

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

[R06-418]

PREAMBLE

- 1. Sections Affected**
R4-30-101
- Rulemaking Action**
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. § 32-106(A)(1) and (3)
Implementing statute: A.R.S. § 32-122.01(A)(2) and (B)(2)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Docket Opening: 12 A.A.R. 4186, November 13, 2006 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Julie Ruff
Address: Arizona State Board of Technical Registration
1110 W. Washington Street, Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4940
Fax: (602) 364-4931
E-mail: julie.ruff@azbtr.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The addition of the definition "design team" will allow professional registrants to work on projects together while in the design process of these projects without signing and sealing documents that are unfinished product and still in the design phase of production.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
- 7. 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
- 8. The preliminary summary of the economic, small business, and consumer impact:**
There are no significant economic impacts on registrants.
There are no significant economic impacts on small businesses and consumers.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Julie Ruff

Notices of Proposed Rulemaking

Address: Arizona State Board of Technical Registration
1110 W. Washington Street, Suite 240
Phoenix, AZ 85007

Telephone: (602) 364-4940

Fax: (602) 364-4931

E-mail: julie.ruff@azbtr.gov

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

Written or oral comments will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, by mail at 1110 W. Washington Street, Suite 240, Phoenix, AZ 85007, fax at (602) 364-4931, or by e-mail at julie.ruff@azbtr.gov for 30 days from the date it is published in the *Arizona Administrative Register*.

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

None

12. Any material incorporated by reference and its location in the rule:

None

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

Section
R4-30-101. Definitions

ARTICLE 1. GENERAL PROVISIONS

R4-30-101. Definitions

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

1. "Act" means the Technical Registration Act, A.R.S. Title 32, Chapter 1.
2. "Active engagement" means actually practicing or providing architectural, assaying, engineering, geological, landscape architectural, or land surveying services.
3. "Bona fide employee" means:
 - a. Any person employed by a town, city, county, state, or federal agency working under the direction or supervision of a registrant;
 - b. Any person employed by a business entity and working under the direct supervision of a registrant who is also employed by the same business entity; or
 - c. Any person working under the direct supervision of a registrant who:
 - i. Receives direct wages from the registrant;
 - ii. Receives contract compensation from the registrant; or
 - iii. Receives direct wages from the project prime professional who has a contract with another registrant and whose work product is the responsibility of the latter registrant.
4. "Branch" means a specialty area within the category of engineering.
5. "Category" means the professions of architecture, assaying, geology, engineering, landscape architecture, and land surveying.
6. "De minimis violations" means violations of Board statutes or rules that do not present a threat to public welfare, health, or safety.
7. "Design team" means a group of individuals that include one or more professional registrants with any other individuals collaborating on a specific project to develop professional documents.
- 7-8. "Detached single family dwelling" as used in the Act means a single family dwelling unit such as a house, which is structurally and physically separate from all other family dwelling units. This does not mean any single family dwelling unit which is part of a multiple dwelling unit building such as a duplex, townhouse apartment building, condominium, or cooperative. The term "detached single family dwelling" also includes all subsidiary buildings, structures, and improvements such as a garage, storage areas, swimming pool, and landscaping.

- ~~8-9.~~ “Direct supervision” means a registrant’s critical examination and evaluation of a bona fide employee’s work product, during and after the preparation, for purposes of compliance with applicable laws, codes, ordinances, and regulations pertaining to professional practice.
- ~~9-10.~~ “Experience” is classified as follows:
- a. “Subprofessional experience” means task work done under direct supervision and not falling within the definition of professional experience, including but not limited to time spent as a rodman, chainman, recorder, instrument technician, survey aide, technician, clerk of the works, or similar work.
 - b. “Professional experience” means work calling for substantial technical knowledge, skill, and responsibility as well as a lesser degree of supervision.
 - c. “Responsible charge experience” means work in the field or in the office, where the applicant had responsibility for the direction of the work and its successful accomplishment and where the applicant had to make professional decisions without relying on advice or instructions from or first referring the decisions for approval to a superior.
 - d. “Design experience” means professional experience, including work defined under “responsible charge experience,” where the applicant must fulfill the requirements of local circumstances and conditions and yet not violate any of the requirements of the profession and ensure that the executed plan meets the purpose for which it was designed.
- ~~10-11.~~ “Federal agency” means the United States or any agency or instrumentality, corporate or otherwise, of the United States.
- ~~11-12.~~ “Good moral character and repute” means that the registration or certification applicant:
- 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;
 - 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; 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.
- ~~12-13.~~ “Gross negligence” means a substantial deviation in professional practice from the standard of professional care exercised by members of the registrant’s profession, or a substantial deviation from any technical standards issued by a nationally recognized professional organization comprised of members of the registrant’s profession, or a substantial deviation from requirements contained in state, municipal, and county laws, ordinances, and regulations pertaining to the registrant’s professional practice.
- ~~13-14.~~ “Incompetence” means to lack the professional qualifications, experience, or education to undertake a professional engagement or assignment.
- ~~14-15.~~ “Insufficient evidence to support disciplinary action” means:
- a. The Board determines there was no evidence to warrant disciplinary action, but believes that continuation of the actions leading to the investigation may result in future Board action against the registrant; or
 - b. The Board determines that there were de minimis violations of Board statutes or rules, but no disciplinary action should be taken against the certification or registration and that a letter of concern would be as effective a resolution as a letter of reprimand in deterring future violations of a like nature.
- ~~15-16.~~ “Other misconduct” means the registrant:
- a. Has been convicted of a class 1 felony;
 - b. Has been convicted of a felony or misdemeanor, if 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 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.

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- ~~16-17.~~ “Practicing” means offering or performing professional services regulated by the Act within the state of Arizona.
- ~~17-18.~~ “Prepared” means to exercise direct supervision over the preparation of professional documents.
- ~~18-19.~~ “Professional documents” mean the professional work product of a registrant ~~requiring that requires~~ professional ~~judgement~~ judgment, design, analysis, or conclusions, including original plans, drawings, maps, plats, reports, written opinions, specifications, and calculations.
- ~~19-20.~~ “Project Prime Professional” means the registrant responsible for the coordination, continuity, and compatibility of each collaborating registrant’s work (when retained by the Project Prime Professional).
- ~~20-21.~~ “Public Works project” means a work or undertaking ~~which that~~ is financed, in whole or in part, by a federal agency or by a state public body, as defined in this Article.
- ~~21-22.~~ “Registrant” means a person or firm who has been granted registration or certification to practice any profession regulated pursuant to the Act.
- ~~22-23.~~ “Retired from active practice” means that the registrant no longer performs professional services.
- ~~23-24.~~ “State public body” means the state or a county, city, town, municipal corporation, authority, or any other subdivision, agency, or instrumentality of such an entity, corporate or otherwise.
- ~~24-25.~~ “Structure” as used in the Act means any constructed or designed improvement or improvements to real property including all onsite improvements, fixed equipment, and landscaping, pursuant to an engagement or project.

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

**CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY
CONCEALED WEAPON PERMITS**

[R06-420]

PREAMBLE

1. Sections Affected

Rulemaking Action

Chapter 9	Amend
R13-9-101	Amend
R13-9-102	Amend
R13-9-103	Amend
R13-9-104	Amend
Table 1	New Table
Article 2	Amend
R13-9-201	Amend
R13-9-202	Amend
R13-9-203	Amend
R13-9-204	Amend
R13-9-205	Amend
R13-9-206	Amend
R13-9-207	Repeal
R13-9-208	Amend
Article 3	Amend
R13-9-301	Repeal
R13-9-302	Amend
R13-9-303	Repeal
R13-9-304	Repeal
R13-9-305	Amend
R13-9-306	Repeal
R13-9-307	Amend
R13-9-308	Amend
R13-9-309	Amend
R13-9-310	New Section
Article 4	Re-number
Article 4	New Article
R13-9-401	Re-number
R13-9-401	New Section
R13-9-402	Re-number

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R13-9-402	New Section
R13-9-403	New Section
R13-9-404	New Section
R13-9-405	New Section
Article 5	New Article
R13-9-501	New Section
R13-9-502	New Section
Article 6	Renumber
R13-9-601	Renumber
R13-9-601	Amend
R13-9-602	New Section
R13-9-603	Renumber
R13-9-603	Repeal
R13-9-603	New Section

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

Authorizing statute: A.R.S. § 13-3112(T)

Implementing statute: A.R.S. § 13-3112

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 12 A.A.R. 2848, August 11, 2006

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

Name: Lieutenant Laurence Burns, Licensing and Regulatory Bureau Commander

Address: P. O. Box 6638
Mail drop 1160
Phoenix, AZ 85005-6638

Telephone: (602) 223-2387

Fax: (602) 223-2928

E-mail: lburns@azdps.gov

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

The Department is amending the rules regarding a concealed-weapons permit to make them consistent with recent statutory changes and agency practice. Specifically, the Department is removing the requirement that two hours of refresher training be completed before a concealed-weapons permit is renewed and establishing standards to implement the federal Law Enforcement Officers Safety Act of 2004. The Department is also making the rules more clear, concise, and understandable.

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

None

7. A showing of good cause why the 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

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

Because this rule package simply makes the rules consistent with recent statutory changes and updates language, the economic impact of the rulemaking will be minimal.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lieutenant Laurence Burns, Licensing and Regulatory Bureau Commander

Address: P. O. Box 6638
Mail drop 1160
Phoenix, AZ 85005-6638

Telephone: (602) 223-2387

Fax: (602) 223-2928

E-mail: lburns@azdps.gov

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10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

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

Date: Thursday, December 14, 2006
Time: 2:30 p.m.
Location: Arizona Peace Officer Standards and Training Board
2643 E. University
Phoenix, AZ 85034

The rulemaking record will close at 5:00 p.m. on December 15, 2006.

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

None

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

Form FD-258 (5-11-99), published by the U.S. Government Printing Office and available from the FBI (Attn: Logistical Support Unit, CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306) or online at www bookstore.gpo.gov is incorporated by reference in R13-9-101.

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

**CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY
~~CONCEALED WEAPON~~ WEAPONS PERMITS**

ARTICLE 1. GENERAL PROVISIONS

Section

- R13-9-101. Definitions
- R13-9-102. Application and Processing Fees
- R13-9-103. Application Forms
- R13-9-104. Time-frames for ~~Making Permit and Instructor approval Determinations~~ Department Action on Applications
Table 1. Time-frames for Department Action on Applications (in days)

ARTICLE 2. CONCEALED WEAPON WEAPONS PERMIT; APPLICATION; RENEWAL; RESPONSIBILITIES

Section

- R13-9-201. Concealed ~~Weapons~~ weapons Permit Eligibility
- R13-9-202. Application for a Concealed ~~Weapon~~ weapons Permit
- R13-9-203. ~~Permit~~ Issuance of a Concealed ~~weapons~~ weapons Permit
- R13-9-204. Renewal of Concealed ~~Weapon~~ weapons Permit
- R13-9-205. ~~Permittee Obligations~~ Permit Holder Responsibilities
- R13-9-206. Lost, Stolen, or Damaged Concealed ~~Weapon~~ weapons Permit
- R13-9-207. ~~Change of Address~~ Repealed
- R13-9-208. Change in Name of ~~Permittee~~ Permit Holder

ARTICLE 3. FIREARMS-SAFETY TRAINING ~~PROGRAM~~; APPROVED PROGRAMS AND INSTRUCTORS

Section

- R13-9-301. ~~General Requirements for Firearms-safety Training Program~~ Repealed
- R13-9-302. Application for ~~Approval of a~~ Firearms-safety Training ~~Program~~ Approval Organization
- R13-9-303. ~~Time frames for Firearms-safety Training Program Approval~~ Repealed
- R13-9-304. ~~Requesting Department Assistance with Program Development~~ Repealed
- R13-9-305. ~~Responsibilities of the Responsible Party of an Approved Firearms-safety Training Organization~~ Obligations
- R13-9-306. ~~Refresher Firearms-safety Training Program~~ Repealed
- R13-9-307. ~~Eligibility for Approval as a Firearms-safety Instructors~~ Instructor
- R13-9-308. Application for ~~Registration of~~ Approval as a Firearms-safety Instructor
- R13-9-309. ~~Renewal of Approval as a Firearms-safety Instructor~~ Registration Renewal
- R13-9-310. Firearms-safety Instructor Responsibilities

ARTICLE 4. ~~HEARINGS AND DISCIPLINARY PROCEEDINGS~~ CERTIFICATE OF FIREARMS PROFICIENCY

Section

- R13-9-401. ~~Suspension and Revocation~~ Certificate of Firearms Proficiency Eligibility
R13-9-402. ~~Reconsideration, Request for Hearing~~ Application for a Certificate of Firearms Proficiency
R13-9-403. Issuance of a Certificate of Firearms Proficiency
R13-9-404. Renewal of a Certificate of Firearms Proficiency
R13-9-405. Certificate Holder Responsibilities

ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS

Section

- R13-9-501. Application for Recognition as a LEOSA Instructor
R13-9-502. LEOSA Instructor Responsibilities

ARTICLE ~~4, 6.~~ HEARINGS AND DISCIPLINARY PROCEEDINGS

Section

- R13-9-601. ~~R13-9-401.~~ Suspension and Revocation
R13-9-602. Hearing Procedures
R13-9-603. ~~R13-9-402.~~ Reconsideration, Request for Hearing, Rehearing or Review of Decision

ARTICLE 1. GENERAL PROVISIONS

R13-9-101. Definitions

In this ~~Article~~ Chapter, unless otherwise specified:

1. "Administrative completeness review time-frame" has the same meaning as prescribed in A.R.S. § 41-1072.
2. "Applicant" means an individual or organization ~~who~~ that submits a ~~completed~~ an application form and the required fee to the Department for:
 - a. A concealed-weapons permit,
 - b. Renewal of a concealed-weapons permit,
 - c. Firearms-safety instructor ~~registration~~ approval,
 - d. Renewal of firearms-safety instructor ~~registration~~ approval, or
 - e. Firearms-safety training ~~program~~ organization approval; ~~or~~
 - f. A certificate of firearms proficiency, or
 - g. Recognition as a firearms-proficiency instructor.
3. "Certificate of completion" means a document showing that the holder completed the eight-hour, Department-developed, firearms-safety training program.
4. "Certificate of firearms proficiency" means a document issued by the Department to an individual who meets the requirements of the LEOSA.
- 3-5. "Classifiable fingerprints" means fingerprint impressions that meet the criteria of the Federal Bureau of Investigation (FBI), as contained in Form FD-258 (Rev. 5-11-99), published by the U.S. Government Printing Office: 2004-304-373-80029, . This form is incorporated by reference, and available from the Department and the FBI (Attention Attn: Logistical Support Unit (LSU), CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306) or online at www.bookstore.gpo.gov. ~~This incorporation~~ The material incorporated by reference contains no future editions or amendments.
4. "Completion certification" means the ~~firearms safety training program completion certification on the Arizona concealed weapon application form.~~
- 5-6. "Department" means the Department of Public Safety.
- 6-7. "Director" means the Director of the Arizona Department of Public Safety.
- 7-8. "Firearm" has the same meaning as prescribed in A.R.S. § 13-3101.
- 8-9. "Firearms-safety instructor" means ~~a person~~ an individual who is ~~registered~~ approved under this Chapter to conduct ~~initial and refresher~~ firearms-safety training programs in this state.
- 9-10. "Firearms-safety instructor training program" means a required course of instruction provided by the Department ~~that is intended to prepare a person~~ an individual to conduct a ~~refresher~~ firearms-safety training program.
- 10-11. "Firearms-safety training program" means ~~an initial~~ a course of instruction in the safe and lawful use of a firearm that is ~~developed by the Department~~ and meets the requirements of A.R.S. § 13-3112(N O) ~~and is taught in this state.~~
- 11-12. "Honorably retired peace officer" means ~~a person~~ an individual who separates from a law enforcement agency after at least 10 or more years of service, receives a medical, disability, or regular retirement pension or annuity as a result of qualifying years of service as a peace officer, and has a letter from the law enforcement agency confirming these facts.
13. "LEOSA" means the federal Law Enforcement Officers Safety Act of 2004.

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14. “LEOSA instructor” means an individual who is certified by POST as a firearms instructor and authorized by the Department to provide training to individuals seeking a certificate of firearms proficiency.
- ~~12-15.~~ “Live ammunition” means a cartridge consisting of a cartridge case, primer, propellant powder, and a single metallic projectile, no less than 30 grain, and with a velocity more than 500 feet per second when fired. Live ammunition does not include simulated, ~~fragile~~, marking, or rubber projectile ammunition.
16. “NRA” means the National Rifle Association.
- ~~13-17.~~ “Organization” means a person or an entity legally established under federal, state, city, or county requirements and authorized to conduct business in Arizona and that seeks or has obtained is approved by the Department to teach the Department’s approval of a firearms-safety training program to applicants.
- ~~14-18.~~ “Original application” means any of the forms a form referenced in this Chapter that are is not copies a copy and that contain contains an the original signature of the an applicant.
19. “Party” has the same meaning as prescribed in A.R.S. § 41-1001.
- ~~15-20.~~ “Peace officer” has the same meaning as prescribed in A.R.S. § 13-105.
- ~~16-21.~~ “Permit” means an identification card issued by the Department that authorizes the named holder to carry a concealed weapon weapons subject to the requirements of A.R.S. § 13-3112 and this Chapter.
- ~~17-22.~~ “Permittee” “Permit holder” means an individual who has a Department-issued permit to carry a concealed weapon weapons.
23. “POST” means the Arizona Peace Officer Standards and Training Board.
- ~~18-24.~~ “Prohibited possessor” means a person who is defined as a prohibited possessor under has the same meaning as prescribed in A.R.S. § 13-3101(6) and means any person individual to whom it would be is unlawful to sell or otherwise dispose of a firearm under 18 U.S.C. § 922(d) or (g).
25. “Qualified retired officer” means a qualified retired law enforcement officer as defined by 18 U.S.C. 926(C)(c).
- ~~19.~~ “Refresher firearms safety training program” means a four hour course of instruction in the safe and lawful use of a firearm under A.R.S. § 13-3112(L) that is taught in this state.
- ~~20-26.~~ “Resident” has the same meaning as prescribed in A.R.S. § 28-2001.
- ~~21-27.~~ “Responsible party” means a person an individual who is an approved firearms safety instructor and is responsible for administration of an organization’s firearms safety training program approved firearms-safety training organization and who serves as the contact between the organization and the Department.
22. “Satisfactorily completed” means attending an approved firearms safety training program of at least 16 hours, an approved refresher firearms safety training program of at least four hours, or a firearms safety instructor training program of at least eight hours, and:
- a. Obtaining a score of 100 percent on the training program’s initial written test, or a score of 70 percent or greater on the initial written test with a score of 100 percent on a retest; and,
 - b. A minimum score of 70 percent on the live ammunition qualification test. The live ammunition qualification test shall consist of a minimum of five shots at five yards and five shots at 10 yards that impact within the secondary scoring ring, using a National Rifle Association TQ15 target, or a target with an equivalent secondary scoring ring. Rounds impacting outside of the secondary scoring ring are not counted as hits.
- ~~23-28.~~ “Substantive review time-frame” has the same meaning as prescribed in A.R.S. § 41-1072.
- ~~24-29.~~ “Weapon” has the same meaning as deadly weapon as defined in A.R.S. § 13-3101.

R13-9-102. Application and Processing Fees

- A. ~~The~~ Under the authority provided by A.R.S. § 13-3112, the Department establishes and shall collect the following fees:
1. New concealed-weapons permit - \$43;
 2. Renewal of a concealed-weapons permit - \$43;
 3. Certificate of firearms proficiency - \$20;
 - ~~3.~~ 4. Replacing a lost, stolen, or damaged permit or certificate - \$10;
 - ~~4.~~ 5. Name change on a permit or certificate - \$10.
- B. ~~In addition to the fees in subsections (A)(1) and (2), the~~ The Department shall collect a fee in an amount necessary to cover the cost of federal and state fingerprint processing for criminal history record information checks from all applicants required under this Chapter to submit fingerprints for a criminal history record check.
- C. ~~An applicant or permittee shall submit the required fees. All cashier’s checks, certified checks, by a cashier’s or certified check or money orders shall be order~~ made payable to the Arizona Department of Public Safety. The Department does not accept credit cards or personal checks. All fees are non-refundable except if unless A.R.S. § 41-1077 applies.

R13-9-103. Application Forms

- A. The Department shall provide and an applicant shall use an application forms form for:
1. An initial concealed-weapon weapons permit and or renewal of the permit,
 2. A firearms-safety instructor registration approval and or renewal of the registration approval, and
 3. Approval of an organization’s a firearms-safety training program. organization,

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4. A certificate of firearms proficiency, or

5. Authorization as a LEOSA instructor.

- B. Application forms may be obtained from the ~~Department~~, ~~Concealed Weapon -weapons Permit Unit of the Department or~~ online at www.azdps.gov/ccw. Upon request, the ~~Department~~ the Concealed-weapons Permit Unit shall advise an individual or organization ~~individual or organization~~ of other locations where application forms may be obtained.

R13-9-104. Time-frames for ~~Making Permit and Instructor approval Determinations~~ Department Action on Applications

- A. For a ~~concealed weapon permit and renewal or firearms safety instructor registration and renewal~~, the overall time frame required by A.R.S. § 41-1073 is 60 days, which includes:
- 1- ~~14 days for administrative completeness review; and~~
 - 2- ~~46 days for substantive review~~ the purpose of compliance with A.R.S. § 41-1072 et seq., the Department establishes the time-frames listed in Table 1. Under A.R.S. § 41-1073(E)(2), the Department is not establishing a time-frame for issuance of the following licenses because the Department shall grant or deny each license within seven days after receipt of an application:
 1. Approval of a firearms-safety training organization under R13-9-302.
 2. A certificate of firearms proficiency under R13-9-402, and
 3. Recognition as a LEOSA instructor under R13-9-501.
- B. An administratively complete application is administratively complete if it contains ~~is~~ consists of all the information and documents listed in:
1. ~~R13-9-202 for application for a concealed-weapon weapons permit, or renewal~~
 2. ~~R13-9-204 for renewal of a concealed-weapon weapons permit,~~
 - 2-3. ~~R13-9-308 for application for a firearms-safety instructor registration approval, or~~
 - 3-4. ~~R13-9-309 for application for renewal of a firearms-safety instructor registration approval.~~
- C. The administrative completeness review time-frame listed in Table 1 begins on the date the Department receives an application.
1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The Department shall include in the deficiency notice ~~shall state~~ a list of the documents and information needed to complete the application.
 2. ~~Within 40 days from~~ From the ~~postmark~~ date of the deficiency notice, the applicant shall submit to the Department, within the time for response to a deficiency notice provided in Table 1, the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the ~~postmark~~ date of the deficiency notice until the date the Department receives the missing documents and information.
 3. The Department and applicant may agree in writing to extend the time in subsection (C)(2) upon written request by the applicant before the end of the time.
 - 3-4. If the applicant fails to provide the missing documents and information within the time allowed, the Department shall ~~deny the application and close the applicant's file. An applicant who is denied may follow the procedures in R13-9-402~~ If an individual whose file is closed wants to be considered further for a permit or approval, the individual shall submit a new application under R13-9-202, R13-9-204, R13-9-308, or R13-9-309.
 4. ~~If the application is administratively complete, the Department shall begin the substantive review of the application.~~
- D. The substantive review time-frame listed in Table 1 begins ~~immediately after the administrative review~~ on the date that the Department determines an application is administratively complete.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may agree in writing to allow the Department to make a supplemental request for additional information.
 2. ~~The~~ From the date of the comprehensive request for additional information, the applicant shall submit to the Department, within the time for response to a comprehensive request provided in Table 1, the additional information ~~identified in the request for additional information~~ within 20 days from the postmark date of the request. The time-frame for the Department to finish the substantive review of the application is suspended from the ~~postmark~~ date of the comprehensive request for additional information until the Department receives the additional information.
 3. The Department and applicant may agree in writing to extend the period in subsection (D)(2) upon written request by the applicant before the end of the time.
 - 3-4. If the applicant fails to provide the additional information within the time allowed, the Department shall ~~deny the application and close the applicant's file. An applicant who is denied may follow the procedures in R13-9-402~~ If an individual whose file is closed wants to be considered further for a permit or approval, the individual shall submit a new application under R13-9-202, R13-9-204, R13-9-308, or R13-9-309.
 4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision.
 - a. The Department shall deny instructor registration if the Department determines that the applicant does not meet all criteria for approval required by A.R.S. § 13-3112(E) and R13-9-307. An applicant who is denied registration

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- as an instructor may appeal the Department's decision under A.R.S. § 41-1092 et seq.
- b. The Department shall deny the issuance of a permit if the Department determines that the applicant does not meet all criteria for issuance of the permit required by A.R.S. § 13-3112(E) and R13-9-201. An applicant who is denied a permit may appeal under A.R.S. § 41-1092 et seq.
 - e. The Department shall grant instructor registration or issue a permit if it determines that the applicant meets all substantive criteria for instructor registration or issuance of a permit required by A.R.S. § 13-3112(E) and R13-9-201 or R13-9-307.
- E.** If a concealed weapon permit or a firearms safety instructor registration is issued under subsection (D), and the Department subsequently determines that the permittee fails to meet requirements under A.R.S. § 13-3112(E) or this Chapter, the Department shall suspend the permit or registration and under A.R.S. § 13-3112(M) provide a written explanation to the permittee stating the reasons why the permit or registration is suspended. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to grant or deny a permit or approval to the applicant.
- F.** The Department shall deny a permit, certificate, approval, or recognition if it determines that the applicant does not meet all criteria required by statute and rule.
- a. The Department shall include in its notice of denial the reasons for the denial.
 - b. Under A.R.S. § 13-3112(H), an individual who is denied a concealed-weapons permit may submit additional documentation to the Department within 20 days of receipt of the notice of denial and the Department shall reconsider its denial.
 - c. An applicant who is denied a permit, certificate, approval, or recognition may appeal the Department's decision under A.R.S. Title 41, Chapter 6, Article 10.
- G.** The Department shall grant a permit, certificate, approval, or recognition if it determines that the applicant meets all criteria required by statute and rule.

Table 1. Time-frames for Department Action on Applications (in days)

<u>Application Type</u>	<u>Administrative Review Time-frame</u>	<u>Time for Response to Deficiency Notice</u>	<u>Substantive Review Time-frame</u>	<u>Time for Response to Comprehensive Request</u>	<u>Overall Time-frame</u>
<u>Concealed-weapons Permit R13-9-202</u>	<u>14</u>	<u>40</u>	<u>46</u>	<u>20</u>	<u>60</u>
<u>Renewal of Concealed-weapons Permit R13-9-204</u>	<u>14</u>	<u>40</u>	<u>46</u>	<u>20</u>	<u>60</u>
<u>Approval of Firearms-safety Instructor R13-9-308</u>	<u>14</u>	<u>40</u>	<u>46</u>	<u>20</u>	<u>60</u>
<u>Renewal of Approval of Firearms-safety Instructor R13-9-309</u>	<u>14</u>	<u>40</u>	<u>46</u>	<u>20</u>	<u>60</u>

ARTICLE 2. CONCEALED-WEAPON WEAPONS PERMIT; APPLICATION; RENEWAL; RESPONSIBILITIES

R13-9-201. Concealed-Weapon weapons Permit Eligibility

- A.** ~~An~~ Except as provided in subsection (B), an applicant for a concealed-~~weapon~~ weapons permit shall meet all requirements under A.R.S. § 13-3112(E), and not be a prohibited possessor.
- B.** An applicant is exempt from the training requirement in A.R.S. § 13-3112(E)(6) if the applicant:
 - 1. Is an active federally credentialed law enforcement officer;
 - 2. Is an active POST-certified peace officer;
 - 3. Is an active county detention officer and weapons certified by the officer's employing agency; or
 - 4. Is an honorably retired federal, state, or local peace officer with at least 10 years of active service.
- C.** The Department shall not issue a concealed-weapons permit to an individual who has been convicted of a felony even if the individual's civil rights have been restored or the conviction has been expunged, set aside, or vacated.

R13-9-202. Application for a Concealed ~~Weapon~~ weapons Permit

- ~~A.~~ An applicant shall submit to the Department the original application form, a completed fingerprint card with classifiable fingerprints, and the fees specified in R13-9-102. To obtain a concealed-weapons permit, an applicant who is eligible under R13-9-201 shall:
- ~~B.1.~~ An applicant for a concealed weapon permit shall submit a complete legible application on an approved Department application form including: Submit to the Department an application, using a form available from the Department, that includes the following information:
- ~~1.~~ a. Full legal name;
 - ~~2.~~ b. County of residence and ~~residence~~ residential address, including zip code, or descriptive location of residence if an address is not assigned;
 - ~~3.~~ c. Mailing address if different from ~~residence~~ residential address;
 - ~~4.~~ d. Social Security number;
 - ~~5.~~ Driver's license number or state identification card number and state of issuance;
 - ~~6.~~ e. Home, business, and cell phone Contact telephone numbers;
 - ~~7.~~ f. ~~National origin or~~ Descriptive information about the applicant including race, sex gender, height, weight, eye color, and hair color colors, and date of birth, and place of birth; and
 - ~~g.~~ A statement whether the applicant:
 - ~~i.~~ Is a citizen of the United States;
 - ~~ii.~~ Was born outside of the United States or one of its territories;
 - ~~iii.~~ Has satisfactorily completed the firearms-safety training program;
 - ~~iv.~~ Is currently under indictment for a felony arrest or has ever been convicted of a felony offense;
 - ~~v.~~ Is currently under indictment for a misdemeanor domestic violence arrest;
 - ~~vi.~~ Has ever been convicted for a misdemeanor domestic violence offense and if so, whether the conviction was expunged, set aside, or vacated;
 - ~~vii.~~ Has been discharged from the United States Armed Forces under dishonorable conditions;
 - ~~viii.~~ Suffers from a mental illness and has ever been adjudicated mentally incompetent or committed to a mental institution by court order; and
 - ~~ix.~~ Is an active-duty POST-certified Arizona peace officer, federally credentialed peace officer, weapons-certified county detention officer, or honorably retired federal, state, or local peace officer with at least 10 years of service; and
 - ~~h.~~ The applicant's dated signature attesting that the information provided in the application is true to the best of the applicant's knowledge.
- ~~8.~~ Whether the applicant suffers from mental illness, has been adjudicated mentally incompetent, or committed to a mental institution.
- ~~C.~~ An applicant shall attest under penalty of perjury to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided on the form.
- ~~2.~~ In addition to the application form required under subsection (1), an applicant shall:
- ~~a.~~ Submit a certificate of completion obtained within the last six months; or
 - ~~b.~~ If exempt from the training requirement under A.R.S. § 13-3112(E)(6), submit a letter on official letterhead that:
 - ~~i.~~ Identifies the agency employing or from which the applicant is honorably retired;
 - ~~ii.~~ States that the applicant's duties are or were primarily the investigation and apprehension of individuals suspected of violating criminal laws; and
 - ~~iii.~~ Includes the applicant's name, job title or position, dates of employment, current employment status, and the name and telephone number of an individual who can verify the information provided;
 - ~~c.~~ Submit a copy of one of the following if born outside the United States or one of its territories or if not a citizen of the United States:
 - ~~i.~~ Certificate of naturalization,
 - ~~ii.~~ Both the front and back of a permanent resident alien card, USCIS Form I-94, or other federally issued document authorizing the applicant to be in the United States,
 - ~~iii.~~ Record of birth abroad to an American citizen,
 - ~~iv.~~ Record of birth to Armed Service personnel, or
 - ~~v.~~ Passport issued by the United States;
 - ~~d.~~ Submit two full sets of classifiable fingerprints; and
 - ~~e.~~ Submit the fees required under R13-9-102(A) and (B).
- ~~D.~~ Except for an applicant exempted by A.R.S. § 13-3112(E)(6), an applicant shall obtain the completion certification from the applicant's firearms safety instructor. The firearms safety instructor shall sign the application, in the space provided, certifying that the applicant satisfactorily completed the firearms safety training program on the date specified. The exemption granted to peace officers under A.R.S. § 13-3112(E)(6) is only available once for the initial issuance of a permit and shall not be used to renew a permit or upon submission of subsequent applications.

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- E. An applicant shall submit a completion certification that includes:
 1. The Department assigned number of the firearms safety training program (Training Program Number);
 2. The Department assigned number of the firearms safety instructor (Training Instructor Number);
 3. The Department assigned number of the organization giving the firearms safety training (Organization Number);
 4. The organization's seal or stamp affixed to the form identifying the organization;
 5. The date the applicant satisfactorily completed the program; and
 6. Signature of the firearms safety training instructor, which will validate the certification.
- F. A completion certification of a firearms safety training program is valid for six months after the applicant satisfactorily completes the training.
- G. The Department shall require an applicant to provide proof of citizenship, naturalization, or alien residency if the applicant indicates the applicant was not born in the United States.
- H. An applicant seeking exemption under A.R.S. § 13-3112(E)(6) as a federally credentialed peace officer shall meet the following requirements:
 1. Be active or honorably retired federally credentialed law enforcement officer;
 2. Be employed or retired from a federal law enforcement position whose duties are or were primarily the investigation and apprehension of individuals suspected of offenses under the criminal laws of the United States; and
 3. Submit a letter from the federal agency with which the applicant is or was employed that states the applicant meets the requirements in subsections (H)(1) and (2). The letter shall be submitted on the agency's letterhead and include that applicant's name, grade, job series code, job series title, dates of employment, employment status, and name of a person within that agency who was or is the applicant's supervisor and who can verify the applicant's employment status. If the letter fails to clearly define the applicant's eligibility for the law enforcement exemption, the Department shall require or allow the applicant to produce other evidence of eligibility under the law enforcement exemption.

R13-9-203. Permit Issuance of a Concealed-weapons Permit

- A. If an applicant ~~has satisfied~~ meets the requirements of A.R.S. § 13-3112 and this Chapter, the Department shall issue to the applicant a concealed-~~weapon~~ weapons permit containing:
 1. The ~~permittee's permit holder's~~ legal name, as shown on the application;
 2. The ~~permittee's permit holder's~~ date of birth;
 3. The ~~permittee's permit holder's~~ physical description, including ~~national origin or race, sex~~ gender, height, weight, and ~~color of eyes and hair~~ and eye colors;
 4. A permit number;
 5. The ~~date~~ dates of issuance and expiration; and
 6. The title of the permit, "State of Arizona Concealed ~~Weapon~~ weapons Permit," and the state seal.
- B. The Department shall mail the permit to the ~~applicant's residence address~~ residential or mailing address shown on the application.

R13-9-204. Renewal of Concealed ~~Weapon~~ weapons Permit

- A. A concealed-~~weapon~~ weapons permit expires ~~four years~~ four years from the date of issuance. An application for renewal of a permit is timely if received by the Department between 90 days before permit expiration and 60 days after permit expiration. Upon expiration of a permit, the permittee shall not carry a concealed weapon until the permittee is in possession of a valid permit. A qualified active or retired peace officer whom received an exemption from the initial 16-hour training requirement shall complete an approved four-hour refresher firearms safety training program to renew a permit five years after it is issued. If a concealed-weapons permit expires, the former permit holder shall not carry a concealed weapon until the former permit holder applies for and is issued a new concealed-weapons permit.
- B. The Department shall issue a renewed permit containing the information specified in R13-9-203(A) if:
 1. A renewal application is timely received;
 2. The applicant provides a current certificate of completion of a four-hour refresher firearms safety training program approved by the Department under A.R.S. § 13-3112(L), or an eight-hour firearms safety instructor program provided by the Department that includes the four-hour firearms safety training program;
 3. The applicant completes an application form containing the information required under R13-9-202;
 4. The completion certification was accepted by the Department within six months after the applicant satisfactorily completed the training; and
 5. The applicant meets the requirements of A.R.S. § 13-3112 and this Chapter. To renew a concealed-weapons permit, the permit holder shall, no more than 90 days before the date of expiration:
 1. Submit to the Department the application required under R13-9-202(1);
 2. Submit the fee required under R13-9-102(A);
 3. If not a citizen of the United States, submit a copy of the front and back of the federally issued document that authorizes the permit holder to be in the United States; and
 4. For the permit holder's first renewal only, submit two full sets of classifiable fingerprints and the fee required under

R13-9-102(B).

- C. Within 60 days after a concealed-weapons permit expires, the former permit holder may renew the expired permit by complying with subsection (B) and certifying that the former permit holder has not carried a concealed weapon since the permit expired. If the former permit holder fails to comply with subsection (B) within 60 days after the permit expires, the former permit holder may obtain a new concealed-weapons permit only by complying with all provisions of R13-9-202.
- D. If a permit holder is a member of the United States armed forces, Arizona national guard, or reserves of any military establishment of the United States and is on federal active duty and deployed overseas at the time the permit holder's concealed-weapons permit expires, the permit holder may renew the permit by complying with subsection (B) within 90 days after the end of the overseas deployment. To renew a permit under this subsection, the permit holder shall include evidence of the deployment with the renewal application.

R13-9-205. ~~Permittee Obligations~~ Permit Holder Responsibilities

- A. Upon request of any peace officer, a ~~permittee~~ permit holder who is in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not include a photograph of the ~~permittee~~ permit holder, the ~~permittee~~ permit holder shall also present upon request of a peace officer, one of the following types of official photographic identification:
 - 1. ~~Driver's~~ Driver license ~~from~~ issued by any state,
 - 2. Military identification card,
 - 3. Identification license issued under A.R.S. § 28-3165, or
 - 4. Passport.
- B. A ~~permittee~~ permit holder shall not deface, alter, or mutilate a ~~permit~~, or reproduce, lend, transfer, or sell a permit.
- C. To ensure timely communication from the Department, a permit holder shall provide notice to the Department within 10 days after a change of address.
- D. A permit holder shall inform the Department by telephone within 72 hours if the permit holder is arrested or indicted for an offense that would make the permit holder unqualified under A.R.S. § 13-3112 or if the permit holder becomes a prohibited possessor.

R13-9-206. ~~Lost, Stolen, or Damaged Concealed Weapon~~ -weapons Permit

- A. A ~~permittee~~ permit holder whose concealed-weapons permit is lost, stolen, or damaged shall notify the Department in writing within 10 days of determining that the permit is lost, stolen, or damaged. When advised of a lost, stolen, or damaged permit, the Department shall invalidate the permit. The ~~permittee~~ permit holder shall not carry a concealed weapon until the Department issues a replacement ~~permit~~.
- B. The Department shall issue ~~A permittee may obtain~~ a replacement permit ~~by~~ to a permit holder who:
 - 1. ~~submitting~~ Submits a written request; ~~and the~~
 - 2. ~~Submits the fee specified in R13-9-102(A)(3); and~~
 - 3. ~~Returns the permit if it is damaged.~~

If the applicant meets the requirements of A.R.S. § 13-3112(E), the Department shall issue a replacement permit within 15 working days of receiving the request.
- C. The Department shall ensure that the replacement permit ~~shall have~~ has the same expiration date as the ~~original~~ lost, stolen, or damaged permit.
- C. A ~~permittee~~ whose permit is damaged shall return the damaged permit to the Department with the ~~permittee's~~ written request for a replacement permit.

R13-9-207. ~~Change of Address~~ Repealed

A permittee shall notify the Department in writing within 10 days of any change of address. The Department shall process the notice and update the permittee's information on file with the Department.

R13-9-208. ~~Change in Name of~~ Permittee Permit Holder

- A. A ~~permittee~~ permit holder whose name is legally changed shall ~~notify~~ provide written notice to the Department ~~in writing~~ and request a revised concealed-~~weapon~~ weapons permit within 10 days of the name change. The permit holder shall ensure that the written request for a revised concealed-weapons permit: by submitting a written request containing
- 1. ~~Contains both the previous name, the and new name, names.~~
- 2. ~~Is accompanied by a copy of the court document or marriage certificate authorizing the name change, and~~
- 3. ~~Is accompanied by the previously issued permit, and~~
- 4. ~~the~~ Includes the fee specified in R13-9-102(A)(4).
- B. Within 15 working days ~~from~~ after receipt of ~~the a~~ request for a revised permit, the Department shall ~~process the request~~ and mail the revised permit to the ~~permittee~~ with instructions that failure to return the previous permit within five working days shall result in suspension of both the previous permit and the new permit permit holder. The Department shall ~~destroy the previous permit upon receipt.~~
- C. The ~~Department~~ shall ensure that the revised permit ~~shall retain~~ has the same expiration date as the previous permit.

ARTICLE 3. FIREARMS-SAFETY TRAINING PROGRAM; ORGANIZATIONS AND INSTRUCTORS

R13-9-301. General Requirements for Firearms-safety Training Program Repealed

- ~~A. An organization shall only conduct firearms-safety training programs or refresher firearms-safety training programs that are approved by the Department.~~
- ~~B. An organization shall conduct Department-approved firearms-safety training and refresher firearms-safety training in this state.~~
- ~~C. An organization shall only conduct firearms-safety training programs or refresher firearms-safety training programs that are taught by firearms-safety training instructors who meet the qualifications in R13-9-307 and are registered with the Department. An organization shall not allow an instructor whose registration is suspended to teach in the organization's program.~~

R13-9-302. Application for Approval of a Firearms-safety Training Program Approval Organization

- ~~A. An organization seeking To obtain approval of a 16-hour firearms-safety training program as a firearms-safety training organization, the responsible party of the firearms-safety organization shall submit to the Department the following information on the Department's an application, using a form available from the Department, that provides the following information:~~
 - ~~1. The business name of the organization; ;~~
 - ~~2. The business address and mailing address addresses of the organization, including the county in which the organization is located; ; and~~
 - ~~3. The name and telephone number of a the responsible party who shall serve as the contact with the Department and have the authority to sign for and bind the organization.~~
- ~~B. The responsible party designated under subsection (A)(3) shall attest under penalty of perjury to the truthfulness of the information given on the firearms-safety training program application by signing in the space provided on the form. The responsible party shall sign the application and attest that to the best of the responsible party's knowledge, the information provided is true.~~
- ~~C. The responsible party shall attach to the application a detailed topical outline of a proposed classroom and practical training program. The outline shall include test questions and the correct answers and cover the topics required by A.R.S. § 13-3112(N) for the firearms-safety training program. The topical outline shall require that all firearms qualification be conducted using a firearm with live ammunition. The approval of a firearms-safety training organization expires if the organization's Department-assigned number is not submitted on an application under R13-9-201 for three consecutive years. If the approval of a firearms-safety training organization expires under this subsection, the organization may apply under this Section to be approved again.~~
- ~~D. As part of the application, the responsible party shall submit the organization's written list of applicants for registration or registered firearms-safety instructors and the assigned instructor's registration number. The Department shall not approve a program unless each of the program's instructors meets the requirements of R13-9-307.~~
- ~~E. The responsible party shall include, as part of the application, a copy of the organization's seal, or stamp that they will place on all applicants' completion certifications.~~

R13-9-303. Time frames for Firearms-safety Training Program Approval Repealed

- ~~A. The Department shall review the application for firearms-safety program approval to verify that the organization has submitted the required forms and information. Within 14 days of receipt, the Department shall return an incomplete, illegible, or non-original application with a written description of the deficiencies. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and R13-9-302. The Department shall notify the organization in writing of approval or disapproval of a program within 60 days after receiving a completed application and topical outline.~~
- ~~B. For firearms-safety training program approval, the overall time frame defined by A.R.S. § 41-1072 is 60 days; which includes:
 - ~~1. 14 days for administrative completeness review; and~~
 - ~~2. 46 days for substantive review.~~~~
- ~~C. Program approval remains in effect unless the program is suspended or revoked for failure to maintain the requirements of A.R.S. § 13-3112 and this Chapter.~~

R13-9-304. Requesting Department Assistance with Program Development Repealed

~~An organization that wishes to receive Department assistance in developing a firearms-safety training program shall submit a written request for assistance to the Department.~~

R13-9-305. Responsibilities of the Responsible Party of an Approved Firearms-safety Training Organization Obligations

- ~~A. As soon as possible but no later than 90 days after a firearms-safety training organization is approved, the responsible party shall submit to the Department a roster of the approved firearms-safety instructors who will be teaching for the organization.~~

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- B.** After being approved and before any firearms-safety training is conducted by a firearms-safety organization, the responsible party shall submit to the Department a copy of the stamp or seal that the organization intends to affix to the certificate of completion provided to a successful participant under subsection (G).
- ~~A-C.~~ **A.** The responsible party shall notify the Department in writing within 10 days of any change of an to the roster of the firearms-safety training organization's registered approved instructors, or the business name, address, telephone number, or responsible party.
- D.** The responsible party shall ensure that all approved firearms-safety instructors teaching for the firearms-safety training organization use the eight-hour, Department-developed, firearms-safety training program and standardized examination when conducting firearms-safety training for applicants for a concealed-weapons permit.
- E.** If a firearms-safety instructor teaching for a firearms-safety training organization conducts training for an applicant under this Article, the responsible party shall ensure that the training is conducted within Arizona.
- ~~B-F.~~ **F.** For each individual who receives initial or refresher The responsible party of a firearms-safety training organization, the organization shall maintain the following written records ensure that the organization maintains for five years from the date of the individual's completion of, or withdrawal from, the a firearms-safety training program is completed, a record that provides:
1. Name of the firearms-safety training organization;
 - ~~1-2.~~ Name and age of the individual each program participant at the time the firearms-safety training commenced program started;
 - ~~2-3.~~ Dates and number of hours of each training session program;
 - ~~3-4.~~ Physical location of each training session program;
 - ~~4-5.~~ Title and Department-assigned number of the approved firearms-safety training program organization;
 - ~~5-6.~~ Name and Department-assigned registration number of each approved firearms-safety training instructor and name of any assistant or co-instructor conducting the training sessions; and
 - ~~6-7.~~ Whether the individual a program participant passed, failed, or withdrew from the firearms-safety training program.
- G.** The responsible party of a firearms-safety training organization shall ensure that at the end of each firearms-safety training program, the approved firearms-safety instructor who taught the firearms-safety training program provides each eligible applicant with a certificate of completion, by completing the form that is available from the Department and affixing to the form the stamp or seal described in subsection (B).
- ~~C-H.~~ **H.** Upon request by the Department, an The responsible party of an approved firearms-safety training organization shall make its firearms safety training the records required under this Section available to the Department for inspection upon request.

R13-9-306. Refresher Firearms Safety Training Program Repealed

- ~~A.~~ The Department shall develop and provide a four hour refresher firearms safety training program for use by an organization. An organization shall not use any other refresher firearms safety training program.
- ~~B.~~ Refresher firearms safety training shall include, but is not limited to, legal issues relating to the use of deadly force, judgmental shooting, safety issues, qualification conducted using a firearm with live ammunition, and a written test.

R13-9-307. Eligibility for Approval as a Firearms-safety Instructors Instructor

- ~~A.~~ A firearm safety training organization shall only use instructors who are registered with the Department and meet the following qualifications: To be eligible for approval as a firearms-safety instructor, an individual shall:
1. Meet the requirements of A.R.S. § 13-3112(E)(1) through 13-3112(E)(5) including, without exception, the requirement at A.R.S. § 13-3112(E)(6);
 2. Possess a current certificate of completion from documentation of completing one of the following firearms-safety training instructor programs:
 - ~~a.~~ Arizona Basic Police Firearms Instructor Certification issued training provided by the Arizona Peace Officers Standards and Training Board POST;
 - ~~b.~~ Police Firearms Instructor Development School issued provided by the National Rifle Association NRA;
 - ~~c.~~ Law Enforcement Security Firearms Instructor Development School issued provided by the National Rifle Association NRA;
 - ~~d.~~ Training provided by the NRA that results in rating as one of the following:
 - ~~i.~~ Pistol Instructor and Personal Protection Instructor rating issued by the National Rifle Association; ,
 - ~~e- ii.~~ Law Enforcement Tactical Handgun Instructor rating, issued by the National Rifle Association; ,
 - ~~f. iii.~~ Law Enforcement Handgun/ Shotgun Instructor rating, issued by the National Rifle Association; , or
 - ~~iv.~~ Law Enforcement Tactical Shooting Instructor, or
 - ~~g-e.~~ Firearms Instructor Training Program (FITP), issued provided by a federal law enforcement agency;
 3. Satisfactorily complete a 16 Complete the eight-hour, Department-developed, firearms-safety training program from provided by an approved firearms-safety training organization and provide a completion certification to the Department or hold a valid concealed-weapons permit; and

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4. ~~Satisfactorily complete~~ Complete the Department's initial firearms-safety instructor training program. The Department provides the firearms-safety instructor training program to applicants who meet all other firearms-safety instructor requirements. ~~course.~~

B. The Department shall not approve an individual as a firearms-safety instructor if the individual:

1. Has been convicted of a felony even if the individual's civil rights have been restored or the conviction has been expunged, set aside, or vacated; or
2. Has a history of behavior that the Department determines is contrary to the safe and lawful use of a firearm.

R13-9-308. Application for ~~Registration of~~ Approval as a Firearms-safety Instructor

A. A firearms-safety instructor applicant shall submit to the Department, using a form available from the Department, a request to enroll in the Department's initial firearms-safety instructor training course. The instructor applicant shall submit the request to enroll at least five business days before the course is scheduled and include the following information:

1. The location at which the instructor applicant will attend the course;
2. The instructor applicant's name, address, and contact information; and
3. The instructor applicant's signature affirming that the instructor applicant is eligible for approval under the standards in R13-9-307.

B. Within five business days after receiving a request to enroll under subsection (A), the Department shall inform the instructor applicant whether the instructor applicant may attend the Department's initial firearms-safety instructor training course and if so, assign a reservation number and inform the instructor applicant of the date, time, and location of the course.

C. The responsible party of a firearms-safety training organization shall provide to the Department on each An instructor applicant shall bring to the Department's initial firearms-safety instructor training course:

1. Two sets of classifiable fingerprints and a fee to cover the cost of state and federal fingerprint processing; The reservation number assigned under subsection (B);
 2. A ~~complete~~ An application for approval as a firearms-safety instructor, using a form available from the Department, that includes with the following information required under R13-9-202(A) and (B); :
 - a. Full legal name;
 - b. County of residence and residential address, including zip code, or descriptive location of residence if an address is not assigned;
 - c. Mailing address if different from residential address;
 - d. Social Security number;
 - e. Contact telephone numbers;
 - f. Descriptive information about the applicant including race, gender, height and weight, eye and hair colors, and date and place of birth;
 - g. A statement whether the applicant:
 - i. Is a citizen of the United States;
 - ii. Was born outside of the United States or one of its territories;
 - iii. Is currently under indictment for a felony arrest or has ever been convicted of a felony offense;
 - iv. Is currently under indictment for a misdemeanor domestic violence arrest;
 - v. Has ever been convicted for a misdemeanor domestic violence offense and if so, whether the conviction was expunged, set aside, or vacated;
 - vi. Has been discharged from the United States Armed Forces under dishonorable conditions; and
 - vii. Suffers from a mental illness and has ever been adjudicated mentally incompetent or committed to a mental institution by court order; and
 - h. The applicant's dated signature attesting that the information provided in the application is true to the best of the applicant's knowledge;
 3. A ~~current~~ certificate of completion from an organization's approved firearms-safety training program referenced in R13-9-307(3); obtained within the last five years from an approved firearms-safety training organization or a valid concealed-weapons permit; and
 4. Documentation of completing one of the firearms-safety training instructor programs listed in R13-9-307(A)(2).
 4. A letter from the responsible party of the organization that includes:
 - a. The organization's identification number and stamp or seal, and
 - b. A statement that the person will be an instructor for that organization.
 5. The following evidence of completion from one of the instructor training programs listed in R13-9-307(2):-
 - a. For an Arizona Peace Officers' Standards and Training Board program or federal law enforcement agency program, a current certificate of completion; or
 - b. For a National Rifle Association instructor certification program, a current certificate of appointment or the current certification card issued by the National Rifle Association;
- D.** In addition to bringing the materials required under subsection (C) to the Department's initial firearms-safety instructor training course, an instructor applicant shall ensure that the responsible party of the firearms-safety training organization

for which the instructor applicant will provide training submits to the Department:

1. Two full sets of classifiable fingerprints from the instructor applicant; and
2. The fee required under R13-9-102(B).

- ~~B.~~ Upon receipt of the documents in subsection (A), the Department shall send notification to the organization of the dates available for the instructor to attend a Department firearms-safety instructor training program; and
- ~~C.~~ ~~E.~~ After completing the firearms safety If the Department determines that an instructor training program and meeting applicant meets all the requirements of R13-9-307, the Department shall register the instructor and notify the organization instructor applicant that the instructor meets the requirements to be applicant is approved as a firearms-safety training instructor.

R13-9-309. Renewal of Approval as a Firearms-safety Instructor Registration-Renewal

- ~~A.~~ The approval of a firearms-safety instructor expires as follows:
1. If the firearms-safety instructor holds a valid concealed-weapons permit, the approval as a firearms-safety instructor expires when the concealed-weapons permit expires; or
 2. If the firearms-safety instructor does not hold a valid concealed-weapons permit, the approval as a firearms-safety instructor expires five years from the date of approval.
- ~~B.~~ The responsible party of a firearms safety organization An approved firearms-safety instructor shall renew submit a renewal application instructor registrations every four years by no more than 90 days before the firearms-safety instructor's approval expires.-
- ~~C.~~ If the approval of a firearms-safety instructor expires, the former firearms-safety instructor shall immediately stop providing firearms-safety training. The former firearms-safety instructor may apply again for approval under R13-9-308.
- ~~D.~~ A firearms-safety instructor shall include the following information in a renewal application:
1. Submitting a ~~A~~ complete, legible application, on an approved Department application a form that is available from the Department, with the information required under R13-9-308(A) and (B) (C)(2);
 2. Submitting two sets of classifiable fingerprints and a fee to cover the cost of state and federal fingerprint processing;
 3. Submitting a letter from the organization that includes:
 - a. The organization's identification number and stamp or seal; and
 - b. A statement that the person will be an instructor for that organization;
 4. Ensuring Documentation that the firearms-safety instructor satisfactorily completes completed the Department firearms-safety instructor training program continuing education course within six the six months before submitting an the renewal application for renewal; and
 3. Current documentation that the firearms-safety instructor completed one of the firearms-safety training instructor programs listed in R13-9-307(A)(2);
 4. A firearms-qualification form, obtained from the Department and completed by an approved firearms-safety training organization within the six months before the firearms-safety instructor submits the renewal application, showing that the firearms-safety instructor qualified by:
 - a. Firing at least five rounds at five yards and five rounds at 10 yards, using a firearm and live ammunition or an alternative ammunition approved by the Department; and
 - b. Hitting at least 70 percent of the rounds within the scoring area of a NRA TQ-15, TQ-19, or equivalent target.
 5. Providing evidence Documentation that the applicant has firearms-safety instructor instructed or co-instructed at least eight two approved firearms-safety training classes for a minimum of two students each within the four five years before the application for renewal firearms-safety instructor's approval expires; ; and
 6. If the firearms-safety instructor does not have a valid concealed-weapons permit, two sets of classifiable fingerprints and the fee required under R13-9-102(B).
- ~~B.~~ Upon verification that the firearms safety instructor meets the qualifications under R13-9-307 and this Chapter, the Department shall renew the registration of the firearms safety instructor and notify the organization that the instructor continues to meet the requirements to be a firearms-safety training instructor.

R13-9-310. Firearms-safety Instructor Responsibilities

- ~~A.~~ To ensure timely communication from the Department, an approved firearms-safety instructor shall provide notice to the Department within 10 days after a change of address or contact telephone number.
- ~~B.~~ If mail from the Department to an approved firearms-safety instructor is returned to the Department because it is undeliverable, the Department shall administratively suspend the firearms-safety instructor's approval until the firearms-safety instructor submits updated information.

ARTICLE 4. CERTIFICATE OF FIREARMS PROFICIENCY

R13-9-401. Certificate of Firearms Proficiency Eligibility

To be eligible to receive a LEOSA-authorized certificate of firearms proficiency from the Department, an individual shall:

1. Be a resident of Arizona; and
2. Be a qualified retired law enforcement officer. An individual is a qualified retired law enforcement officer if the individual:
 - a. Is retired in good standing from service with a public agency as a law enforcement officer for a reason other than mental instability;
 - b. While in service as a law enforcement officer, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of a person for any violation of law, and had statutory powers of arrest;
 - c. Was regularly employed as a law enforcement officer for a total of 15 years or more or, if employed as a law enforcement officer for fewer than 15 years, retired after any applicable probationary period of service due to a service-connected disability, as determined by the agency;
 - d. Has a non-forfeitable right to benefits under the retirement plan of the agency;
 - e. Meets the training and qualification standards of an active-duty law enforcement officer in Arizona;
 - f. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - g. Is not prohibited by federal law from possessing a firearm.

R13-9-402. Application for a Certificate of Firearms Proficiency

To obtain a certificate of firearms proficiency, an applicant who is eligible under R13-9-401 shall submit:

1. An application, using a form available from the Department, which provides the following information about the applicant:
 - a. Full legal name;
 - b. Residential address or descriptive location of residence if an address is not assigned;
 - c. Mailing address if different from the residential address;
 - d. Social Security number;
 - e. Telephone number;
 - f. E-mail address;
 - g. Descriptive information including race, gender, height and weight, eye and hair colors, and date and place of birth;
 - h. Name and address of the law enforcement agency from which the applicant is retired; and
 - i. The applicant's dated signature affirming that the information provided is true and accurate;
2. Documentation that the applicant met the requirement under R13-9-401(2)(e) within the last 12 months;
3. A copy of photographic identification from a law enforcement agency indicating that the applicant is retired from the agency;
4. A letter from the law enforcement agency from which the applicant is retired that:
 - a. Is on agency letterhead,
 - b. Includes the applicant's name, rank, employee or badge number, dates of employment, and retired status; and
 - c. Provides the name and telephone number of an individual within the agency who can verify the information provided; and
5. The fee required under R13-9-102.

R13-9-403. Issuance of a Certificate of Firearms Proficiency

The Department shall issue a certificate of firearms proficiency to an individual who is eligible under R13-9-401 and submits the information and documents required under R13-9-402. The Department shall ensure that the certificate of firearms proficiency contains:

1. The following information about the certificate holder:
 - a. Legal name as shown on the application submitted under R13-9-402;
 - b. Birth date;
 - c. Physical description including race, gender, height and weight, and eye and hair colors; and
 - d. Name of the law enforcement agency from which retired;
2. The statement, "Retired Law Enforcement Officer," following the certificate holder's name;
3. A certificate number;
4. The date of issuance;
5. The title "Retired Law Enforcement Officer's Certificate of Firearms Proficiency;" and
6. A brief statement on the reverse side identifying the certificate and its purpose.

R13-9-404. Renewal of a Certificate of Firearms Proficiency

- A. A certificate of firearms proficiency expires one year after the date of issuance.
- B. To renew a certificate of firearms proficiency before it expires, the certificate holder shall comply with the requirements in R13-9-402(1), (2), and (5).
- C. If a certificate of firearms proficiency expires, the former certificate holder may obtain a new certificate only by complying with all of the requirements in R13-9-402.

R13-9-405. Certificate Holder Responsibilities

- A. A certificate holder who is in actual possession of a concealed weapon shall also be in possession of:
 - 1. Photographic identification issued by a law enforcement agency indicating that the certificate holder is a retired law enforcement officer; and
 - 2. The certificate of firearms proficiency issued under R13-9-403.
- B. On request by any peace officer, a certificate holder who is in actual possession of a concealed weapon shall present the documents listed in subsection (A).

ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS

R13-9-501. Application for Recognition as a LEOSA Instructor

- A. To be recognized as a LEOSA instructor, an individual shall:
 - 1. Be certified as a firearms instructor by POST; and
 - 2. Submit an application, available from the Department, which provides the following information about the applicant:
 - a. Name,
 - b. Mailing address,
 - c. Telephone number,
 - d. E-mail address,
 - e. Social Security number, and
 - f. Name of the law enforcement agency with which the applicant is or was employed.
- B. After receiving the application required under subsection (A)(2) and confirming that the applicant is certified by POST as a firearms instructor, the Department shall recognize the applicant as a LEOSA instructor and assign a LEOSA-instructor number.

R13-9-502. LEOSA Instructor Responsibilities

An individual recognized by the Department as a LEOSA instructor shall:

- 1. Comply with all POST firearms-certification rules and requirements when performing firearms-qualification services for a retired law enforcement officer;
- 2. Complete the documentation required under R13-9-402(2) for a retired law enforcement officer who successfully completes the firearms-qualification requirement;
- 3. Maintain for five years the following information about a retired law enforcement officer to whom firearms-qualification services are provided:
 - a. Name and age of the retired law enforcement officer at the time firearms-qualification services are provided;
 - b. Date and number of hours that the retired law enforcement officer received firearms-qualification services;
 - c. Physical location at which firearms-qualification services were provided;
 - d. Name of LEOSA instructor and LEOSA-instructor number; and
 - e. Whether the retired law enforcement officer passed, failed, or withdrew from the firearms qualification; and
- 4. Provide notice to the Department within 10 days:
 - a. Of a change in mailing address or telephone number;
 - b. Of a change in the information regarding the LEOSA instructor posted on the Department's web site;
 - c. If the individual no longer wants to be recognized as a LEOSA instructor; and
 - d. If the individual's POST certification as a firearms instructor is suspended or revoked.

ARTICLE 6. 4. HEARINGS AND DISCIPLINARY PROCEEDINGS

R13-9-601. ~~R13-9-401~~ Suspension and Revocation

- A. The Department shall suspend a permit if the permittee ~~is arrested or indicted for an offense that would make disqualify the permittee permit holder unqualified under the provisions of A.R.S. § 13-3112; or if the permittee permit holder is a prohibited possessor, the Department shall immediately suspend and seize the permit.~~ The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- B. ~~The~~ If a permit holder is convicted of an offense that disqualifies the permit holder under A.R.S. § 13-3112, the Department shall revoke ~~a~~ the permit. ~~The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).~~
- C. ~~The~~ After providing notice and an opportunity for hearing, the Department shall suspend or revoke a permit ~~or Department approval~~ if the Department determines that the ~~permittee permit holder or approved firearms-safety training organi-~~

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zation or firearms-safety instructor:

1. ~~fails~~ Failed to maintain all of the conditions specified in A.R.S. § 13-3112(E) and this Chapter; or
2. ~~Provided false, incomplete, or misleading information to the Department.~~

- ~~D.~~ The Department may suspend or revoke a permit, or firearms-safety program approval if the permittee or organization:
1. ~~Violates or fails to meet or continuously maintain any condition or requirement of A.R.S. § 13-3112, or of this Chapter; or~~
 2. ~~Provides false, incomplete, or misleading information to the Department.~~
- ~~E.~~ The Department shall suspend or revoke approval of a firearms-safety training program if an investigation by the Department determines a firearms-safety instructor or any representative of a firearms-safety training program or firearms-safety training organization:
1. ~~Engaged in or is engaging in a pattern or practice of instructing students that illegal conduct with a firearm is legal; or~~
 2. ~~Fails to maintain a training program that meets the minimum requirements under A.R.S. § 13-3112(N).~~
- ~~F.D.~~ If the Department revokes a permit or approval, the affected permittee individual or firearms-safety training organization shall not reapply apply for a another permit or approval for at least two years from the date of revocation.
- ~~G.E.~~ The Department shall notify the affected permittee or organization in writing and state the reason for the Department's ~~intent to suspend or revoke or if~~ If the Department determines that emergency action is required to suspend a permit or Department approval, the Department shall send a notice shall be sent of summary suspension by certified mail to the last known address of the permittee individual or firearms-safety training organization. For purposes of R13-9-401 and R13-9-402, notice is considered received on the earlier of the date of actual receipt or the fifth day after the date of mailing. The Department shall ensure that the notice ~~shall include~~ includes all requirements under A.R.S. § 41-1092 et seq.
- ~~H.F.~~ Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking a permit or approval:
1. The permittee permit holder shall immediately cease carrying a concealed weapon and return the permit to the Department within five working days,
 2. ~~An organization shall ensure that the organization's~~ The firearms-safety instructor shall immediately stop providing instruction stop conducting firearms-safety training, and
 3. ~~An~~ The firearms-safety training organization shall ensure that a suspended or revoked firearms-safety instructor teaching for the organization immediately stop stops conducting any program firearms-safety training for applicants for concealed-weapons permits.
- ~~I.G.~~ The Department ~~may shall~~ require immediate surrender of that a permit be surrendered or seize a permit when required to do so under A.R.S. § 13-3112 law.

R13-9-602. Hearing Procedures

The Department shall conduct all hearings according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.

R13-9-603. ~~R13-9-402.Reconsideration, Request for Hearing Rehearing or Review of Decision~~

- A. ~~On receipt of a notice of denial:~~
1. ~~An applicant for a concealed weapon permit or renewal of a permit may submit additional documentation to the Department. The applicant shall submit the documentation within 20 days from receipt of the notice of denial.~~
 2. ~~On receipt of additional documentation, the Department shall reconsider its decision and inform the applicant within 20 days of receiving the documentation of the Department's decision.~~
 3. ~~If denied after reconsideration under subsection (A)(2), the Department shall notify the applicant of the right to request a hearing under A.R.S. Title 41, Chapter 6, Article 10. The Department shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.~~
- B. ~~An affected individual or organization is entitled to an administrative hearing under A.R.S. § 41-1092, due to:~~
1. ~~Denial, revocation, or suspension of a permit; or~~
 2. ~~Denial, suspension, or revocation of firearms-safety training program approval. Within 30 days after the Department enters a final administrative decision, the affected individual or firearms-safety training organization may but is not required to file a motion for rehearing or review of the decision.~~
- C. ~~A person shall file a written request for a hearing with the Department within 30 days of receipt of the notice. The request shall be directed to the name and address stated in the notice. A party may amend a motion for rehearing or review at any time before the Department rules on the motion.~~
- ~~D.~~ The Department may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Department or any order or abuse of discretion that deprived the moving party of a fair hearing;
 2. Misconduct by the Department, its staff, or an administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;

4. Newly discovered evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
 7. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Department may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F.** Not later than 15 days after the date of a decision, and after giving the parties notice and an opportunity to be heard, the Department may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Department may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted.
- G.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may serve opposing affidavits within 15 days after service of the motion. This period may be extended by the Department for a maximum of 20 days for good cause as described in subsection (H) or upon written stipulation of the parties. Reply affidavits may be permitted.
- H.** The Department may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
1. Further administrative convenience, expedition, or economy; or
 2. Avoid undue prejudice to any party.
- I.** If, in a particular decision, the Department makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review. If an application for judicial review of the decision is made, it shall be made under A.R.S. § 12-901 et seq.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R06-422]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|------------------------------------|---------------------------------|
| R18-2-703 | Amend |
| R18-2-704 | Amend |
| R18-2-715 | Amend |
| R18-2-718 | Repeal |
| R18-2-729 | Amend |
| R18-2-732 | 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. § 49-104(A)(11)
Implementing Statutes: A.R.S. §§ 49-404, 49-425, and 49-426
- 3. A list of all previous notices appearing in the Register addressing the final rules:**
Notice of Rulemaking Docket Opening: 12 A.A.R. 2036, June 30, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Kevin Force
Address: Arizona Department of Environmental Quality

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1110 W. Washington Ave.
Phoenix, AZ 85007

Telephone: (602) 771-4480 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.)

Fax: (602) 771-2366

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

Summary. The Arizona Department of Environmental Quality is proposing to amend a number of rules in Article 7 to correct several technical and typographical errors and internal inconsistencies. This rulemaking would include the repeal of R18-2-718, Standards of Performance for Existing Kraft Pulp Mills, since there are no longer any operating sources of this sort in Arizona; the deletion of the reference to the now-defunct smelter at San Manuel; and the deletion of language in R18-2-729, Standards of Performance for Cotton Gins, which refers to language in R18-2-702, General Provisions, that is no longer applicable.

Section by Section Explanation of the Proposed Rules:

R18-2-703. Standards of Performance for Existing Fossil Fuel Fired Steam Generators and General Fuel-burning Equipment. In subsection (G)(2) of the proposed rule, an unclear reference to "0.08 pounds" will be corrected to specify "0.08 pounds of sulfur dioxide."

R18-2-704. Standards of Performance for Incinerators. The proposed rule will correct a misspelling in subsection (C) by changing the word "dearest" to the word "nearest."

R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements. The proposed rule will delete references to the smelter located in San Manuel. That smelter shut down operations, and its permit was terminated in March of 2005. R18-2-715, therefore, no longer applies to that smelter. Should another smelter apply for a permit to commence operations in the same location, or the original smelter apply for a new permit, it would be subject to a New Source Review and not R18-2-715.

R18-2-718. Standards of Performance for Existing Kraft Pulp Mills. The proposed rulemaking would repeal this Section, as there are no longer any operating Kraft pulp mills in Arizona. The last such paper mill, Abitibi Consolidated, located 15 miles west of Snowflake, AZ, switched operations from kraft pulp to recycled paper in 1988. Any new pulp mills would be subject to a new source performance standard, rather than this Section.

R18-2-729. Standards of Performance for Cotton Gins. R18-2-729(B) allows the owner or operator of a cotton gin to request permission to perform a mass emissions test, should the source's opacity exceed the 40% standard established by the rule. Successful completion of that emissions test results "in an adjustment to the simultaneous opacity standard in accordance with Section R18-2-702(D)." R18-2-702(D) allowed an owner or operator to apply for an alternative opacity limit. However, R18-2-702, General Provisions, was substantially amended by final rulemaking in 2003 (9 A.A.R. 5550, Dec. 26, 2004). Those amendments included a change to R18-2-702(D) that required any application for an alternative opacity limit to be submitted to the Department by May 15, 2004, which date has passed. Thus, this procedure is no longer available to any owners or operators, including those of cotton gins. This proposed rulemaking would eliminate the language in R18-2-729(B) that refers to the application for alternative opacity limits in R18-2-702(D), which is no longer available.

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators. R18-2-732(J)(2)(b) requires an owner or operator to submit of an annual report to ADEQ at an old address. The proposed rulemaking would delete the reference to the incorrect address.

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

Not applicable

7. 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

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

Rule Identification. Title 18, Chapter 2, Article 7, "Existing Stationary Source Performance Standards." This rulemaking amends five sections and repeals one.

Cost Benefit Analysis. Because this proposed rulemaking corrects and clarifies existing language to rule provisions relative to performance standards of sources, it neither creates costs nor generates benefits to these regulated entities or the implementing agency (refer to the preamble, #5, "An explanation of the rules, including the agency's reason for initiating the rules.").

This proposed rulemaking amends R18-2-715, "Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements." This Section will be amended by deleting the reference to the smelter located near San

Notices of Proposed Rulemaking

Manuel that shut down and terminated its permit in March 2005, and the accompanying site-specific performance standards. This amendment will not create any social or economic impacts. Should this smelter or a new smelter apply for a permit, it would be subject to New Source Review and not R18-2-715.

This rulemaking repeals R18-2-718, "Standards of Performance for Existing Kraft Pulp Mills," since the state no longer has any operating Kraft pulp mills. The last such mill switched to recycling paper in 1988. As a result, this Section is unnecessary because any new Kraft pulp mills would be subject to New Source Review.

As a result of these changes, it is not necessary for the Department to prepare a detailed economic impact assessment. This rulemaking does not impose any compliance burdens on sources or additional regulatory requirements on Arizona Department of Environmental Quality.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: David Lillie
Address: ADEQ, Air Quality Planning Section
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4461 (Any extension may be reached in-state by dialing 1-800-234-5677, and asking for a specific number.)
Fax: (602) 771-2366
E-mail: Lillie.David@ev.state.az.us

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

1:30 p.m., January 9, 2007

Conference Room 145
1110 W. Washington St.
Phoenix, AZ 85007

Close of Comment: January 12, 2007

11. Any other matter prescribed by statute that is applicable to the specific agency or to any other specific rule or class of rules:

Not applicable

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

Not applicable

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

Section

- R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment
R18-2-704. Standards of Performance for Incinerators
R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements
R18-2-718. ~~Standards of Performance for Existing Kraft Pulp Mills~~ Repealed
R18-2-729. Standards of Performance for Cotton Gins
R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment

- A. This Section applies to the following:
1. Installations in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under R18-2-704.
 2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.
- B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.
- C. No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:
1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:
$$E = 1.02Q^{0.769}$$
where:
E = the maximum allowable particulate emissions rate in pounds-mass per hour.
Q = the heat input in million Btu per hour.
 2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:
$$E = 17.0Q^{0.432}$$
where "E" and "Q" have the same meaning as in subsection (C)(1).
- D. For reference purposes only, the two equations in subsection (C) are plotted in Appendix 11, Figure 1. The emission values obtained from the graph are approximately correct for the heat input rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E. When low sulfur oil is fired:
1. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
 2. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide maximum three-hour average per million Btu (340 nanograms per joule) heat input.
- F. When high sulfur oil is fired, all existing steam-power generating and general fuel-burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.
- G. When solid fuel is fired:
1. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
 2. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.
- H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the Director that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
 2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
 3. When the conditions justifying the use of high sulfur oil no longer exists, the permit shall be modified accordingly.
 4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I. Existing steam-power generating installations which commenced construction or a major modification after May 30,

1972, shall not emit nitrogen oxides in excess of the following amounts:

1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.
2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.
3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

- J.** Emission and fuel monitoring systems, where deemed necessary by the Director for sources subject to the provisions of this Section shall, conform to the requirements of R18-2-313.
- K.** The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections (C) through (G) and (I). All tests shall be run at the heat input calculated under subsection (B).

R18-2-704. Standards of Performance for Incinerators

- A.** No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity except during the times specified in subsection (D).
- B.** No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:
1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
 2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- C.** Air curtain destructors shall not be used within 500 feet of the ~~clearest~~ nearest dwelling.
- D.** Incinerators shall be exempt from the opacity and emission requirements described in subsections (A) and (B) as follows:
1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.
 2. Wood waste burners shall be exempt both:
 - a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and
 - b. For an upset of operations not to exceed three minutes in any 60-minute period.
- E.** The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.
- F.** The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
 - a. Method 5 for the concentration of particulate matter and the associated moisture content;
 - b. Method 1 for sample and velocity traverses;
 - c. Method 2 for velocity and volumetric flow rate;
 - d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.
 2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Director.

R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements

- A.** No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:
1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$
 where
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.
 P = the process weight rate in tons-mass per hour.
 2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11 - 40}$$
 where "E" and "P" are defined as indicated in subsection (A)(1).
- B.** For reference purposes only, the equations in subsection (A) are plotted in Figure 2, Appendix 11. The emission values

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obtained from the graph are approximately correct for the process weight rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.

- C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.
- D. The opacity of emissions subject to the provisions of this Section shall not exceed 20%.
- E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:
 - 1. Method A1 or Reference Method 5 for concentration of particulate matter and associated moisture content;
 - 2. Reference Method 1 for sample and velocity traverses;
 - 3. Reference Method 2 for volumetric flow rate;
 - 4. Reference Method 3 for gas analysis.
- F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of any primary copper smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by R18-2-715.01(K) in excess of the following:
 - 1. ~~For the copper smelter located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:~~
 - a. ~~Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 1,742 pounds per hour.~~
 - b. ~~The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):~~

n_i	E_i
Cumulative Occurrences	(lb/hr)
0	9803
1	8253
2	7619
4	6072
7	5660
12	4922
20	4515
32	4272
48	3945
68	3727
94	3568
130	3419
180	3253
245	3101
330	2958
435	2831
560	2712
710	2615
890	2525
1100	2440
1340	2366
1610	2290
1910	2216
2240	2142

- 21. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17" W:
 - a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 6,882 pounds per hour.
 - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative

tive occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	24,641
1	22,971
2	21,705
4	20,322
7	19,387
12	18,739
20	17,656
32	16,988
48	16,358
68	15,808
94	15,090
130	14,423
180	13,777
245	13,212
330	12,664
435	12,129
560	11,621
710	11,165
890	10,660
1100	10,205
1340	9,748
1610	9,319
1910	8,953
2240	8,556

32. For the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W:
- a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 604 pounds per hour.
 - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	8678
1	7158
2	5903
4	4575
7	4074
12	3479
20	3017

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32	2573
48	2111
68	1703
94	1461
130	1274
180	1145
245	1064
330	1015
435	968
560	933
710	896
890	862
1100	828
1340	797
1610	765
1910	739
2240	712

- G.** Except as provided in a consent decree or a delayed compliance order, ~~the owner or operator of the copper smelters listed below shall not discharge or cause the discharge of fugitive sulfur dioxide into the atmosphere in excess of the following: for the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.~~
- ~~1. For the copper smelter located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:~~
- ~~a. Annual average emissions calculated under R18-2-715.01(R) shall not exceed 715 pounds per hour for converter roof fugitive emissions; and~~
 - ~~b. The number of three-hour average emissions for converter roof fugitive emissions, calculated under R18-2-715.01(R) shall not exceed n cumulative occurrences in excess of E f, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(R)(8):~~

n,	E f,
Cumulative Occurrences	(lb/hr)
0	4462
1	4299
2	4222
4	4017
7	3867
12	3460
20	3179
32	3000
48	2827
68	2649
94	2523
130	2361
180	2218
245	2072

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330	1923
435	1785
560	1644
710	1517
890	1402
1100	1300
1340	1208
1610	1121
1910	1039
2240	957

2. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.

H. In addition to the limits in subsection (F)(3), except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from combined stack and fugitive emissions units in excess of the 2420 pounds per hour annual average calculated under R18-2-715.01(U).

R18-2-718. Standards of Performance for Existing Kraft Pulp Mills Repealed

~~A. The provisions of this Section are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills in which kraft pulping is combined with neutral sulfite semi-chemical pulping, the provisions of this Section are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.~~

~~B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any kraft pulp mill process source in total quantities in excess of the amounts calculated by one of the following equations:~~

~~1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:~~

~~$E = 4.10P^{0.67}$~~

~~where:~~

~~E = the maximum allowable particulate emissions rate in pounds-mass per hour.~~

~~P = the process weight rate in tons-mass per hour.~~

~~2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:~~

~~$E = 55.0P^{0.11} - 40$~~

~~where "E" and "P" are defined as indicated in subsection (B)(1).~~

~~C. For reference purposes only, the equations set forth in subsection (B) are plotted in Appendix 11, Figure 2. The emission values obtained from the graph are approximately correct for the process weight rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.~~

~~D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.~~

~~E. No person shall cause, allow or permit the discharge of total reduced sulfur measured as hydrogen sulfide (H₂S) in excess of the following amounts:~~

~~1. From any recovery furnace, any gases which contain H₂S in excess of 20 ppm by volume corrected to 8% oxygen.~~

~~2. From any lime kiln, any gases which contain H₂S in excess of 40 ppm by volume corrected to 10% oxygen.~~

~~F. Any owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate the following continuous monitoring systems:~~

~~1. A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70% opacity.~~

~~2. A continuous monitoring system, to monitor and record the concentration of H₂S emissions discharged into the atmosphere from any recovery furnace or lime kiln. The span shall be set at H₂S concentration of 50 ppm.~~

~~3. A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20% oxygen.~~

~~4. For any lime kiln or smelter dissolving tank using a scrubber emission control device:~~

~~a. A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control~~

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equipment. The monitoring device shall be certified to the manufacturer to be accurate within a gage pressure of ± 500 pascals (ca. ± 2 inches of water gage pressure):

- b. ~~A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within $\pm 15\%$ of design scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point, although the Director may be consulted for approval of alternative locations.~~

G. The test methods and procedures required by this Section are as follows:

- 1. Reference methods in 40 CFR 60, Appendix A except as provided under R18-2-312 shall be used to determine compliance with this Section as follows:
 - a. ~~Method 5 for the concentration of particulate matter and the associated moisture content;~~
 - b. ~~Method 1 for sample and velocity traverses;~~
 - e. ~~Method 3 for gas analysis;~~
 - d. ~~Method 9 for visible emissions;~~
 - e. ~~Method 11 for total reduced sulfur as hydrogen sulfide.~~
- 2. ~~For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dsem/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5. For determination of compliance with this Section, particulate measurements shall at least be made on the recovery furnace, smelt dissolving tank, and lime kiln. All concentrations of particulate matter from the lime kiln and recovery furnace shall be corrected to 10 volume percent oxygen and 8 volume percent oxygen, respectively, when the oxygen concentrations exceed these values.~~

R18-2-729. Standards of Performance for Cotton Gins

- A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with R18-2-604 through R18-2-607.
- B. ~~No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 40% opacity. An opacity of 40% or less shall exempt the source from mass emissions testing. In the event that the cotton gin does not comply with the 40% opacity standard, the owner or operator may request the permission of the Director to perform a mass emissions test observed by a representative of the Department. Successful completion of this test will result in an adjustment to the simultaneous opacity standard in accordance with Section R18-2-702(D).~~
- C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:
 - 1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$
 where:
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.
 P = the process weight rate in tons-mass per hour.
 - 2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$
 where "E" and "P" are defined as indicated in subsection (C)(1).
- D. The test methods and procedures required by this Section are as follows:
 - 1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:
 - a. Method A-2 for the measurement of particulate matter,
 - b. Method 1 for sample and velocity traverses,
 - c. Method 2 for velocity and volumetric flow rate,
 - d. Method 3 for gas analysis,
 - e. Method 9 for visible emissions.
 - 2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the Director.

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

- A. This Section applies to any hospital/medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996. All federal regulations cited within this Section are incorporated by reference in R18-2-901. An incinerator subject to this Section is not subject to R18-2-704. The following types of incinerators are not sub-

ject to this Section:

1. An incinerator during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, if the owner or operator of the incinerator does both of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
 2. Any co-fired incinerator if the owner or operator of the incinerator does all of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be burned.
 - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste burned, and the weight of all other fuels and wastes burned at the co-fired incinerator.
 3. Any incinerator required to have a permit under Section 3005 of the Solid Waste Disposal Act.
 4. Any incinerator subject to 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste incinerators).
 5. Any pyrolysis unit, as defined in 40 CFR 60.51c.
 6. Cement kilns firing hospital waste or medical/infectious waste.
- B.** A physical or operational change made to an existing HMIWI unit solely for the purpose of complying with emission limitations under this Section is not considered a modification and does not result in an existing HMIWI unit becoming subject to the provisions of R18-2-901(9).
- C.** In addition to the definitions provided in 40 CFR 60.51c, the following definitions apply to this Section:
1. "Rural HMIWI" means any small HMIWI that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and that burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds per week limitation does not apply during performance tests.
 2. "Standard Metropolitan Statistical Area" or "SMSA" means any area listed in Office of Management and Budget (OMB) Bulletin 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993 which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the bulletin is on file with the Office of the Secretary of State and the Department.
 3. "State Plan" means the plan that 40 CFR 60 subpart Ce requires states to develop to regulate existing HMIWI built on or before June 20, 1996.
- D.** Beginning September 15, 2000, an HMIWI shall operate under a Class I permit.
- E.** An owner or operator of an HMIWI shall comply with the following emissions limitations:
1. The emissions limitations in Table 1 unless the HMIWI is a rural HMIWI.
 2. The emissions limitations in Table 2, if the HMIWI is a rural HMIWI.
 3. An owner or operator of an HMIWI shall not cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10% opacity (6-minute block average).
 4. An owner or operator of a large existing HMIWI shall comply with the opacity requirements in 40 CFR 60.52c (c), (d), and (e).
- F.** An owner or operator of an HMIWI shall comply with the operator training requirements found in 40 CFR 60.53c within one year following approval of the State Plan.
- G.** An owner or operator of an HMIWI shall comply with the waste management requirements found in 40 CFR 60.55c.
- H.** An owner or operator of a rural HMIWI shall comply with the following inspection requirements:
1. The owner or operator shall conduct or hire another party to conduct an initial equipment inspection within one year following approval of the State Plan.
 2. At a minimum, an inspection shall include the following:
 - a. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation. Clean pilot flame sensor, as necessary.
 - b. Inspect adjustment of primary and secondary chamber combustion air, and adjust as necessary.
 - c. Inspect hinges and door latches, and lubricate as necessary.
 - d. Inspect dampers, fans, and blowers for proper operation.
 - e. Inspect HMIWI door and door gaskets for proper sealing.
 - f. Inspect motors for proper operation.
 - g. Inspect primary chamber refractory lining. Clean and repair or replace lining as necessary.
 - h. Inspect incinerator shell for corrosion and hot spots.
 - i. Inspect secondary/tertiary chamber and stack, clean as necessary.
 - j. Inspect mechanical loader, including limit switches, for proper operation, if applicable.
 - k. Visually inspect waste bed (grates), and repair or seal, as appropriate.
 - l. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments.

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- m. Inspect each air pollution control device for proper operation, if applicable.
 - n. Inspect waste heat boiler systems to ensure proper operation, if applicable.
 - o. Inspect bypass stack components.
 - p. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment.
 - q. Generally observe that the equipment is maintained in good operating condition.
3. Within 10 operating days following an equipment inspection, the owner or operator shall complete all necessary repairs unless the owner or operator obtains written approval from the Director establishing a date by which all necessary repairs of the facility shall be completed.
4. The owner or operator of any rural HMIWI shall conduct or hire another party to conduct an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subsections (2) and (3).
- I.** An owner or operator of an HMIWI shall comply with the following compliance, performance testing, and monitoring requirements:
- 1. Except as provided in subsection (2), an existing HMIWI shall meet the requirements for compliance and performance testing in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).
 - 2. A rural HMIWI shall meet the following compliance and performance testing requirements:
 - a. Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under 40 CFR 60.33e(b) does not apply during performance tests.
 - b. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limitations.
 - c. Ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown, and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature is a violation of the established operating parameter.
 - d. Except as provided in subsection (I)(2)(e), operating the facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously is a violation of the PM, CO, and dioxin/furan emission limitations.
 - e. The owner or operator may conduct a repeat performance test within 30 days after violation of any applicable operating parameter to demonstrate that the facility is not in violation of any applicable emission limit. Repeat performance tests conducted under this subsection shall be conducted using the identical operating parameters that indicated a violation under subsection (I)(2)(d).
 - 3. The owner or operator shall comply with the monitoring requirements listed in 40 CFR 60.57c of subpart Ec, except as provided in subsection (I)(4).
 - 4. A rural HMIWI shall meet the following monitoring requirements:
 - a. Install, calibrate (to manufacturer's specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
 - b. Install, calibrate (to manufacturer's specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
 - c. Obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day and for 90% of the operating hours per calendar quarter that the facility is incinerating hospital waste or medical/infectious waste.
- J.** An owner or operator of an HMIWI shall comply with the following reporting and recordkeeping requirements:
- 1. An owner or operator of each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
 - 2. An owner or operator of each rural HMIWI shall perform all the following:
 - a. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days after an inspection or the time-frame established by the Director.
 - b. Submit an annual report to ADEQ, Air Quality Division, ~~(T5109B), 3003 North Central Avenue, Phoenix, Arizona 85012~~. The report shall contain information recorded under subsection (2)(a) and be submitted no later than 60 days following the year in which data were collected. The owner or operator shall send subsequent reports no later than 12 calendar months following the previous report (after receiving a Class I permit, the owner or operator shall submit these reports semiannually). The facility's manager shall sign the report.