40 CFR 260 and the accompanying appendix, as amended as of July 1, ~~1999~~ 2000, (and no future editions), with the exception of §§ 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33, ~~are~~ is incorporated by reference and modified by the following subsections ~~of R18-8-260~~ and are on file with the Department of Environmental Quality (DEQ) and the Office of the Secretary of State.
- D. § 260.2, titled “Availability of information; confidentiality of information” is amended by the following:
1. No change
 2. § 260.2(b) is replaced with the following:
 - a. ~~A~~ The DEQ shall make a record or other information, such as a document, a writing, a photograph, a drawing, sound or a magnetic recording, furnished to or obtained by the DEQ pursuant to the HWMA and regulations promulgated thereunder, ~~shall be made~~ available to the public to the extent authorized by the Public Records Statute, A.R.S. §§ 39-121 et seq.; the Administrative Procedure Act, A.R.S. §§ 41-1001 et seq.; and the HWMA, A.R.S. §§ 49-921 et seq. Specifically, ~~such the DEQ shall disclose the~~ records or other information ~~shall be disclosed~~ to the public unless:
 - i. A statutory exemption authorizes the withholding of ~~such the~~ information; or
 - ii. ~~A~~ The record or other information contains a trade secret concerning processes, operations, style of work, or apparatus of a person, or other information that the Director determines is likely to cause substantial harm to the person’s competitive position.
 - b. Notwithstanding ~~the previous provisions of subsection (a), the following shall apply:~~
 - i. ~~Such~~ The DEQ shall make records and other information ~~shall be made~~ available to the EPA upon request without restriction-;
 - ii. ~~The~~ As required by the HWMA and regulations promulgated thereunder ~~that require the disclosure of the~~ DEQ shall disclose the name and address of a person who applies for, or receives, a HWM facility permit ~~create an official purpose authorizing such disclosure-;~~
 - iii. The DEQ and any other appropriate governmental agency may publish quantitative and qualitative statistics pertaining to the generation, transportation, treatment, storage, or disposal of hazardous waste-; and
 - iv. An owner or operator may expressly agree to the publication or to the public availability of ~~such~~ records or other information.
 - c. A person submitting ~~such~~ records or other information to the DEQ may claim that ~~such the~~ information contains a confidential trade secret or other information likely to cause substantial harm to the person’s competitive position. In the absence of such claim, the DEQ shall make the information available to the public on request without further notice. A person making a claim of confidentiality shall comply with the following assert the claim:
 - i. ~~It shall be asserted~~ at the time the information is submitted to, or otherwise obtained by, the DEQ-;
 - ii. ~~It shall be asserted~~ by either stamping or clearly marking the words “confidential trade secret” or “confidential information” on each page of the material containing ~~such the~~ information. ~~Such~~ The person may assert the claim shall be asserted only for those portions or pages ~~which that~~ actually contain a confidential trade secret or confidential information-; and
 - iii. ~~It shall be asserted~~ during the course of a DEQ inspection, or other observation, pursuant to the administration of the HWMA Program, by ~~the person, hereinafter referred to as the “claimant,” who shall clearly indicate~~ indicating to the inspector which specific processes, operations, styles of work, or apparatus constitute a trade secret. ~~Such a~~ The inspector shall record the claim shall be recorded on the inspection report and ~~signed by the claimant shall sign the report.~~
 - d. The Director shall provide the claimant with an opportunity to submit written comments to demonstrate that ~~such the~~ information constitutes a legitimate confidential trade secret or confidential information. The comments shall be limited to confidential use by the DEQ. Pertinent factors to be considered by the Director for making a determination of confidentiality, and ~~which that the claimant may be addressed~~ address in the claimant’s written comments, include the following:
 - i. Whether the information is proprietary;
 - ii. Whether the information has been disclosed to persons other than the employees, agents, or other representatives of the owner; and
 - iii. Whether public disclosure would harm the competitive position of the claimant.
 - e. The Director shall make a determination of each confidentiality claim using the following procedures:
 - i. When a claim of confidentiality is asserted for information submitted as part of a HWM facility permit application:
 - (1) The claimant shall submit written comments demonstrating the legitimacy of the claim of confidentiality-; and
 - (2) The Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination as part of the completeness review pursuant to § 124.3(c) (as incorporated by R18-8-271(C)).
 - ii. When a claim of confidentiality is asserted for information submitted or obtained during an inspection, or

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for any other information submitted to or obtained by the DEQ pursuant to this Article, but not as part of a HWM facility permit application:

- (1) The claimant may submit written comments demonstrating the legitimacy of the claim of a confidential trade secret or other confidential information within 10 working days of asserting the confidentiality claim; and
 - (2) If a request for disclosure is made, the Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination. In all other instances, the Director may, on the Director's own initiative, evaluate the confidentiality claim and notify the claimant of the result of that determination within 20 working days after the time for submission of comments.
- iii. When any person, hereinafter referred to as the "requestor," submits a request to the DEQ for public disclosure of records or information, ~~such the DEQ shall disclose the~~ records or information ~~shall be disclosed~~ to the requestor unless ~~such the~~ information has been determined to be confidential by the Director, or is subject to a claim of confidentiality that is being considered for determination by the Director.
- (1) If a confidentiality claim is under consideration by the Director, the requestor shall be notified that the information requested is under a confidentiality claim consideration and therefore is unavailable for public disclosure pending the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
 - (2) When a request for disclosure is made, the claimant shall be notified, within seven working days by certified mail with return receipt requested, that the information under a claim of confidentiality has been requested and is subject to the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
 - (3) If the Director disagrees with the confidentiality claim, the claimant shall have 20 working days to submit written comments either agreeing or disagreeing with the Director's evaluation.
 - (4) If a confidentiality claim is denied by the Director, the Director may request the attorney general to seek a court order authorizing disclosure pursuant to A.R.S. § 49-928.
- f. Records or information determined by the Director to be legitimate confidential trade secrets or other confidential information shall not be disclosed by the DEQ at administrative proceedings pursuant to A.R.S. §§ 49-923(A) unless the following procedure is observed:
- i. The DEQ shall notify both the claimant and the hearing officer of its intention to disclose ~~such the~~ information at least 30 days prior to the hearing date. ~~The DEQ shall send with the~~ notice ~~shall be accompanied by~~ a copy of the confidential information that the DEQ intends to disclose;
 - ii. ~~Both the~~ The claimant and the DEQ shall be allowed 10 days to present to the hearing officer comments concerning the disclosure of such information;
 - iii. The hearing officer shall determine whether the confidential information is relevant to the subject of the administrative proceeding and shall allow disclosure upon finding that ~~such the~~ information is relevant to the subject of the administrative proceeding;
 - iv. The hearing officer may set conditions for disclosure of confidential and relevant information or the making of protective arrangements and commitments as warranted; and
 - v. The hearing officer shall give the claimant at least ~~5~~ five days' notice before allowing disclosure of the information in the course of the administrative proceeding.
- E. § 260.10, titled "Definitions," is amended by adding all definitions from § 270.2 ~~to this Section~~ (as incorporated by R18-8-260 and R18-8-270) to this Section, including the following changes, applicable throughout this Article unless specified otherwise:
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. ["Department" or "the DEQ" means the Department of Environmental Quality ~~or the DEQ.~~]
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change

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- g. No change
- h. No change
- i. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. [~~“Permit-by-rule” means a provision of these rules~~ this Article stating that a facility or activity is considered to have a HWM facility permit if it meets the requirements of the provision.]
- 21. No change
- 22. No change
 - a. No change
 - b. No change
- 23. No change
- 24. No change
- 25. [~~“RCRA §§ 3007”~~ means “A.R.S. § 49-922.”]
- 26. No change
- 27. No change
- 28. [~~“Schedule of compliance”~~ means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements, such as actions, operations, or milestone events, leading to compliance with the HWMA and ~~these rules~~ this Article.]
- 29. [~~“Site”~~ means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with ~~such a~~ the facility or activity.]
- 30. No change
- 31. No change
- 32. No change
- F.** § 260.10, titled “Definitions,” as amended by subsection (E) also is amended as follows, with all definitions in §§ 260.10 (as incorporated by R18-8-260), applicable throughout this Article unless specified otherwise.
 - 1. No change
 - 2. “Administrator,” “Regional Administrator,” “state Director,” or “Assistant Administrator for Solid Waste and Emergency Response” mean the [Director or the Director’s authorized representative, except in §§ 260.10, definitions of “Administrator,” “Regional Administrator,” and “hazardous waste constituent” (as incorporated by R18-8-260(E));
 - 3. “Facility” [or “activity” means:
 - a. Any HWM facility or other facility or activity, including] all contiguous land, structures, appurtenances, and improvements on the land which are used for treating, storing, or disposing of hazardous waste, that is subject to regulation under the HWMA program. A facility may consist of several treatment, storage, or disposal operational units (that is, ~~+~~ one or more landfills, surface impoundments, or combinations of them).
 - b. No change
 - c. Notwithstanding subsection (b) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR 264.101 (as incorporated by R18-8-264), but is subject to corrective action requirements if the site is located within such a facility.
 - 4. No change
 - 5. “Person” means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, [or a limited liability corporation], partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, [state agency, or an agent or employee ~~thereof~~ of a state agency].
 - 6. No change
 - a. No change
 - b. No change
 - 7. ~~“Universal waste” means any of the hazardous wastes that are subject to universal waste requirements in 40 CFR 273 (as incorporated by reference by R18-8-273) and described in 40 CFR 273.2 through 40 CFR 273.4 and in A.A.C. R18-8-273(D) and R18-8-273(E).~~
- G.** § 260.20(a), titled “General” pertaining to rulemaking petitions, is replaced by the following:

Where the Administrator of EPA has granted a rulemaking petition pursuant to 40 CFR 260.20(a), 260.21, or 260.22, the Director may accept ~~such a~~ the Administrator’s determination and amend the Arizona ~~regulations~~ rules accordingly, ~~provided that~~ if the Director determines ~~such~~ the action to be consistent with the policies and purposes of the HWMA.
- H.** No change

- I. No change
- J. § 260.30, titled "Variances from classification as a solid waste," is replaced by the following: Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a solid waste under 40 CFR 260.30, 260.31, and 260.33, the director shall accept the determination, ~~provided if~~ the director determines the action is consistent with the policies and purposes of the HWMA.
- K. § 260.32, titled "Variances to be classified as a boiler," is replaced by the following:
Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a boiler pursuant to 40 CFR 260.32 and 260.33, the director shall accept the determination, ~~provided that if~~ the director determines the action is consistent with the policies and purposes of the HWMA.
- L. 40 CFR §§ 260.41, titled "Procedures for case-by-case regulation of hazardous waste recycling activities," is amended by deleting the following from the end of the ~~6th, and the 7th~~ sixth, seventh, and 8th ~~sixth, seventh, and 8th~~ eight sentences of paragraph (a):
"Or unless review by the Administrator is requested. The order may be appealed to the administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal."
- M. As required by A.R.S. §§ 49-929, generators and transporters of hazardous waste shall register annually with DEQ and submit the appropriate registration fee, prescribed below, with their registration:
 - 1. No change
 - 2. A large-quantity generator ~~which that~~ generated 1,000 kilograms or more of hazardous waste in any month of the previous calendar year shall pay \$300; or
 - 3. A small-quantity generator ~~which that~~ generated 100 kilograms or more but less than 1,000 kilograms of hazardous waste in any month of the previous year shall pay \$100.
- N. A person shall pay hazardous waste generation fees under A.R.S. § 49-931. The DEQ shall send an invoice to large-quantity generators quarterly and small-quantity generators annually. The person shall pay an invoice within 30 days of the postmark on the invoice.

R18-8-261. Identification and Listing of Hazardous Waste

- A. All of 40 CFR 261 and accompanying appendices, as amended as of July 1, ~~1999~~ 2000 (and no future editions), are incorporated by reference and modified by the following subsections ~~of R18-8-261,~~ and are on file with the DEQ and the Office of the Secretary of State.
- B. In the above-adopted federal regulations [{"Section 1004(5) of RCRA"} or [{"Section 1004(5) of the Act"} means A.R.S. § 49-921(5).~~†~~
- C. No change
- D. No change
- E. § 261.4, titled "Exclusions," is ~~adopted except that~~ amended by deleting the phrase "in the Region where the sample is collected" in paragraph (e)(3) ~~is deleted.~~
- F. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. § 261.6, titled "Requirements for recyclable materials," paragraph (c) is amended by adding the following:
[(3) Each facility that recycles hazardous waste received from off-site and that is not otherwise required to submit an annual report under R18-8-262 through R18-8-265 shall submit Form IC, "Identification and Certification," of the Facility Annual Hazardous Waste Report to the Director by March 1 for the preceding calendar year. The annual report shall be mailed to: ADEQ, Hazardous Waste ~~Technical Programs~~ Facilities Assistance Unit, ~~3033 N. Central Ave. 1110 W. Washington St., Phoenix, AZ 85042~~ 85007. The annual report shall be submitted on a form provided by the DEQ according to the instructions for the form.]
- L. ~~§ 261.9, titled "Requirements for Universal Waste" is amended by adding paragraph (d):
(d) Mercury-containing wastelamps as described in R18-8-273.~~
- M.L. § 261.11, titled "Criteria for listing hazardous waste," paragraph (a) is amended as follows:
 - (a) The [Director] shall list a solid waste as a hazardous waste only upon determining that the solid waste meets ~~†~~ one of the following criteria:
 - (1) It exhibits any of the characteristics of hazardous waste identified in subpart C [(as incorporated by R18-8-261)].
 - (2) It has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness. (Waste listed in accordance with these criteria shall be designated Acute Hazardous Waste.)
 - (3) It contains any of the toxic constituents listed in Appendix VIII [(as incorporated by R18-8-261)] and, after con-

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sidering the following factors, the [Director] concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

- (i) The nature of the toxicity presented by the constituent.
- (ii) The concentration of the constituent in the waste.
- (iii) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (a)(3)(vii) of this [subsection].
- (iv) The persistence of the constituent or any toxic degradation product of the constituent.
- (v) The potential for the constituent or any toxic degradation product of the constituent to degrade into non-harmful constituents and the rate of degradation.
- (vi) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
- (vii) The plausible types of improper management to which the waste could be subjected.
- (viii) The quantities of the waste generated at individual generation sites or on a regional or national basis.
- (ix) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent.
- (x) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
- (xi) Such other factors as may be appropriate.

~~N. §§ 261.32 is amended by deleting the following~~

~~Primary Copper:~~

~~K064. Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production;~~

~~Primary lead:~~

~~K065. Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;~~

~~Primary Zinc:~~

~~K066. Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production;~~

~~Ferroalloys:~~

~~K090. Emission control dust or sludge from ferrochromiumsilicon production;~~

~~K091. Emission control dust or sludge from ferrochromium production.~~

R18-8-262. Standards Applicable to Generators of Hazardous Waste

- A. All of 40 CFR 262 and the accompanying appendix, as amended as of July 1, ~~1999~~ 2000, (and no future editions), are incorporated by reference and modified by the following subsections ~~of R18-8-262~~, and are on file with the DEQ and the Office of the Secretary of State.
- B. ~~In the above adopted federal regulations~~ 40 CFR 262 (as incorporated by R18-8-262(A)):
 1. No change
 2. No change
 3. No change
- C. § 262.10, titled "Purpose, scope, and applicability," paragraph (i) is amended as follows:
 - (i) [For the limited time period required to control, mitigate, or eliminate the immediate threat,] persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv), or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part. [As soon as the immediate response activities are completed, all standards of this part apply. For purposes of this rule, DEQ does not consider emergency response personnel to be generators of residuals resulting from immediate responses, unless they are also the owner of the object of an emergency response. The owner of the object of an emergency response, the owner of the property on which the object of an emergency rests or where the emergency response initiates, or the requestor for an emergency response is responsible for addressing any residual contamination that results from an emergency response.]
- D. No change
- E. § 262.12, titled "EPA identification numbers," paragraphs (a) and (b) are amended as follows:
 - (a) No change
 - (b) A generator who has not received an EPA identification number may obtain ~~+~~ one by applying to the [DEQ] using EPA form 8700-12. [The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste ~~Technical Programs~~ Facilities Assistance Unit, ~~3033 N. Central Ave.~~ 1110 W. Washington St., Phoenix, AZ ~~85042~~ 85007.] Upon receiving the request, the [DEQ] will assign an EPA identification number to the generator.
- F. No change
- G. § 262.34, titled "Accumulation time," paragraph (d)(5)(iv)(C) is amended as follows:
 - (C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water [or when a spill has discharged into a storm sewer or dry

well, or such an event has resulted in any other discharge that may reach groundwater], the generator immediately [shall] notify the National Response Center (using their 24-hour toll-free number 800/424-8802) [and the DEQ (using their 24-hour number (602) ~~207-2330~~ 771-2330 or 800/234-5677; ~~extension 2330~~)]. The report [shall contain] the following information:

- (1) The name, address, and [the EPA Identification Number] of the generator;
- (2) Date, time, [location,] and type of incident (for example, spill or fire);
- (3) Quantity and type of hazardous waste involved in the incident;
- (4) Extent of injuries, if any; and
- (5) Estimated quantity and disposition of recovered materials, if any.

H. No change

I. Manifests required in 40 CFR 262, subpart B, titled "The Manifest," (as incorporated by R18-8-262) shall be submitted to the DEQ in the following manner:

1. A generator initiating a shipment of hazardous waste required to be manifested shall submit to the DEQ, no later than 45 days following the end of the month of shipment, ~~± one~~ one copy of each manifest with the signature of that generator and transporter, and the signature of the owner or operator of the designated facility, for any shipment of hazardous waste transported or delivered within that month. If a conforming manifest is not available, the generator shall submit an Exception Report in compliance with §§ 262.42 (as incorporated by R18-8-262).
2. A generator shall designate on the manifest in item ~~(I)~~ "Waste No.," the EPA hazardous waste number or numbers for each hazardous waste listed on the manifest.

J. No change

K. § 262.42, titled "Exception reporting," paragraph (b) is amended by adding the following sentence to the end of the paragraph: "This submission to DEQ shall be made within 60 days following the end of the month of shipment of the waste."

L. No change

M. Any generator who must comply with 40 CFR 262.34(a)(1) (as incorporated by R18-8-262) shall keep a written log of the inspections of container, tank, drip pad, and containment building areas and for the containers, tanks, and other equipment located in these storage areas in accordance with 40 CFR 265.174, 265.195, 265.444, and 265.1101(c)(4) (as incorporated by R18-8-265). The inspection log shall be kept by the generator for ~~3~~ three years from the date of the inspection. The ~~generator shall ensure that the~~ inspection log ~~shall be~~ is filled in after each inspection and ~~shall include~~ includes the following information: inspection date, inspector's name and signature, and remarks or corrections.

R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

A. All of 40 CFR 264 and accompanying appendices, as amended as of July 1, ~~1999~~ 2000, (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149~~–~~, 264.150, and 264.301(1), are incorporated by reference; and modified by the following subsections of ~~R18-8-264~~, and are on file with the DEQ and the Office of the Secretary of State.

B. No change

C. § 264.1, titled "Purpose, scope, and applicability," paragraph (g)(8)(i)(D) is amended as follows:

- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) ~~207-2330~~ 771-2330 or (800) 234-5677; ~~extension 2330~~.]

D. § 264.11, titled "Identification number," is replaced by the following:

1. A facility owner or operator ~~must~~ shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
2. A facility owner or operator who has not received an EPA identification number may obtain ~~± one~~ one by applying to the DEQ using EPA form 8700-12. The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste ~~Technical Programs~~ Facilities Assistance Unit, ~~3033 N. Central Ave.~~ 1110 W. Washington St., Phoenix, AZ ~~85012~~ 85007. Upon receiving the request, the DEQ will assign an EPA identification number to the facility owner or operator.

E. No change

F. No change

G. No change

H. No change

I. Manifests required in 40 CFR 264, Subpart E, titled "Manifest System, Recordkeeping, and Reporting," (as incorporated by R18-8-264) shall be submitted to the DEQ in the following manner:

- [1. The TSD facility receiving off-site shipments of hazardous wastes required to be manifested shall submit to the DEQ, no later than 30 days following the end of the month of shipment, ~~± one~~ one copy of each manifest with the signature, in accordance with § 264.71(a)(1) (as incorporated by R18-8-264), of the owner or operator of the facility, or agent, for any shipment of hazardous waste received within that month.
2. If a facility receiving hazardous waste from off-site is also a generator, the owner or operator ~~{shall}~~ also submit generator manifests as required by R18-8-262(H).]

J. No change

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- K. No change
- L. § 264.143, titled “Financial assurance for closure,” paragraph (h), and 264.145, titled “Financial assurance for post-closure care,” paragraph (h), are amended by replacing the ~~3rd sentence~~ third sentence in each citation with the following: “Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona.”
- M. § 264.147, titled “Liability requirements,” paragraphs (a)(1)(i) and (b)(1)(i) are amended by deleting the following from the ~~4th~~ fourth sentence in each citation: “, or Regional Administrators if the facilities are located in more than ~~4~~ one Region.”
- N. § 264.151, titled “Wording of the instruments,” is adopted except any reference to “{of/for} the Regions in which the facilities are located” is deleted and “an agency of the United States Government” is deleted from the ~~2nd~~ second paragraph of the Trust Agreements.
- O. § 264.301, titled “Design and operating requirements,” is amended by adding the following:
[The DEQ may require that hazardous waste disposed in a landfill operation, be treated prior to landfilling to reduce the water content, water solubility, and toxicity of the waste. The decision by the DEQ shall be based upon the following criteria:
 1. Whether ~~such~~ the action is necessary to protect public health;
 2. Whether ~~such~~ the action is necessary to protect the groundwater, particularly where ~~such~~ the groundwater is a source, or potential source, of a drinking water supply;
 3. The type of hazardous waste involved and whether ~~such~~ the waste may be made less hazardous through treatment;
 4. No change
 5. The existence or likelihood of other wastes in the landfill and the compatibility or incompatibility of ~~such~~ the wastes with the wastes being considered for treatment;
 6. Consistency with other laws, rules and regulations, but not necessarily limited to laws, rules, and regulations relating to landfills and solid wastes.]

R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 265 and accompanying appendices, as amended as of July 1, ~~1999~~ 2000 (and no future editions), with the exception of §§ 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, are incorporated by reference and modified by the following subsections ~~of R18-8-265~~, and are on file with the DEQ and the Office of the Secretary of State.
- B. No change
- C. § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(11)(i)(D) is amended as follows:
(D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) ~~207-2330~~ 771-2330 or (800) 234-5677, ~~extension 2330.~~]
- D. § 265.11, titled “Identification number,” is replaced by the following:
 - [1. A facility owner or operator ~~must~~ shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
 2. A facility owner or operator who has not received an EPA identification number may obtain ~~4~~ one by applying to the ~~DEA~~ DEQ using EPA form 8700-12. The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste ~~Technical Programs~~ Facilities Assistance Unit, ~~3033 N. Central Ave.~~ 1110 W. Washington St., Phoenix, AZ ~~85012~~ 85007. Upon receiving the request, the DEQ ~~will~~ shall assign an EPA identification number to the facility owner or operator.]
- E. No change
- F. § 265.56, titled “Emergency procedures,” paragraph (d)(2) is amended as follows:
(2) [The emergency coordinator, or designee, immediately shall] notify [the DEQ at (602) ~~207-2330~~ 771-2330 or 800/234-5677, ~~extension 2330~~, and notify] either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under 40 CFR 1510) or the National Response Center [using their 24-hour toll-free number 800/424-8802). The report [shall include the following]:
 - (i) Name and telephone number of the reporter;
 - (ii) Name and address of the facility;
 - (iii) Time and type of incident (for example, release, fire);
 - (iv) Name and quantity of material(s) involved, to the extent known;
 - (v) The extent of injuries, if any; and
 - (vi) The possible hazards to human health, or the environment, outside the facility.
- G. § 265.71, titled “Use of manifest system,” paragraph (a)(4) is amended as follows:
Within 30 days after the delivery, send a copy of the manifest to the generator [and submit ~~4~~ one copy of each manifest to the DEQ, in accordance with subsection R18-8-265(I)]; and
- H. No change

- I. No change
- J. No change
- K. No change
- L. §§ 265.143, titled “Financial assurance for closure,” paragraph (g), and 265.145, titled “Financial assurance for post-closure care,” paragraph (g), are amended by replacing the ~~3rd sentences~~ third sentence in each citation with the following: “Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona.”
- M. § 265.193, titled “Containment and detection of releases” (as incorporated by R18-8-265), is amended by adding the following:
[For existing underground tanks and associated piping systems not yet retrofitted in accordance with § 265.193, the owner or operator shall ensure that:
 1. A level ~~must be~~ is measured daily;
 2. A material balance ~~must be~~ is calculated and recorded daily; and
 3. A yearly test for leaks in the tank and piping system, using a method approved by the DEQ ~~must be~~ is performed.]

R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities

- A. All of 40 CFR 266 and accompanying appendices as amended as of July 1, ~~1999~~ 2000 (and no future editions), are incorporated by reference and modified by the following subsections and are on file with the DEQ and the Office of the Secretary of State.
- B. § 266.100, titled “Applicability” paragraph ~~(b)~~ (c) is amended as follows:
~~(b)(c)~~The following hazardous wastes and facilities are not subject to regulation under this subpart:
 - (1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in subpart C of part 261 [(as incorporated by R18-8-261)] of this Chapter. Such used oil is subject to regulation under [A.R.S. §§ 49-801 through 49-818] rather than this subpart;
 - (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
 - (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii)-(iv) [(as incorporated by R18-8-261)] of this Chapter, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under § 261.5 [(as incorporated by R18-8-261)] of this Chapter; and
 - (4) Coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

R18-8-268. Land Disposal Restrictions

All of 40 CFR 268 and accompanying appendices, as amended as of July 1, ~~1999~~ 2000 (and no future editions), with the exception of Part 268, Subpart B, are incorporated by reference and are on file with the DEQ and the Office of the Secretary of State.

R18-8-270. The Hazardous Waste Permit Program

- A. All of 40 CFR 270, as amended as of July 1, ~~1999~~ 2000 (and no future editions), with the exception of §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64, is incorporated by reference and modified by the following subsections ~~of R18-8-270~~, and is on file with the DEQ and the Office of the Secretary of State.
- B. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 2. No change
 - a. No change
 - b. No change
- C. § 270.1, titled “Purpose and scope of these regulations,” paragraph (c)(3)(i)(D) is amended as follows:
(D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) ~~207-2330~~ 771-2330 or (800) 234-5677, ~~extension 2330.~~]
- D. No change
- E. No change
- F. No change
- G. § 270.10, titled “General application requirements,” is amended by adding the following:
 1. When submitting any of the following applications, an applicant shall remit to the DEQ a permit application fee of \$10,000:

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- a. Initial Part B application submitted pursuant to §§ 270.10 and 270.51(a)(1) (as incorporated by R18-8-270);
 - b. Part B permit renewal application submitted pursuant to § 270.10(h) (as incorporated by R18-8-270);
 - c. Application for a Class 3 Modification according to §§ 270.42 (as incorporated by R18-8-270); and
 - d. Application for a research, development, and demonstration permit.
2. If the reasonable cost of processing the application identified in subsection (1) is less than \$10,000, the difference between the reasonable cost and \$10,000 shall be refunded to the applicant. If the reasonable cost of processing the application is greater than \$10,000, the applicant shall be billed for the difference and ~~such the~~ the difference shall be paid in full before the DEQ ~~shall issue~~ issues the permit.
 3. When submitting an application for any ~~+~~ one of the permit-related activities described in this subsection, the applicant shall remit to the DEQ \$2,500. If the reasonable cost of processing the application is greater than \$2,500, the applicant shall be billed for the difference between the fee paid and the reasonable cost of processing the application. A refund shall be paid by the DEQ if the reasonable cost is less than the \$2,500 fee, either within 45 days of a valid withdrawal of the permit application or upon permit issuance. This subsection ~~shall apply~~ applies to all the following:
 - a. An application for a modification of a Part B permit pursuant to § 270.41 (as incorporated by R18-8-270);
 - b. An application for a Class 2 modification of a permit submitted after permit issuance, according to § 270.42 (as incorporated by R18-8-270);
 - c. An application for approval of a final closure plan that is not submitted as part of a Part B application, including the review and approval of the closure report; and
 - d. No change
 4. With an application for a partial closure plan for a facility, the applicant shall remit to the DEQ a fee of \$2,500 for each hazardous waste management unit involved in the partial closure plan or \$10,000, whichever is less. If the reasonable cost of processing the application, including review and approval of the closure report, is more than the initial fee paid, the applicant shall be billed for the difference, and ~~such the~~ the difference shall be paid in full at the time DEQ completes review and approval of the closure report associated with the permit. If the reasonable cost is less than the fee paid by the applicant, DEQ shall refund the difference within 45 days of the closure report review and approval associated with the permit.
 5. The fee for a land treatment demonstration permit issued under § 270.63 (as incorporated by R18-8-270) for hazardous waste ~~shall apply~~ applies toward the \$10,000 permit fee for a Part B land treatment permit when the owner or operator seeks to treat or dispose of hazardous waste in land treatment units based on the successful treatment demonstration (as incorporated by R18-8-270).
 6. An applicant shall remit to the DEQ a permit application fee of \$1,000 for any ~~+~~ one of the following:
 - a. An application for a transfer of a Part B permit to a different owner or operator pursuant to § 270.40 (as incorporated by R18-8-270); or
 - b. No change
 7. The DEQ shall provide the applicant itemized billings for individual costs of the DEQ employees involved in the processing of applications and all other costs to the DEQ pursuant to the following factors when determining the reasonable cost under R18-8-270(G):
 - a. Hourly salary and personnel benefit costs;
 - b. Per diem expenses;
 - c. Transportation costs;
 - d. Reproduction costs;
 - e. Laboratory analysis charges;
 - f. Public notice advertising and mailing costs;
 - g. Presiding officer expenses;
 - h. Court reporter expenses;
 - i. Facility rentals; and
 - j. No change
 8. No change
 9. No change
- H.** No change
- I.** No change
- J.** § 270.14, titled "Contents of Part B: General requirements," paragraph (b) is amended by adding the following:
[(23) Any additional information required by the DEQ to evaluate compliance with facility standards and informational requirements of R18-8-264, R18-8-269 and R18-8-270.
(24)(i)A signed statement, submitted on a form supplied by the DEQ that demonstrates:
(A) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the ~~5~~ five years before the date of the permit application; or
(B) In the case of a corporation or business entity, ~~any~~ no officer, director, partner, key employee, other person, or

business entity who holds 10% or more of the equity or debt liability has ~~not~~ been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the ~~5~~ five years before the date of the permit application.

- ii. Failure to comply with subsection (i), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271).]
- K. § 270.30, titled "Conditions applicable to all permits" paragraph (~~H~~)(10) is amended as follows:
(10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under [§ 270.30(~~H~~)(4),(5), and (6) (as incorporated by R18-8-270)] at the same time monitoring [(including annual)] reports are submitted. The reports shall contain the information listed in [§ 270.30(l)(6) (as incorporated by R18-8-270)].
- L. § 270.30, titled "Conditions applicable to all permits" paragraph (~~H~~) is amended by adding the following:
[All reports listed above (as incorporated by R18-8-270) shall be submitted to the Director in such a manner that the reports are received within the time periods required under this Article.]
- M. No change
- N. No change
- O. § 270.32, titled "Establishing permit conditions," paragraph (c) is amended by deleting the ~~2nd~~ second sentence.
- P. No change
- Q. No change
- R. § 270.110, titled "What must I include in my application for a RAP?," is amended by adding paragraphs (j) and (k) as follows:
[(j) A signed statement, submitted on a form supplied by DEQ that demonstrates:
 - (1) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the ~~5~~ five years before the date of the RAP application.
 - (2) In the case of a corporation or business entity, ~~any~~ no officer, director, partner, key employee, other person or business entity who holds 10% or more of the equity or debt liability has ~~not~~ been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the ~~5~~ five years before the date of the RAP application.](k) Failure to comply with subsection (j), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271).]

R18-8-271. Procedures for Permit Administration

- A. All of 40 CFR 124 and the accompanying appendix as amended as of July 1, 1999 (and no future editions), relating to HWM facilities, with the exception of §§ 124.1(b) through (e), 124.2, 124.4, 124.16, 124.20 and 124.21, are incorporated by reference and modified by the following subsections ~~of R18-8-271~~ and are on file with the DEQ and the Office of the Secretary of State.
- B. § 124.1, titled "Purpose and scope," paragraph (a) is replaced by the following:
[This Section contains the DEQ procedures for issuing, modifying, revoking and reissuing, or terminating all hazardous waste management facility permits. ~~These rules describe~~ This Section describes the procedures the DEQ shall follow in reviewing permit applications, preparing draft permits, issuing public notice, inviting public comment, and holding public hearings on draft permits. This Section also includes procedures for assembling an administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decision. The procedures of this Section also apply to denial of a permit for the active life of a RCRA HWM facility or unit under § 270.29 (as incorporated by R18-8-270(A)).]
- C. § 124.3, titled "Application for a permit," is replaced by the following:
[(a)(1) Any person who requires a permit under this Article shall complete, sign, and submit to the Director an application for each permit required under § 270.1 (as incorporated by R18-8-270). Applications are not required for RCRA permits-by-rule in § 270.60 (as incorporated by R18-8-270).
 - (2) The Director shall not begin ~~the processing of~~ a permit until the applicant has fully complied with the application requirements for that permit. (Refer to §§ 270.10 and 270.13 as incorporated by R18-8-270).
 - (3) ~~Permit applications~~ An applicant for a permit shall comply with the signature and certification requirements of § 270.11, as incorporated by R18-8-270.(b) Reserved.
(c) The Director shall review for completeness every application for a permit. Each application submitted by a new HWM facility shall be reviewed for completeness by the Director in the order of priority on the basis of hazardous waste capacity established in a list by the Director. The Director shall make the list available upon request. Upon completing the review, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall list the information necessary to make the application complete. When

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the application is for an existing HWM facility, the Director shall specify in the notice of deficiency a date for submitting the necessary information. The Director shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information ~~shall do~~ not render an application incomplete.

- (d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and the Director may take appropriate enforcement actions against an existing HWM facility ~~may be taken~~ pursuant to A.R.S. §§ 49-923, 49-924 and 49-925.
- (e) If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an application, the Director shall notify the applicant and schedule a date for a site visit ~~shall be scheduled~~.
- (f) The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in paragraph (c) of this subsection.
- (g) For each application from a new HWM facility, the Director shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Director intends to do the following:
 - (1) Prepare a draft permit or Notice of Intent to Deny;
 - (2) Give public notice;
 - (3) Complete the public comment period, including any public hearing;
 - (4) Make a decision to issue or deny a final permit; and
 - (5) Issue a final decision.

D. § 124.5, titled “Modification, revocation, and reissuance, or termination of permits,” is replaced by the following:

[(a) Permits may be modified, revoked, and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director’s initiative. However, permits may only be modified, revoked, and reissued, or terminated for the reasons specified in §§ 270.41 or 270.43 (as incorporated by R18-8-270). All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the Director decides the request is not justified, the Director shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.

(c) Modification, revocation or reissuance of permits procedures.

(1) If the Director tentatively decides to modify or revoke and reissue a permit under §§ 270.41 or 270.42(c) (as incorporated by R18-8-270), the Director shall prepare a draft permit under § 124.6 (as incorporated by R18-8-271(E)), incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.

(2) In a permit modification under this [subsection], only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. The permit modification shall have the same expiration date as the unmodified permit. When a permit is revoked and reissued under this subsection, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(3) “Classes 1 and 2 modifications” as defined in § 270.42 (as incorporated by R18-8-270) are not subject to the requirements of this subsection.

(d) If the Director tentatively decides to terminate a permit under § 270.43 (as incorporated by R18-8-270), the Director shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 (as incorporated by R18-8-271(E)). In the case of permits that are processed or issued jointly by both the DEQ and the EPA, a notice of intent to terminate shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibilities from the EPA to the state.

(e) ~~All~~ The Director shall base all draft permits, including notices of intent to terminate, prepared under this subsection ~~by the Director shall be based~~ on the administrative record as defined in § 124.9 (as incorporated by R18-8-271(H)).]

E. No change

F. No change

G. § 124.8, titled “Fact sheet,” is replaced by the following:

(a) ~~A~~ The DEQ shall prepare a fact sheet ~~shall be prepared~~ for every draft permit for a new HWM facility, and for every draft permit ~~which that~~ the Director finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.

(b) The fact sheet shall include, when applicable:

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- (1) A brief description of the type of facility or activity ~~which that~~ is the subject of the draft permit;
 - (2) The type and quantity of wastes, ~~which that~~ are proposed to be or are being treated, stored, or disposed;
 - (3) Reserved.
 - (4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9, (as incorporated by R18-8-271(H));
 - (5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
 - (6) A description of the procedures for reaching a final decision on the draft permit including:
 - (i) The beginning and ending dates of the comment period under §§ 124.10 (as incorporated by R18-8-271(I)) and the address where comments ~~shall~~ will be received;
 - (ii) Procedures for requesting a hearing and the nature of that hearing; and
 - (iii) Any other procedures by which the public may participate in the final decision-; and
 - (7) Name and telephone number of a person to contact for additional information.
 - (8) Reserved.
- H. § 124.9 titled “Administrative record for draft permits” is replaced by the following:
- (a) The provisions of a draft permit prepared under § 124.6 (as incorporated by R18-8-271(E)) shall be based on the administrative record defined in this subsection.
 - (b) For preparing a draft permit under § 124.6 (as incorporated by R18-8-271(E)), the record ~~shall consist~~ consists of:
 - (1) The application, if required, and any supporting data furnished by the applicant, subject to paragraph (e) of this subsection;
 - (2) The draft permit or notice of intent to deny the application or to terminate the permit;
 - (3) The statement of basis under §§ 124.7 (as incorporated by R18-8-271(F)) or fact sheet under § 124.8 (as incorporated by R18-8-271(G));
 - (4) All documents cited in the statement of basis or fact sheet; and
 - (5) Other documents contained in the supporting file for the draft permit.
 - (6) Reserved.
 - (c) Material readily available at the DEQ or published material that is generally available, and that is included in the administrative record under paragraphs (b) and (c) of this subsection, need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.
 - (d) This subsection applies to all draft permits when public notice was given after the effective date of these rules.
 - (e) All items deemed confidential pursuant to A.R.S. § 49-928 shall be maintained separately and not disclosed to the public.
- I. § 124.10, titled “Public notice of permit actions and public comment period,” is replaced by the following:
- (a) Scope.
 - (1) The Director shall give public notice that the following actions have occurred:
 - (i) A permit application has been tentatively denied under § 124.6(b) (as incorporated by R18-8-271(E));
 - (ii) A draft permit has been prepared under § 124.6(d) (as incorporated by R18-8-271(E)); and
 - (iii) A hearing has been scheduled under § 124.12 (as incorporated by R18-8-271(K)).
 - (2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b) (as incorporated by R18-8-271(D)). Written notice of that denial shall be given to the requester and to the permittee.
 - (3) Public notices may describe more than ~~±~~ one permit or permit actions.
 - (b) Timing.
 - (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this subsection shall allow at least 45 days for public comment.
 - (2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the ~~±~~ two notices may be combined.)
 - (c) Methods. Public notice of activities described in paragraph (a)(1) of this subsection shall be given by the following methods:
 - (1) By mailing a copy of a notice to the following persons (any person otherwise titled to receive notice under this subparagraph may waive his or her rights to receive notice for any classes and categories of permits):
 - (i) An applicant;
 - (ii) Any other agency which the Director knows has issued or is required to issue a HWM facility permit or any other federal environmental permit for the same facility or activity;
 - (iii) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected states (Indian Tribes). For purposes of this paragraph, and in the context of the Underground Injection Control Program only, the term State includes Indian Tribes treated as States;
 - (iv) Reserved.

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- (v) Reserved.
- (vi) Reserved.
- (vii) Reserved.
- (viii) For Class I injection well UIC permits only, state and local oil and gas regulatory agencies and state agencies regulating mineral exploration and recovery;
- (ix) Persons on a mailing list developed by:
 - (A) Including those who request in writing to be on the list;
 - (B) Soliciting persons for “area lists” from participants in past permit proceedings in that area; and
 - (C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state-funded newsletters, environmental bulletins, or state law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to ~~such a~~ the request.); and
 - (x)(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
 - (B) To each state agency having any authority under state law with respect to the construction or operation of ~~such~~ the facility; ;
- (2) By newspaper publication and radio announcement broadcast, as follows:
 - (i) Reserved.
 - (ii) For all permits, publication of a notice in a daily or weekly major local newspaper of general circulation within the area affected by the facility or activity, at least once, and in accordance with the provisions of paragraph (b) of this subsection; and
 - (iii) For all permits, a radio announcement broadcast over ~~2~~ two local radio stations ~~broadcasted over~~ serving the affected area at least once during the period ~~2~~ two weeks prior to the public hearing. The announcement shall contain:
 - (A) A brief description of the nature and purpose of the hearing;
 - (B) The information described in items (i), (ii), (iii), (iv), and (vii) of subparagraph (d)(1) of this subsection;
 - (C) The date, time, and place of the hearing; and
 - (D) Any additional information considered necessary or proper; or
- (3) Reserved.
- (4) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.
- (d)(1) Each public notice issued under this Article shall contain the following minimum information:
 - (i) Name and address of the office processing the permit action for which notice is being given;
 - (ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by such permit;
 - (iii) A brief description of the business conducted at the facility or activity described in the permit application;
 - (iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the statement of basis or fact sheet;
 - (v) A brief description of the comment procedures required by §§ 124.11 (as incorporated by R18-8-271(J) and 124.12 (as incorporated by R18-8-271(K)) and the time and place of any hearing that shall be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;
 - (vi) The location of the administrative record required by § 124.9 (as incorporated by R18-8-271(H)), the times at which the record ~~shall~~ will be open for public inspection, and a statement that all data submitted by the applicant (except for confidential information pursuant to A.R.S. § 49-928) is available as part of the administrative record;
 - (vii) The locations where a copy of the application and the draft permit may be inspected and the times at which these documents are available for public review; and
 - (viii) Reserved.
 - (ix) Any additional information considered necessary or proper.
- (2) Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this subsection, the public notice of a hearing under § 124.12 (as incorporated by R18-8-271(K)) shall contain the following information:
 - (i) Reference to the date of previous public notices relating to the permit;
 - (ii) Date, time, and place of the hearing; and
 - (iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.
 - (iv) Reserved.

(e) In addition to the general public notice described in paragraph (d)(1) of this subsection, all persons identified in paragraphs (c)(1)(i), (ii), and (iii) of this subsection shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).

J. No change

K. § 124.12, titled "Public hearings," is replaced by the following:

[(a)(1) The Director shall hold a public hearing whenever the Director finds, on the basis of requests, a significant degree of public interest in a draft permit.

(2) The Director may also hold a public hearing at the Director's discretion whenever, for instance, such a hearing might clarify ~~+~~ one or more issues involved in the permit decision.

(3) The Director shall hold a public hearing whenever written notice of opposition to a draft permit and a request for a hearing has been received within 45 days of public notice under § 124.10(b)(1) (as incorporated by R18-8-271(I)). Whenever possible the Director shall schedule a hearing under this subsection at a location convenient to the nearest population center to the proposed facility.

(4) Public notice of the hearing shall be given as specified in § 124.10 (as incorporated by R18-8-271(I)).

(b) Reserved.

(c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 (as incorporated by R18-8-271(I)) shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public.

(e) Reserved.]

L. § 124.13, titled "Obligation to raise issues and provide information during the public comment period," is replaced by the following:

[All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under § 124.10, (as incorporated by R18-8-271(I)). Any supporting materials ~~which are submitted~~ that a commenter submits shall be included in full and ~~may~~ shall not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the DEQ as directed by the Director.]

M. § 124.14, titled "Reopening of the public comment period," is replaced by the following:

(a)(1) The Director may order the public comment period reopened if the procedures of this paragraph could expedite the decision-making process. When the public comment period is reopened under this paragraph, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than 60 days after public notice under paragraph (a)(2) of this subsection, set by the Director. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material, set by the Director.

(2) Public notice of any comment period under this paragraph shall identify the issues to which the requirements of § 124.14(a) (as incorporated by R18-8-271(M)) ~~shall~~ apply.

(3) On the Director's own motion or on the request of any person, the Director may direct that the requirements of paragraph (a)(1) of this subsection shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of paragraph (a)(1) of this subsection will substantially expedite the decision-making process. The notice of the draft permit shall state whenever this has been done.

(4) A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request longer comment periods and they shall be granted under § 124.10 (as incorporated by R18-8-271(I)) to the extent they appear necessary.

(b) If any data, information, or arguments submitted during the public comment period, including information or arguments required under § 124.13 (as incorporated by R18-8-271(L)), appear to raise substantial new questions concerning a permit, the Director may take one or more of the following actions:

(1) Prepare a new draft permit, appropriately modified, under §§ 124.6 (as incorporated by R18-8-271(E));

(2) Prepare a revised statement of basis under § 124.7 (as incorporated by R18-8-271(F)), a fact sheet or revised fact sheet under this § 124.8 (as incorporated by R18-8-271(G)), and reopen the comment period under this subsection.

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tion; or,

- (3) Reopen or extend the comment period under § 124.10 (as incorporated by R18-8-271(I)) to give interested persons an opportunity to comment on the information or arguments submitted.
 - (c) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under § 124.10 (as incorporated by R18-8-271(I)) shall define the scope of the reopening.
 - (d) Reserved.
 - (e) Public notice of any of the above actions shall be issued under §§ 124.10 (as incorporated by R18-8-271(I)).
- N. § 124.15, titled "Issuance and effective date of permit," is replaced by the following:
- (a) After the close of the public comment period under § 124.10 (as incorporated by R18-8-271(I)) on a draft permit, the Director shall issue a final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 (as incorporated by R18-8-270(A)). The Director shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a permit or a decision to terminate a permit. For purposes of this subsection, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.
 - (b) A final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 (as incorporated by R18-8-270(A)) ~~shall become~~ becomes effective on ~~a the~~ date specified by the Director in the final permit notice.
 - (1) Reserved.
 - (2) Reserved.
 - (3) Reserved.

O. No change

P. No change

Q. § 124.19, titled "Appeal of RCRA, UIC, and PSD permits," is replaced by the following:

- ~~(a) Within 30 days after a RCRA final permit decision (or a decision under §§ 270.29 (as incorporated by R18-8-270(A)) to deny a permit for the active life of a RCRA hazardous waste management facility or unit) has been issued under § 124.15 (as incorporated by R18-8-271(N)), any person who filed comments on that draft permit or participated in the public hearing may petition the Director to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The 30-day period within which a person may request review under this subsection begins with the service of notice of the Director's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) and when appropriate, a showing that the condition in question is based on:
 - (1) A finding of fact or conclusion of law which is clearly erroneous, or
 - (2) An exercise of discretion or an important policy consideration which the Director should, in his or her discretion, review.~~
- ~~(b) Within 30 days following the filing of the petition for review, the Director shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action.~~
- ~~(c) To the extent that review of the permit is granted, a hearing shall be held pursuant to A.R.S. Title 41, Chapter 6, Article 6 and 18 A.A.C. 1, Article 2.~~
- ~~(d) For purposes of judicial review of agency decisions made pursuant to this Section, final agency action occurs when a final permit is issued or denied by the Director and agency review procedures are exhausted or the times for initiating review procedures have passed.~~

A final permit decision (or a decision under § 270.29 (as incorporated by R18-8-270(A)) to deny a permit for the active life of a RCRA hazardous waste management facility or unit issued under § 124.15 (as incorporated by R18-8-271(N)) is an appealable agency action as defined in A.R.S. § 49-1092 and is subject to appeal under A.R.S. Title 41, Chapter 6, Article 10.

R. No change

S. No change

T. No change

R18-8-273. Standards for Universal Waste Management

~~A. All of 40 CFR 273, as amended as of July 1, 1999 2000 (and no future editions), is incorporated by reference and modified by the following subsections of R18-8-273 and are and is on file with the DEQ and the Office of the Secretary of State.~~

~~B. §§ 273.1, entitled "Scope" paragraph (a) is amended by adding the following:~~

- ~~(4) Mercury-containing lamps as described in R18-8-273(D).~~

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- C.** ~~Applicability mercury-containing lamps. The requirements of this Section apply to persons managing mercury-containing lamps as described in subsection (D), except those listed in subsection (C)(1)(a).~~
- ~~1. Lamps not regulated under this Section. The requirements of this Section do not apply to persons managing the following lamps:
 - a. Lamps that are not yet wastes under 40 CFR 261 (as incorporated by R18-8-261). Subsection (C)(2) describes when lamps become wastes.
 - b. Lamps that are not hazardous wastes. A lamp is a hazardous waste if it exhibits 1 or more of the characteristics identified in 40 CFR 261, Subpart C (as incorporated by R18-8-261).~~
 - ~~2. Generation of waste lamps:
 - a. A used or spent mercury-containing lamp becomes a waste on the date it is removed from service.
 - b. An unused mercury-containing lamp becomes a waste on the date the handler decides to discard it.~~
- D.** ~~§§ 273.6, entitled “Definitions” is amended by adding the following definition: “Mercury-containing lamp” means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet (UV), visible, and infrared (IR) regions of the electromagnetic spectrum. Four common mercury-containing lamps are fluorescent lamps, sodium-vapor lamps, high and low-pressure mercury vapor lamps, and high-intensity discharge (HID) lamps.~~
- E.** ~~§§ 273.6, entitled “Definitions” is amended by adding the following to the definition of universal waste:
(d) Mercury-containing lamps as described in subsection (D) in this Section.~~
- F.** ~~§§ 273.13, entitled “Waste management” is amended by adding paragraph (d) as follows:
(d) Universal waste lamps. A small quantity handler of universal waste shall manage universal waste lamps in a way that prevents releases of any universal waste or component of any universal waste to the environment, as follows:
 - (1) A small quantity handler shall manage universal waste lamps in a way that minimizes lamp breakage. The small quantity handler shall:
 - (i) Contain unbroken lamps in packaging that will minimize breakage during normal handling, and
 - (ii) Contain broken lamps in packaging that will minimize releases of lamp fragments and residues.
 - (2) A small quantity handler of universal waste lamps shall immediately contain all releases of residues from hazardous waste lamps.
 - (3) A small quantity handler of universal waste lamps shall determine whether any materials (that is, mercury, residues, or other solid wastes) resulting from the release exhibit a characteristic of hazardous waste, and if so, shall manage the waste in accordance with all applicable requirements in 40 CFR 260 through 272 (as incorporated by R18-8-260 through R18-8-271).
 - (4) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.
 - (5) A small quantity handler of universal waste may remove mercury-containing arc tubes from universal waste lamps if the handler:
 - (i) Removes the arc tubes in a manner designed to prevent breakage of the arc tubes;
 - (ii) Removes the arc tubes only over or in a containment device (for example, a tray or pan sufficient to contain any mercury released from an arc tube in case of breakage);
 - (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken arc tubes from the containment device to a container that meets the requirements of 40 CFR 262.34 (as incorporated by R18-8-262);
 - (iv) Immediately transfers any mercury resulting from spills or leaks from broken arc tubes from the containment device to a container that meets the requirements of 40 CFR 262.34 (as incorporated by R18-8-262);
 - (v) Ensures that the area in which arc tubes are removed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (vi) Ensures that employees removing arc tubes are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (vii) Stores removed arc tubes in closed, non-leaking containers that are in good condition and are no greater than 5-gallons in size; and
 - (viii) Before shipment, minimizes empty space in containers either by the addition of packing material on top of the arc tubes or by filling the containers to minimize the empty space.~~
- G.** ~~§§ 273.14, entitled “Labeling/markings” is amended by adding paragraph (e) as follows:
(e) A universal waste lamp, or a container in which the lamps are contained shall be labeled or marked clearly with any 1 of the following phrases: “Universal Waste Mercury Lamp(s),” or “Waste Mercury Lamp(s),” or “Used Mercury Lamp(s).”~~
- H.** ~~§§ 273.33, entitled “Waste management” is amended by adding paragraph (d) as follows:
(d) Universal waste lamps. A large quantity handler of universal waste shall manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - (1) A large quantity handler shall manage universal waste lamps in a way that minimizes lamp breakage. The large~~

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quantity handler shall:

- (i) Contain unbroken lamps in packaging that will minimize breakage during normal handling, and
 - (ii) Contain broken lamps in packaging that will minimize releases of fragments and residues.
- (2) A large quantity handler of universal lamps shall immediately contain all releases of residues from hazardous waste lamps.
- (3) A large quantity handler of universal waste lamps shall determine whether any materials (that is, mercury, residues, or other solid wastes) resulting from the release exhibit a characteristic of hazardous waste, and if so, shall manage the waste in accordance with all applicable requirements in 40 CFR 260 through 272 (as incorporated by R18-8-260 through R18-8-271).
- (4) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.
- (5) A large quantity handler of universal waste may remove mercury-containing arc tubes from universal waste lamps if the handler:
- (i) Removes the arc tubes in a manner designed to prevent breakage of the arc tubes;
 - (ii) Removes the arc tubes only over or in a containment device (for example, a tray or pan sufficient to contain any mercury released from an arc tube in case of breakage);
 - (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken arc tubes from the containment device to a container that meets the requirements of 40 CFR 262.34 (as incorporated by R18-8-262);
 - (iv) Immediately transfers any mercury resulting from spills or leaks from broken arc tubes from the containment device to a container that meets the requirements of 40 CFR 262.34 (as incorporated by R18-8-262);
 - (v) Ensures that the area in which arc tubes are removed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (vi) Ensures that employees removing arc tubes are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (vii) Stores removed arc tubes in closed, non-leaking containers that are in good condition and are no greater than 5 gallons in size; and
 - (viii) Before shipment, minimizes empty space in containers either by the addition of packing material on top of the arc tubes or by filling the containers to minimize the empty space.

I: § 273.34, entitled "Labeling/marking" is amended by adding paragraph (c), as follows:

(c) Universal waste lamps (that is, each lamp), or a container in which the lamps are contained, shall be labeled or marked clearly with any 1 of the following phrases: "Universal Waste Mercury Lamp(s)," or "Waste Mercury Lamp(s)," or "Used Mercury Lamp(s)."

J: §§ 273.60, entitled "Applicability" is amended by adding paragraph (c) as follows:

(c) The owner or operator of a destination facility that manages mercury-containing waste lamps as a universal waste, is in operation as of the effective date of this rule, and required to submit a hazardous waste permit application shall submit Parts A and B of the application no later than 180 days following the effective date of this rule. Until such time that the Director takes final action on the application, the facility shall manage universal waste lamps in accordance with the document entitled "Arizona Department of Environmental Quality Compliance Agreement for a Mercury-Containing Waste Lamps Processing/Recycling Facility."