

D-1.

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

Title 9, Chapter 22

Amend: R9-22-301; R9-22-302; R9-22-304; R9-22-305; R9-22-315



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: **ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM**
Title 9, Chapter 22

Amend: R9-22-301; R9-22-302; R9-22-304; R9-22-305; R9-22-315

Summary:

This regular rulemaking from the Arizona Health Care Cost Containment System (AHCCCS) seeks to amend five (5) rules in Title 9, Chapter 33, Article 3 regarding General Eligibility Requirements. Specifically, rules in Article 3 outline general eligibility requirements for individuals seeking AHCCCS coverage. These rules establish the basic criteria for enrollment, including residency, financial need, and citizenship or legal status. Additionally, they specify documentation and verification needed to determine if an applicant qualifies for AHCCCS programs.

AHCCCS indicates, although the rules are effective, certain current rules do not align with the language in federal regulations or provide true clarity to individuals utilizing them in determining eligibility. AHCCCS indicates proposed changes are merely clarifying, including updating definitions for "BHS" (means the division of Behavioral Health Services) and "USCIS" (means the United States Citizen and Immigration Services), extending the timeframe an applicant or member has to provide the required verification when requested, updating a rule to state that a written declaration is not required in order for the rule to be aligned with federal regulation, and adding information regarding electronic notification delivery option. AHCCCS

indicates substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

AHCCCS cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

AHCCCS indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

AHCCCS states that these regulations govern the eligibility of members and AHCCCS and other State responsibilities on them. AHCCCS does not anticipate any economic, small business, and consumer impact with the currently proposed changes. AHCCCS indicates that the proposed changes are merely clarifying including updating definitions for "BHS" and "UCIS", extending the timeframe an applicant or member has to provide the required verification when requested, updating a rule to state that a written declaration is not required in order for the rule to be aligned with federal regulation, and adding information regarding electronic notification delivery option. AHCCCS goes on to say substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Administration does not anticipate any economic, small business, and consumer impact with the currently proposed changes.

6. **What are the economic impacts on stakeholders?**

The Administration does not anticipate any economic, small business, and consumer impact with the currently proposed changes.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

AHCCCS indicates there were no changes between the Notice of Proposed Rulemaking published in the Administrative Register on November 15, 2024 and the Notice of Final Rulemaking now before the Council for consideration.

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

AHCCCS indicates it received no public comments related to this rulemaking.

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

Not applicable. The rule does not require the issuance of a permit, license, or agency authorization.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

AHCCCS indicates the rules are not more stringent than corresponding federal law.

11. **Conclusion**

This regular rulemaking from AHCCCS seeks to amend five (5) rules in Title 9, Chapter 33, Article 3 regarding General Eligibility Requirements. AHCCCS indicates, although the rules are effective, certain current rules do not align with the language in federal regulations or provide true clarity to individuals utilizing them in determining eligibility. AHCCCS indicates proposed changes are merely clarifying, including updating definitions for “BHS” and “USCIS”, extending the timeframe an applicant or member has to provide the required verification when requested, updating a rule to state that a written declaration is not required in order for the rule to be aligned with federal regulation, and adding information regarding electronic notification delivery option. AHCCCS indicates substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

AHCCCS is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.

February 21, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Avenue, Suite 305
Phoenix, Arizona 85007

RE: R9-22-3 Rulemaking

Dear Ms. Klein:

- | | |
|---|------------|
| 1. The close of record date: | 12/16/2024 |
| 2. Does the rulemaking activity relate to a Five-Year Review Report: | Yes |
| a. If yes, the date the Council approved the Five-Year Review Report: | 9/4/2024 |
| 3. Does the rule establish a new fee: | No |
| a. If yes, what statute authorizes the fee: | N/A |
| 4. Does the rule contain a fee increase: | No |
| 5. Is an immediate effective date requested pursuant to A.R.S. 41-1032: | No |

AHCCCS certifies that the preamble discloses a reference to any study relevant to the rule that the agency reviewed. AHCCCS certifies that the preamble states that it did not rely on any such study in the agency's evaluation of or justification for the rule.

AHCCCS certifies that the preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee of the number of new full-time employees necessary to implement and enforce the rule.

The following documents are enclosed:

1. Notice of Final Rulemaking, including the preamble, table of contents, and text of each rule;
2. If applicable: An economic, small business, and consumer impact statement that contains the information required by A.R.S. 41-1055;
3. If applicable: The written comments received by the agency concerning the proposed rule and a written record, transcript, or minutes of any testimony received if the agency maintains a written record, transcript or minutes;
4. If applicable: Any analysis submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of business in other states;
5. If applicable: Material incorporated by reference;

6. General and specific statutes authorizing the rules, including relevant statutory definitions; and
7. If applicable: If a term is defined in the rule by referring to another rule or a statute other than the general and specific statutes authorizing the rule, the statute or other rule referred to in the definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole Fries".

Nicole Fries,

Chief Deputy General Counsel

Attachments

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM – ADMINISTRATION

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
February 13, 2025

| 2. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-22-301 | Amend |
| R9-22-302 | Amend |
| R9-22-304 | Amend |
| R9-22-305 | Amend |
| R9-22-315 | Amend |

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

Authorizing statute: A.R.S. § 36-2903.01
Implementing statute: A.R.S. §§ 36-2904, 36-2933

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A). The effective date is (to be filled in by *Register* editor).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Rulemaking Docket Opening: 30 A.A.R. 3465, Issue Date: November 15, 2024, Issue Number: 46, File number: R24-240

Notice of Proposed Rulemaking: 30 A.A.R. 3355, Issue Date: November 15, 2024, Issue Number: 46, File number: R24-224

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

Name: Sladjana Kuzmanovic
Title: Sr. Rules Analyst
Division: AHCCCS Office of the General Counsel
Address: 801 E. Jefferson Street, MD 6200, Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
Email: AHCCCSRules@azahcccs.gov
Website: www.azahcccs.gov

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

Rules in R9-22-Article 3 outline general eligibility requirements for individuals seeking AHCCCS coverage. These rules establish the basic criteria for enrollment, including residency, financial need, and citizenship or legal status. Additionally, they specify documentation and verification needed to determine if an applicant qualifies for AHCCCS programs. Although effective, certain current rules do not align with some of the language in federal regulations or provide true clarity to individuals utilizing them in determining eligibility.

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

Not applicable.

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

Not applicable.

10. A summary of the economic, small business, and consumer impact:

These regulations govern eligibility of members and AHCCCS and other State responsibilities to them. The Administration does not anticipate any economic, small business, and consumer impact with the currently proposed changes. Proposed changes are merely clarifying including updating definitions for “BHS” and “USCIS”, extending the timeframe an applicant or member has to provide the required verification when requested, updating a rule to state that a written declaration is not required in order for the rule to be aligned with federal regulation, and adding information regarding electronic notification delivery option. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

There are no changes between the proposed rulemaking and the final rulemaking.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

There were no public or stakeholder comments made about the rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Administration or this specific rulemaking.

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

The rule does not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.

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

The rules are not more stringent than the federal law.

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

No business competitiveness analysis was submitted to the Administration.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM – ADMINISTRATION
ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS

Section

| | |
|------------|---|
| R9-22-301. | General Eligibility Definitions |
| R9-22-302. | AHCCCS Eligibility Application |
| R9-22-304. | Verification of Eligibility Information |
| R9-22-305. | Eligibility Requirements |
| R9-22-315. | Notice of Adverse Action |

ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS

R9-22-301. General Eligibility Definitions

Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 14 and Article 15 have the following meanings unless the context explicitly requires another meaning:

- “Applicant,” notwithstanding R9-22-101, means a person listed on an application for whom AHCCCS coverage is being sought.
- “BHS” means ~~the division of Behavioral Health Services within the Arizona Department of Health Services.~~
- “CRS” means the program administered by the Administration or its designee that provides covered medical services and covered support services in accordance with A.R.S. 36-261.
- “DCSS” means the Division of Child Support Services, which is the division within the Department that administers the Title IV-D program and includes a contract agent operating a child support enforcement program on behalf of the Department.
- “FAA” means the Family Assistance Administration, the administration within the Department’s Division of Benefits and Medical Eligibility with responsibility for providing cash and food stamp assistance to a member and for determining eligibility for AHCCCS medical coverage.
- “Income” means combined earned and unearned income.
- “Medical support” means to provide health care coverage in the form of health insurance or court-ordered payment for medical care.
- “Member” means an applicant who has been determined to qualify for AHCCCS coverage by the Administration or its designee.
- “Pre-enrollment process” means the process that provides an applicant the opportunity to choose an AHCCCS health plan before the determination of eligibility is completed.

“Resources” means real and personal property, including liquid assets.

“Sponsor” means an individual who signs the USCIS I-864 Affidavit of Support agreeing to support a non-citizen as a condition of the non-citizen’s admission for permanent residence in the United States.

“Sponsor deemed income” means the unearned income deemed available to the applicant named on the USCIS I-864 Affidavit of Support.

“SVES” means the State Verification and Exchange System, a system through which the Department exchanges income and benefit information with the Internal Revenue Service, Social Security Administration, and State Wage and Unemployment Insurance Benefit data files.

“USCIS” means the United States ~~Citizen~~ Citizenship and Immigration Services.

R9-22-302. AHCCCS Eligibility Application

Application process.

1. Right to apply. A person may apply for AHCCCS medical coverage by submitting an Administration-approved application to the Administration or its designee, an FAA office, or one of the following outstation locations:
 - a. ~~A BHS site;~~
 - ~~b.~~—A Federally Qualified Health Center or disproportionate share hospital under 42 U.S.C. 1396r-4; or
 - ~~eb.~~ Any other site, including a hospital, approved by the Administration or its designee.
2. Application. To initiate the application process, the Administration or its designee will accept an application from the applicant, an adult who is in the applicant’s household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
 - a. A phone or written application must contain at least the following to be submitted to the Administration or its designee:
 - i. Applicant’s legible name,
 - ii. Address or location where the applicant can be reached,
 - iii. Signature of the person submitting the application,
 - iv. Date the application was signed.
 - v. The Administration or its designee shall require that a third party witness the signing and attest by signing the application if the individual signing the application signs with a mark.
 - b. An online application must be completed in full in order to be submitted to the Administration or its designee.
3. Incomplete application. If the application is incomplete, the Administration or its designee shall do at least one of the following:
 - a. Contact an applicant or an applicant’s representative by telephone or electronic medium to obtain the missing information required for an eligibility determination;
 - b. Mail a request for additional information to an applicant or an applicant’s representative, allowing 10 days from the date of the request to provide the required additional information; or
 - c. Meet with the applicant, representative, or household member.
4. Date of application. The date of application is the date application is received by the Administration or its designee either on-line or at a location listed in subsection (1).
5. Complete application form. The Administration or its designee shall consider an application complete when all questions are answered. The same person as listed under subsection (2) is the person that must sign the completed application. The application shall be witnessed and signed by a third party if the individual signing the application signs with a mark.
6. Assistance with application. The Administration or its designee shall allow a person of the applicant’s choice to accompany, assist, and represent the applicant in the application process.

R9-22-304. Verification of Eligibility Information

- A. Except as provided in subsection (E), if information provided by or on behalf of an applicant or member on an application, renewal form or otherwise does not conflict with information obtained by the agency through an electronic data match, the Administration or its designee shall determine or renew eligibility based on such information.
- B. The Administration or its designee shall not require an applicant, member, or representative to provide additional verification unless the verification cannot be obtained electronically or the verification obtained electronically conflicts with information provided by or on behalf of the applicant or member.
- C. If information provided by or on behalf of an applicant or member does conflict with information obtained through an electronic data match, the applicant or member shall provide the Administration or its designee with information or documentation necessary to verify eligibility, including evidence originating from an agency, organization, or an individual with actual knowledge of the information.
- D. Income information obtained through an electronic data match shall be considered reasonably compatible with income information provided by or on behalf of an individual if both meet or both exceed the applicable income limit.

- E. The Administration or its designee shall not accept the applicant's or member's statement by itself as verification of:
 1. SSN;
 2. Qualified alien status, except as described under 42 USC 1320b-7(d)(4)(A); or
 3. Citizenship, except as described under 42 USC 1396a(ee)(1).
- F. The Administration or its designee shall give an applicant or member at least 105 days from the date of a written or electronic request for information to provide required verification. The Administration or its designee may deny the application or discontinue eligibility if an applicant or a member does not provide the required information timely.

R9-22-305. Eligibility Requirements

As a condition of eligibility, the Administration or its designee must require applicants, and members to do the following:

- ~~1. Take all necessary steps to obtain any annuities, pensions, retirement, disability benefits to which they are entitled, unless they can show good cause for not doing so.~~
- ~~2.~~ Furnish a SSN under 42 CFR 435.910 and 435.920, or in the absence of an SSN, provide proof of a submitted application of SSN. The Administration or its designee will assist in obtaining or verifying the applicant's SSN under 42 CFR 435.910 if an applicant cannot recall the applicant's SSN or has not been issued a SSN. An applicant is not required to furnish an SSN if the applicant is not able to legally obtain a SSN. The Administration or its designee shall determine eligibility notwithstanding the applicant's lack of a SSN, if the applicant is cooperating with the Administration or its designee to obtain a SSN and obtain a SSN prior to the next scheduled review of eligibility.
- ~~3.~~ Provide proof of residency of Arizona. An applicant or a member is not eligible unless the applicant or member is a resident of Arizona under 42 CFR 435.403 effective October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- ~~4.~~ A ~~written~~ declaration, ~~signed under penalty of perjury~~, must be provided for each person for whom benefits are being sought stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is a qualified alien. The declaration must be provided by the individual for whom eligibility is being sought or an adult member of the individual's family or household.
- ~~5.~~ Each applicant who claims qualified alien status must provide either:
 - a. Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or
 - b. Other documents that the Administration or its designee accepts as evidence of immigration status, such as:
 - i. A Form I-94 Departure Record issued by the USCIS,
 - ii. A Foreign Passport,
 - iii. A USCIS Parole Notice,
 - iv. A Victim of Trafficking Certification or Eligibility Letter issued by the US DHHS Office of Refugee Resettlement,
 - v. Other documentation consistent with 42 CFR 435.406 or 435.407.
 - c. Sufficient information for the Administration or its designee to obtain electronic verification of immigration status from the USCIS.
- ~~6.~~ If a person for whom eligibility is being sought, states that they are an alien, that person is not required to comply with subsections (4) and (5); however, if they do not comply with those sections, and if they meet all other eligibility criteria, benefits will be limited to those necessary to treat an emergency medical condition.

R9-22-315. Notice of Adverse Action

- A. Adverse actions. An applicant or member may appeal, as described under Chapter 34, by requesting a hearing from the Administration or its designee concerning any of the following adverse actions:
 1. Complete or partial denial of eligibility under R9-22-307 and R9-22-313(E);
 2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-307, R9-22-312 and R9-22314;
 3. Delay in the eligibility determination beyond the timeframes under this Article;
 4. The imposition of or increase in a premium or copayment; or
 5. The effective date of eligibility.
- B. Notice of Adverse Action. The Administration or its designee shall personally deliver or send, by mail, or electronic means a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant, ~~or the postmark date; if mailed; or the email date if emailed.~~
- C. Automatic change and hearing rights.
 1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.

2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

Introduction:

The Arizona Health Care Cost Containment System (AHCCCS) is Arizona's Medicaid agency, responsible for providing health care coverage to eligible low-income individuals and families. It operates through a partnership between the state and federal government to deliver necessary medical services to those who meet specific eligibility criteria. Rules in R9-22-Article 3 outline the general eligibility requirements for individuals seeking AHCCCS coverage. These regulations govern not only the eligibility of members, but also the responsibilities of AHCCCS and the State toward those members. They establish the basic criteria for enrollment, including residency, financial need, and citizenship or legal status. Additionally, they specify the documentation and verification processes required to determine if an applicant qualifies for AHCCCS programs.

Purpose of Rule:

AHCCCS is making technical and conforming changes to reflect changes to agency procedures for greater efficiency and ease for individuals applying for eligibility, as well as clarifying changes to reflect that the Division of Behavioral Health Services now resides within AHCCCS.

1. Identification of rulemaking

The Administration's proposed rulemaking would make minor technical and clarifying changes.

a. The conduct and its frequency of occurrence that the rule is designed to change:

The changes to these rules will not change the conduct or its frequency, merely streamline and clarify for those pursuing eligibility determinations.

b. The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:

Although the harm has not been quantified, these changes are proposed so that individuals will address the correct agency with their eligibility questions and concerns.

c. The estimated change in frequency of the targeted conduct expected from the rule change:

The Administration does not anticipate a change in frequency in conduct with the rulemaking.

2. Identification of the persons who will be directly affected by, bear the costs of, or directly benefit from the rule making.

Individuals applying for eligibility under AHCCCS will be benefitted, however there are not quantified costs associated with this rulemaking.

3. Cost-benefit analysis.

a. Probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking including the number of new full-time employees necessary to implement and enforce the proposed rule:

i. Cost:

The Administration anticipates no increase in cost to the implementing agency.

ii. Benefit:

The Administration anticipates a benefit to the implementing agency as for increased efficiency with staff time.

iii. Need for additional Full-time Employees:

The Administration does not anticipate the need to hire full-time employees as a result of this rulemaking.

b. Probable costs and benefits to political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

This rulemaking does not directly affect political subdivisions.

4. General description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking.

The Administration anticipates that public and private employment will not be impacted by the changes.

5. Statement of probable impact of the proposed rule on small businesses. The statement shall include:

a. Identification of the small businesses subject to the proposed rulemaking.

The Administration anticipates no impact on small businesses.

b. Administrative and other costs required for compliance with the proposed rulemaking.

The Administration anticipates no impact on the administrative expenses of these small businesses because the proposed rule does not require a change in claim submission coding or procedure.

c. Description of methods prescribed in section A.R.S. § 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not use each method:

i. Establishing less stringent compliance or reporting requirements in the rule for small businesses:

This rule does not impose compliance or reporting requirements on small businesses beyond those already necessary to comply with federal law and state statute.

ii. **Establishing less stringent schedules deadlines in the rule for compliance or reporting requirements for small businesses;**

This rule does not impose compliance or reporting requirements on small businesses beyond those requirements that are necessary to comply with federal law and state statute.

iii. **Consolidate or simplify the rule's compliance or reporting requirements for small businesses;**

This rule does not impose compliance or reporting requirements on small businesses beyond those requirements that are necessary to comply with federal law and state statute.

iv. **Establish performance standards for small businesses to replace design or operational standards in the rule; and**

This rule does not establish performance standards for small businesses beyond those requirements that are necessary to comply with federal law and state statute.

v. **Exempting small businesses from any or all requirements of the rule.**

Exempting small businesses is not applicable to this rule.

d. **The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.**

The effect of the rule on private persons cannot be quantified as a financial cost, however it should help to clarify the eligibility process.

6. **Statement of the probable effect on state revenues.**

It is anticipated that the rule will have no fiscal impact on state revenues.

7. **Description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.**

The Administration did not consider other alternatives because the revisions to the rule are the most cost effective and efficient method of complying with federal law and state law and are technical and clarifying in nature.

8. **A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.**

The Administration did not consider any specific data to base the rule upon.

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

11, 2007 (Supp. 07-3). Amended by final rulemaking at 13 A.A.R. 4122, effective November 6, 2007 (Supp. 07-4).

R9-22-217. Services Included in the Federal Emergency Services Program

- A.** Definition. Notwithstanding the definition in R9-22-201, for the purposes of this Section, an emergency medical or behavioral health condition for a FES member means a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:
1. Placing the member's health in serious jeopardy,
 2. Serious impairment to bodily functions,
 3. Serious dysfunction of any bodily organ or part, or
 4. Serious physical harm to another person.
- B.** Services. "Emergency services for a FES member" mean those medical or behavioral health services provided for the treatment of an emergency condition. Emergency services include outpatient dialysis services for a FES member with End Stage Renal Disease (ESRD) where a treating physician has certified for the month in which services are received that in the physician's opinion the absence of receiving dialysis at least three times per week would reasonably be expected to result in:
1. Placing the member's health in serious jeopardy, or
 2. Serious impairment of bodily function, or
 3. Serious dysfunction of a bodily organ or part.
- C.** Covered services. Services are considered emergency services if all of the criteria specified in subsection (A) are satisfied at the time the services are rendered. The Administration shall determine whether an emergency condition exists on a case-by-case basis.
- D.** Prior authorization. A provider is not required to obtain prior authorization for emergency services for FES members. Prior authorization for outpatient dialysis services is met when the treating physician has completed and signed a monthly certification as described in subsection (B).
- E.** Services rendered through the Federal Emergency Services Program are subject to all exclusions and limitation on services in this Article including but not limited to the limitations on inpatient hospital services in R9-22-204.

Historical Note

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1868, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended

by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

R9-22-218. Repealed**Historical Note**

Section R9-22-218 renumbered from R9-22-206 effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3).

ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS**R9-22-301. General Eligibility Definitions**

Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 14 and Article 15 have the following meanings unless the context explicitly requires another meaning:

"Applicant," notwithstanding R9-22-101, means a person listed on an application for whom AHCCCS coverage is being sought.

"BHS" means the division of Behavioral Health Services within the Arizona Department of Health Services.

"CRS" means the program administered by the Administration or its designee that provides covered medical services and covered support services in accordance with A.R.S. 36-261.

"DCSS" means the Division of Child Support Services, which is the division within the Department that administers the Title IV-D program and includes a contract agent operating a child support enforcement program on behalf of the Department.

"FAA" means the Family Assistance Administration, the administration within the Department's Division of Benefits and Medical Eligibility with responsibility for providing cash and food stamp assistance to a member and for determining eligibility for AHCCCS medical coverage.

"Income" means combined earned and unearned income.

"Medical support" means to provide health care coverage in the form of health insurance or court-ordered payment for medical care.

"Member" means an applicant who has been determined to qualify for AHCCCS coverage by the Administration or its designee.

"Pre-enrollment process" means the process that provides an applicant the opportunity to choose an AHCCCS health plan before the determination of eligibility is completed.

"Resources" means real and personal property, including liquid assets.

"Sponsor" means an individual who signs the USCIS I-864 Affidavit of Support agreeing to support a non-citizen as a condition of the non-citizen's admission for permanent residence in the United States.

"Sponsor deemed income" means the unearned income deemed available to the applicant named on the USCIS I-864 Affidavit of Support.

"SVES" means the State Verification and Exchange System, a system through which the Department exchanges income and benefit information with the Internal Revenue Service, Social

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Security Administration, and State Wage and Unemployment Insurance Benefit data files.

“USCIS” means the United States Citizen and Immigration Services.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-301 renumbered together with former Section R9-22-102 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section R9-22-301 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (8), subsection (E), paragraph (3), and subsection (J), paragraph (5) effective October 1, 1986 (Supp. 86-5). Amended subsections (C) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective October 1, 1987; amended subsection (D) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

R9-22-302. AHCCCS Eligibility Application**Application Process**

1. Right to apply. A person may apply for AHCCCS medical coverage by submitting an Administration-approved application to the Administration or its designee, an FAA office, or one of the following outstation locations:
 - a. A BHS site;
 - b. A Federally Qualified Health Center or disproportionate share hospital under 42 U.S.C. 1396r-4; or
 - c. Any other site, including a hospital, approved by the Administration or its designee.
2. Application. To initiate the application process, the Administration or its designee will accept an application from the applicant, an adult who is in the applicant’s household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
 - a. A phone or written application must contain at least the following to be submitted to the Administration or its designee:
 - i. Applicant’s legible name,
 - ii. Address or location where the applicant can be reached,
 - iii. Signature of the person submitting the application,
 - iv. Date the application was signed.
 - v. The Administration or its designee shall require that a third party witness the signing and attest

by signing the application if the individual signing the application signs with a mark.

- b. An online application must be completed in full in order to be submitted to the Administration or its designee.
3. Incomplete application. If the application is incomplete, the Administration or its designee shall do at least one of the following:
 - a. Contact an applicant or an applicant’s representative by telephone or electronic medium to obtain the missing information required for an eligibility determination;
 - b. Mail a request for additional information to an applicant or an applicant’s representative, allowing 10 days from the date of the request to provide the required additional information; or
 - c. Meet with the applicant, representative, or household member.
4. Date of application. The date of application is the date application is received by the Administration or its designee either on-line or at a location listed in subsection (1).
5. Complete application form. The Administration or its designee shall consider an application complete when all questions are answered. The same person as listed under subsection (2) is the person that must sign the completed application. The application shall be witnessed and signed by a third party if the individual signing the application signs with a mark.
6. Assistance with application. The Administration or its designee shall allow a person of the applicant’s choice to accompany, assist, and represent the applicant in the application process.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-302 repealed, new Section R9-22-302 adopted effective November 20, 1984 (Supp. 84-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

R9-22-303. Prior Quarter Eligibility

- A. Subject to CMS approval, prior quarter coverage eligibility shall be limited to applicants who meet the requirements in subsection (B) and who also:
 1. Are eligible during any of the three months prior to application; and
 2. Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month; and
 3. Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.

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B. Prior quarter coverage eligibility is limited to applicants who are:

1. Under the age of 19, or
2. Pregnant, or
3. In the 60 day post-partum period beginning with the last day of the pregnancy.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-303 repealed, new Section R9-22-303 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 1849, with an immediate effective date of July 1, 2019 (Supp. 19-3).

R9-22-304. Verification of Eligibility Information

- A.** Except as provided in subsection (E), if information provided by or on behalf of an applicant or member on an application, renewal form or otherwise does not conflict with information obtained by the agency through an electronic data match, the Administration or its designee shall determine or renew eligibility based on such information.
- B.** The Administration or its designee shall not require an applicant, member, or representative to provide additional verification unless the verification cannot be obtained electronically or the verification obtained electronically conflicts with information provided by or on behalf of the applicant or member.
- C.** If information provided by or on behalf of an applicant or member does conflict with information obtained through an electronic data match, the applicant or member shall provide the Administration or its designee with information or documentation necessary to verify eligibility, including evidence originating from an agency, organization, or an individual with actual knowledge of the information.
- D.** Income information obtained through an electronic data match shall be considered reasonably compatible with income information provided by or on behalf of an individual if both meet or both exceed the applicable income limit.
- E.** The Administration or its designee shall not accept the applicant's or member's statement by itself as verification of:
 1. SSN;
 2. Qualified alien status, except as described under 42 USC 1320b-7(d)(4)(A); or
 3. Citizenship, except as described under 42 USC 1396a(ee)(1).
- F.** The Administration or its designee shall give an applicant or member at least 10 days from the date of a written or electronic request for information to provide required verification. The Administration or its designee may deny the application or discontinue eligibility if an applicant or a member does not provide the required information timely.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-304 repealed, new Section R9-22-304 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-304

made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-305. Eligibility Requirements

As a condition of eligibility, the Administration or its designee must require applicants, and members to do the following:

1. Take all necessary steps to obtain any annuities, pensions, retirement, disability benefits to which they are entitled, unless they can show good cause for not doing so.
2. Furnish a SSN under 42 CFR 435.910 and 435.920, or in the absence of an SSN, provide proof of a submitted application of SSN. The Administration or its designee will assist in obtaining or verifying the applicant's SSN under 42 CFR 435.910 if an applicant cannot recall the applicant's SSN or has not been issued a SSN. An applicant is not required to furnish an SSN if the applicant is not able to legally obtain a SSN. The Administration or its designee shall determine eligibility notwithstanding the applicant's lack of a SSN, if the applicant is cooperating with the Administration or its designee to obtain a SSN and obtain a SSN prior to the next scheduled review of eligibility.
3. Provide proof of residency of Arizona. An applicant or a member is not eligible unless the applicant or member is a resident of Arizona under 42 CFR 435.403 effective October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. A written declaration, signed under penalty of perjury, must be provided for each person for whom benefits are being sought stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is a qualified alien. The declaration must be provided by the individual for whom eligibility is being sought or an adult member of the individual's family or household.
5. Each applicant who claims qualified alien status must provide either:
 - a. Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or
 - b. Other documents that the Administration or its designee accepts as evidence of immigration status, such as:
 - i. A Form I-94 Departure Record issued by the USCIS,
 - ii. A Foreign Passport,
 - iii. A USCIS Parole Notice,
 - iv. A Victim of Trafficking Certification or Eligibility Letter issued by the US DHHS Office of Refugee Resettlement,
 - v. Other documentation consistent with 42 CFR 435.406 or 435.407.
 - c. Sufficient information for the Administration or its designee to obtain electronic verification of immigration status from the USCIS.
6. If a person for whom eligibility is being sought, states that they are an alien, that person is not required to comply with subsections (4) and (5); however, if they do not

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comply with those sections, and if they meet all other eligibility criteria, benefits will be limited to those necessary to treat an emergency medical condition.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-305 repealed, new Section R9-22-305 adopted effective November 20, 1984 (Supp. 84-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-305 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-306. Administration, Administration's designee or Member Responsibilities

- A. The Administration or its designee is responsible for the following:
1. The Administration or its designee shall determine eligibility within 90 days for an applicant applying on the basis of disability and 45 days for all other applicants, unless:
 - a. The agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or
 - b. When there is an administrative or other emergency beyond the agency's control.
 2. If an applicant dies while an application is pending, the Administration or its designee shall complete an eligibility determination for the deceased applicant.
 3. The Administration or its designee shall complete an eligibility determination on an application filed on behalf of a deceased applicant.
 4. During the application process the Administration or its designee shall provide information to the applicant or member explaining the requirements to:
 - a. Cooperate with DCSS in establishing paternity and enforcing medical support, except in circumstances when good cause under 42 CFR 433.147 exists for not cooperating;
 - b. Establish good cause for not cooperating with DCSS in establishing paternity and enforcing medical support, when applicable;
 - c. Report a change listed under subsection (B)(3)(c) no later than 10 days from the date the applicant or member knows of the change;
 - d. Send to the Administration or its designee any medical support payments resulting from a court order;
 - e. Cooperate with the Administration or its designee's assignment of rights and securing payments received from any liable party for a member's medical care.
 5. Offer to help the applicant or member to complete the application form and to obtain the required verification;
 6. Provide the applicant or member with information explaining:
 - a. The eligibility and verification requirements for AHCCCS medical coverage;
 - b. The requirement that the applicant or member obtain and provide a SSN to the Administration or its designee;
 - c. How the Administration or its designee uses the SSN;
 7. Explain to the applicant or member the practice of exchange of eligibility and income information through the electronic service established by the Secretary;
 8. Explain to the applicant and member the right to appeal an adverse action under R9-22-315;
 9. Use any information provided by the member to complete data matches with potentially liable parties;
 10. Explain the eligibility review process;
 11. Explain the AHCCCS pre-enrollment process;
 12. Use the Systematic Alien Verification for Entitlements (SAVE) process to verify qualified alien status;
 13. Provide information regarding the penalties for perjury and fraud on the application;
 14. Review any verification items provided by the applicant or member and inform the member of any additional verification items and time-frames within which the applicant or member shall provide information to the Administration or its designee;
 15. Explain to the applicant or member the applicant's and member's responsibilities under subsection (B);
 16. Transfer the applicant's information to other insurance affordability programs as described under 42 CFR 435.1200(e) when the applicant does not qualify for Medicaid;
 17. Attain a written record of a collateral contact: such as a verbal statement from a representative of an agency or organization, or an individual with actual knowledge of the information;
 18. Complete a review of eligibility:
 - a. Any time there is a change in a member's circumstance that may affect eligibility,
 - b. For a member approved for the MED program under R9-22-1435 through R9-22-1440 before the end of the six-month eligibility period,
 - c. Of each member's continued eligibility for AHCCCS medical coverage once every 12 months;
 19. The Administration or its designee shall discontinue eligibility and notify the member of the discontinuance under R9-22-307 if the member:
 - a. Fails to comply with the review of eligibility,
 - b. Fails to comply under 42 CFR 433.148 with the requirements and conditions of eligibility under this Article regarding assignment of rights and cooperation of establishing paternity and obtaining medical support, or
 - c. Does not meet the eligibility requirements; and
 20. Redetermine eligibility for a person terminated from the SSI cash program.
 - a. Continuation of AHCCCS medical coverage. The Administration shall continue AHCCCS medical coverage for a person terminated from the SSI cash program until a redetermination of eligibility is completed.
 - b. Coverage group screening. Before terminating a person from the SSI cash program, the Administration shall determine if the person is eligible for coverage as a person described in A.R.S. §§ 36-2901(6)(a)(i) through (vi) or 36-2934.
 - c. Eligibility decision.
 - i. If a person is eligible under this Article or 9 A.A.C. 28, Article 4, the Administration shall send a notice informing the applicant that AHCCCS medical coverage is approved.

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- ii. If a person is ineligible, the Administration shall send a notice to deny AHCCCS medical coverage.
- B. Applicant and Member Responsibilities.**
1. An applicant or a member shall authorize the Administration or its designee to obtain verification for initial eligibility or continuation of eligibility.
 2. As a condition of eligibility, an applicant or a member shall:
 - a. Provide the Administration or its designee with complete and truthful information. The Administration or its designee may deny an application or discontinue eligibility if:
 - i. The applicant or member fails to provide information necessary for initial or continuing eligibility;
 - ii. The applicant or member fails to provide the Administration or its designee with written authorization or electronic authorization to permit the Administration or its designee to obtain necessary initial or continuing eligibility verification;
 - iii. The applicant or member fails to provide verification under R9-22-304 after the Administration or its designee made an effort to obtain the necessary verification but has not obtained the necessary information; or
 - iv. The applicant or member does not assist the Administration or its designee in resolving incomplete, inconsistent, or unclear information that is necessary for initial or continuing eligibility;
 - b. Cooperate with the Division of Child Support Services (DCSS) in establishing paternity and enforcing medical support obligations when requested unless good cause exists for not cooperating under 42 CFR 433.147 as of October 1, 2012, which is incorporated by reference, on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol St., NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. The Administration or its designee shall not deny AHCCCS eligibility to an applicant who would otherwise be eligible, is a minor child, and whose parent or legal representative does not cooperate with the medical support requirements or first- and third-party liability requirements under Article 10 of this Chapter; and
 - c. Provide the information needed to pursue third party coverage for medical care, such as:
 - i. Name of policyholder,
 - ii. Policyholder's relationship to the applicant or member,
 - iii. Name and address of the insurance company, and
 - iv. Policy number.
 3. A member or an applicant shall:
 - a. Send to the Administration or its designee any medical support payments received while the member is eligible that result from a medical support order;
 - b. Cooperate with the Administration or its designee regarding any issues arising as a result of Eligibility Quality Control described under A.R.S. § 36-2903.01; and
 - c. Inform the Administration or its designee of the following changes within 10 days from the date the applicant or member knows of a change:
 - i. In address;
 - ii. In the household's composition;
 - iii. In income;
 - iv. In resources, when required under the Medical Expense Deduction (MED) program;
 - v. In Arizona state residency;
 - vi. In citizenship or immigrant status;
 - vii. In first- or third-party liability that may contribute to the payment of all or a portion of the person's medical costs;
 - viii. That may affect the member's or applicant's eligibility, including a change in a woman's pregnancy status;
 - ix. Death;
 - x. Change in marital status; or
 - xi. Change in school attendance.
 4. As a condition of eligibility, an applicant or a member shall cooperate with the assignment of rights as required by R9-22-311. If the applicant or member receives medical care and services for which a first or third party is or may be liable, the applicant or member shall cooperate with the Administration or its designee in assisting, identifying and providing information to assist the Administration or its designee in pursuing any first or third party who is or may be liable to pay for medical care and services.
 5. A pregnant woman under A.R.S. § 36-2901(6)(a)(ii) is not required to provide the Administration or its designee with information regarding paternity or medical support from a father of a child born out of wedlock.
- C. Administration or its designee responsibilities at Eligibility Renewal.**
1. The Administration or its designee shall renew eligibility without requiring information from the individual if able to do so based on reliable information available to the agency, including through an electronic data match. If able to renew eligibility based on such information, the Administration or its designee shall send the member notice of:
 - a. The eligibility determination; and
 - b. The member's requirement to notify the Administration or its designee if any of the information contained in the renewal notice is inaccurate.
 2. If unable to renew eligibility, the Administration or its designee shall:
 - a. Send a pre-populated renewal form listing the information needed to renew eligibility,
 - b. Give the member 30 days from the date of the renewal form to submit the signed renewal form and the information needed,
 - c. Send the member notice of the renewal decision under R9-22-312 or R9-22-1413(B) as applicable.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-306 repealed, new Section R9-22-306 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraphs (1) and (6) effective October 1, 1986 (Supp. 86-5). Amended subsection (B),

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paragraph (1) and added a new subsection (N) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6).

Amended subsection (B) effective October 1, 1987; amended subsection (N) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-306 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-307. Approval or Denial of Eligibility

A. Approval. If the applicant meets all the eligibility requirements and conditions of eligibility of this Article, the Administration or its designee shall approve the application and provide the applicant with an approval notice. The approval notice shall contain:

1. The name of each approved applicant,
2. The effective date of eligibility for each approved applicant,
3. The reason and the legal citations if a member is approved for only emergency medical services, and
4. The applicant's right to appeal the decision.

B. Denial. If an applicant fails to meet the eligibility requirements or conditions of eligibility of this Article, the Administration or its designee shall deny the application and provide the applicant with a denial notice. The denial notice shall contain:

1. The name of each ineligible applicant,
2. The specific reason why the applicant is ineligible,
3. The income and resource calculations for the applicant compared to the income or resource standards for eligibility when the reason for the denial is due to the applicant's income or resources exceeding the applicable standard,
4. The legal citations supporting the reason for the ineligibility,
5. The location where the applicant can review the legal citations,
6. The date of the application being denied; and
7. The applicant's right to appeal the decision and request a hearing.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (C), added subsection (G) and (H) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-307 repealed, new Section R9-22-307 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) as an emergency effective December 4, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Permanent amendment to subsection (A) effective February 5, 1986 (Supp. 86-1).

Amended subsections (E) and (F) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Pro-

cedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-307 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-308. Reinstating Eligibility

The Administration or its designee shall reopen an application or reinstate eligibility of a member when any of the following conditions are met:

1. The denial or discontinuance of eligibility was due to an administrative error,
2. The discontinuance of eligibility was due to noncompliance with a condition of eligibility and the applicant or member complies prior to the effective date of the discontinuance,
3. The member informs the Administration or its designee of a change of circumstances prior to the effective date of the discontinuance, that would allow for continued eligibility, or
4. Following a discontinuance, the member qualifies for continuation of medical coverage pending an appeal.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (C) effective March 2, 1984 (Supp. 84-2). Former Section R9-22-308 repealed, new Section R9-22-308 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-308 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-309. Confidentiality and Safeguarding of Information

The Administration or its designee shall maintain the confidentiality of an applicant or member's records and limit the release of safeguarded information under R9-22-512 and 6 A.A.C. 12, Article 1. In the event of a conflict between R9-22-512 and 6 A.A.C. 12, Article 1, R9-22-512 prevails.

Historical Note

Adopted effective August 30, 1984 (Supp. 82-4). Amended (D)(1)(d) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-309 repealed, new Section R9-22-309 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5).

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Amended subsection (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A), (B) and (C) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-309 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-310. Ineligible Person

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution, or
2. Over age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except as allowed in 42 USC 1396d(h) or as allowed under the Administration's Section 1115 waiver.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended (B)(7) and added subsections (C) and (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-310 repealed, new Section R9-22-310 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (7) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-310 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-311. Assignment of Rights Under Operation of Law

By operation of law and under A.R.S. § 36-2903, a person determined eligible assigns rights to the system medical benefits to which the person is entitled.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-311 repealed, new Section R9-22-311 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-311 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-312. Member Notices

- A.** Contents of notice. The Administration or its designee shall issue a notice by mail, personal delivery, or electronic means when an action is taken regarding a person's eligibility or premiums. The notice shall contain the following information:
1. The date of the notice issued;

2. A statement of the action being taken;
3. The effective date of the action;
4. The specific reason for the intended action;
5. If eligibility is being discontinued due to income in excess of the income standards, the actual figures used in the eligibility determination and the amount by which the person exceeds income standards;
6. If a premium is imposed or increased, the actual figures used in determining the premium amount;
7. The specific law or regulation that supports the action, or a change in federal or state law that requires an action;
8. An explanation of the member's rights to an appeal and continued benefits.

- B.** Advance notice of changes in eligibility or premiums. "Advance notice" means a notice that is issued to a person at least 10 days before the effective date of the change. Except as specified in subsection (C), advance notice shall be issued whenever the following adverse action is taken:

1. To discontinue or suspend or reduce eligibility or covered services; or
2. To impose a premium or increase a person's premium.

- C.** The Administration or its designee shall issue a Notice of Adverse Action to a member no later than the effective date of action if:

1. The Administration or its designee receives a request to withdraw;
2. A person provides information that requires termination of eligibility or an increase or imposition of the premium and the person signs a clear written statement waiving advance notice;
3. A person cannot be located and mail sent to that person has been returned as undeliverable;
4. A person has been admitted to a public institution where the person is ineligible under R9-22-310;
5. A person has been approved for Medicaid or CHIP in another state; or
6. The Administration or its designee has information that confirms the death of the person.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (B), added subsection (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-312 repealed, new Section R9-22-312 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-312 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-313. Withdrawal of Application

- A.** An applicant may withdraw an application at any time before the Administration or its designee completes an eligibility determination by making an oral or written request for withdrawal to the Administration or its designee and stating the reason for withdrawal.

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- B.** If an applicant orally requests withdrawal of the application, the Administration or its designee shall document the:
1. Date of the request,
 2. Name of the applicant for whom the withdrawal applies, and
 3. Reason for the withdrawal.
- C.** An applicant may withdraw an application in writing by:
1. Completing an Administration-approved voluntary withdrawal form; or
 2. Submitting a written, signed, and dated request to withdraw the application.
- D.** The effective date of the withdrawal is the date of the application.
- E.** If an applicant requests to withdraw an application, the Administration or its designee shall:
1. Deny the application, and
 2. Notify the applicant of the denial following the notice requirements under R9-22-307.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsections (C) and (D) as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended subsections (D) and (E) as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-313 repealed, new Section R9-22-313 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E) and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-313 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-314. Withdrawal from AHCCCS Medical Coverage

- A.** A member may withdraw from AHCCCS medical coverage at any time by giving oral or written notice of withdrawal to the Administration or its designee. The member or the member's legal or authorized representative shall provide the Administration or its designee with:
1. The reason for the withdrawal,
 2. The date the notice is effective, and
 3. The name of the member for whom AHCCCS medical coverage is being withdrawn.
- B.** If a notice of withdrawal does not identify specific members the Administration or its designee shall discontinue eligibility

for any members that the person submitting the withdrawal has legal authority to act on behalf of.

- C.** The Administration or its designee shall notify the member of the discontinuance as required by R9-22-312.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsection (A) and added subsection (F) as an emergency effective February 28, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended subsection (A) and added subsection (F) as a permanent rule effective May 16, 1983; text of the amended rule identical to the emergency (Supp. 83-3). Former Section R9-22-314 repealed, new Section R9-22-314 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-314 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-315. Notice of Adverse Action

- A.** Adverse actions. An applicant or member may appeal, as described under Chapter 34, by requesting a hearing from the Administration or its designee concerning any of the following adverse actions:
1. Complete or partial denial of eligibility under R9-22-307 and R9-22-313(E);
 2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-307, R9-22-312 and R9-22-314;
 3. Delay in the eligibility determination beyond the timeframes under this Article;
 4. The imposition of or increase in a premium or copayment; or
 5. The effective date of eligibility.
- B.** Notice of Adverse Action. The Administration or its designee shall personally deliver or send, by mail, or electronic means a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C.** Automatic change and hearing rights.
1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
 2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-315 repealed, new Section R9-22-315 adopted effective November 20, 1984 (Supp. 84-6). Repealed effective October 1, 1985 (Supp. 85-5). New Section R9-22-315 adopted effective February 5, 1986 (Supp. 86-1). Amended effective February 26, 1988 (Supp. 88-1). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking

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at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-315 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-316. Exemptions from Sponsor Deemed Income

- A.** An applicant shall provide proof to the Administration or its designee when claiming an exemption from sponsor deemed income.
- B.** The Administration or its designee shall grant an exemption from deeming a sponsor's income for a Lawful Permanent Resident applicant if the applicant:
1. Adjusted immigration status to Lawful Permanent Resident from status as a refugee or asylee;
 2. Is the spouse or dependent child of the sponsor and lives with the sponsor;
 3. Is indigent as specified in subsection (C);
 4. Is a victim of domestic violence or extreme cruelty as specified in subsection (D); or
 5. Has acquired 40 qualified quarters of work credit based on earnings as specified in subsection (E).
- C.** Exemption from sponsor deeming based on indigence.
1. The Administration or its designee shall consider the applicant indigent and grant an exemption from sponsor deemed income for an applicant, for a period of 12 months beginning with the first month of eligibility if all the following are met:
 - a. An applicant is indigent if all of the following are met:
 - i. The applicant does not reside with the applicant's sponsor;
 - ii. The applicant does not receive free room and board; and
 - iii. The applicant's total gross income including monies received from the sponsor and the value of any vendor payments received for food, utilities, or shelter does not exceed 100% of the FPL for the size of the income group.
 2. The Administration or its designee shall send a notice under 8 U.S.C. 1631(e)(2) to the Attorney General's Office when approving an applicant who is exempt from sponsor deemed income due to indigence.
- D.** The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who is a victim of domestic violence or extreme cruelty under 8 CFR 204.2 for a period of 12 months beginning with the first month of eligibility. The Administration or its designee shall redetermine the exemption status at each renewal.
1. The Administration or its designee considers an applicant to be a victim of domestic violence or extreme cruelty when all of the following are met:
 - a. The applicant is the victim, the parent of a child victim, or the child of a parent victim;
 - b. The perpetrator of the domestic violence or extreme cruelty was the spouse or parent of the victim or other family member related by blood, marriage or adoption to the victim;
 - c. The perpetrator was residing in the same household as the victim when the abuse occurred;
 - d. The abuse occurred in the United States;
 - e. The applicant did not participate in the domestic violence or cruelty; and
 - f. The victim does not currently live with the perpetrator.
2. The applicant shall provide proof that the applicant or the applicant's child is a victim of domestic violence or extreme cruelty by presenting one of the following:
- a. USCIS form I-360 Petition for Amerasian, Widow, or Special Immigrant;
 - b. USCIS form I-797 USCIS approval of the I-360 petition;
 - c. Reports or affidavits concerning the domestic violence or cruelty documented by police, judges, or other court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel, or other social service agency personnel;
 - d. Legal documentation, such as an order of protection against the perpetrator or an order convicting the perpetrator of committing an act of domestic violence or extreme cruelty that chronicles the existence of domestic violence or extreme cruelty;
 - e. Evidence that indicates that the applicant sought safe haven in a battered women's shelter or similar refuge because of the domestic violence or extreme cruelty against the applicant or the applicant's child; or
 - f. Photographs of the applicant or applicant's child showing visible injury.
- E.** The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who has reached 40 qualifying quarters of work credit.
1. The Administration or its designee shall not count quarters credited after January 1, 1997 that were earned while the applicant was receiving any federal means-tested benefits.
 2. The Administration or its designee shall not count the 40 qualifying quarters of work credit unless the credited quarters are:
 - a. Quarters that the applicant worked;
 - b. Quarters worked by the applicant's spouse or deceased spouse during their marriage; or
 - c. Quarters worked by the applicant's parents when the applicant was under age 18.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as an emergency effective February 9, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of permanent rule identical to the emergency (Supp. 83-3). Amended effective October 1, 1983 (Supp. 83-5). Correction subsection (A), paragraph (1) amended effective October 1, 1983, (Supp. 83-6). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-316 repealed, new Section R9-22-316 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-316

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made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-317. Sponsor Deemed Income

- A. The Administration or its designee shall use income of a USCIS sponsor to determine eligibility for a non-citizen applicant, whether or not the income is available, to the non-citizen applicant unless exempt under R9-22-316.
- B. Counting the income from a sponsor.
1. This Section applies to non-citizen applicants who:
 - a. Are Lawful Permanent Residents under 8 CFR 101.3;
 - b. Applied for Lawful Permanent Resident Status on or after December 19, 1997;
 - c. Are sponsored by an individual who signed a USCIS I-864 Affidavit of Support; and
 - d. Are eligible for full AHCCCS medical coverage.
 2. Sponsor deemed income shall be considered the income of the non-citizen applicant only.
 3. The Administration or its designee shall not use the provisions of this Section when:
 - a. The applicant becomes a naturalized U.S. citizen;
 - b. The applicant qualifies for an exemption listed in R9-22-316; or
 - c. The sponsor dies.
- C. Determining income from a sponsor.
1. For an applicant who is exempt from sponsor deeming under R9-22-316, only cash contributions actually received from the sponsor are countable income to the applicant.
 2. For an applicant to whom the sponsor's income is deemed, the Administration or its designee shall exclude any cash contributions received from the sponsor.
- D. Calculation of income from a sponsor.
1. The Administration or its designee shall include the total gross income of the sponsor and the sponsor's spouse, when living with the sponsor;
 2. The Administration or its designee shall subtract an amount equal to 100% of the FPL for the sponsor's household size from the total gross income under (D)(1); and
 3. The amount calculated under subsection (D)(2) is deemed as income to the applicant for purposes of determining eligibility.

Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-317 repealed, new Section R9-22-317 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-317 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

R9-22-318. Repealed**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-318 repealed, new Section R9-22-318 adopted

effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) and added subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-319. Repealed**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-319 repealed, new Section R9-22-319 adopted effective November 20, 1984 (Supp. 84-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-320. Repealed**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-320 repealed, new Section R9-22-320 adopted effective November 20, 1984 (Supp. 84-6). Amended effective April 13, 1990 (Supp. 90-2). Repealed effective December 13, 1993 (Supp. 93-4).

R9-22-321. Repealed**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-321 repealed, new Section R9-22-321 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (E) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-322. Repealed**Historical Note**

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Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 27, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-3). Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-323. Repealed**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (B) and (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B), (D) and (E) effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-324. Repealed**Historical Note**

Adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R9-22-324 adopted as an emergency renumbered as Section R9-22-327. New Section R9-22-324 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-324 repealed, former Section R9-22-323 renumbered as Section R9-22-324 and adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Former Section R9-22-324 repealed, new Section R9-22-324 adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-324 repealed, new Section R9-22-324 adopted effective November 20, 1984 (Supp. 84-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective Septem-

ber 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-325. Repealed**Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-325 repealed, new Section R9-22-325 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-326. Repealed**Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-326 repealed, new Section R9-22-326 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-327. Repealed**Historical Note**

Former Section R9-22-324 adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days renumbered as Section R9-22-327 and adopted as a permanent rule effective October 1, 1983 (Supp. 83-5). Former Section R9-22-327 repealed, new Section R9-22-327 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A), (D), (E), (G), (H), and (I) effective October 1, 1986 (Supp. 86-5). Amended subsection (D) and added a new subsection (J) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A) and (E) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-328. Repealed**Historical Note**

Adopted as an emergency effective October 6, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency Expired. New Section R9-22-328 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (D) effective October 1, 1987 (Supp. 87-4). Amended subsection (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2).

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Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-329. Repealed**Historical Note**

Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-329 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-330. Repealed**Historical Note**

Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-330 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-331. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-332. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-333. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by

R9-22-334. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-335. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-336. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective September 16, 1987 (Supp. 87-3). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-337. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Correction to subsection (B), paragraph (1) (Supp. 87-3). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-338. Repealed**Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Heading changed effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-339. Repealed**Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp.

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97-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-340. Reserved**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-341. Repealed**Historical Note**

Adopted effective March 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-342. Repealed**Historical Note**

Adopted effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-343. Repealed**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

R9-22-344. Repealed**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

ARTICLE 4. PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD**R9-22-401. Definitions**

Definitions. The following definitions apply specifically to terms used within this Article:

“Amounts incurred by the system” include capitation payments, costs incurred by any contractor in excess of capitation, reinsurance, and other administrative, legal or investigative costs associated with a person who obtained eligibility contrary to A.R.S. §§ 36-2905.04 and/or A.R.S. § 36-2991.

“Application for eligibility” means any request for benefits administered by AHCCCS under the authority of A.R.S. Title 36, Chapter 29, including applications for presumptive eligibility submitted to hospitals as described under Article 16 of this Chapter.

“Penalty” means an amount not to exceed the amounts incurred by the system during any time period that the person would have been ineligible for benefits but for the false or fraudulent information provided on the application for eligibility. A penalty does not include, and does not need to be reduced by, the amount of any overpayments that AHCCCS

may be entitled to recoup from a person who violated A.R.S. § 36-2905.04 and/or A.R.S. § 36-2991.

Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-401 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 31, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

R9-22-402. Determining the Amount of the Penalty

- A. AHCCCS shall determine the amount of a penalty according to A.R.S. § 36-2905.04(B) or A.R.S. § 36-2991(B), whichever is applicable, and this Article.
- B. In addition to any penalty imposed pursuant to ARS §§ 36-2905.04 or 36-2991, and this Article, the Administration may also recoup from the person the amounts incurred by the system as a part of the notice and appeal process described in this Article.

Historical Note

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-402 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

R9-22-403. Mitigating and Aggravating Circumstances

- A. AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
 1. Degree of culpability. The degree of culpability of a person is a mitigating circumstance if the person did not intend to provide or cause to be provided false information on the application for eligibility but was negligent as to the truthfulness of the information provided.
 2. Prior Offenses. At the time of the submittal of the application the person:
 - a. Did not have any prior criminal convictions; and
 - b. Had not been held civilly liable for defrauding a public assistance program.
 3. Financial condition. The financial condition of a person who violates A.R.S. §§ 36-2905.04 or 36-2991 is a mitigating circumstance if the imposition of a penalty without reduction will render the person incapable of obtaining necessities of life such as food, clothing, and shelter. AHCCCS may consider the resources available to the person when determining the amount of the penalty.
 4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice; the circumstances require a reduction of the penalty.

36-2903.01. Additional powers and duties; report; definition

A. The director of the Arizona health care cost containment system administration may adopt rules that provide that the system may withhold or forfeit payments to be made to a noncontracting provider by the system if the noncontracting provider fails to comply with this article, the provider agreement or rules that are adopted pursuant to this article and that relate to the specific services rendered for which a claim for payment is made.

B. The director shall:

1. Prescribe uniform forms to be used by all contractors. The rules shall require a written and signed application by the applicant or an applicant's authorized representative, or, if the person is incompetent or incapacitated, a family member or a person acting responsibly for the applicant may obtain a signature or a reasonable facsimile and file the application as prescribed by the administration.

2. Enter into an interagency agreement with the department to establish a streamlined eligibility process to determine the eligibility of all persons defined pursuant to section 36-2901, paragraph 6, subdivision (a). At the administration's option, the interagency agreement may allow the administration to determine the eligibility of certain persons, including those defined pursuant to section 36-2901, paragraph 6, subdivision (a).

3. Enter into an intergovernmental agreement with the department to:

(a) Establish an expedited eligibility and enrollment process for all persons who are hospitalized at the time of application.

(b) Establish performance measures and incentives for the department.

(c) Establish the process for management evaluation reviews that the administration shall perform to evaluate the eligibility determination functions performed by the department.

(d) Establish eligibility quality control reviews by the administration.

(e) Require the department to adopt rules, consistent with the rules adopted by the administration for a hearing process, that applicants or members may use for appeals of eligibility determinations or redeterminations.

(f) Establish the department's responsibility to place sufficient eligibility workers at federally qualified health centers to screen for eligibility and at hospital sites and level one trauma centers to ensure that persons seeking hospital services are screened on a timely basis for eligibility for the system, including a process to ensure that applications for the system can be accepted on a twenty-four hour basis, seven days a week.

(g) Withhold payments based on the allowable sanctions for errors in eligibility determinations or redeterminations or failure to meet performance measures required by the intergovernmental agreement.

(h) Recoup from the department all federal fiscal sanctions that result from the department's inaccurate eligibility determinations. The director may offset all or part of a sanction if the department submits a corrective action plan and a strategy to remedy the error.

4. By rule establish a procedure and time frames for the intake of grievances and requests for hearings, for the continuation of benefits and services during the appeal process and for a grievance process at the contractor level. Notwithstanding sections 41-1092.02, 41-1092.03 and 41-1092.05, the administration shall develop rules to establish the procedure and time frame for the informal resolution of grievances and appeals. A grievance that is not related to a claim for payment of system covered services shall be filed in writing with and received by the administration or the prepaid capitated provider or program contractor not later than sixty days after the date of the adverse action, decision or policy implementation being grieved. A grievance that is related to a claim for payment of system covered services must be filed in writing and received by the administration or the prepaid capitated provider or program contractor within twelve months after the date of service, within twelve months

after the date that eligibility is posted or within sixty days after the date of the denial of a timely claim submission, whichever is later. A grievance for the denial of a claim for reimbursement of services may contest the validity of any adverse action, decision, policy implementation or rule that related to or resulted in the full or partial denial of the claim. A policy implementation may be subject to a grievance procedure, but it may not be appealed for a hearing. The administration is not required to participate in a mandatory settlement conference if it is not a real party in interest. In any proceeding before the administration, including a grievance or hearing, persons may represent themselves or be represented by a duly authorized agent who is not charging a fee. A legal entity may be represented by an officer, partner or employee who is specifically authorized by the legal entity to represent it in the particular proceeding.

5. Apply for and accept federal funds available under title XIX of the social security act (P.L. 89-97; 79 Stat. 344; 42 United States Code section 1396 (1980)) in support of the system. The application made by the director pursuant to this paragraph shall be designed to qualify for federal funding primarily on a prepaid capitated basis. Such funds may be used only for the support of persons defined as eligible pursuant to title XIX of the social security act or the approved section 1115 waiver.

6. At least thirty days before the implementation of a policy or a change to an existing policy relating to reimbursement, provide notice to interested parties. Parties interested in receiving notification of policy changes shall submit a written request for notification to the administration.

7. In addition to the cost sharing requirements specified in subsection D, paragraph 4 of this section:

(a) Charge monthly premiums up to the maximum amount allowed by federal law to all populations of eligible persons who may be charged.

(b) Implement this paragraph to the extent permitted under the federal deficit reduction act of 2005 and other federal laws, subject to the approval of federal waiver authority and to the extent that any changes in the cost sharing requirements under this paragraph would permit this state to receive any enhanced federal matching rate.

C. The director is authorized to apply for any federal funds available for the support of programs to investigate and prosecute violations arising from the administration and operation of the system. Available state funds appropriated for the administration and operation of the system may be used as matching funds to secure federal funds pursuant to this subsection.

D. The director may adopt rules or procedures to do the following:

1. Authorize advance payments based on estimated liability to a contractor or a noncontracting provider after the contractor or noncontracting provider has submitted a claim for services and before the claim is ultimately resolved. The rules shall specify that any advance payment shall be conditioned on the execution before payment of a contract with the contractor or noncontracting provider that requires the administration to retain a specified percentage, which shall be at least twenty percent, of the claimed amount as security and that requires repayment to the administration if the administration makes any overpayment.

2. Defer liability, in whole or in part, of contractors for care provided to members who are hospitalized on the date of enrollment or under other circumstances. Payment shall be on a capped fee-for-service basis for services other than hospital services and at the rate established pursuant to subsection G of this section for hospital services or at the rate paid by the health plan, whichever is less.

3. Deputize, in writing, any qualified officer or employee in the administration to perform any act that the director by law is empowered to do or charged with the responsibility of doing, including the authority to issue final administrative decisions pursuant to section 41-1092.08.

4. Notwithstanding any other law, require persons eligible pursuant to section 36-2901, paragraph 6, subdivision (a), section 36-2931 and section 36-2981, paragraph 6 to be financially responsible for any cost sharing requirements established in a state plan or a section 1115 waiver and approved by the centers for medicare and

medicaid services. Cost sharing requirements may include copayments, coinsurance, deductibles, enrollment fees and monthly premiums for enrolled members, including households with children enrolled in the Arizona long-term care system.

E. The director shall adopt rules that further specify the medical care and hospital services that are covered by the system pursuant to section 36-2907.

F. In addition to the rules otherwise specified in this article, the director may adopt necessary rules pursuant to title 41, chapter 6 to carry out this article. Rules adopted by the director pursuant to this subsection shall consider the differences between rural and urban conditions on the delivery of hospitalization and medical care.

G. For inpatient hospital admissions and outpatient hospital services on and after March 1, 1993, the administration shall adopt rules for the reimbursement of hospitals according to the following procedures:

1. For inpatient hospital stays from March 1, 1993 through September 30, 2014, the administration shall use a prospective tiered per diem methodology, using hospital peer groups if analysis shows that cost differences can be attributed to independently definable features that hospitals within a peer group share. In peer grouping the administration may consider such factors as length of stay differences and labor market variations. If there are no cost differences, the administration shall implement a stop loss-stop gain or similar mechanism. Any stop loss-stop gain or similar mechanism shall ensure that the tiered per diem rates assigned to a hospital do not represent less than ninety percent of its 1990 base year costs or more than one hundred ten percent of its 1990 base year costs, adjusted by an audit factor, during the period of March 1, 1993 through September 30, 1994. The tiered per diem rates set for hospitals shall represent no less than eighty-seven and one-half percent or more than one hundred twelve and one-half percent of its 1990 base year costs, adjusted by an audit factor, from October 1, 1994 through September 30, 1995 and no less than eighty-five percent or more than one hundred fifteen percent of its 1990 base year costs, adjusted by an audit factor, from October 1, 1995 through September 30, 1996. For the periods after September 30, 1996 no stop loss-stop gain or similar mechanisms shall be in effect. An adjustment in the stop loss-stop gain percentage may be made to ensure that total payments do not increase as a result of this provision. If peer groups are used, the administration shall establish initial peer group designations for each hospital before implementation of the per diem system. The administration may also use a negotiated rate methodology. The tiered per diem methodology may include separate consideration for specialty hospitals that limit their provision of services to specific patient populations, such as rehabilitative patients or children. The initial per diem rates shall be based on hospital claims and encounter data for dates of service November 1, 1990 through October 31, 1991 and processed through May of 1992. The administration may also establish a separate reimbursement methodology for claims with extraordinarily high costs per day that exceed thresholds established by the administration.

2. For rates effective on October 1, 1994, and annually through September 30, 2011, the administration shall adjust tiered per diem payments for inpatient hospital care by the data resources incorporated market basket index for prospective payment system hospitals. For rates effective beginning on October 1, 1999, the administration shall adjust payments to reflect changes in length of stay for the maternity and nursery tiers.

3. Through June 30, 2004, for outpatient hospital services, the administration shall reimburse a hospital by applying a hospital specific outpatient cost-to-charge ratio to the covered charges. Beginning on July 1, 2004 through June 30, 2005, the administration shall reimburse a hospital by applying a hospital specific outpatient cost-to-charge ratio to covered charges. If the hospital increases its charges for outpatient services filed with the Arizona department of health services pursuant to chapter 4, article 3 of this title, by more than 4.7 percent for dates of service effective on or after July 1, 2004, the hospital specific cost-to-charge ratio will be reduced by the amount that it exceeds 4.7 percent. If charges exceed 4.7 percent, the effective date of the increased charges will be the effective date of the adjusted Arizona health care cost containment system cost-to-charge ratio. The administration shall develop the methodology for a capped fee-for-service schedule and a statewide cost-to-charge ratio. Any covered outpatient service not included in the capped fee-for-service schedule shall be reimbursed by applying the statewide cost-to-charge ratio that is based on the services not included in the capped fee-for-service schedule. Beginning on July 1, 2005, the administration shall reimburse clean claims with dates of service on or after July 1, 2005, based on the capped fee-for-service schedule or the statewide cost-to-charge

ratio established pursuant to this paragraph. The administration may make additional adjustments to the outpatient hospital rates established pursuant to this section based on other factors, including the number of beds in the hospital, specialty services available to patients and the geographic location of the hospital.

4. Except if submitted under an electronic claims submission system, a hospital bill is considered received for purposes of this paragraph on initial receipt of the legible, error-free claim form by the administration if the claim includes the following error-free documentation in legible form:

- (a) An admission face sheet.
- (b) An itemized statement.
- (c) An admission history and physical.
- (d) A discharge summary or an interim summary if the claim is split.
- (e) An emergency record, if admission was through the emergency room.
- (f) Operative reports, if applicable.
- (g) A labor and delivery room report, if applicable.

Payment received by a hospital from the administration pursuant to this subsection or from a contractor either by contract or pursuant to section 36-2904, subsection I is considered payment by the administration or the contractor of the administration's or contractor's liability for the hospital bill. A hospital may collect any unpaid portion of its bill from other third-party payors or in situations covered by title 33, chapter 7, article 3.

5. For services rendered on and after October 1, 1997, the administration shall pay a hospital's rate established according to this section subject to the following:

- (a) If the hospital's bill is paid within thirty days of the date the bill was received, the administration shall pay ninety-nine percent of the rate.
- (b) If the hospital's bill is paid after thirty days but within sixty days of the date the bill was received, the administration shall pay one hundred percent of the rate.
- (c) If the hospital's bill is paid any time after sixty days of the date the bill was received, the administration shall pay one hundred percent of the rate plus a fee of one percent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.

6. In developing the reimbursement methodology, if a review of the reports filed by a hospital pursuant to section 36-125.04 indicates that further investigation is considered necessary to verify the accuracy of the information in the reports, the administration may examine the hospital's records and accounts related to the reporting requirements of section 36-125.04. The administration shall bear the cost incurred in connection with this examination unless the administration finds that the records examined are significantly deficient or incorrect, in which case the administration may charge the cost of the investigation to the hospital examined.

7. Except for privileged medical information, the administration shall make available for public inspection the cost and charge data and the calculations used by the administration to determine payments under the tiered per diem system, provided that individual hospitals are not identified by name. The administration shall make the data and calculations available for public inspection during regular business hours and shall provide copies of the data and calculations to individuals requesting such copies within thirty days of receipt of a written request. The administration may charge a reasonable fee for the provision of the data or information.

8. The prospective tiered per diem payment methodology for inpatient hospital services shall include a mechanism for the prospective payment of inpatient hospital capital related costs. The capital payment shall

include hospital specific and statewide average amounts. For tiered per diem rates beginning on October 1, 1999, the capital related cost component is frozen at the blended rate of forty percent of the hospital specific capital cost and sixty percent of the statewide average capital cost in effect as of January 1, 1999 and as further adjusted by the calculation of tier rates for maternity and nursery as prescribed by law. Through September 30, 2011, the administration shall adjust the capital related cost component by the data resources incorporated market basket index for prospective payment system hospitals.

9. For graduate medical education programs:

(a) Beginning September 30, 1997, the administration shall establish a separate graduate medical education program to reimburse hospitals that had graduate medical education programs that were approved by the administration as of October 1, 1999. The administration shall separately account for monies for the graduate medical education program based on the total reimbursement for graduate medical education reimbursed to hospitals by the system in federal fiscal year 1995-1996 pursuant to the tiered per diem methodology specified in this section. The graduate medical education program reimbursement shall be adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement. Subject to legislative appropriation, on an annual basis, each qualified hospital shall receive a single payment from the graduate medical education program that is equal to the same percentage of graduate medical education reimbursement that was paid by the system in federal fiscal year 1995-1996. Any reimbursement for graduate medical education made by the administration shall not be subject to future settlements or appeals by the hospitals to the administration. The monies available under this subdivision shall not exceed the fiscal year 2005-2006 appropriation adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement, except for monies distributed for expansions pursuant to subdivision (b) of this paragraph.

(b) The monies available for graduate medical education programs pursuant to this subdivision shall not exceed the fiscal year 2006-2007 appropriation adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement. Graduate medical education programs eligible for such reimbursement are not precluded from receiving reimbursement for funding under subdivision (c) of this paragraph. Beginning July 1, 2006, the administration shall distribute any monies appropriated for graduate medical education above the amount prescribed in subdivision (a) of this paragraph in the following order or priority:

(i) For the direct costs to support the expansion of graduate medical education programs established before July 1, 2006 at hospitals that do not receive payments pursuant to subdivision (a) of this paragraph. These programs must be approved by the administration.

(ii) For the direct costs to support the expansion of graduate medical education programs established on or before October 1, 1999. These programs must be approved by the administration.

(c) The administration shall distribute to hospitals any monies appropriated for graduate medical education above the amount prescribed in subdivisions (a) and (b) of this paragraph for the following purposes:

(i) For the direct costs of graduate medical education programs established or expanded on or after July 1, 2006. These programs must be approved by the administration.

(ii) For a portion of additional indirect graduate medical education costs for programs that are located in a county with a population of less than five hundred thousand persons at the time the residency position was created or for a residency position that includes a rotation in a county with a population of less than five hundred thousand persons at the time the residency position was established. These programs must be approved by the administration.

(d) The administration shall develop, by rule, the formula by which the monies are distributed.

(e) Each graduate medical education program that receives funding pursuant to subdivision (b) or (c) of this paragraph shall identify and report to the administration the number of new residency positions created by the funding provided in this paragraph, including positions in rural areas. The program shall also report information related to the number of funded residency positions that resulted in physicians locating their practices in this state. The administration shall report to the joint legislative budget committee by February 1 of each year on the number of new residency positions as reported by the graduate medical education programs.

(f) Local, county and tribal governments and any university under the jurisdiction of the Arizona board of regents may provide monies in addition to any state general fund monies appropriated for graduate medical education in order to qualify for additional matching federal monies for providers, programs or positions in a specific locality and costs incurred pursuant to a specific contract between the administration and providers or other entities to provide graduate medical education services as an administrative activity. Payments by the administration pursuant to this subdivision may be limited to those providers designated by the funding entity and may be based on any methodology deemed appropriate by the administration, including replacing any payments that might otherwise have been paid pursuant to subdivision (a), (b) or (c) of this paragraph had sufficient state general fund monies or other monies been appropriated to fully fund those payments. These programs, positions, payment methodologies and administrative graduate medical education services must be approved by the administration and the centers for medicare and medicaid services. The administration shall report to the president of the senate, the speaker of the house of representatives and the director of the joint legislative budget committee on or before July 1 of each year on the amount of money contributed and number of residency positions funded by local, county and tribal governments, including the amount of federal matching monies used.

(g) Any funds appropriated but not allocated by the administration for subdivision (b) or (c) of this paragraph may be reallocated if funding for either subdivision is insufficient to cover appropriate graduate medical education costs.

10. Notwithstanding section 41-1005, subsection A, paragraph 9, the administration shall adopt rules pursuant to title 41, chapter 6 establishing the methodology for determining the prospective tiered per diem payments that are in effect through September 30, 2014.

11. For inpatient hospital services rendered on or after October 1, 2011, the prospective tiered per diem payment rates are permanently reset to the amounts payable for those services as of October 1, 2011 pursuant to this subsection.

12. The administration shall adopt a diagnosis-related group based hospital reimbursement methodology consistent with title XIX of the social security act for inpatient dates of service on and after October 1, 2014. The administration may make additional adjustments to the inpatient hospital rates established pursuant to this section for hospitals that are publicly operated or based on other factors, including the number of beds in the hospital, the specialty services available to patients, the geographic location and diagnosis-related group codes that are made publicly available by the hospital pursuant to section 36-437. The administration may also provide additional reimbursement for extraordinarily high cost cases that exceed a threshold above the standard payment. The administration may also establish a separate payment methodology for specific services or hospitals serving unique populations.

H. The director may adopt rules that specify enrollment procedures, including notice to contractors of enrollment. The rules may provide for varying time limits for enrollment in different situations. The administration shall specify in contract when a person who has been determined eligible will be enrolled with that contractor and the date on which the contractor will be financially responsible for health and medical services to the person.

I. The administration may make direct payments to hospitals for hospitalization and medical care provided to a member in accordance with this article and rules. The director may adopt rules to establish the procedures by which the administration shall pay hospitals pursuant to this subsection if a contractor fails to make timely payment to a hospital. Such payment shall be at a level determined pursuant to section 36-2904, subsection H

or I. The director may withhold payment due to a contractor in the amount of any payment made directly to a hospital by the administration on behalf of a contractor pursuant to this subsection.

J. The director shall establish a special unit within the administration for the purpose of monitoring the third-party payment collections required by contractors and noncontracting providers pursuant to section 36-2903, subsection B, paragraph 10 and subsection F and section 36-2915, subsection E. The director shall determine by rule:

1. The type of third-party payments to be monitored pursuant to this subsection.
2. The percentage of third-party payments that is collected by a contractor or noncontracting provider and that the contractor or noncontracting provider may keep and the percentage of such payments that the contractor or noncontracting provider may be required to pay to the administration. Contractors and noncontracting providers must pay to the administration one hundred percent of all third-party payments that are collected and that duplicate administration fee-for-service payments. A contractor that contracts with the administration pursuant to section 36-2904, subsection A may be entitled to retain a percentage of third-party payments if the payments collected and retained by a contractor are reflected in reduced capitation rates. A contractor may be required to pay the administration a percentage of third-party payments that are collected by a contractor and that are not reflected in reduced capitation rates.

K. The administration shall establish procedures to apply to the following if a provider that has a contract with a contractor or noncontracting provider seeks to collect from an individual or financially responsible relative or representative a claim that exceeds the amount that is reimbursed or should be reimbursed by the system:

1. On written notice from the administration or oral or written notice from a member that a claim for covered services may be in violation of this section, the provider that has a contract with a contractor or noncontracting provider shall investigate the inquiry and verify whether the person was eligible for services at the time that covered services were provided. If the claim was paid or should have been paid by the system, the provider that has a contract with a contractor or noncontracting provider shall not continue billing the member.

2. If the claim was paid or should have been paid by the system and the disputed claim has been referred for collection to a collection agency or referred to a credit reporting bureau, the provider that has a contract with a contractor or noncontracting provider shall:

- (a) Notify the collection agency and request that all attempts to collect this specific charge be terminated immediately.

- (b) Advise all credit reporting bureaus that the reported delinquency was in error and request that the affected credit report be corrected to remove any notation about this specific delinquency.

- (c) Notify the administration and the member that the request for payment was in error and that the collection agency and credit reporting bureaus have been notified.

3. If the administration determines that a provider that has a contract with a contractor or noncontracting provider has billed a member for charges that were paid or should have been paid by the administration, the administration shall send written notification by certified mail or other service with proof of delivery to the provider that has a contract with a contractor or noncontracting provider stating that this billing is in violation of federal and state law. If, twenty-one days or more after receiving the notification, a provider that has a contract with a contractor or noncontracting provider knowingly continues billing a member for charges that were paid or should have been paid by the system, the administration may assess a civil penalty in an amount equal to three times the amount of the billing and reduce payment to the provider that has a contract with a contractor or noncontracting provider accordingly. Receipt of delivery signed by the addressee or the addressee's employee is prima facie evidence of knowledge. Civil penalties collected pursuant to this subsection shall be deposited in the state general fund. Section 36-2918, subsections C, D and F, relating to the imposition, collection and enforcement of civil penalties, apply to civil penalties imposed pursuant to this paragraph.

L. The administration may conduct postpayment review of all claims paid by the administration and may recoup any monies erroneously paid. The director may adopt rules that specify procedures for conducting postpayment review. A contractor may conduct a postpayment review of all claims paid by the contractor and may recoup monies that are erroneously paid.

M. Subject to title 41, chapter 4, article 4, the director or the director's designee may employ and supervise personnel necessary to assist the director in performing the functions of the administration.

N. The administration may contract with contractors for obstetrical care who are eligible to provide services under title XIX of the social security act.

O. Notwithstanding any other law, on federal approval the administration may make disproportionate share payments to private hospitals, county operated hospitals, including hospitals owned or leased by a special health care district, and state operated institutions for mental disease beginning October 1, 1991 in accordance with federal law and subject to legislative appropriation. If at any time the administration receives written notification from federal authorities of any change or difference in the actual or estimated amount of federal funds available for disproportionate share payments from the amount reflected in the legislative appropriation for such purposes, the administration shall provide written notification of such change or difference to the president and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the director of the joint legislative budget committee, the legislative committee of reference and any hospital trade association within this state, within three working days not including weekends after receipt of the notice of the change or difference. In calculating disproportionate share payments as prescribed in this section, the administration may use either a methodology based on claims and encounter data that is submitted to the administration from contractors or a methodology based on data that is reported to the administration by private hospitals and state operated institutions for mental disease. The selected methodology applies to all private hospitals and state operated institutions for mental disease qualifying for disproportionate share payments.

P. Disproportionate share payments made pursuant to subsection O of this section include amounts for disproportionate share hospitals designated by political subdivisions of this state, tribal governments and universities under the jurisdiction of the Arizona board of regents. Subject to the approval of the centers for medicare and medicaid services, any amount of federal funding allotted to this state pursuant to section 1923(f) of the social security act and not otherwise spent under subsection O of this section shall be made available for distribution pursuant to this subsection. Political subdivisions of this state, tribal governments and universities under the jurisdiction of the Arizona board of regents may designate hospitals eligible to receive disproportionate share payments in an amount up to the limit prescribed in section 1923(g) of the social security act if those political subdivisions, tribal governments or universities provide sufficient monies to qualify for the matching federal monies for the disproportionate share payments.

Q. Notwithstanding any law to the contrary, the administration may receive confidential adoption information to determine whether an adopted child should be terminated from the system.

R. The adoption agency or the adoption attorney shall notify the administration within thirty days after an eligible person receiving services has placed that person's child for adoption.

S. If the administration implements an electronic claims submission system, it may adopt procedures pursuant to subsection G of this section requiring documentation different than prescribed under subsection G, paragraph 4 of this section.

T. In addition to any requirements adopted pursuant to subsection D, paragraph 4 of this section, notwithstanding any other law, subject to approval by the centers for medicare and medicaid services, beginning July 1, 2011, members eligible pursuant to section 36-2901, paragraph 6, subdivision (a), section 36-2931 and section 36-2981, paragraph 6 shall pay the following:

1. A monthly premium of fifteen dollars, except that the total monthly premium for an entire household shall not exceed sixty dollars.

2. A copayment of five dollars for each physician office visit.
3. A copayment of ten dollars for each urgent care visit.
4. A copayment of thirty dollars for each emergency department visit.

U. Subject to the approval of the centers for medicare and medicaid services, political subdivisions of this state, tribal governments and any university under the jurisdiction of the Arizona board of regents may provide to the Arizona health care cost containment system administration monies in addition to any state general fund monies appropriated for critical access hospitals in order to qualify for additional federal monies. Any amount of federal monies received by this state pursuant to this subsection shall be distributed as supplemental payments to critical access hospitals.

V. For the purposes of this section, "disproportionate share payment" means a payment to a hospital that serves a disproportionate share of low-income patients as described by 42 United States Code section 1396r-4.

36-2904. Prepaid capitation coverage; requirements; long-term care; dispute resolution; award of contracts; notification; report

A. The administration may expend public funds appropriated for the purposes of this article and shall execute prepaid capitated health services contracts, pursuant to section 36-2906, with group disability insurers, hospital and medical service corporations, health care services organizations and any other appropriate public or private persons, including county-owned and operated facilities, for health and medical services to be provided under contract with contractors. The administration may assign liability for eligible persons and members through contractual agreements with contractors. If there is an insufficient number of qualified bids for prepaid capitated health services contracts for the provision of hospitalization and medical care within a county, the director may:

1. Execute discount advance payment contracts, pursuant to section 36-2906 and subject to section 36-2903.01, for hospital services.
2. Execute capped fee-for-service contracts for health and medical services, other than hospital services. Any capped fee-for-service contract shall provide for reimbursement at a level of not to exceed a capped fee-for-service schedule adopted by the administration.

B. During any period in which services are needed and no contract exists, the director may do either of the following:

1. Pay noncontracting providers for health and medical services, other than hospital services, on a capped fee-for-service basis for members and persons who are determined eligible. However, the state shall not pay any amount for services that exceeds a maximum amount set forth in a capped fee-for-service schedule adopted by the administration.
2. Pay a hospital subject to the reimbursement level limitation prescribed in section 36-2903.01.

If health and medical services are provided in the absence of a contract, the director shall continue to attempt to procure by the bid process as provided in section 36-2906 contracts for such services as specified in this subsection.

C. Payments to contractors shall be made monthly or quarterly and may be subject to contract provisions requiring the retention of a specified percentage of the payment by the director, a reserve fund or other contract provisions by which adjustments to the payments are made based on utilization efficiency, including incentives for maintaining quality care and minimizing unnecessary inpatient services. Reserve funds withheld from contractors shall be distributed to contractors who meet performance standards established by the director. Any reserve fund established pursuant to this subsection shall be established as a separate account within the Arizona health care cost containment system fund.

D. Except as prescribed in subsection E of this section, a member defined as eligible pursuant to section 36-2901, paragraph 6, subdivision (a) may select, to the extent practicable as determined by the administration, from among the available contractors of hospitalization and medical care and may select a primary care physician or primary care practitioner from among the primary care physicians and primary care practitioners participating in the contract in which the member is enrolled. The administration shall provide reimbursement only to entities that have a provider agreement with the administration and that have agreed to the contractual requirements of that agreement. Except as provided in sections 36-2908 and 36-2909, the system shall only provide reimbursement for any health or medical services or costs of related services provided by or under referral from the primary care physician or primary care practitioner participating in the contract in which the member is enrolled. The director shall establish requirements as to the minimum time period that a member is assigned to specific contractors in the system.

E. For a member defined as eligible pursuant to section 36-2901, paragraph 6, subdivision (a), item (v) the director shall enroll the member with an available contractor located in the geographic area of the member's residence. The member may select a primary care physician or primary care practitioner from among the

primary care physicians or primary care practitioners participating in the contract in which the member is enrolled. The system shall only provide reimbursement for health or medical services or costs of related services provided by or under referral from a primary care physician or primary care practitioner participating in the contract in which the member is enrolled. The director shall establish requirements as to the minimum time period that a member is assigned to specific contractors in the system.

F. If a person who has been determined eligible but who has not yet enrolled in the system receives emergency services, the director shall provide by rule for the enrollment of the person on a priority basis. If a person requires system covered services on or after the date the person is determined eligible for the system but before the date of enrollment, the person is entitled to receive these services in accordance with rules adopted by the director, and the administration shall pay for the services pursuant to section 36-2903.01 or, as specified in contract, with the contractor pursuant to the subcontracted rate or this section.

G. The administration shall not pay claims for system covered services that are initially submitted more than six months after the date of the service for which payment is claimed or after the date that eligibility is posted, whichever date is later, or that are submitted as clean claims more than twelve months after the date of service for which payment is claimed or after the date that eligibility is posted, whichever date is later, except for claims submitted for reinsurance pursuant to section 36-2906, subsection C, paragraph 6. The administration shall not pay claims for system covered services that are submitted by contractors for reinsurance after the time period specified in the contract. The director may adopt rules or require contractual provisions that prescribe requirements and time limits for submittal of and payment for those claims. Notwithstanding any other provision of this article, if a claim that gives rise to a contractor's claim for reinsurance or deferred liability is the subject of an administrative grievance or appeal proceeding or other legal action, the contractor shall have at least sixty days after an ultimate decision is rendered to submit a claim for reinsurance or deferred liability. Contractors that contract with the administration pursuant to subsection A of this section shall not pay claims for system covered services that are initially submitted more than six months after the date of the service for which payment is claimed or after the date that eligibility is posted, whichever date is later, or that are submitted as clean claims more than twelve months after the date of the service for which payment is claimed or after the date that eligibility is posted, whichever date is later. For the purposes of this subsection:

1. "Clean claims" means claims that may be processed without obtaining additional information from the subcontracted provider of care, from a noncontracting provider or from a third party but does not include claims under investigation for fraud or abuse or claims under review for medical necessity.
2. "Date of service" for a hospital inpatient means the date of discharge of the patient.
3. "Submitted" means the date the claim is received by the administration or the prepaid capitated provider, whichever is applicable, as established by the date stamp on the face of the document or other record of receipt.

H. In any county having a population of five hundred thousand or fewer persons, a hospital that executes a subcontract other than a capitation contract with a contractor for the provision of hospital and medical services pursuant to this article shall offer a subcontract to any other contractor providing services to that portion of the county and to any other person that plans to become a contractor in that portion of the county. If such a hospital executes a subcontract other than a capitation contract with a contractor for the provision of hospital and medical services pursuant to this article, the hospital shall adopt uniform criteria to govern the reimbursement levels paid by all contractors with whom the hospital executes such a subcontract. Reimbursement levels offered by hospitals to contractors pursuant to this subsection may vary among contractors only as a result of the number of bed days purchased by the contractors, the amount of financial deposit required by the hospital, if any, or the schedule of performance discounts offered by the hospital to the contractor for timely payment of claims.

I. This subsection applies to inpatient hospital admissions and to outpatient hospital services on and after March 1, 1993. The director may negotiate at any time with a hospital on behalf of a contractor for services provided pursuant to this article. If a contractor negotiates with a hospital for services provided pursuant to this article, the following procedures apply:

1. The director shall require any contractor to reimburse hospitals for services provided under this article based on reimbursement levels that do not in the aggregate exceed those established pursuant to section 36-2903.01 and under terms on which the contractor and the hospital agree. However, a hospital and a contractor may agree on a different payment methodology than the methodology prescribed by the director pursuant to section 36-2903.01. The director by rule shall prescribe:

- (a) The time limits for any negotiation between the contractor and the hospital.
- (b) The ability of the director to review and approve or disapprove the reimbursement levels and terms agreed on by the contractor and the hospital.
- (c) That if a contractor and a hospital do not agree on reimbursement levels and terms as required by this subsection, the reimbursement levels established pursuant to section 36-2903.01 apply.
- (d) That, except if submitted under an electronic claims submission system, a hospital bill is considered received for purposes of subdivision (f) on initial receipt of the legible, error-free claim form by the contractor if the claim includes the following error-free documentation in legible form:
 - (i) An admission face sheet.
 - (ii) An itemized statement.
 - (iii) An admission history and physical.
 - (iv) A discharge summary or an interim summary if the claim is split.
 - (v) An emergency record, if admission was through the emergency room.
 - (vi) Operative reports, if applicable.
 - (vii) A labor and delivery room report, if applicable.
- (e) That payment received by a hospital from a contractor is considered payment by the contractor of the contractor's liability for the hospital bill. A hospital may collect any unpaid portion of its bill from other third party payors or in situations covered by title 33, chapter 7, article 3.
- (f) That a contractor shall pay for services rendered on and after October 1, 1997 under any reimbursement level according to paragraph 1 of this subsection subject to the following:
 - (i) If the hospital's bill is paid within thirty days of the date the bill was received, the contractor shall pay ninety-nine per cent of the rate.
 - (ii) If the hospital's bill is paid after thirty days but within sixty days of the date the bill was received, the contractor shall pay one hundred per cent of the rate.
 - (iii) If the hospital's bill is paid any time after sixty days of the date the bill was received, the contractor shall pay one hundred per cent of the rate plus a fee of one per cent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.

2. In any county having a population of five hundred thousand or fewer persons, a hospital that executes a subcontract other than a capitation contract with a provider for the provision of hospital and medical services pursuant to this article shall offer a subcontract to any other provider providing services to that portion of the county and to any other person that plans to become a provider in that portion of the county. If a hospital executes a subcontract other than a capitation contract with a provider for the provision of hospital and medical services pursuant to this article, the hospital shall adopt uniform criteria to govern the reimbursement levels paid by all providers with whom the hospital executes a subcontract.

J. If there is an insufficient number of, or an inadequate member capacity in, contracts awarded to contractors, the director, in order to deliver covered services to members enrolled or expected to be enrolled in the system within a county, may negotiate and award, without bid, a contract with a health care services organization holding a certificate of authority pursuant to title 20, chapter 4, article 9. The director shall require a health care services organization contracting under this subsection to comply with section 36-2906.01. The term of the contract shall not extend beyond the next bid and contract award process as provided in section 36-2906 and shall be no greater than capitation rates paid to contractors in the same county or counties pursuant to section 36-2906. Contracts awarded pursuant to this subsection are exempt from the requirements of title 41, chapter 23.

K. A contractor may require that a subcontracting or noncontracting provider shall be paid for covered services, other than hospital services, according to the capped fee-for-service schedule adopted by the director pursuant to subsection A, paragraph 2 of this section or subsection B, paragraph 1 of this section or at lower rates as may be negotiated by the contractor.

L. The director shall require any contractor to have a plan to notify members of reproductive age either directly or through the parent or legal guardian, whichever is most appropriate, of the specific covered family planning services available to them and a plan to deliver those services to members who request them. The director shall ensure that these plans include provisions for written notification, other than the member handbook, and verbal notification during a member's visit with the member's primary care physician or primary care practitioner.

M. The director shall adopt a plan to notify members of reproductive age who receive care from a contractor who elects not to provide family planning services of the specific covered family planning services available to them and to provide for the delivery of those services to members who request them. Notification may be directly to the member, or through the parent or legal guardian, whichever is most appropriate. The director shall ensure that the plan includes provisions for written notification, other than the member handbook, and verbal notification during a member's visit with the member's primary care physician or primary care practitioner.

N. The director shall prepare a report that represents a statistically valid sample and that indicates the number of children age two by contractor who received the immunizations recommended by the national centers for disease control and prevention while enrolled as members. The report shall indicate each type of immunization and the number and percentage of enrolled children in the sample age two who received each type of immunization. The report shall be done by contract year and shall be delivered to the governor, the president of the senate and the speaker of the house of representatives no later than April 1, 2004 and every second year thereafter.

O. If the administration implements an electronic claims submission system it may adopt procedures pursuant to subsection I, paragraph 1 of this section requiring documentation different than prescribed under subsection I, paragraph 1, subdivision (d) of this section.

36-2933. Eligibility determination; application; enrollment

- A. A person who is seeking services pursuant to this article shall submit an application for eligibility for the system to the administration which shall review the completed application to determine if the person meets the residency and if applicable, the alienage requirements adopted pursuant to section 36-2932, subsection K and the eligibility criteria prescribed in section 36-2934.
- B. The administration shall conduct a preadmission screening pursuant to section 36-2936 to determine if the applicant is eligible for services.
- C. A person who is a resident of this state and, if not a citizen of the United States, who meets the alienage requirements of federal law and who meets the eligibility criteria prescribed in section 36-2934 and who is determined eligible for services pursuant to section 36-2936 shall be enrolled in the system, unless such person is enrolled in the Arizona health care cost containment system pursuant to article 1 of this chapter and only needs convalescent care as defined by the director by rule.
- D. On enrollment in the system, the administration shall conduct post-eligibility treatment of income and resources of the member as prescribed in section 36-2932, subsection L.
- E. The director may enter into an interagency agreement with the department under which the department may:
1. Determine whether all persons with developmental disabilities as defined in section 36-551 who apply to the system meet the eligibility criteria prescribed in subsection A of this section.
 2. Conduct preadmission screening pursuant to subsection B of this section on persons with developmental disabilities as defined in section 36-551 to determine if the applicant is eligible for services.
 3. Conduct post-eligibility treatment of income and resources pursuant to subsection D of this section for a member who has a developmental disability as defined in section 36-551.

D-2.

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
Title 9, Chapter 22

Amend: R9-22-2002; R9-22-2003; R9-22-2004; R9-22-2005



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
Title 9, Chapter 22

Amend: R9-22-2002; R9-22-2003; R9-22-2004; R9-22-2005

Summary:

This regular rulemaking from the Arizona Health Care Cost Containment System (AHCCCS) seeks to amend four (4) rules in Title 9, Chapter 22, Article 20 regarding the Breast and Cervical Cancer Treatment Program. Specifically, this program outlines eligibility criteria, application processes, and the scope of services provided to individuals diagnosed with breast or cervical cancer, ensuring they receive necessary medical treatment under AHCCCS. It provides access to critical medical care for breast and cervical cancer, including diagnosis, treatment, and follow-up services. Eligibility is based on diagnosis through approved screenings, income limits, and lack of insurance, ensuring comprehensive support throughout treatment.

AHCCCS indicates, while effective, some existing rules lack the necessary clarity to fully guide individuals relying on them. The proposed changes in this rulemaking are meant for clarifying purposes and do not impose any additional burdens or costs to regulated persons. Specifically, proposed changes primarily serve to provide clarification including updating a rule stating that a woman enrolled in this program is exempt from copays and replacing references to "Chief Medical Officer" with "Administration" because the determination whether a treatment is considered the standard of care may be made by Administration staff, not necessarily by the

Chief Medical Officer. Also, other technical changes are being made such as rewording a rule to clarify the reoccurrence of cancer and eligibility and removing references to a couple of rules that have been repealed. AHCCCS states, the promulgated rule represents the most cost-effective method of fulfilling AHCCCS' responsibilities while complying with all applicable state and federal laws and regulations. AHCCCS indicates substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

AHCCCS cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

AHCCCS indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

AHCCCS does not anticipate an economic impact due to these changes since the changes provide clarity and not changes in practice. AHCCCS indicates the recommendations will not incur any additional costs to the implementing agency or any agency but represent current practice. AHCCCS states the proposed changes primarily serve to provide clarification including updating a rule stating that a woman enrolled in this program is exempt from copays and replacing references to "Chief Medical Officer" with "Administration" because the determination whether a treatment is considered the standard of care maybe be made by Administration staff, not necessarily by the Chief Medical Officer. The Administration also says other technical changes are being made such as rewording a rule to clarify the reoccurrence of cancer and eligibility and removing references to a couple of rules that have been repealed.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

AHCCCS does not anticipate an economic impact due to these changes since the changes provide clarity and they are not changes in practice. AHCCCS states that the promulgated rules represent the most cost-effective method of fulfilling AHCCCS responsibilities while complying with all applicable state and federal laws and regulations.

6. What are the economic impacts on stakeholders?

AHCCCS does not anticipate an economic impact due to these changes since the changes provide clarity and they are not changes in practice.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

AHCCCS indicates there were no changes between the Notice of Proposed Rulemaking published in the Administrative Register on January 3, 2025 and the Notice of Final Rulemaking now before the Council for consideration.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

AHCCCS indicates it received no public comments related to this rulemaking.

9. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

Not applicable. The rule does not require the issuance of a permit, license, or agency authorization.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

AHCCCS indicates the rules are not more stringent than corresponding federal law.

11. Conclusion

This regular rulemaking from AHCCCS seeks to amend four (4) rules in Title 9, Chapter 22, Article 20 regarding the Breast and Cervical Cancer Treatment Program. AHCCCS indicates, while effective, some existing rules lack the necessary clarity to fully guide individuals relying on them. The proposed changes in this rulemaking are meant for clarifying purposes and do not impose any additional burdens or costs to regulated persons. Specifically, proposed changes primarily serve to provide clarification including updating a rule stating that a woman enrolled in this program is exempt from copays and replacing references to “Chief Medical Officer” with “Administration” because the determination whether a treatment is considered the standard of care may be made by Administration staff, not necessarily by the Chief Medical Officer. Also, other technical changes are being made such as rewording a rule to clarify the reoccurrence of cancer and eligibility and removing references to a couple of rules that have been repealed. AHCCCS states, the promulgated rule represents the most cost-effective method of fulfilling AHCCCS’ responsibilities while complying with all applicable state and federal laws and regulations. AHCCCS indicates substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

AHCCCS is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.

February 26, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Avenue, Suite 305
Phoenix, Arizona 85007

RE: R9-22-20 Rulemaking

Dear Ms. Klein:

- | | |
|---|----------|
| 1. The close of record date: | 2/3/2025 |
| 2. Does the rulemaking activity relate to a Five-Year Review Report: | Yes |
| a. If yes, the date the Council approved the Five-Year Review Report: | 7/7/2021 |
| 3. Does the rule establish a new fee: | No |
| a. If yes, what statute authorizes the fee: | N/A |
| 4. Does the rule contain a fee increase: | No |
| 5. Is an immediate effective date requested pursuant to A.R.S. 41-1032: | No |

AHCCCS certifies that the preamble discloses a reference to any study relevant to the rule that the agency reviewed. AHCCCS certifies that the preamble states that it did not rely on any such study in the agency's evaluation of or justification for the rule.

AHCCCS certifies that the preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee of the number of new full-time employees necessary to implement and enforce the rule.

The following documents are enclosed:

1. Notice of Final Rulemaking, including the preamble, table of contents, and text of each rule;
2. If applicable: An economic, small business, and consumer impact statement that contains the information required by A.R.S. 41-1055;
3. If applicable: The written comments received by the agency concerning the proposed rule and a written record, transcript, or minutes of any testimony received if the agency maintains a written record, transcript or minutes;
4. If applicable: Any analysis submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of business in other states;
5. If applicable: Material incorporated by reference;

6. General and specific statutes authorizing the rules, including relevant statutory definitions; and
7. If applicable: If a term is defined in the rule by referring to another rule or a statute other than the general and specific statutes authorizing the rule, the statute or other rule referred to in the definition.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Fries". The signature is written in a cursive, flowing style.

Nicole Fries,

Chief Deputy General Counsel

Attachments

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
September 10, 2024

| 2. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-22-2002 | Amend |
| R9-22-2003 | Amend |
| R9-22-2004 | Amend |
| R9-22-2005 | Amend |

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

Authorizing statute: A.R.S. § 36-2903.01(F)

Implementing statute: A.R.S. § 36-2901.05

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A). The effective date is (to be filled in by *Register* editor).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 76, Issue Date: January 3, 2025, Issue Number: 1, File number: (R24-293)

Notice of Proposed Rulemaking: 31 A.A.R. 52, Issue Date: January 3, 2025, Issue Number: 1, File number: (R24-290)

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

Name: Sladjana Kuzmanovic

Title: Sr. Rules Analyst

Division: AHCCCS Office of the General Counsel

Address: 801 E. Jefferson Street, MD 6200, Phoenix, AZ 85034

Telephone: (602) 417-4232

Fax: (602) 253-9115

Email: AHCCCSRules@azahcccs.gov

Website: www.azahcccs.gov

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

The Arizona Administrative Code (A.A.C.) Title 9, Chapter 22, Article 20 addresses the Breast and Cervical Cancer Treatment Program. This program outlines eligibility criteria, application processes, and the scope of services provided to individuals diagnosed with breast or cervical cancer, ensuring they receive necessary medical treatment under AHCCCS. It provides access to critical medical care for breast and cervical cancer, including diagnosis, treatment, and follow-up services. Eligibility is based on diagnosis through approved screenings, income limits, and lack of insurance, ensuring comprehensive support throughout treatment. While effective, some existing rules lack the necessary clarity to fully guide individuals relying on them. The proposed changes in this rulemaking are meant for clarifying purposes and do not impose any additional burdens or costs to regulated persons. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

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

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

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

Not applicable.

10. A summary of the economic, small business, and consumer impact:

The Administration does not anticipate an economic impact due to these changes since changes provide clarity and not changes in practice. The recommendations will not incur any additional costs to the implementing agency or any other agency but represent current practice. Proposed changes primarily serve to provide clarification including updating a rule stating that a woman enrolled in this program is exempt from copays and replacing references to “Chief Medical Officer” with “Administration” because the determination whether a treatment is considered the standard of care may be made by Administration staff, not necessarily by the Chief Medical Officer. Also, other technical changes are being made such as rewording a rule to clarify the reoccurrence of cancer and eligibility and removing references to a couple of rules that have been repealed. The promulgated rule represents the most cost-effective method of fulfilling AHCCCS’ responsibilities while complying with all applicable state and federal laws and regulations.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

There are no changes between the proposed rulemaking and the final rulemaking.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

There were no public or stakeholder comments made about the rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Administration or this specific rulemaking.

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

The rule does not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.

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

The rules are not more stringent than the federal law.

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

No business competitiveness analysis was submitted to the Administration.

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION
ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

Section

| | |
|-------------|----------------------|
| R9-22-2002. | General Requirements |
| R9-22-2003 | Eligibility Criteria |
| R9-22-2004 | Treatment |
| R9-22-2005 | Application Process |

ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

R9-22-2002. General Requirements

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. ~~A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.~~
- E.—A woman qualified under this Article shall pay be exempt from co-pays as described in R9-22-711(C)(9).

R9-22-2003. Eligibility Criteria

- A. General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
 - 1. Be screened for breast and cervical cancer through AZNBCCEDP;
 - 2. Be less than 65 years of age;
 - 3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter and under Chapter 28;
 - 4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer or cervical cancer, including a precancerous cervical lesion, as specified in R9-22-2004;

5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
 6. Meet the requirements under ~~R9-22-1417 and R9-22-1418~~ R9-22-305.
- B. Ineligible woman.** A woman is ineligible under this Article if the woman:
1. Is an inmate of a public institution and federal financial participation (FFP) is not available,
 2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R922-112, except if allowed under the Administration's Section 1115 waiver, ~~or~~
 3. ~~No longer meets an eligibility requirement under this Article.~~
- C. Metastasized cancer.** The AHCCCS ~~Chief Medical Officer~~ Administration may continue a woman's eligibility under this Article if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
- D. Reoccurrence of cancer.** ~~A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found. A woman's eligibility under this Article shall be reinstated if, after her initial eligibility ends, she undergoes screening through the AZ-NBCCEDP program and is diagnosed with breast cancer, cervical cancer, or a pre-cancerous cervical lesion.~~
- E. Ineligible male.** A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

R9-22-2004. Treatment

- A. Breast cancer.** Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
1. Lumpectomy or surgical removal of breast cancer;
 2. Chemotherapy;
 3. Radiation therapy; and
 4. A treatment for breast cancer that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B. Pre-cancerous cervical lesion.** Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
1. Conization;
 2. LEEP;
 3. Cryotherapy; and
 4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C. Cervical cancer.** Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
1. Surgery;
 2. Radiation therapy;
 3. Chemotherapy; and
 4. A treatment for cervical cancer that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

R9-22-2005. Application Process

- A. Application.** A woman may apply for eligibility under this Article by submitting a complete application ~~as specified in R9-22-1406~~.
- B. Submitting the application.** The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C. Date of application.** The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D. Responsibility of a woman who is applying or who is a member.** A woman who is applying or who is a member shall:
1. Provide medical insurance information, including any changes in medical insurance; and
 2. Inform the Administration about a change in address, residence, and alienage status.

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

Introduction:

The Arizona Health Care Cost Containment System (AHCCCS) serves as Arizona's Medicaid program, offering health care coverage to qualifying low-income individuals and families. Established through a collaborative effort between state and federal governments, AHCCCS ensures access to medical services for those who meet defined eligibility requirements. R9-22-Article 20 rules address specifically AHCCCS' Breast and Cervical Cancer Treatment Program. They outline the eligibility criteria, application processes, and the scope of services provided to individuals diagnosed with breast or cervical cancer, ensuring they receive necessary medical treatment under AHCCCS. It provides access to critical medical care for breast and cervical cancer, including diagnosis, treatment, and follow-up services. Eligibility is based on diagnosis through approved screenings, income limits, and lack of insurance, ensuring comprehensive support throughout treatment.

Purpose of Rule:

AHCCCS is implementing technical and clarifying updates to R9-22-Article 20 rules. These changes include revising language to clarify that women enrolled in this program are exempt from copayments, and replacing references to the "Chief Medical Officer" with the broader term "Administration," reflecting that determinations regarding the standard of care may be made by various staff within the Administration, not solely the Chief Medical Officer. Additional technical revisions include rewording a rule to better explain eligibility in cases of cancer recurrence and removing references to repealed rules.

1. Identification of rulemaking

The Administration's proposed rulemaking would make minor technical and clarifying changes.

a. The conduct and its frequency of occurrence that the rule is designed to change:

The changes to these rules will not change the conduct or its frequency, merely streamline and clarify for those pursuing eligibility determinations.

b. The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:

Although the harm has not been quantified, these proposed changes are intended to improve clarity and enhance public understanding of eligibility requirements.

c. The estimated change in frequency of the targeted conduct expected from the rule change:

The Administration does not anticipate a change in frequency in conduct with the rulemaking.

2. **Identification of the persons who will be directly affected by, bear the costs of, or directly benefit from the rule making.**

Individuals applying for eligibility under AHCCCS will be benefitted, however there are not quantified costs associated with this rulemaking.

3. **Cost-benefit analysis.**

a. **Probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking including the number of new full-time employees necessary to implement and enforce the proposed rule:**

i. **Cost:**

The Administration anticipates no increase in cost to the implementing agency.

ii. **Benefit:**

The Administration anticipates a benefit to the implementing agency as for increased efficiency with staff time.

iii. **Need for additional Full-time Employees:**

The Administration does not anticipate the need to hire full-time employees as a result of this rulemaking.

b. **Probable costs and benefits to political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.**

This rulemaking does not directly affect political subdivisions.

4. **General description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking.**

The Administration anticipates that public and private employment will not be impacted by the changes.

5. **Statement of probable impact of the proposed rule on small businesses. The statement shall include:**

a. **Identification of the small businesses subject to the proposed rulemaking.**

The Administration anticipates no impact on small businesses.

b. **Administrative and other costs required for compliance with the proposed rulemaking.**

The Administration anticipates no impact on the administrative expenses of these small businesses because the proposed rule does not require a change in claim submission coding or procedure.

c. **Description of methods prescribed in section A.R.S. § 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not use each method:**

i. **Establishing less stringent compliance or reporting requirements in the rule for small businesses;**

This rule does not impose compliance or reporting requirements on small businesses beyond those already necessary to comply with federal law and state statute.

ii. **Establishing less stringent schedules deadlines in the rule for compliance or reporting requirements for small businesses;**

This rule does not impose compliance or reporting requirements on small businesses beyond those requirements that are necessary to comply with federal law and state statute.

iii. **Consolidate or simplify the rule's compliance or reporting requirements for small businesses;**

This rule does not impose compliance or reporting requirements on small businesses beyond those requirements that are necessary to comply with federal law and state statute.

iv. **Establish performance standards for small businesses to replace design or operational standards in the rule; and**

This rule does not establish performance standards for small businesses beyond those requirements that are necessary to comply with federal law and state statute.

v. **Exempting small businesses from any or all requirements of the rule.**

Exempting small businesses is not applicable to this rule.

d. **The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.**

The effect of the rule on private persons cannot be quantified as a financial cost, however it should help to clarify the eligibility process.

6. **Statement of the probable effect on state revenues.**

It is anticipated that the rule will have no fiscal impact on state revenues.

7. **Description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.**

The Administration did not consider other alternatives because the revisions to the rule are the most cost effective and efficient method of complying with federal law and state law and are technical and clarifying in nature.

8. **A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.**

The Administration did not consider any specific data to base the rule upon.

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2674 (August 30, 2024), effective October 8, 2024 (Supp. 24-3).

R9-22-1914. Repealed**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

R9-22-1915. Institutionalized Person

A. A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution if federal financial participation (FFP) is not available, or
2. Age 22 through age 64 and is residing in an ICF/IID except when allowed under the Administration's Section 1115 Demonstration Project or allowed under a managed care contract approved by CMS.

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 30 A.A.R. 2674 (August 30, 2024), effective October 8, 2024 (Supp. 24-3).

R9-22-1916. Repealed**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

R9-22-1917. Repealed**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

R9-22-1918. Additional Eligibility Criteria for the Basic Coverage Group

An applicant or member shall meet the following eligibility criteria:

1. Disabled. As a condition of eligibility, an applicant or member shall be disabled. Disabled means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E), except employment activity, earnings, and substantial gainful activity shall not be considered in determining whether the individual meets the definition of disability.
2. Employed. As a condition of eligibility, an applicant or member shall be employed. Employed means that an applicant or member is paid for working and Social Security or Medicare taxes are paid on the applicant or member's work.

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

R9-22-1919. Additional Eligibility Criteria for the Medically Improved Group

As a condition of eligibility for the Medically Improved Group, a member shall:

1. Be employed. Under this Section, employed means an individual who:
 - a. Earns at least the minimum wage and works at least 40 hours per month, or
 - b. Has gross monthly earnings at least equal to those earned by an individual who is earning the minimum wage working 40 hours per month.
2. Cease to be eligible for medical coverage under R9-22-1918 or a similar Basic Coverage Group program administered by another state because the member, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be disabled; and
3. Continues to have a severe medically determinable impairment, as determined under 42 U.S.C. 1396d(v)(1).

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 30 A.A.R. 2674 (August 30, 2024), effective October 8, 2024 (Supp. 24-3).

R9-22-1920. Repealed**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

R9-22-1921. Enrollment

The Administration shall enroll members under Article 17 of this Chapter. If a member has not paid a required premium, the Administration shall not grant a guaranteed enrollment period.

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

R9-22-1922. Redetermination of Eligibility

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year.
- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the member's circumstances, including a change in disability or employment that may affect eligibility.
- C. Medical Improvement. If a member is no longer disabled under R9-22-1918, the Administration shall determine if the member is eligible under other coverage groups including the medically improved group.

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 30 A.A.R. 2674 (August 30, 2024), effective October 8, 2024 (Supp. 24-3).

ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM**R9-22-2001. Breast and Cervical Cancer Treatment Program Related Definitions**

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In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meaning unless the context explicitly requires another meaning:

“AZ-NBCCEDP” means the Arizona programs of the National Breast and Cervical Cancer Early Detection Program. AZ-NBCCEDP provides breast and cervical cancer screening and diagnosis in Arizona.

“Cryotherapy” means the destruction of abnormal tissue using an extremely cold temperature.

“LEEP” means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.

“Peer-reviewed study” means that, prior to publication, a medical study has been subjected to the review of medical experts who:

- Have expertise in the subject matter of the study,
- Evaluate the science and methodology of the study,
- Are selected by the editorial staff of the publication, and
- Review the study without knowledge of the identity or qualifications of the author.

“WWHP” means the Well Women Healthcheck Program administered by the Arizona Department of Health Services. The WWHP is one of the programs within AZ-NBCCEDP that provides breast and cervical cancer screening and diagnosis.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2002. General Requirements

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman’s records and shall not disclose a woman’s financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.
- E. A woman qualified under this Article shall pay co-pays as described in R9-22-711.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2003. Eligibility Criteria

- A. General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
 1. Be screened for breast and cervical cancer through AZ-NBCCEDP;
 2. Be less than 65 years of age;
 3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter;
 4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treat-

ment for breast cancer or cervical cancer, including a pre-cancerous cervical lesion, as specified in R9-22-2004;

5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
 6. Meet the requirements under R9-22-1417 and R9-22-1418.
- B. Ineligible woman. A woman is ineligible under this Article if the woman:
 1. Is an inmate of a public institution and federal financial participation (FFP) is not available,
 2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R9-22-112, except if allowed under the Administration’s Section 1115 waiver, or
 3. No longer meets an eligibility requirement under this Article.
 - C. Metastasized cancer. The AHCCCS Chief Medical Officer may continue a woman’s eligibility under this Article if a metastasized cancer is found in another part of the woman’s body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
 - D. Reoccurrence of cancer. A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found.
 - E. Ineligible male. A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2004. Treatment

- A. Breast cancer. Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
 1. Lumpectomy or surgical removal of breast cancer;
 2. Chemotherapy;
 3. Radiation therapy; and
 4. A treatment for breast cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B. Pre-cancerous cervical lesion. Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
 1. Conization;
 2. LEEP;
 3. Cryotherapy; and

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4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C. Cervical cancer. Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
 1. Surgery;
 2. Radiation therapy;
 3. Chemotherapy; and
 4. A treatment for cervical cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
5. Information regarding the woman's appeal and request for hearing rights.
- D. Discontinuance.
 1. Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman a Notice of Action no later than 10 days before the effective date of the discontinuance.
 2. The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:
 - a. Receives a written statement from the woman voluntarily withdrawing from AHCCCS,
 - b. Receives information confirming the death of the woman,
 - c. Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or
 - d. Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.
 3. The Notice of Action shall contain the:
 - a. Name of the ineligible woman,
 - b. Effective date of the discontinuance,
 - c. Specific reason why the woman is discontinued,
 - d. Legal citations supporting the reason for the discontinuance,
 - e. Location where the woman can review the legal citations, and
 - f. Information regarding the woman's appeal and request for hearing rights.
- E. Request for hearing. A woman who is denied, or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Chapter 34.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2005. Application Process

- A. Application. A woman may apply for eligibility under this Article by submitting a complete application as specified in R9-22-1406.
- B. Submitting the application. The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C. Date of application. The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D. Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:
 1. Provide medical insurance information, including any changes in medical insurance; and
 2. Inform the Administration about a change in address, residence, and alienage status.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2006. Approval, Denial, or Discontinuance of Eligibility

- A. Eligibility determination. The Administration shall determine eligibility under this Article and send the notice under subsection (B) or (C) within seven days of receiving a complete application.
- B. Approval. If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:
 1. The name of the eligible woman, and
 2. The effective date of eligibility.
- C. Denial. If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:
 1. The name of the ineligible woman,
 2. The specific reason why the woman is ineligible,
 3. The legal citations supporting the reason for the denial,
 4. The location where the woman can review the legal citations, and

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

R9-22-2007. Effective and End Date of Eligibility

- A. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
- B. The end date of eligibility:
 1. For breast cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer or at the end of hormonal therapy for the cancer, whichever is later.
 2. For pre-cancerous cervical lesion, is four months after the last provider visit for a treatment specified in R9-22-2004 for the pre-cancerous lesion.
 3. For cervical cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4). Section amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

R9-22-2008. Redetermination of Eligibility

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

- A. Redetermination. Except as provided in subsection (B), the Administration shall redetermine eligibility at least once a year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment Program under this Article, the Administration shall notify the woman of continued eligibility. A woman is not required to be screened for breast and cervical cancer through AZ-NBC-CEDP at redetermination.
- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances that may affect eligibility, including a change in treatment.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND

Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).

R9-22-2101. General Provisions

- A. A.R.S. § 36-2903.07 establishes the Administration as the authority to administer the Trauma and Emergency Services Fund.
- B. The Administration shall distribute 90% of monies from the trauma and emergency services fund to a level I trauma center, as defined in subsection (F) of this Section, for unrecovered trauma center readiness costs as defined in subsection (F) of this Section. Reimbursement is limited to no more than the amount of unrecovered trauma center readiness costs as determined in subsections (D) and (E) of this Section. Unexpended funds may be used to reimburse unrecovered emergency room costs under subsection (C) of this Section.
- C. The Administration shall distribute 10% of monies from the trauma and emergency services fund, for unrecovered emergency services costs, to a hospital having an emergency department, using criteria under R9-22-2103. Reimbursement is limited to no more than the amount of unrecovered emergency services costs as determined in R9-22-2103. The Administration may distribute more than 10% of the monies for unrecovered emergency room costs when there are unexpended monies under subsection (B) of this Section.
- D. The Administration shall distribute a reporting tool and guidelines to level I trauma centers to determine, on an annual basis, the unrecovered trauma center readiness costs for level I trauma centers as defined in subsection (F) of this Section. The reporting time-frame is July 1 of the prior year through June 30 of the reporting year. A level I trauma center shall submit the requested data and a copy of the most recently completed uniform accounting report under A.R.S. § 36-125.04 to the Administration no later than October 31 of each reporting year.
- E. When a level I trauma center closes in a county where there are one or more level I trauma center(s) remaining in operation, the following shall occur:
1. The closing level I trauma center shall submit the requested data under subsection (D) of this Section for the months of the reporting time-frame in which it met the definition of a level I trauma center, and
 2. The data under subsection (D) of this Section, which is submitted by the closing level I trauma center, shall be added to the remaining level I trauma center(s) in that county for the current reporting time-frame only.
- F. In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:
1. "Level I trauma center" means any acute care hospital designated by the Arizona Department of Health Services as a level I trauma center, a provisional level I trauma center, a pediatric level I trauma center or an initial level I trauma center.
 2. "Unrecovered trauma center readiness costs" means losses incurred treating trauma patients:
 - a. Determined in accordance with Generally Accepted Accounting Principles,
 - b. Based on both clinical and professional costs incurred by a level I trauma center necessary for the provision of level I trauma care, and
 - c. Based on administrative and overhead costs directly associated with providing level I trauma care.

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

R9-22-2102. Distribution of Trauma and Emergency Services Fund: Level I Trauma Centers

- A. On or after November 1, 2003, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall take into consideration the proportion of those hospitals' trauma case volume. The Administration shall:
1. Recalculate the November 2003 payments in July 2004 using the formula in subsection (B) of this Section;
 2. Recoup November 2003 overpayments by reducing the July 2004 distributions under subsection (C) as appropriate; and
 3. Redistribute recouped funds, with the July 2004 payment, to level I trauma centers underpaid in November 2003.
- B. On or after January 31 of each year, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall determine each hospital's unrecovered trauma center readiness costs for the current fiscal year using data from the most recent reporting year as provided under R9-22-2101(D) and (E). The proportion of each hospital's share of the fund for unrecovered trauma center readiness costs is determined after considering:
1. The professional, clinical, administrative, and overhead costs directly associated with providing level I trauma care, and
 2. The volume and acuity of trauma care provided by each hospital.
- C. On or after July 31 of each year, the Administration shall distribute monies to level I trauma centers using monies, under R9-22-2101(B), available in the trauma and emergency services fund at the time of payment according to the proportions calculated and used for the January payments in the same year, under subsection (B) of this Section.

Historical Note

36-2901.05. Breast and cervical cancer treatment; additional definition of eligibility.

A. For the purposes of this article, beginning January 1, 2002, "eligible person" includes a person who meets all of the following requirements:

1. Has been screened for breast and cervical cancer by a provider or entity that is recognized by the well woman healthcheck program administered by the department of health services as part of its program under title XV of the public health service act and that operates consistently with well woman healthcheck program guidelines.
2. Needs treatment for breast or cervical cancer.
3. Has an income level that is at or below two hundred fifty per cent of the federal poverty guidelines.
4. Is under sixty-five years of age.
5. Is not otherwise covered under creditable coverage as defined in section 2701(c) of the public health services act (42 United States Code section 300gg(c)).

B. The administration shall limit the assistance it provides pursuant to this section to medically necessary services provided during the period that the person requires treatment for breast or cervical cancer as determined by the administration.

C. The administration shall use a simplified eligibility form that the applicant may mail to the administration. Once the administration receives a completed application, the administration shall expedite the eligibility determination and enrollment on a prospective basis.

36-2903.01. Additional powers and duties; report; definition

A. The director of the Arizona health care cost containment system administration may adopt rules that provide that the system may withhold or forfeit payments to be made to a noncontracting provider by the system if the noncontracting provider fails to comply with this article, the provider agreement or rules that are adopted pursuant to this article and that relate to the specific services rendered for which a claim for payment is made.

B. The director shall:

1. Prescribe uniform forms to be used by all contractors. The rules shall require a written and signed application by the applicant or an applicant's authorized representative, or, if the person is incompetent or incapacitated, a family member or a person acting responsibly for the applicant may obtain a signature or a reasonable facsimile and file the application as prescribed by the administration.

2. Enter into an interagency agreement with the department to establish a streamlined eligibility process to determine the eligibility of all persons defined pursuant to section 36-2901, paragraph 6, subdivision (a). At the administration's option, the interagency agreement may allow the administration to determine the eligibility of certain persons, including those defined pursuant to section 36-2901, paragraph 6, subdivision (a).

3. Enter into an intergovernmental agreement with the department to:

(a) Establish an expedited eligibility and enrollment process for all persons who are hospitalized at the time of application.

(b) Establish performance measures and incentives for the department.

(c) Establish the process for management evaluation reviews that the administration shall perform to evaluate the eligibility determination functions performed by the department.

(d) Establish eligibility quality control reviews by the administration.

(e) Require the department to adopt rules, consistent with the rules adopted by the administration for a hearing process, that applicants or members may use for appeals of eligibility determinations or redeterminations.

(f) Establish the department's responsibility to place sufficient eligibility workers at federally qualified health centers to screen for eligibility and at hospital sites and level one trauma centers to ensure that persons seeking hospital services are screened on a timely basis for eligibility for the system, including a process to ensure that applications for the system can be accepted on a twenty-four hour basis, seven days a week.

(g) Withhold payments based on the allowable sanctions for errors in eligibility determinations or redeterminations or failure to meet performance measures required by the intergovernmental agreement.

(h) Recoup from the department all federal fiscal sanctions that result from the department's inaccurate eligibility determinations. The director may offset all or part of a sanction if the department submits a corrective action plan and a strategy to remedy the error.

4. By rule establish a procedure and time frames for the intake of grievances and requests for hearings, for the continuation of benefits and services during the appeal process and for a grievance process at the contractor level. Notwithstanding sections 41-1092.02, 41-1092.03 and 41-1092.05, the administration shall develop rules to establish the procedure and time frame for the informal resolution of grievances and appeals. A grievance that is not related to a claim for payment of system covered services shall be filed in writing with and received by the administration or the prepaid capitated provider or program contractor not later than sixty days after the date of the adverse action, decision or policy implementation being grieved. A grievance that is related to a claim for payment of system covered services must be filed in writing and received by the administration or the prepaid capitated provider or program contractor within twelve months after the date of service, within twelve months

after the date that eligibility is posted or within sixty days after the date of the denial of a timely claim submission, whichever is later. A grievance for the denial of a claim for reimbursement of services may contest the validity of any adverse action, decision, policy implementation or rule that related to or resulted in the full or partial denial of the claim. A policy implementation may be subject to a grievance procedure, but it may not be appealed for a hearing. The administration is not required to participate in a mandatory settlement conference if it is not a real party in interest. In any proceeding before the administration, including a grievance or hearing, persons may represent themselves or be represented by a duly authorized agent who is not charging a fee. A legal entity may be represented by an officer, partner or employee who is specifically authorized by the legal entity to represent it in the particular proceeding.

5. Apply for and accept federal funds available under title XIX of the social security act (P.L. 89-97; 79 Stat. 344; 42 United States Code section 1396 (1980)) in support of the system. The application made by the director pursuant to this paragraph shall be designed to qualify for federal funding primarily on a prepaid capitated basis. Such funds may be used only for the support of persons defined as eligible pursuant to title XIX of the social security act or the approved section 1115 waiver.

6. At least thirty days before the implementation of a policy or a change to an existing policy relating to reimbursement, provide notice to interested parties. Parties interested in receiving notification of policy changes shall submit a written request for notification to the administration.

7. In addition to the cost sharing requirements specified in subsection D, paragraph 4 of this section:

(a) Charge monthly premiums up to the maximum amount allowed by federal law to all populations of eligible persons who may be charged.

(b) Implement this paragraph to the extent permitted under the federal deficit reduction act of 2005 and other federal laws, subject to the approval of federal waiver authority and to the extent that any changes in the cost sharing requirements under this paragraph would permit this state to receive any enhanced federal matching rate.

C. The director is authorized to apply for any federal funds available for the support of programs to investigate and prosecute violations arising from the administration and operation of the system. Available state funds appropriated for the administration and operation of the system may be used as matching funds to secure federal funds pursuant to this subsection.

D. The director may adopt rules or procedures to do the following:

1. Authorize advance payments based on estimated liability to a contractor or a noncontracting provider after the contractor or noncontracting provider has submitted a claim for services and before the claim is ultimately resolved. The rules shall specify that any advance payment shall be conditioned on the execution before payment of a contract with the contractor or noncontracting provider that requires the administration to retain a specified percentage, which shall be at least twenty percent, of the claimed amount as security and that requires repayment to the administration if the administration makes any overpayment.

2. Defer liability, in whole or in part, of contractors for care provided to members who are hospitalized on the date of enrollment or under other circumstances. Payment shall be on a capped fee-for-service basis for services other than hospital services and at the rate established pursuant to subsection G of this section for hospital services or at the rate paid by the health plan, whichever is less.

3. Deputize, in writing, any qualified officer or employee in the administration to perform any act that the director by law is empowered to do or charged with the responsibility of doing, including the authority to issue final administrative decisions pursuant to section 41-1092.08.

4. Notwithstanding any other law, require persons eligible pursuant to section 36-2901, paragraph 6, subdivision (a), section 36-2931 and section 36-2981, paragraph 6 to be financially responsible for any cost sharing requirements established in a state plan or a section 1115 waiver and approved by the centers for medicare and

medicaid services. Cost sharing requirements may include copayments, coinsurance, deductibles, enrollment fees and monthly premiums for enrolled members, including households with children enrolled in the Arizona long-term care system.

E. The director shall adopt rules that further specify the medical care and hospital services that are covered by the system pursuant to section 36-2907.

F. In addition to the rules otherwise specified in this article, the director may adopt necessary rules pursuant to title 41, chapter 6 to carry out this article. Rules adopted by the director pursuant to this subsection shall consider the differences between rural and urban conditions on the delivery of hospitalization and medical care.

G. For inpatient hospital admissions and outpatient hospital services on and after March 1, 1993, the administration shall adopt rules for the reimbursement of hospitals according to the following procedures:

1. For inpatient hospital stays from March 1, 1993 through September 30, 2014, the administration shall use a prospective tiered per diem methodology, using hospital peer groups if analysis shows that cost differences can be attributed to independently definable features that hospitals within a peer group share. In peer grouping the administration may consider such factors as length of stay differences and labor market variations. If there are no cost differences, the administration shall implement a stop loss-stop gain or similar mechanism. Any stop loss-stop gain or similar mechanism shall ensure that the tiered per diem rates assigned to a hospital do not represent less than ninety percent of its 1990 base year costs or more than one hundred ten percent of its 1990 base year costs, adjusted by an audit factor, during the period of March 1, 1993 through September 30, 1994. The tiered per diem rates set for hospitals shall represent no less than eighty-seven and one-half percent or more than one hundred twelve and one-half percent of its 1990 base year costs, adjusted by an audit factor, from October 1, 1994 through September 30, 1995 and no less than eighty-five percent or more than one hundred fifteen percent of its 1990 base year costs, adjusted by an audit factor, from October 1, 1995 through September 30, 1996. For the periods after September 30, 1996 no stop loss-stop gain or similar mechanisms shall be in effect. An adjustment in the stop loss-stop gain percentage may be made to ensure that total payments do not increase as a result of this provision. If peer groups are used, the administration shall establish initial peer group designations for each hospital before implementation of the per diem system. The administration may also use a negotiated rate methodology. The tiered per diem methodology may include separate consideration for specialty hospitals that limit their provision of services to specific patient populations, such as rehabilitative patients or children. The initial per diem rates shall be based on hospital claims and encounter data for dates of service November 1, 1990 through October 31, 1991 and processed through May of 1992. The administration may also establish a separate reimbursement methodology for claims with extraordinarily high costs per day that exceed thresholds established by the administration.

2. For rates effective on October 1, 1994, and annually through September 30, 2011, the administration shall adjust tiered per diem payments for inpatient hospital care by the data resources incorporated market basket index for prospective payment system hospitals. For rates effective beginning on October 1, 1999, the administration shall adjust payments to reflect changes in length of stay for the maternity and nursery tiers.

3. Through June 30, 2004, for outpatient hospital services, the administration shall reimburse a hospital by applying a hospital specific outpatient cost-to-charge ratio to the covered charges. Beginning on July 1, 2004 through June 30, 2005, the administration shall reimburse a hospital by applying a hospital specific outpatient cost-to-charge ratio to covered charges. If the hospital increases its charges for outpatient services filed with the Arizona department of health services pursuant to chapter 4, article 3 of this title, by more than 4.7 percent for dates of service effective on or after July 1, 2004, the hospital specific cost-to-charge ratio will be reduced by the amount that it exceeds 4.7 percent. If charges exceed 4.7 percent, the effective date of the increased charges will be the effective date of the adjusted Arizona health care cost containment system cost-to-charge ratio. The administration shall develop the methodology for a capped fee-for-service schedule and a statewide cost-to-charge ratio. Any covered outpatient service not included in the capped fee-for-service schedule shall be reimbursed by applying the statewide cost-to-charge ratio that is based on the services not included in the capped fee-for-service schedule. Beginning on July 1, 2005, the administration shall reimburse clean claims with dates of service on or after July 1, 2005, based on the capped fee-for-service schedule or the statewide cost-to-charge

ratio established pursuant to this paragraph. The administration may make additional adjustments to the outpatient hospital rates established pursuant to this section based on other factors, including the number of beds in the hospital, specialty services available to patients and the geographic location of the hospital.

4. Except if submitted under an electronic claims submission system, a hospital bill is considered received for purposes of this paragraph on initial receipt of the legible, error-free claim form by the administration if the claim includes the following error-free documentation in legible form:

- (a) An admission face sheet.
- (b) An itemized statement.
- (c) An admission history and physical.
- (d) A discharge summary or an interim summary if the claim is split.
- (e) An emergency record, if admission was through the emergency room.
- (f) Operative reports, if applicable.
- (g) A labor and delivery room report, if applicable.

Payment received by a hospital from the administration pursuant to this subsection or from a contractor either by contract or pursuant to section 36-2904, subsection I is considered payment by the administration or the contractor of the administration's or contractor's liability for the hospital bill. A hospital may collect any unpaid portion of its bill from other third-party payors or in situations covered by title 33, chapter 7, article 3.

5. For services rendered on and after October 1, 1997, the administration shall pay a hospital's rate established according to this section subject to the following:

- (a) If the hospital's bill is paid within thirty days of the date the bill was received, the administration shall pay ninety-nine percent of the rate.
- (b) If the hospital's bill is paid after thirty days but within sixty days of the date the bill was received, the administration shall pay one hundred percent of the rate.
- (c) If the hospital's bill is paid any time after sixty days of the date the bill was received, the administration shall pay one hundred percent of the rate plus a fee of one percent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.

6. In developing the reimbursement methodology, if a review of the reports filed by a hospital pursuant to section 36-125.04 indicates that further investigation is considered necessary to verify the accuracy of the information in the reports, the administration may examine the hospital's records and accounts related to the reporting requirements of section 36-125.04. The administration shall bear the cost incurred in connection with this examination unless the administration finds that the records examined are significantly deficient or incorrect, in which case the administration may charge the cost of the investigation to the hospital examined.

7. Except for privileged medical information, the administration shall make available for public inspection the cost and charge data and the calculations used by the administration to determine payments under the tiered per diem system, provided that individual hospitals are not identified by name. The administration shall make the data and calculations available for public inspection during regular business hours and shall provide copies of the data and calculations to individuals requesting such copies within thirty days of receipt of a written request. The administration may charge a reasonable fee for the provision of the data or information.

8. The prospective tiered per diem payment methodology for inpatient hospital services shall include a mechanism for the prospective payment of inpatient hospital capital related costs. The capital payment shall

include hospital specific and statewide average amounts. For tiered per diem rates beginning on October 1, 1999, the capital related cost component is frozen at the blended rate of forty percent of the hospital specific capital cost and sixty percent of the statewide average capital cost in effect as of January 1, 1999 and as further adjusted by the calculation of tier rates for maternity and nursery as prescribed by law. Through September 30, 2011, the administration shall adjust the capital related cost component by the data resources incorporated market basket index for prospective payment system hospitals.

9. For graduate medical education programs:

(a) Beginning September 30, 1997, the administration shall establish a separate graduate medical education program to reimburse hospitals that had graduate medical education programs that were approved by the administration as of October 1, 1999. The administration shall separately account for monies for the graduate medical education program based on the total reimbursement for graduate medical education reimbursed to hospitals by the system in federal fiscal year 1995-1996 pursuant to the tiered per diem methodology specified in this section. The graduate medical education program reimbursement shall be adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement. Subject to legislative appropriation, on an annual basis, each qualified hospital shall receive a single payment from the graduate medical education program that is equal to the same percentage of graduate medical education reimbursement that was paid by the system in federal fiscal year 1995-1996. Any reimbursement for graduate medical education made by the administration shall not be subject to future settlements or appeals by the hospitals to the administration. The monies available under this subdivision shall not exceed the fiscal year 2005-2006 appropriation adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement, except for monies distributed for expansions pursuant to subdivision (b) of this paragraph.

(b) The monies available for graduate medical education programs pursuant to this subdivision shall not exceed the fiscal year 2006-2007 appropriation adjusted annually by the increase or decrease in the index published by the global insight hospital market basket index for prospective hospital reimbursement. Graduate medical education programs eligible for such reimbursement are not precluded from receiving reimbursement for funding under subdivision (c) of this paragraph. Beginning July 1, 2006, the administration shall distribute any monies appropriated for graduate medical education above the amount prescribed in subdivision (a) of this paragraph in the following order or priority:

(i) For the direct costs to support the expansion of graduate medical education programs established before July 1, 2006 at hospitals that do not receive payments pursuant to subdivision (a) of this paragraph. These programs must be approved by the administration.

(ii) For the direct costs to support the expansion of graduate medical education programs established on or before October 1, 1999. These programs must be approved by the administration.

(c) The administration shall distribute to hospitals any monies appropriated for graduate medical education above the amount prescribed in subdivisions (a) and (b) of this paragraph for the following purposes:

(i) For the direct costs of graduate medical education programs established or expanded on or after July 1, 2006. These programs must be approved by the administration.

(ii) For a portion of additional indirect graduate medical education costs for programs that are located in a county with a population of less than five hundred thousand persons at the time the residency position was created or for a residency position that includes a rotation in a county with a population of less than five hundred thousand persons at the time the residency position was established. These programs must be approved by the administration.

(d) The administration shall develop, by rule, the formula by which the monies are distributed.

(e) Each graduate medical education program that receives funding pursuant to subdivision (b) or (c) of this paragraph shall identify and report to the administration the number of new residency positions created by the funding provided in this paragraph, including positions in rural areas. The program shall also report information related to the number of funded residency positions that resulted in physicians locating their practices in this state. The administration shall report to the joint legislative budget committee by February 1 of each year on the number of new residency positions as reported by the graduate medical education programs.

(f) Local, county and tribal governments and any university under the jurisdiction of the Arizona board of regents may provide monies in addition to any state general fund monies appropriated for graduate medical education in order to qualify for additional matching federal monies for providers, programs or positions in a specific locality and costs incurred pursuant to a specific contract between the administration and providers or other entities to provide graduate medical education services as an administrative activity. Payments by the administration pursuant to this subdivision may be limited to those providers designated by the funding entity and may be based on any methodology deemed appropriate by the administration, including replacing any payments that might otherwise have been paid pursuant to subdivision (a), (b) or (c) of this paragraph had sufficient state general fund monies or other monies been appropriated to fully fund those payments. These programs, positions, payment methodologies and administrative graduate medical education services must be approved by the administration and the centers for medicare and medicaid services. The administration shall report to the president of the senate, the speaker of the house of representatives and the director of the joint legislative budget committee on or before July 1 of each year on the amount of money contributed and number of residency positions funded by local, county and tribal governments, including the amount of federal matching monies used.

(g) Any funds appropriated but not allocated by the administration for subdivision (b) or (c) of this paragraph may be reallocated if funding for either subdivision is insufficient to cover appropriate graduate medical education costs.

10. Notwithstanding section 41-1005, subsection A, paragraph 9, the administration shall adopt rules pursuant to title 41, chapter 6 establishing the methodology for determining the prospective tiered per diem payments that are in effect through September 30, 2014.

11. For inpatient hospital services rendered on or after October 1, 2011, the prospective tiered per diem payment rates are permanently reset to the amounts payable for those services as of October 1, 2011 pursuant to this subsection.

12. The administration shall adopt a diagnosis-related group based hospital reimbursement methodology consistent with title XIX of the social security act for inpatient dates of service on and after October 1, 2014. The administration may make additional adjustments to the inpatient hospital rates established pursuant to this section for hospitals that are publicly operated or based on other factors, including the number of beds in the hospital, the specialty services available to patients, the geographic location and diagnosis-related group codes that are made publicly available by the hospital pursuant to section 36-437. The administration may also provide additional reimbursement for extraordinarily high cost cases that exceed a threshold above the standard payment. The administration may also establish a separate payment methodology for specific services or hospitals serving unique populations.

H. The director may adopt rules that specify enrollment procedures, including notice to contractors of enrollment. The rules may provide for varying time limits for enrollment in different situations. The administration shall specify in contract when a person who has been determined eligible will be enrolled with that contractor and the date on which the contractor will be financially responsible for health and medical services to the person.

I. The administration may make direct payments to hospitals for hospitalization and medical care provided to a member in accordance with this article and rules. The director may adopt rules to establish the procedures by which the administration shall pay hospitals pursuant to this subsection if a contractor fails to make timely payment to a hospital. Such payment shall be at a level determined pursuant to section 36-2904, subsection H

or I. The director may withhold payment due to a contractor in the amount of any payment made directly to a hospital by the administration on behalf of a contractor pursuant to this subsection.

J. The director shall establish a special unit within the administration for the purpose of monitoring the third-party payment collections required by contractors and noncontracting providers pursuant to section 36-2903, subsection B, paragraph 10 and subsection F and section 36-2915, subsection E. The director shall determine by rule:

1. The type of third-party payments to be monitored pursuant to this subsection.
2. The percentage of third-party payments that is collected by a contractor or noncontracting provider and that the contractor or noncontracting provider may keep and the percentage of such payments that the contractor or noncontracting provider may be required to pay to the administration. Contractors and noncontracting providers must pay to the administration one hundred percent of all third-party payments that are collected and that duplicate administration fee-for-service payments. A contractor that contracts with the administration pursuant to section 36-2904, subsection A may be entitled to retain a percentage of third-party payments if the payments collected and retained by a contractor are reflected in reduced capitation rates. A contractor may be required to pay the administration a percentage of third-party payments that are collected by a contractor and that are not reflected in reduced capitation rates.

K. The administration shall establish procedures to apply to the following if a provider that has a contract with a contractor or noncontracting provider seeks to collect from an individual or financially responsible relative or representative a claim that exceeds the amount that is reimbursed or should be reimbursed by the system:

1. On written notice from the administration or oral or written notice from a member that a claim for covered services may be in violation of this section, the provider that has a contract with a contractor or noncontracting provider shall investigate the inquiry and verify whether the person was eligible for services at the time that covered services were provided. If the claim was paid or should have been paid by the system, the provider that has a contract with a contractor or noncontracting provider shall not continue billing the member.

2. If the claim was paid or should have been paid by the system and the disputed claim has been referred for collection to a collection agency or referred to a credit reporting bureau, the provider that has a contract with a contractor or noncontracting provider shall:

- (a) Notify the collection agency and request that all attempts to collect this specific charge be terminated immediately.

- (b) Advise all credit reporting bureaus that the reported delinquency was in error and request that the affected credit report be corrected to remove any notation about this specific delinquency.

- (c) Notify the administration and the member that the request for payment was in error and that the collection agency and credit reporting bureaus have been notified.

3. If the administration determines that a provider that has a contract with a contractor or noncontracting provider has billed a member for charges that were paid or should have been paid by the administration, the administration shall send written notification by certified mail or other service with proof of delivery to the provider that has a contract with a contractor or noncontracting provider stating that this billing is in violation of federal and state law. If, twenty-one days or more after receiving the notification, a provider that has a contract with a contractor or noncontracting provider knowingly continues billing a member for charges that were paid or should have been paid by the system, the administration may assess a civil penalty in an amount equal to three times the amount of the billing and reduce payment to the provider that has a contract with a contractor or noncontracting provider accordingly. Receipt of delivery signed by the addressee or the addressee's employee is prima facie evidence of knowledge. Civil penalties collected pursuant to this subsection shall be deposited in the state general fund. Section 36-2918, subsections C, D and F, relating to the imposition, collection and enforcement of civil penalties, apply to civil penalties imposed pursuant to this paragraph.

L. The administration may conduct postpayment review of all claims paid by the administration and may recoup any monies erroneously paid. The director may adopt rules that specify procedures for conducting postpayment review. A contractor may conduct a postpayment review of all claims paid by the contractor and may recoup monies that are erroneously paid.

M. Subject to title 41, chapter 4, article 4, the director or the director's designee may employ and supervise personnel necessary to assist the director in performing the functions of the administration.

N. The administration may contract with contractors for obstetrical care who are eligible to provide services under title XIX of the social security act.

O. Notwithstanding any other law, on federal approval the administration may make disproportionate share payments to private hospitals, county operated hospitals, including hospitals owned or leased by a special health care district, and state operated institutions for mental disease beginning October 1, 1991 in accordance with federal law and subject to legislative appropriation. If at any time the administration receives written notification from federal authorities of any change or difference in the actual or estimated amount of federal funds available for disproportionate share payments from the amount reflected in the legislative appropriation for such purposes, the administration shall provide written notification of such change or difference to the president and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the director of the joint legislative budget committee, the legislative committee of reference and any hospital trade association within this state, within three working days not including weekends after receipt of the notice of the change or difference. In calculating disproportionate share payments as prescribed in this section, the administration may use either a methodology based on claims and encounter data that is submitted to the administration from contractors or a methodology based on data that is reported to the administration by private hospitals and state operated institutions for mental disease. The selected methodology applies to all private hospitals and state operated institutions for mental disease qualifying for disproportionate share payments.

P. Disproportionate share payments made pursuant to subsection O of this section include amounts for disproportionate share hospitals designated by political subdivisions of this state, tribal governments and universities under the jurisdiction of the Arizona board of regents. Subject to the approval of the centers for medicare and medicaid services, any amount of federal funding allotted to this state pursuant to section 1923(f) of the social security act and not otherwise spent under subsection O of this section shall be made available for distribution pursuant to this subsection. Political subdivisions of this state, tribal governments and universities under the jurisdiction of the Arizona board of regents may designate hospitals eligible to receive disproportionate share payments in an amount up to the limit prescribed in section 1923(g) of the social security act if those political subdivisions, tribal governments or universities provide sufficient monies to qualify for the matching federal monies for the disproportionate share payments.

Q. Notwithstanding any law to the contrary, the administration may receive confidential adoption information to determine whether an adopted child should be terminated from the system.

R. The adoption agency or the adoption attorney shall notify the administration within thirty days after an eligible person receiving services has placed that person's child for adoption.

S. If the administration implements an electronic claims submission system, it may adopt procedures pursuant to subsection G of this section requiring documentation different than prescribed under subsection G, paragraph 4 of this section.

T. In addition to any requirements adopted pursuant to subsection D, paragraph 4 of this section, notwithstanding any other law, subject to approval by the centers for medicare and medicaid services, beginning July 1, 2011, members eligible pursuant to section 36-2901, paragraph 6, subdivision (a), section 36-2931 and section 36-2981, paragraph 6 shall pay the following:

1. A monthly premium of fifteen dollars, except that the total monthly premium for an entire household shall not exceed sixty dollars.

2. A copayment of five dollars for each physician office visit.
3. A copayment of ten dollars for each urgent care visit.
4. A copayment of thirty dollars for each emergency department visit.

U. Subject to the approval of the centers for medicare and medicaid services, political subdivisions of this state, tribal governments and any university under the jurisdiction of the Arizona board of regents may provide to the Arizona health care cost containment system administration monies in addition to any state general fund monies appropriated for critical access hospitals in order to qualify for additional federal monies. Any amount of federal monies received by this state pursuant to this subsection shall be distributed as supplemental payments to critical access hospitals.

V. For the purposes of this section, "disproportionate share payment" means a payment to a hospital that serves a disproportionate share of low-income patients as described by 42 United States Code section 1396r-4.

D-3.

ARIZONA DEPARTMENT OF ADMINISTRATION

Title 2, Chapter 5

Amend: R2-5A-101; R2-5A-403; R2-5A-404; R2-5A-B602; R2-5A-B603; R2-5A-B611;
R2-5B-102



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: ARIZONA DEPARTMENT OF ADMINISTRATION
Title 2, Chapter 5

Amend: R2-5A-101; R2-5A-403; R2-5A-404; R2-5A-B602; R2-5A-B603;
R2-5A-B611; R2-5B-102

Summary:

This regular rulemaking from the Arizona Department of Administration (Department) seeks to amend seven (7) rules in Title 2, Chapter 5 regarding Covered Employees. Specifically, the Department indicates it is amending the rules for two reasons: (1) to address issues identified during the configuration of AZ360 Human Resources (the HRIS Modernization Project), anticipated to go live in May 2025; and (2) to implement the provisions of Laws 2024, Ch. 249, which adds additional job classes within the Arizona Department of Corrections to covered service, and permits current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation to retain the annual leave benefits (accrual and accumulation) of uncovered employees.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. Do the rules establish a new fee or contain a fee increase?

This rulemaking does not establish a new fee or contain a fee increase.

3. Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?

The Department indicates it did not review any study relevant to this rulemaking.

4. Summary of the agency's economic impact analysis:

The Department states that this rulemaking amends the rules in 2 A.A.C. Chapter 5, Department of Administration – State Personnel System (SPS), for the following purposes: (1) to address issues identified during the configuration of AZ360 Human Resources (the HRIS modernization Project), anticipated to go live by May 2025; and (2) to implement the provisions of Laws 2024, Ch. 249, which adds additional job classes within the Arizona Department of Corrections to covered services, and permits current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation to retain annual leave benefits (accrual and accumulation) of uncovered employees. The Department is amending seven sections to align the rules with AZ360 Human Resources system requirements and to incorporate the provisions of Laws 2024, Ch. 249. The Department indicates that these rules apply only to SPS agencies and employees and applicants for positions with the SPS. As such, they state, there is no expected impact on private employment, public employment in political subdivisions or small businesses.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states that since this rulemaking addresses issues associated with the implementation of a new HR system, as well as aligning with state statutory requirements, there is not a less intrusive or less costly alternative available at this time. The Department indicates that as a result, no alternative method was considered.

6. What are the economic impacts on stakeholders?

The Department states the SPS is the largest personnel system in state government, encompassing over 100 state agencies, boards, commissions and offices, and approximately 34,000 employees. In addition, SPS rules affect SPS agencies, employees, and applicants for positions within the SPS. The Department indicates that the SPS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on small businesses or other consumers. Thus, the Department goes on to say, there is little to no economic impact, small business, or consumer impact, other than the minimal cost to the Department to prepare the rule package. The Department states that any financial impact or administrative expenses associated with the rules will be covered by ordinary operating funds.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates there were no changes between the Notice of Proposed Rulemaking published in the Administrative Register on November 22, 2024 and the Notice of Final Rulemaking now before the Council for consideration.

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it received no public comments related to this rulemaking.

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

Not applicable. The rule does not require the issuance of a permit, license, or agency authorization.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

Not applicable. The Department indicates there is no corresponding federal law directly applicable to the subject of these rules.

11. **Conclusion**

This regular rulemaking from the Department seeks to amend seven (7) rules in Title 2, Chapter 5 regarding Covered Employees. Specifically, the Department indicates it is amending the rules for two reasons: (1) to address issues identified during the configuration of AZ360 Human Resources (the HRIS Modernization Project), anticipated to go live in May 2025; and (2) to implement the provisions of Laws 2024, Ch. 249, which adds additional job classes within the Arizona Department of Corrections to covered service, and permits current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation to retain the annual leave benefits (accrual and accumulation) of uncovered employees.

The Department is requesting an immediate effective date pursuant to A.R.S. § 41-1032(A)(4) to “provide a benefit to the public and a penalty is not associated with a violation of the rule.” Specifically, the Department indicates several of the rules in this rulemaking are necessary for the successful implementation and application of AZ360 Human Resources (the HRIS Modernization Project). The Department indicates an immediate effective date will allow for the rules to be effective on the same day as the AZ360 Phase 1A go live date, thus benefitting the State Personnel System (SPS) agencies and state employees. Council staff believes the Department has provided adequate justification for an immediate effective date pursuant to A.R.S. § 41-1032(A)(4).

Council staff recommends approval of this rulemaking.

Katie Hobbs
Governor



Elizabeth
Alvarado-Thorson
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

OFFICE OF THE DIRECTOR
100 NORTH FIFTEENTH AVENUE • SUITE 302
PHOENIX, ARIZONA 85007
(602) 542-1500

February 27, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
Arizona Department of Administration
100 N. 15th Avenue, Suite 305
Phoenix, AZ 85007

RE: Regular Rulemaking - Arizona Department of Administration, 2 A.A.C. 5
Subchapter A; Articles 1, 4 and 6
Subchapter B; Article 1

Dear Ms. Klein:

The Arizona Department of Administration (Department) is submitting the attached final rulemaking package for review and approval by the Governor's Regulatory Review Council.

As required under A.R.S. § 41-1039, approval for this rulemaking was obtained from John Owens, Operations & Policy Advisor in the Governor's Office, in an email dated October 28, 2024. Approval to submit this rulemaking to GRRC, as required under A.R.S. § 41-1039(B), was provided by Mr. Owens in an email dated February 25, 2025.

Pursuant to A.A.C. R1-6-201, the following information is provided for Council's use in reviewing the enclosed rulemaking package:

1. The close of record date: The rulemaking record was closed on January 8, 2025, at 5:00 p.m., following a period for public comment and an oral proceeding.
2. Whether the rulemaking relates to a five-year-review report and, if applicable, the date the report was approved by the Council:
This regular rulemaking does not relate to a five-year-review report.
3. Whether the rulemaking establishes a new fee and, if so, the statute authorizing the fee:
The rulemaking does not establish a new fee.

4. Whether the rulemaking contains a fee increase:
The rulemaking does not contain a fee increase.
5. Whether an immediate effective date is requested pursuant to A.R.S. § 41-1032:
The Department is requesting an immediate effective date for the rules to ensure that these rules go into effect on the same day as the AZ360 Phase 1A go live date, which is scheduled for May 20, 2025. Upon approval, the Department plans to file the Notice of Final Rulemaking with the Secretary of State on May 20, 2025.
6. Certification regarding studies:
I certify that the Department did not rely on any studies for this rulemaking.
7. Certification that the preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule:
I certify that the rules in this rulemaking will not require one or more full-time employees to implement and enforce the rule. As such, no notification was provided to the JLBC.
8. List of documents enclosed:
 - Notice of Final Rulemaking, including the preamble, table of contents for the rulemaking, and text of each rule;
 - An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055; and,
 - The general and specific statutes authorizing the rule, including relevant statutory definitions.

The Department's point of contact for questions about this rulemaking package is Christine Bronson at Christine.Bronson@azdoa.gov.

Sincerely,



Elizabeth Alvarado-Thorson
Director

c: Nicole Sornsins, State Human Resources Director

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 5. DEPARTMENT OF ADMINISTRATION
STATE PERSONNEL SYSTEM
SUBCHAPTER A. COVERED AND UNCOVERED EMPLOYEES
SUBCHAPTER B. COVERED EMPLOYEES

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039(B) by the governor on:

February 25, 2025

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

| | |
|------------|-------|
| R2-5A-101 | Amend |
| R2-5A-403 | Amend |
| R2-5A-404 | Amend |
| R2-5A-B602 | Amend |
| R2-5A-B603 | Amend |
| R2-5A-B611 | Amend |
| R2-5B-102 | Amend |

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

Authorizing statute: A.R.S. § 41-703(3)

Implementing statute: A.R.S. §§ 41-743(B)(3) and 41-771

4. The effective date of the rule:

This rule shall become effective immediately after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A). The effective date is (to be filled in by Register editor).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The effective date of this rule is [redacted]. Pursuant to A.R.S. § 41-1032(A)(4), the reason for the immediate effective date is to provide a benefit to the public and a penalty is not associated with a

violation of the rule. Several of the rules in this rulemaking are necessary for the successful implementation and application of AZ360 Human Resources (the HRIS Modernization Project). An immediate effective date will allow for the rules to be effective on the same day as the AZ360 Phase 1A go live date, thus benefitting the State Personnel System (SPS) agencies and state employees.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R. 3536, November 22, 2024

Notice of Proposed Rulemaking: 30 A.A.R. 3491, November 22, 2024

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

Name: Christine Bronson, HR Consultant

Address: Arizona Department of Administration

Human Resources Division

100 N. 15th Ave., Suite 301

Phoenix, AZ 85007

Telephone: (602) 619-6360

E-mail: Christine.Bronson@azdoa.gov

or

Name: Kerry Schleappe, HR Deputy Director

Address: Arizona Department of Administration

Human Resources Division

100 N. 15th Ave., Suite 301

Phoenix, AZ 85007

Telephone: (602) 540-8309

E-mail: Kerry.Schleappe@azdoa.gov

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

The Department is amending the rules in 2 A.A.C. Chapter 5, Department of Administration - State Personnel System (SPS), for the following purposes: (1) to address issues identified during the configuration of AZ360 Human Resources (the HRIS Modernization Project), anticipated to go live in May

2025; and (2) to implement the provisions of Laws 2024, Ch. 249, which adds additional job classes within the Arizona Department of Corrections to covered service, and permits current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation to retain the annual leave benefits (accrual and accumulation) of uncovered employees.

Section by Section Explanation of the Rulemaking:

R2-5A-101. Definitions. The rule is being amended to incorporate the provisions of Laws 2024, Ch. 249 by amending the definition of “covered employee” and adding a definition of “covered positions in the Arizona Department of Corrections”.

R2-5A-403. Supplemental Pay. The rule is being amended to incorporate the provisions of Laws 2024, Ch. 249, by amending (E)(3) pertaining to variable pay, and adding to the exceptions, the seven (7) additional job classes in the Arizona Department of Corrections that were moved to covered service. In lieu of continuing to list the individual job classes, the Department instead uses the term, “covered positions in the Arizona Department of Corrections” and defines the term in R2-5A-101.

R2-5A-404. Overtime. The rule is being amended to address an issue identified by the AZ360 configuration teams regarding overtime compensation. Currently, non-exempt employees may elect to receive: additional pay at one and one-half times their regular rate of pay, compensatory leave at a rate of one and one-half hours for each excess hour worked, or either. AZ360 is scheduled to go live in May 2025, and in AZ360, a non-exempt employee may only elect to receive additional pay or compensatory leave.

R2-5A-B602. Annual Leave. The rule is being amended to address an issue identified by the AZ360 configuration teams by changing the format for annual leave accruals from decimal format to hours and minutes (HH:MM). The rule is also being amended to incorporate the provisions of Laws 2024, Ch. 249, which permits employees of the Arizona Department of Corrections who were moved from uncovered to covered service as a result of and on the effective date of the legislation to retain the annual leave benefits (accrual and accumulation) of uncovered employees.

R2-5A-B603. Sick Leave. The rule is being amended to address an issue identified by the AZ360 configuration teams by changing the format for sick leave accruals from decimal format to hours and minutes (HH:MM).

R2-5A-B611. Meritorious Service Leave. The rule is being amended to incorporate the provisions of Laws 2024, Ch. 249, by adding to the exceptions, the seven (7) additional job classes in the Arizona Department of Corrections that were moved to covered service pursuant to Laws 2024, Ch. 249. In lieu of

continuing to list the individual job classes, the Department instead proposes using the term, “covered positions in the Arizona Department of Corrections” and defining the term in R2-5A-101.

R2-5B-102. Applicability. This rule is applicable only to covered employees. The rule is being amended to incorporate the provisions of Laws 2024, Ch. 249, by adding to the exceptions, the seven (7) additional job classes in the Arizona Department of Corrections that were moved to covered service pursuant to Laws 2024, Ch. 249.

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

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

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

The State Personnel System (SPS) is the largest personnel system in state government, encompassing over 100 state agencies, boards, commissions and offices, and approximately 34,000 employees. SPS rules affect SPS agencies, employees, and applicants for positions with the SPS. Generally, any financial impact or administrative expenses associated with the rules are covered by ordinary operating funds. Annual costs/revenues changes are designated as minimal when more than \$0 and \$2,000 or less, moderate when between \$2,000 and \$20,000, and substantial when \$20,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

The Department anticipates that changing the format for leave from decimal format to hours and minutes (HH:MM) may cause the State to incur substantial increased costs in the form of increased liability of up to \$300,000 annually statewide. The reason for the increase is due to situations where the conversion of the decimal format to hours and minutes does not equal a whole minute. In those cases, the accrual rate will be rounded up to the next whole minute in order to hold employees harmless to the change. Although the potential statewide impact is substantial, the anticipated costs to the individual agencies will be in the minimal to moderate range, with only several of the larger agencies potentially seeing a substantial increase. As with most financial impacts created by rulemaking, these expenses will be covered by the agencies’ ordinary operating funds. However, the Department also anticipates that changing the format to hours and minutes will provide significant benefits in the form of efficiencies in AZ360, which calculates time and leave in hours and minutes.

Laws 2024, Ch. 249 (HB2034) created inconsistencies with several State Personnel System (SPS) Rules, which the Department is addressing in this rulemaking. There is a minimal cost to the Department to prepare the rule package, and the Department anticipates a moderate cost associated with programming. The legislation and corresponding rule amendments affect approximately 1,200 Arizona Department of Corrections (ADC) uncovered employees in seven job classes who were moved to covered service effective September 14, 2024. The Department anticipates that ADC will incur significant administrative costs associated with the movement of these employees and future appointments in the specified job classes to the covered service. Further, current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation retain the annual leave benefits (accrual and accumulation) of uncovered employees. The rule amendments do not create any increased costs; however, if the legislation had not included this provision, the employees would have been subject to the leave schedule for covered employees, resulting in lowered accrual rates and a lower accumulation amount, which would have resulted in reduced costs/liability for ADC.

Neither the Department nor any other state agencies will require new full-time employees to implement these amended rules.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

No changes were made between the proposed rulemaking and the final rulemaking.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Department did not receive any written comments during the public comment period for the Notice of Proposed Rulemaking. An oral proceeding was held on January 8, 2025, via Google Meet, and no one appeared for comment. The record closed at 5:00 p.m. on January 8, 2025.

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

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

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

Not applicable

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

Not applicable

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

No business competitiveness analysis was received by the Department.

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 5. DEPARTMENT OF ADMINISTRATION
STATE PERSONNEL SYSTEM
SUBCHAPTER A. COVERED AND UNCOVERED EMPLOYEES

ARTICLE 1. GENERAL

Section

R2-5A-101. Definitions

ARTICLE 4. COMPENSATION SYSTEM

Section

R2-5A-403. Supplemental Pay

R2-5A-404. Overtime

ARTICLE 6. LEAVE

PART B. PAID LEAVE

Section

R2-5A-B602. Annual Leave

R2-5A-B603. Sick Leave

R2-5A-B611. Meritorious Service Leave

SUBCHAPTER B. COVERED EMPLOYEES

ARTICLE 1. GENERAL

Section

R2-5B-102. Applicability

SUBCHAPTER A. COVERED AND UNCOVERED EMPLOYEES

ARTICLE 1. GENERAL

R2-5A-101. Definitions

In this subchapter, the following words and phrases have the defined meanings unless otherwise clearly indicated by the context:

“Agency head” means the chief executive officer of a state agency, or designee.

“Appeal” means a covered employee’s request for a review of a disciplinary action by the State Personnel Board under A.R.S. § 41-782 or the Law Enforcement Merit System Council under A.R.S. § 41-1830.16, as applicable.

“Applicant” means a person who seeks appointment to a position in state employment.

“Appointing authority” means the person or group of persons authorized by law or delegated authority to make appointments to fill positions. A.R.S. § 41-741(1)

“Appointment” means the offer to and the acceptance by a candidate of a position in a state agency.

“*At will*” means an employment relationship where either party to the relationship may sever the relationship at any time for any reason other than an unlawful reason. A.R.S. § 41-741(2)

“Base salary” means an employee’s salary excluding supplemental pay provided by R2-5A-403, overtime pay or other pay allowance provided by law.

“*Break in service*” means a separation from state employment, regardless of the reason for separation. A.R.S. § 41-741(3)

“Business day” means the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding observed state holidays.

“Candidate” means a person whose education, experience, competencies and other qualifications meet the requirements of a position and who may be considered for employment.

“Cause” means any of the reasons for disciplinary action provided by A.R.S. § 41-773 or these rules.

“*Change in assignment*” means movement of an employee to a different position in the same state agency or another state agency. A.R.S. § 41-741(4)

“Child” means a natural child, adopted child, foster child, or stepchild.

“Class” means a group of positions with the same title and grade because each position in the group has similar duties, scope of discretion and responsibility, required qualifications, or other job-related characteristics.

“Class series” means a group of related classes as listed by the Arizona Department of Administration, Human Resources Division.

“Class specification” means a description of the type and level of duties and responsibilities of the positions assigned to a class.

“Competencies” means knowledge, skills, abilities, behaviors and other characteristics that contribute to successful job performance and the achievement of organizational results.

“*Covered employee*” means an employee who:

- (a) *Before September 29, 2012, is in the state service, is not uncovered pursuant to section 41-742, subsection A, and has remained in covered status without a break in service since that date.*
- (b) *Before September 29, 2012, is in the state service, is employed as a Correctional Officer I, Correctional Officer II, Correctional Officer III or Community Corrections Officer and has remained in covered status without a break in service since that date.*
- (c) *Before September 29, 2012, is in the state service, is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and has remained in that status without a break in service since that date.*
- (d) *On or after September 29, 2012, is a Correctional Officer I, Correctional Officer II, Correctional Officer III or Community Corrections Officer and is appointed to a position in the covered service, but does not include a*

position in any other class in the correctional officer class series or the community correctional officer class series or in any other correctional class series.

(e) *On or after September 29, 2012, is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and is appointed to a position that requires such a certification in the covered service. A.R.S. § 41-741(5)*

(f) On or after September 14, 2024, is employed by the Arizona Department of Corrections as a Correctional Captain, Correctional Lieutenant, Correctional Sergeant, Correctional Corporal, Correctional Officer IV, Community Corrections Unit Supervisor or Community Corrections Group Supervisor and is appointed to a position in the covered service.

“Covered position” means a position in the covered service.

“Covered positions in the Arizona Department of Corrections” means, for the purposes of R2-5A-403, pertaining to supplemental pay, R2-5A-B611, pertaining to meritorious service leave, and R2-5B-102, pertaining to applicability, the job classes listed in A.R.S. § 41-745(D).

“Covered service” is defined in A.R.S. § 41-741 and means that employment status conferring rights of appeal as prescribed in A.R.S. §§ 41-782 and 41-783 or A.R.S. § 41-1830.16, as applicable.

“Days” means calendar days, unless otherwise stated.

“Demotion” means a change in the assignment of an employee from a position in one class to a position in another class that has a lower grade.

“Department” means the Arizona Department of Administration.

“Director” means the Director of the Arizona Department of Administration, or the Director’s designee, who is responsible for administering the state personnel system pursuant to applicable state and federal laws. A.R.S. § 41-741(7)

“Disabled veteran” means, for the purposes of R2-5A-302, pertaining to preferences, an honorably separated veteran who served on active duty in the armed forces of the United States at any time and who has a service-connected disability.

“Disciplinary action” means a letter of reprimand, suspension, involuntary demotion, or dismissal.

“Employee” means all officers and employees of this state, whether in covered service or uncovered service, unless otherwise prescribed. A.R.S § 41-741(8)

“Employing agency” means the agency where the employee is employed or, if an applicant, the agency to which the person has applied.

“Essential job function” means a fundamental job duty of a position that an applicant or employee must be able to perform, with or without a reasonable accommodation.

“FLSA” means the federal Fair Labor Standards Act.

“FLSA exempt” means a position that is not entitled to overtime compensation under the FLSA.

“FLSA non-exempt” means a position that is entitled to overtime compensation under the FLSA.

“FMLA” means the federal Family and Medical Leave Act.

“Full authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona Peace Officer Standards and Training Board. A.R.S. § 41-741(9)

“Grade” means the numeric identifier associated with one or more pay ranges, used to determine the internal worth of a class relative to other classes.

“Manifest error” means an act or failure to act that is, or clearly has caused, a mistake.

“Parent” means, for purposes of R2-5A-B602, pertaining to annual leave, R2-5A-B603, pertaining to sick leave, and R2-5A-B605, pertaining to bereavement leave, a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or anyone who can be considered “in loco parentis.”

“Part-time” means employment scheduled for less than 40 hours per week.

“3/4 time” means employment regularly scheduled for at least 30 hours but fewer than 40 hours per week.

“1/2 time” means employment regularly scheduled for at least 20 hours but fewer than 30 hours per week.

“1/4 time” means employment regularly scheduled for at least 10 hours but fewer than 20 hours per week.

“Pay status” means an employee is receiving pay for work or for a compensated absence.

“Premium/contribution” means the amount paid in exchange for insurance coverage. Depending on the type of coverage, the premium/contribution is paid by the employee, the state, or a combination of both.

“Promotion” means a change in assignment of an employee from a position in one class to a position in another class that has a higher grade.

“Protected category” means race, color, national origin, religion, age, disability, genetic information, sex (including sexual orientation and gender identity), pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation.

“Reallocation” means changing the allocation of a position to a different class if a material and permanent change in duties or responsibilities occurs.

“Reversion” means the return of a covered employee on promotional probation to a position in the class in which the employee held permanent status immediately before the promotion or to a similar position in another class at the same grade as the class the employee held permanent status if the employee possesses the qualifications for that position.

“Rules” means the rules adopted by the Department of Administration, Human Resources Division. A.R.S. § 41-741(13)

“Special assignment” means the temporary assignment, for up to six months, of the duties and responsibilities of another position to an employee in the same agency.

“State agency” means a department, board, office, authority, commission or other governmental budget unit of this state and includes an agency assigned to a department for administrative purposes. State agency does not include the legislative and judicial branches, the Arizona Board of Regents, state universities, the Arizona State Schools for the Deaf and the Blind, the Department of Public Safety, the Arizona Peace Officer Standards and Training Board, the Cotton Research and Protection Council or public corporations. A.R.S. § 41-741(14)

“State Personnel Board” is defined in A.R.S. § 41-741 and means the board established by A.R.S. Title 41, Chapter 4, Article 6.

“State Personnel System” is defined in A.R.S. § 41-741 and means all state agencies and employees of those agencies that are not exempted by the provisions of A.R.S. Title 41, Chapter 4, Article 4.

“State service” is defined in A.R.S. § 41-741 and means all offices and positions of employment in state government that, before September 29, 2012, were subject to the provisions of A.R.S. Title 41, Chapter 4, Articles 5 and 6 that were in effect before September 29, 2012.

“Supervisor” means a state employee who has one or more other state employees reporting directly to the person and, for those state employees, typically has the authority to:

- (a) Approve sick or annual leave.
- (b) Recommend hiring, discipline or dismissal.
- (c) Assign or schedule daily work.
- (d) Complete a performance evaluation. A.R.S. § 41-741(18)

“Temporary appointment” means an appointment made for a maximum of 1,500 hours worked in any agency in each calendar year.

“Transfer” means the movement of an employee from one position to another position in the same or an equivalent grade.

“Uncovered employee” means an employee in uncovered service. A.R.S. § 41-741(19)

“Uncovered service” means employment at will and includes all state employees except those in covered service. A.R.S. § 41-741(20)

“Working day” or “working hours” means a day or the hours an employee is regularly scheduled to work.

ARTICLE 4. COMPENSATION SYSTEM

R2-5A-403. Supplemental Pay

- A.** General. Supplemental pay is in addition to an employee’s base pay. The salary of an employee may exceed the maximum salary of the pay range for the employee’s class if the excess amount is due to the receipt of supplemental pay.
- B.** Shift differential. The Director may authorize a shift differential to be paid to an employee on other than a day shift. The Director shall establish a competitive shift differential rate periodically based on an annual survey of the market place. Employees in the same class in the same agency who work on the same shift shall receive the same shift differential pay.
- C.** Special assignment. An employee on a special assignment shall remain in the employee’s current position with no change to base salary. If the classification to which the employee is on a special assignment is a higher grade, the employee shall be provided a conditional pay supplement in an amount that, when added to the employee’s base salary, would be within the range of the higher classification. If the classification to which the employee is on a special assignment is the same or a lower grade, the employee shall not be eligible for a conditional pay supplement while on special assignment. Any conditional pay supplement received by the employee for the special assignment shall be discontinued at the conclusion of the special assignment.

- D.** Conditional pay supplements. The Director may establish conditional pay supplements. A conditional pay supplement provides additional compensation to an eligible employee and shall be discontinued when the qualifying conditions no longer apply. An employee may be awarded multiple conditional pay supplements. A conditional pay supplement does not:
1. Change base salary;
 2. Provide a basis for the computation of a salary increase; or
 3. Provide a basis for the computation of pay upon an employee's promotion, demotion or transfer.
- E.** Variable pay.
1. The Director may establish variable pay strategies determined to be the prevailing practices in the market and in the best interest of the state.
 2. If the Director establishes variable pay strategies, the Director shall establish guidelines for the administration of variable pay.
 3. Variable pay shall be available only to uncovered employees, except for employees in covered positions ~~classified as Correctional Officers I, II, or III, or Community Corrections Officers~~ in the Arizona Department of Corrections, or covered positions that require full authority peace officer certification, as specified in the guidelines established by the Director.
 4. Subject to the guidelines established by the Director:
 - a. Variable pay strategies may be implemented at the discretion of the agency head.
 - b. Variable pay strategies are subject to the availability of funding and must be within an agency's appropriation unless otherwise legislatively appropriated.

R2-5A-404. Overtime

- A.** Approval of overtime work. An agency head may require that an employee work overtime and:
1. Shall approve in advance all work in excess of 40 hours per workweek or in excess of a work period as defined by the Fair Labor Standards Act (FLSA). FLSA Regulations 29 CFR 553 and 778 (July 2012), are incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments; and
 2. May assign an employee who volunteers for overtime before mandatory overtime is required.
- B.** Exemptions. The Director shall determine exemptions from minimum wage and maximum hour requirements in accordance with the Fair Labor Standards Act, 29 U.S.C. 213, January 2004, incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C.** Non-exempt employees.
1. An agency shall compensate an employee in a non-exempt position who works in excess of 40 hours per workweek or in excess of a work period as defined by the FLSA by either:
 - a. Additional pay at the rate of 1 1/2 times the employee's regular rate for each excess hour worked, or

- b. Compensatory leave at the rate of 1 1/2 hours for each excess hour worked.
 - 2. An employee shall select either overtime pay or compensatory leave for overtime compensation. ~~If the employee selects both overtime pay and compensatory leave, the agency head shall determine which applies.~~ If an employee's compensatory leave balance reaches the maximum allowed in subsection (E), the agency head shall compensate the employee by overtime pay.
- D. Exempt employees.**
- 1. Unless otherwise provided by statute or as specified in subsection (D)(2), an employee who is in a position that is exempt from the FLSA is excluded from receiving either overtime pay or compensatory leave.
 - 2. An employee who is in a position that is exempt from the FLSA who works in excess of 40 hours per workweek or in excess of an established work period shall receive for each hour of overtime worked, either one hour of additional pay or earn one hour of compensatory leave, at the option of the agency head, if the employee is either:
 - a. Engaged in law enforcement activities;
 - b. Engaged in firefighting activities; or
 - c. A full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board, is in a position that requires such certification, and is in the covered service.
 - 3. An exempt employee may earn compensatory leave as provided by subsection (D)(2) until the employee's compensatory leave balance reaches the maximum allowed in subsection (E). When the maximum balance is reached, an agency head shall compensate the employee by overtime pay for excess hours worked.
 - 4. For the purposes of this subsection, "engaged in law enforcement activities" has the same meaning as defined in A.R.S. Title 23, Chapter 2, Article 9.
- E. Maximum accumulation.** The maximum number of hours of accumulated compensatory leave is:
- 1. 480 hours for an employee who works in a public safety activity or an emergency response activity, or
 - 2. 240 hours for an employee who works in any other activity.

ARTICLE 6. LEAVE
PART B. PAID LEAVE

R2-5A-B602. Annual Leave

A. Definitions. For the purposes of this Section:

- 1. "Annual leave" means a period of approved absence with pay that is not chargeable to another category of leave.
- 2. "Hire date" means the employee's first day of work upon hire or, if the employee has a break in service, rehire.

B. Accrual.

- 1. All employees, except temporary and part-time employees shall accrue annual leave as follows:

- a. ~~Covered~~ Except as provided in subsection (B)(1)(b), covered employees shall accrue annual leave in accordance with the following schedule:

| Credited Service | Hours |
|---------------------------------|---|
| | Bi-weekly <u>Accrual</u> Hours Minutes (HH:MM) |
| Fewer than 3 years | 3.70 <u>3 hours 42 minutes (3:42)</u> |
| 3 years but fewer than 7 years | 4.62 <u>4 hours 38 minutes (4:38)</u> |
| 7 years but fewer than 15 years | 5.54 <u>5 hours 33 minutes (5:33)</u> |
| 15 years or more | 6.47 <u>6 hours 29 minutes (6:29)</u> |

- b. An employee of the Arizona Department of Corrections who was employed before September 14, 2024, as an uncovered Correctional Captain, Correctional Lieutenant, Correctional Sergeant, Correctional Corporal, Correctional Officer IV, Community Corrections Unit Supervisor or Community Corrections Group Supervisor and became covered on September 14, 2024, as amended by Laws 2024, Ch. 249, Sec. 3, and who remains in covered status without a break in service, shall accrue leave based on the following schedule:

| <u>Credited Service</u> | <u>Bi-weekly Accrual</u> |
|---------------------------------------|----------------------------------|
| | <u>Hours Minutes (HH:MM)</u> |
| <u>Fewer than 3 years</u> | <u>4 hours 0 minutes (4:00)</u> |
| <u>3 years but fewer than 9 years</u> | <u>5 hours 33 minutes (5:33)</u> |
| <u>9 years or more</u> | <u>6 hours 29 minutes (6:29)</u> |

- b.c. Except as provided in subsection ~~(B)(1)(c)~~ (B)(1)(d), uncovered employees shall accrue leave based on the following schedule:

| Credited Service | Hours |
|--------------------|---|
| | Bi-weekly <u>Accrual</u> Hours Minutes (HH:MM) |
| Fewer than 3 years | 4.00 <u>4 hours 0 minutes (4:00)</u> |

| | |
|--------------------------------|--|
| 3 years but fewer than 9 years | 5.54 <u>5 hours 33 minutes (5:33)</u> |
| 9 years or more | 6.47 <u>6 hours 29 minutes (6:29)</u> |

~~e.d.~~ An uncovered employee shall accrue annual leave at the rate of ~~6.47 hours~~ 6 hours 29 minutes (6:29) bi-weekly if:

- i. The employee's hire date is prior to September 29, 2012, the employee has remained employed without a break in service since that date, and the employee either was uncovered prior to September 29, 2012 or became uncovered in accordance with A.R.S. Title 41, Chapter 4, Article 4; or
 - ii. The employee is in a position listed in A.R.S. § 41-742(F).
2. Temporary employees shall not accrue annual leave.
 3. Part-time employees who:
 - a. Work 1/4 time, 1/2 time, or 3/4 time shall accrue a proportional amount of annual leave;
 - b. Work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time shall accrue annual leave at the next lower rate;
 - c. Work less than 1/4 time shall not accrue annual leave.
 4. Except as provided by R2-5A-D602 for an employee on industrial leave, an eligible employee accrues annual leave each bi-weekly pay period if the employee is in pay status for at least one-half of the employee's scheduled work hours in that pay period.
 5. An annual leave accrual is credited on the last day of the bi-weekly pay period in which the accrual is earned and is available for use on the first day of the following pay period.
 - a. Annual leave accrued during the last pay period that begins in a calendar year is not subject to forfeiture under subsection (D).
 - b. An employee who is separating from state employment is compensated in accordance with subsection (I) for annual leave accrued through the employee's last date of employment.
 6. The effective date for change in the accrual rate is the first day of the pay period immediately following the attainment of the required credited service.

C. Credited service.

1. Credited service shall be calculated from the first day of the first complete pay period worked.
2. Credited service shall include:
 - a. A period of service as an employee of a state budget unit before a break in service of less than two years;
 - b. A period of leave without pay of 240 hours or less;
 - c. Family and Medical Leave Act (FMLA) leave;
 - d. Military leave taken under A.R.S. §§ 26-168, 26-171, or 38-610; and
 - e. Active military service of an employee who is restored to state employment under A.R.S. § 38-298.

D. Accumulation.

1. Except as provided in subsections (D)(2) and (3), an employee shall forfeit annual leave in excess of the accumulation limit as of the last day of the last pay period that begins in a calendar year. The accumulation limit is:
 - a. Except as provided in subsection (D)(1)(c), 240 hours for a covered employee.
 - b. 320 hours for an uncovered employee.
 - c. 320 hours for an employee of the Arizona Department of Corrections who was employed before September 14, 2024, as an uncovered Correctional Captain, Correctional Lieutenant, Correctional Sergeant, Correctional Corporal, Correctional Officer IV, Community Corrections Unit Supervisor or Community Corrections Group Supervisor and became covered on September 14, 2024, as amended by Laws 2024, Ch. 249, Sec. 3, and who remains in covered status without a break in service.
2. An agency head may request an exception to the accumulation limit contained in subsection (D)(1) for an employee in an individual case.
 - a. An agency head seeking an exception shall submit a written request to the Director that contains a plan to use the excess hours during the following calendar year, pay the employee for the excess hours, or a combination of both.
 - b. The Director may approve, modify, or deny the request.
3. Annual leave earned for working on a day on which a state holiday is observed is not included in the accumulation limit specified in subsection (D)(1) and shall not be forfeited.

E. Use of annual leave.

1. An employee may take annual leave at any time approved by the agency head.
2. An agency head shall not advance annual leave to an employee.

F. Donation of annual leave.

1. Definitions. For the purposes of this subsection:
 - a. *“Immediate family” means the recipient employee’s parent, spouse, or child, whether natural, adopted, foster, or step.* A.R.S. § 41-748(B)(1)
 - b. *“Family” means spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, grandparent, grandchild, brother, sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, or niece.* A.R.S. § 41-748(B)(2)
 - c. *“Disability that is caused by pregnancy or childbirth” means, as certified by a licensed health care practitioner:*
 - i. An employee is unable to work due to the employee’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth; or
 - ii. A member of the employee’s immediate family requires assistance to perform regular daily activities due to the immediate family member’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth.

- d. "Extended" means a period of at least three consecutive weeks.
 - e. "Seriously incapacitating" means a licensed health care practitioner certifies that an illness, injury, or disability that is caused by pregnancy or childbirth:
 - i. Involves in-patient care, or
 - ii. Involves continuing treatment.
2. Eligibility to receive donation of annual leave. An employee who has exhausted all available leave balances is eligible to receive donations of annual leave if, as certified by a licensed health care practitioner:
 - a. The employee is unable to work due to:
 - i. A seriously incapacitating and extended illness or injury, or
 - ii. A seriously incapacitating and extended disability that is caused by pregnancy or childbirth, or
 - b. The employee needs to care for a member of the employee's immediate family who has:
 - i. A seriously incapacitating and extended illness or injury, or
 - ii. A seriously incapacitating and extended disability that is caused by pregnancy or childbirth.
 3. Eligibility to donate annual leave. An employee may donate annual leave to another employee who has exhausted all available leave balances if:
 - a. The recipient employee is employed in the same state agency as the donating employee, or
 - b. The recipient employee is a family member of the donating employee and employed in another state agency.
 4. Exhaustion of available leave. Before using donated annual leave, a recipient employee:
 - a. Who has a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust all available sick leave, compensatory leave, annual leave earned for working on a day on which a state holiday is observed and accrued annual leave; or
 - b. Whose immediate family member has a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust sick leave granted in accordance with R2-5A-B603(A)(4), if available, and all available compensatory leave, annual leave earned for working on a day on which a state holiday is observed and accrued annual leave.
 5. Calculation of ~~hours annual leave~~ donated. An agency head shall adjust the number of hours of annual leave donated in proportion to the hourly rate of pay of the donating employee and the recipient employee. To calculate the number of hours of donated annual leave:
 - a. Multiply the actual number of hours donated by the donating employee's hourly rate of pay, ~~and~~
 - b. Divide the result by the recipient employee's hourly rate of pay, ~~and~~
 - c. If the calculation results in a decimal, convert the decimal to minutes in accordance with the procedures established by the Director.
 6. Maximum duration. A recipient employee is limited to using donated annual leave to allow the employee to be absent from work for a maximum of six consecutive months, or if the leave is intermittent, 1040 hours (the employee's available leave plus leave donated to the employee) for each qualifying occurrence. If the recipient employee has a seriously incapacitating and extended illness or injury, or a seriously

incapacitating and extended disability that is caused by pregnancy or childbirth and the employee applies for Long-term Disability (LTD) by the end of the fifth month of the employee's leave, the recipient employee may continue to use donated annual leave for up to 60 additional days or until LTD benefit payments begin, whichever is sooner.

7. Unused donated leave. If the recipient employee separates from state employment, recovers before using all donated leave, attains the maximum donation of annual leave as permitted under subsection (F)(6), or the need for the donated annual leave is otherwise abated, the agency head shall return unused donated leave to employees who donated leave on a pro-rata basis.

G. Payment of annual leave. Subject to funding availability:

1. An agency head may pay an employee at any time at the employee's current rate of pay for all or any portion of the employee's annual leave that was earned as the result of working on a day on which a state holiday is observed.
2. An agency head may approve pay to a non-separating employee for all or any portion of the employee's accumulated and unused annual leave at the employee's current rate of pay subject to the following:
 - a. Agency procedures. Before paying an employee under this subsection, an agency head shall develop written standards and procedures that provide for equal consideration of all employees similarly situated. The agency head shall submit proposed standards and procedures and any subsequent changes to the Director for approval. The agency's procedures shall include at minimum:
 - i. Request and approval procedures;
 - ii. Documentation required to support the request for payment;
 - iii. Any limitations, as applicable, including, but not limited to: the maximum number of times an employee may receive payment under this subsection; the maximum number of hours an employee may be paid per occurrence; the minimum number of hours of annual leave an employee must have used in the previous 12 months; and the minimum balance an employee is required to maintain after payout, if any.
 - b. Restrictions. The agency head shall obtain the employee's concurrence if the payment would reduce the employee's annual leave balance to fewer than:
 - i. 240 hours for a covered employee;
 - ii. 320 hours for an uncovered employee.

H. Movement.

1. To another state agency. If an employee moves from one agency to another state agency, the employee's accumulated and unused annual leave shall be transferred to the employee's annual leave account in the new state agency, unless:
 - a. The provisions of subsection (H)(2) apply; or
 - b. The employee's leave exceeds the accumulation limit contained in subsection (D)(1). An agency head may pay an employee who transfers to another state agency for all excess annual leave at the time of the transfer. An agency head may transfer part or all of the employee's excess annual leave

accumulated by the employee who transfers to another agency with the gaining agency's concurrence. If the gaining agency does not concur, the losing agency shall pay all of the unused excess annual leave that the gaining agency will not accept.

2. To an employment status ineligible for leave accrual. If an employee becomes ineligible for accrual of annual leave under R2-5A-A601(B), the agency head or the agency head of the losing agency if the employee moves to another state agency, shall pay the employee for all unused and unforfeited annual leave at the employee's current rate of pay immediately before the change in status.
- I. Separation. An agency head shall pay an employee who separates from state employment for all unused and unforfeited annual leave at the employee's current rate of pay.

R2-5A-B603. Sick Leave

- A. Definition. "Sick leave" is any approved period of paid absence granted an employee due to:
1. Illness or injury that renders the employee unable to perform the duties of the employee's position.
 2. Disability of the employee that is caused by pregnancy, childbirth, miscarriage, or abortion.
 3. Examination or treatment of the employee by a licensed health care practitioner.
 4. Illness, injury, disability caused by pregnancy or childbirth, or examination or treatment by a licensed health care practitioner of an employee's spouse, dependent child, or parent. Sick leave granted for this purpose shall be charged to the employee's sick leave account and shall not exceed 40 hours per calendar year. For the purposes of this Section:
 - a. The term "dependent child" means a natural child, an adopted child, a foster child, or a stepchild, more than one-half of whose support is received from the employee.
 - b. The term "parent" means a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or an individual who stood "in loco parentis."
 5. Attendance at court-related proceedings by the employee under A.R.S. § 8-420 or A.R.S. § 13-4439.
- B. Accrual.
1. All state employees, except temporary and part-time employees, shall accrue sick leave at the rate of ~~3.70~~ 3 hours 42 minutes (3:42) bi-weekly.
 2. Temporary employees shall not accrue sick leave.
 3. Part-time employees who:
 - a. Work 1/4 time, 1/2 time, or 3/4 time shall accrue a proportional amount of sick leave;
 - b. Work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time will accrue sick leave at the next lower rate;
 - c. Work less than 1/4 time shall not accrue sick leave.
 4. Except as provided by R2-5A-D602 for an employee on industrial leave, an eligible employee accrues sick leave each bi-weekly pay period if the employee has been in a pay status for at least one-half of the employee's scheduled work hours in that pay period or month.

5. A sick leave accrual is credited on the last day of the bi-weekly pay period or month in which the accrual is earned and is available for use on the first day of the following pay period or month. An employee who is separating from state employment accrues leave through the employee's last date of employment for the purpose of determining the employee's accumulated sick leave at the time of the employee's separation pursuant to subsection (F).
- C.** Accumulation. Sick leave accumulates without limit.
- D.** Use of sick leave.
1. Sick leave may be taken when approved by the agency head.
 2. The agency head may require submission of evidence substantiating the need for sick leave. If the agency head determines the evidence is inadequate, the absence shall be charged to another category of leave or considered absence without leave.
 3. An agency head may require an employee to be examined by a licensed health care practitioner designated by the agency head.
 - a. If the licensed health care practitioner determines that the employee should not work due to illness or injury, the agency head may place the employee on sick leave or, if the employee's sick leave is exhausted, charge the absence to another category of leave or leave without pay.
 - b. The agency head may require the employee to obtain approval from the licensed health care practitioner before returning to work.
 - c. The agency shall pay for all examinations required pursuant to this subsection. The employee shall not be charged any leave while participating in or traveling to or from any examination required pursuant to this subsection.
- E.** Movement to another state agency. An employee who moves to another state agency shall transfer all accumulated and unused sick leave to the employee's sick leave account in the new state agency.
- F.** Separation. All sick leave credits are forfeited upon separation from state employment except as provided in A.R.S. § 38-615 or otherwise provided by law. However, an employee who returns to state employment within two years after separation shall be credited with all unused sick leave accumulated at the time of separation if the employee was not paid for accumulated sick leave pursuant to A.R.S. § 38-615.

R2-5A-B611. Meritorious Service Leave

- A.** The Director shall establish guidelines for meritorious service leave.
- B.** Except for employees in covered positions ~~classified as Correctional Officers I, II, or III, Community Corrections Officers in the Arizona Department of Corrections,~~ or positions that require full authority peace officer certification, meritorious service leave is only available to uncovered employees.
- C.** The guidelines established by the Director shall include at a minimum:
1. The maximum number of hours of meritorious service leave that may be awarded to an employee per calendar year;
 2. The maximum percentage of agency employees eligible for meritorious service leave;

3. A requirement that an employee shall use meritorious service leave within 12 months of receipt of the leave;
 4. A requirement that if the employee does not use the meritorious service leave within 12 months of receipt, that the leave is forfeited; and
 5. A statement that unused meritorious service leave is forfeited upon separation from state employment.
- D. Subject to the guidelines established by the Director, a meritorious service leave program may be implemented at the discretion of the agency head.

SUBCHAPTER B. COVERED EMPLOYEES

ARTICLE 1. GENERAL

R2-5B-102. Applicability

- A. The rules in this Subchapter are applicable to covered positions, applicants for covered positions and covered employees in the State Personnel System.
- B. Covered service is limited to the following:
 1. An employee who was in the state service as either a probationary or permanent status employee, was not required to become at will uncovered in accordance with A.R.S. Title 41, Chapter 4, Article 4, and who does not:
 - a. Voluntarily elect to become uncovered at will.
 - b. Voluntarily accept a change in assignment to a position in the uncovered service.
 - c. Have a break in service.
 2. An employee of the Arizona Department of Corrections who was employed before September 14, 2024, as an uncovered Correctional Captain, Correctional Lieutenant, Correctional Sergeant, Correctional Corporal, Correctional Officer IV, Community Corrections Unit Supervisor or Community Corrections Group Supervisor and became covered on September 14, 2024, as amended by Laws 2024, Ch. 249.
 - ~~2.3.~~ A newly hired employee who is appointed or a current uncovered employee who voluntarily accepts a change in assignment to:
 - a. A covered position in the Arizona Department of Corrections ~~that is classified as a Correctional Officer I, Correctional Officer II, Correctional Officer III, or a Community Corrections Officer;~~ or
 - b. A position in any state agency that requires certification as a full authority peace officer by the Arizona Peace Officer Standards and Training Board, provided the position is not in the uncovered service.

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION

STATE PERSONNEL SYSTEM

SUBCHAPTER A. COVERED AND UNCOVERED EMPLOYEES

SUBCHAPTER B. COVERED EMPLOYEES

January 2025

1. Identification of the rulemaking:

A.R.S. § 41-703 provides general authority for the Director of the Arizona Department of Administration (ADOA) to adopt rules. A.R.S. § 41-743 provides specific authority for the ADOA Director to adopt rules and procedures relating to personnel and personnel administration. This rulemaking amends the rules in 2 A.A.C. Chapter 5, Department of Administration - State Personnel System (SPS), for the following purposes: (1) to address issues identified during the configuration of AZ360 Human Resources (the HRIS Modernization Project), anticipated to go live in May 2025; and (2) to implement the provisions of Laws 2024, Ch. 249, which adds additional job classes within the Arizona Department of Corrections to covered service, and permits current uncovered employees who are moved from uncovered to covered service as a result of and on the effective date of the legislation to retain the annual leave benefits (accrual and accumulation) of uncovered employees.

2. Identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking:

The SPS is the largest personnel system in state government, encompassing over 100 state agencies, boards, commissions and offices, and approximately 34,000 employees. SPS rules affect SPS agencies, employees, and applicants for positions within the SPS. The SPS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on small businesses or other consumers. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the Department to prepare the rule package. Any financial impact or administrative expenses associated with the rules will be covered by ordinary operating funds.

3. Cost benefit analysis:

Annual costs/revenues changes are designated as minimal when more than \$0 and \$2,000 or less, moderate when between \$2,000 and \$20,000, and substantial when \$20,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

a. **The probable costs and benefits to the implementing agency and other agencies directly affected by the rulemaking, including the number of new full-time employees necessary to implement and enforce the proposed rule:**

In this rulemaking, the Department is amending seven Sections to align the rules with AZ360 Human Resources system requirements and to incorporate the provisions of Laws 2024, Ch. 249.

In May 2025, AZ360 Human Resources will be replacing an increasingly obsolete Human Resources Information Solution (HRIS). HRIS is the system the State uses to process more than \$2 billion in annual payroll, and administer and safeguard payroll, benefits and personnel data for more than 70,000 state employees and retirees. By 2027, HRIS will be almost 30 years old and at its end of life, with application support no longer available, placing at risk critical records and financial data of all state employees and retirees. HRIS modernization is needed to carry out efficient and compliant Human Resources services, with leading-edge technology, and is anticipated to save up to 3 million staff hours a year compared to our current processes. AZ360 is an all-in-one enterprise resource planning solution that will encompass all human resources operations, personnel data management and services, as well as the State's improved central accounting system, Arizona Financial Information System (AFIS).

During the configuration of AZ360 Human Resources, the teams identified several issues with the SPS rules and system requirements. The SPS rules have allowed FLSA non-exempt employees to elect overtime compensation as: additional pay at one and one-half times their regular rate of pay, compensatory leave at a rate of one and one-half hours for each excess hour worked, or either. If an employee elects either, the agency head determines which applies. In AZ360, a non-exempt employee may only elect to receive additional pay or compensatory leave. The Department anticipates that while removing the option to elect "either" will reduce some flexibility for state agencies, it will have little to no financial impact to the State. Overtime hours must be compensated in accordance with federal and state laws and may be in the form of additional pay or compensatory leave. Earned compensatory leave can be used by an employee for time off, is subject to accumulation limits, may be paid out at any time, and must be paid to an employee upon separation of employment from the State.

The Department is amending R2-5A-B602, Annual Leave, and R2-5A-B603, Sick Leave, to change the format for leave from decimal format to hours and minutes (HH:MM) because AZ360 calculates leave in hours and minutes. The Department estimates that this change may cause the State to incur substantial increased costs in the form of increased financial liability of up to \$300,000 annually statewide. The reason for the increase is due to situations where the conversion of the decimal format to hours and minutes does not equal a whole minute. In those cases, the Department made a policy decision to round up to the next whole minute in order to hold employees harmless to the change. The rulemaking implements this policy

decision and although the potential statewide impact is substantial, the anticipated costs to individual agencies will be in the minimal to moderate range, with only several of the larger agencies potentially seeing a substantial increase, and covered by the agencies' ordinary operating funds. The Department believes that if the State does not move to a new HR system, the costs would be significantly higher. As stated previously, the State's current HR system is nearly 30 years old, highly customized and difficult to maintain. The system will reach its end of life by 2027, with no more critical security and compliance updates or technical support, placing at risk critical personnel records and financial data. The Department has estimated that the new HR system will save up to 3 million staff hours a year. According to the State of Arizona 2024 Workforce Report, the average salary for state employees for FY 2024 was \$60,289 per year, or \$28.99 per hour. A savings of up to 3 million staff hours per year would result in an overall savings of up to approximately \$87 million per year, more than offsetting any costs associated with changing the leave format. The Department also anticipates that changing the format to hours and minutes will provide significant benefits in the form of efficiencies within the AZ360 system, which calculates time and leave in hours and minutes. This will allow the State to be able to use AZ360 as defined without any crosswalks and be easier to maintain going forward.

Laws 2024, Ch. 249 (HB2034) created inconsistencies with several State Personnel System (SPS) Rules, which the Department is also addressing in this rulemaking. There is a minimal cost to the Department to prepare the rule package, and the Department anticipates a moderate cost associated with programming. The legislation and corresponding rule amendments affect approximately 1,200 Arizona Department of Corrections (ADC) uncovered employees in seven job classes who were moved to covered service effective September 14, 2024. Certain covered corrections officers have rights and protections under Arizona Revised Statutes (A.R.S.), Title 38, Chapter 8, Article 1 (often referred to as the Peace Officers Bill of Rights), which outlines requirements for the employer, such as in cases of investigations and if disciplinary action is sought after the investigation. The rules in Subchapter B of the SPS rules are applicable to all covered employees in the SPS and include, but are not limited to, probationary periods, notice of disciplinary action and an employee's right to respond to the charges, grievance and appeal rights, and reduction in force procedures. Therefore, the Department anticipates that ADC will incur significant administrative costs associated with the movement of these employees and future appointments in the specified job classes to the covered service.

Further, uncovered employees who were moved from uncovered to covered service as a result of and on the effective date of the legislation retained the annual leave benefits (accrual and accumulation) of uncovered employees. The rule amendments do not create any increased costs; however, if the legislation had not included this provision, the employees would have been subject to the leave schedule for covered employees, resulting in lowered accrual rates and a lower accumulation amount, which would have resulted in reduced costs/liability for ADC.

Neither the Department nor any other state agencies will require new full-time employees to implement these amended rules.

b. The probable costs and benefits to political subdivisions of this state directly affected by the rulemaking:

No political subdivisions are directly affected by the rulemaking.

c. The probable costs and benefits to businesses directly affected by the rulemaking:

No businesses are directly affected by the rulemaking.

4. A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking:

These rules apply only to SPS agencies and employees and applicants for positions within the SPS. As such, there is no expected impact on private employment or on public employment in political subdivisions.

5. A statement of the probable impact of the rulemaking on small businesses:

These rules apply only to SPS agencies and employees and applicants for positions within the SPS. Therefore, this rulemaking will have no impact on small businesses.

a. An identification of the small businesses subject to the rulemaking:

Not applicable.

b. The administrative and other costs required for compliance with the rulemaking:

Not applicable.

c. A description of the methods that the agency may use to reduce the impact on small businesses:

Not applicable.

d. The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking:

Not applicable.

6. A statement of the probable effect on state revenues:

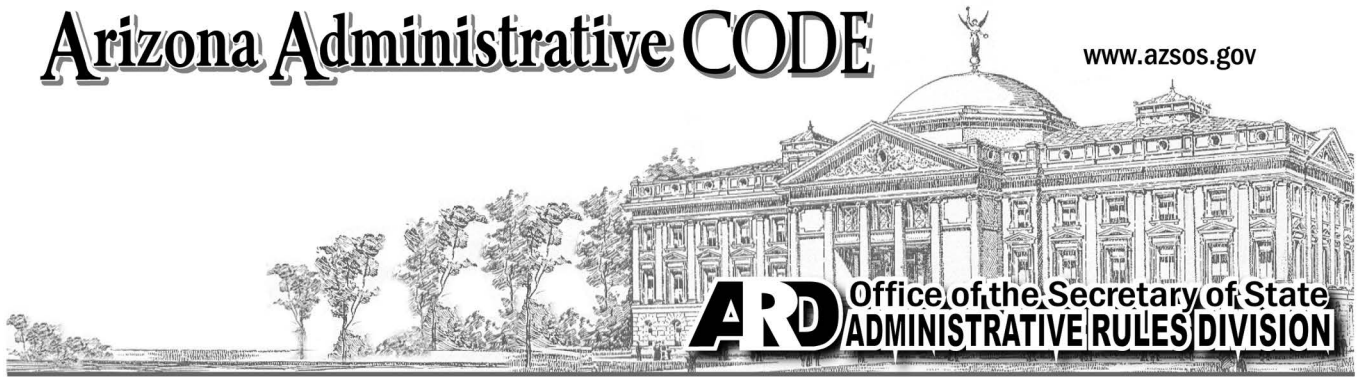
The Department does not expect the rules to affect state revenues. Any financial impact or administrative expenses associated with the rules will be covered by ordinary operating funds.

7. **A statement of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking:**

Since this rulemaking addresses issues associated with the implementation of a new HR system, as well as aligning with state statutory requirements, there is not a less intrusive or less costly alternative available at this time. As a result, no alternative method was considered.

8. **A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:**

Not applicable.



2 A.A.C. 5

Supp. 24-3

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION - STATE PERSONNEL SYSTEM

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2024 through September 30, 2024

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The release of this Chapter in Supp. 24-3 replaces Supp. 17-3, 1-36 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
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TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION - STATE PERSONNEL SYSTEM

A.R.S. §§ 41-703(3), 41-743(B)(3) and 41-771

Supp. 24-3

Editor's Note: The Chapter Title was amended from Department of Administration, Personnel Administration to Department of Administration, State Personnel System. All Articles 1 through 9 repealed under exempt rulemaking at 18 A.A.R. 2782 effective September 29, 2012 (Supp. 12-4).

Editor's Note: Because the rules in this Chapter that were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) have been repealed, the Chapter is printed on white paper (Supp. 99-3).

Editor's Note: This Chapter contains rules which were repealed and adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 288, § 10. Exemption from A.R.S. Title 41, Chapter 6 means the Department of Administration did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

Article 1 consisting of Sections R2-5-101 through R2-5-105; Article 2 consisting of Sections R2-5-201 through R2-5-210 and R2-5-213; Article 3 consisting of Sections R2-5-301 through R2-5-306; Article 4 consisting of Sections R2-5-401 through R2-5-411 and R2-5-413 through R2-5-418; Article 5 consisting of Sections R2-5-501 through R2-5-503; Article 6 consisting of Sections R2-5-601 through R2-5-605; Article 7 consisting of Sections R2-5-701 and R2-5-702; Article 8 consisting of Sections R2-5-801 through R2-5-803; and Article 9 consisting of Sections R2-5-901 and R2-5-902 adopted effective December 31, 1986 (Supp. 86-6).

Former Article 1 consisting of Sections R2-5-101 and R2-5-102; former Article 2 consisting of Sections R2-5-201 through R2-5-205; former Article 3 consisting of Sections R2-5-301 and R2-5-302; former Article 4 consisting of Sections R2-5-401 through R2-5-403; former Article 5 consisting of Sections R2-5-501 and R2-5-502; and former Article 6 consisting of Sections R2-5-601 through R2-5-605 repealed effective December 31, 1986 (Supp. 86-6).

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TITLE 2. ADMINISTRATION

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Editor's Note: Articles 1 through 9, under Chapter 5, Department of Administration, Personnel Administration repealed at 18 A.A.R. 2782 effective September 29, 2012 (Supp. 12-4).

ARTICLE 1. REPEALED**R2-5-101. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Subsection (48) corrected to read "without prejudice" (Supp. 95-2). Subsection (55) amended to correct a printing error (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 1040, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 4357, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 14 A.A.R. 2924, effective August 30, 2008 (Supp. 08-3). Amended by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-102. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Correction to subsection (A) as certified effective December 31, 1986 (Supp. 87-3). Amended by final rulemaking at 9 A.A.R. 1040, effective May 4, 2003 (Supp. 03-1). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-103. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1040, effective May 4, 2003 (Supp. 03-1). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-104. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section heading amended by final rulemaking at 9 A.A.R. 1040, effective May 4, 2003 (Supp. 03-1). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-105. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended by final rulemaking at 9 A.A.R. 1040, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 16 A.A.R. 685, effective June 5, 2010 (Supp. 10-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 2. REPEALED**R2-5-201. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-202. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-203. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Subsection (G) corrected to add omitted text following the word "error" (Supp. 95-2). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-204. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-205. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-206. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-207. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-208. Repealed**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section

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repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-209. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Repealed effective August 2, 1989 (Supp. 89-3).

R2-5-210. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

R2-5-211. Repealed**Historical Note**

Adopted effective August 2, 1989 (Supp. 89-3).
Amended effective September 15, 1994 (Supp. 94-3).
Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-212. Repealed**Historical Note**

Reserved Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-213. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Subsection (C)(2) corrected to read "job-related" in line 2; Amended effective April 20, 1995 (Supp. 95-2).
Amended by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 3. REPEALED**R2-5-301. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-302. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-303. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended effective August 2, 1989 (Supp. 89-3).
Amended effective September 15, 1994 (Supp. 94-3).
Amended effective March 4, 1997 (Supp. 97-1).
Amended effective August 5, 1997 (Supp. 97-3).
Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Amended by final rulemaking

at 16 A.A.R. 1129, effective August 7, 2010 (Supp. 10-2).
Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-304. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended by final rulemaking at 5 A.A.R. 4417, effective November 2, 1999 (Supp. 99-4). Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-305. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended effective April 20, 1995 (Supp. 95-2).
Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-306. Expired**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended by final rulemaking at 7 A.A.R. 2724, effective June 6, 2001 (Supp. 01-2). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 1143, effective May 31, 2006 (Supp. 07-1).

R2-5-307. Expired**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. New Section adopted effective March 10, 1993 (Supp. 93-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3483, effective July 19, 2002 (Supp. 02-3).

ARTICLE 4. REPEALED**R2-5-401. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-402. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended effective July 6, 1993 (Supp. 93-3). Amended effective April 20, 1995 (Supp. 95-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-403. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).
Amended as an emergency effective August 19, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Amended effective

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September 12, 1989 (Supp. 89-3). Amended effective September 14, 1990 (Supp. 90-3). Amended effective August 5, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 9 A.A.R. 2082, effective August 2, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1635, effective June 30, 2007 (Supp. 07-2). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-404. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-405. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective April 20, 1995 (Supp. 95-2). Amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-406. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-407. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-408. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-409. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-410. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended effective April 20, 1995 (Supp. 95-2).

Amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-411. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended effective April 20, 1995 (Supp. 95-2). Amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-412. Repealed**Historical Note**

Adopted as an emergency effective August 19, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Amended and adopted as a permanent rule effective September 12, 1989 (Supp. 89-3). Rule citation in subsection (B) corrected (Supp. 95-2). Former Section R2-5-412 renumbered to R2-5-413; new Section R2-5-412 adopted by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-413. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Amended effective April 20, 1995 (Supp. 95-2). Former Section R2-5-413 renumbered to R2-5-414; new Section R2-5-413 renumbered from R2-5-412 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-414. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Former Section R2-5-414 renumbered to R2-5-415; new Section R2-5-414 renumbered from R2-5-413 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 4309, effective November 4, 2008 (Supp. 08-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-415. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Former Section R2-5-415 renumbered to R2-5-416; new Section R2-5-415 renumbered from R2-5-414 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3,

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2000 (Supp. 00-4). Section repealed; new Section R2-5-415 renumbered from R2-5-423 and amended by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-416. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6) Amended effective August 2, 1989 (Supp. 89-3). Former Section R2-5-416 renumbered to R2-5-417; new Section R2-5-416 renumbered from R2-5-415 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4357, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-417. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 and September 12, 1989 (Supp. 89-3). Former Section R2-5-417 renumbered to R2-5-418; new Section R2-5-417 renumbered from R2-5-416 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4357, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1). New Section made by final rulemaking at 17 A.A.R. 650, effective June 4, 2011 (Supp. 11-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-418. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective August 2, 1989 (Supp. 89-3). Former Section R2-5-418 renumbered to R2-5-419; new Section R2-5-418 renumbered from R2-5-417 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-419. Repealed**Historical Note**

Adopted effective August 2, 1989 (Supp. 89-3). Former Section R2-5-419 renumbered to R2-5-421; new Section R2-5-419 renumbered from R2-5-418 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-420. Repealed**Historical Note**

Adopted effective August 2, 1989 (Supp. 89-3). Former Section R2-5-420 renumbered to R2-5-422; new Section R2-5-420 adopted by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-421. Repealed**Historical Note**

Adopted effective February 28, 1991 (Supp. 91-1). Former Section R2-5-421 renumbered to R2-5-423; new Section R2-5-421 renumbered from R2-5-419 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-422. Repealed**Historical Note**

New Section R2-5-422 renumbered from R2-5-420 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Amended by final rulemaking at 14 A.A.R. 1420, effective May 31, 2008 (Supp. 08-2). Section repealed by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

R2-5-423. Renumbered**Historical Note**

New Section R2-5-423 renumbered from R2-5-421 and amended by final rulemaking at 6 A.A.R. 4093, effective October 3, 2000 (Supp. 00-4). Former R2-5-423 renumbered to R2-5-415 by final rulemaking at 15 A.A.R. 207, effective March 7, 2009 (Supp. 09-1).

ARTICLE 5. REPEALED**R2-5-501. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective April 20, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 5811, effective December 6, 2001 (Supp. 01-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-502. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 5811, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 1733, effective July 1, 2006 (Supp. 06-2). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-503. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 7 A.A.R. 5811, effective December 6, 2001 (Supp. 01-4). Section repealed by

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exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 6. REPEALED**R2-5-601. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

R2-5-602. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

R2-5-603. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

R2-5-604. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

R2-5-605. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 6 A.A.R. 4572, effective November 13, 2000 (Supp. 00-4).

ARTICLE 7. REPEALED**R2-5-701. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 15, 1994 (Supp. 94-3). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-702. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective September 15, 1994 (Supp. 94-3). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 8. REPEALED**R2-5-801. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective July 25, 1994 (Supp. 94-3). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-802. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-803. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

Editor's Note: Article 9 contained rules which were repealed and adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 288, § 10. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Temporary rules repealed and adopted under these Sections are repealed from and after June 30, 1999 (Supp. 98-2). Temporary rules repealed and adopted pursuant to Laws 1997, Ch. 288, § 10 were repealed from and after June 30, 1999 and the rule in effect before the adoption of the temporary rules became effective again upon the repeal of the temporary rules (Supp. 99-3).

ARTICLE 9. REPEALED**R2-5-901. Repealed****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

Editor's Note: The following Section R2-5-902 was temporarily repealed and a new Section was temporarily adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 288, § 10. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Temporary rules adopted are repealed effective June 30, 1999 (Supp. 98-2). The temporary rules were repealed from and after June 30, 1999, pursuant to Laws 1997, Ch. 288, § 10; the rule in effect before the adoption of the temporary rules became effective again upon the repeal of the temporary rules (Supp. 99-3). Section R2-5-902 was repealed and a new Section was adopted by final rulemaking (Supp. 99-4).

R2-5-902. Repealed**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section R2-5-902 temporarily repealed; new Section temporarily adopted effective April 23, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1997, Ch. 288, § 10. Rules adopted under this temporary Section are repealed effective June 30, 1999 (Supp. 98-2). Section repealed from and after June 30, 1999, pursuant to Laws 1997, Ch. 288, § 10; the rule in effect before the adoption of the temporary rules

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became effective again upon the repeal of the temporary rules (Supp. 99-3). Section repealed by final rulemaking at 5 A.A.R. 4529, effective November 2, 1999; new Section adopted by final rulemaking at 6 A.A.R. 20, effective

December 7, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 958, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 16 A.A.R. 2379, effective January 15, 2011 (Supp. 10-4). Section repealed by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5-903. Repealed**Historical Note**

Emergency rule adopted effective January 4, 1996, pursuant to A.R.S. § 41-1026, in effect for a maximum of 180 days (Supp. 86-6). Adopted with changes effective June 7, 1996 (Supp. 96-2). Section repealed by final rulemaking at 17 A.A.R. 650, effective June 4, 2011 (Supp. 11-2).

Editor's Note: The following Section was temporarily adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 288, § 10. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Temporary rules adopted are repealed effective June 30, 1999 (Supp. 98-2). Section repealed from and after June 30, 1999, pursuant to Laws 1997, Ch. 288, § 10 (Supp. 99-3). New Section R2-5-904 adopted by final rulemaking (99-4). Section repealed by final rulemaking (Supp. 10-4).

R2-5-904. Repealed**Historical Note**

New Section adopted effective April 23, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1997, Ch. 288, § 10. This Section is automatically repealed effective June 30, 1999 (Supp. 98-2). Section repealed from and after June 30, 1999, pursuant to Laws 1997, Ch. 288, § 10 (Supp. 99-3). New Section adopted by final rulemaking at 6 A.A.R. 20, effective December 7, 1999 (Supp. 99-4). Formatting errors corrected (Supp. 08-3). Section repealed by final rulemaking at 16 A.A.R. 2379, effective January 15, 2011 (Supp. 10-4).

SUBCHAPTER A. COVERED AND UNCOVERED EMPLOYEES**ARTICLE 1. GENERAL****R2-5A-101. Definitions**

In this Subchapter, the following words and phrases have the defined meanings unless otherwise clearly indicated by the context: "Agency head" means the chief executive officer of a state agency, or designee.

"Appeal" means a covered employee's request for a review of a disciplinary action by the State Personnel Board under A.R.S. § 41-782 or the Law Enforcement Merit System Council under A.R.S. § 41-1830.16, as applicable.

"Applicant" means a person who seeks appointment to a position in state employment.

"Appointing authority" means the person or group of persons authorized by law or delegated authority to make appointments to fill positions. A.R.S. § 41-741(1)

"Appointment" means the offer to and the acceptance by a candidate of a position in a state agency.

"At will" means an employment relationship where either party to the relationship may sever the relationship at any time for any reason other than an unlawful reason. A.R.S. § 41-741(2)

"Base salary" means an employee's salary excluding supplemental pay provided by R2-5A-403, overtime pay or other pay allowance provided by law.

"Break in service" means a separation from state employment, regardless of the reason for separation. A.R.S. § 41-741(3)

"Business day" means the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding observed state holidays.

"Candidate" means a person whose education, experience, competencies and other qualifications meet the requirements of a position and who may be considered for employment.

"Cause" means any of the reasons for disciplinary action provided by A.R.S. § 41-773 or these rules.

"Change in assignment" means movement of an employee to a different position in the same state agency or another state agency. A.R.S. § 41-741(4)

"Child" means a natural child, adopted child, foster child, or stepchild.

"Class" means a group of positions with the same title and grade because each position in the group has similar duties, scope of discretion and responsibility, required qualifications, or other job-related characteristics.

"Class series" means a group of related classes as listed by the Arizona Department of Administration, Human Resources Division.

"Class specification" means a description of the type and level of duties and responsibilities of the positions assigned to a class.

"Competencies" means knowledge, skills, abilities, behaviors and other characteristics that contribute to successful job performance and the achievement of organizational results.

"Covered employee" means an employee who:

- (a) Before September 29, 2012, is in the state service, is not uncovered pursuant to section 41-742, subsection A, and has remained in covered status without a break in service since that date.
- (b) Before September 29, 2012, is in the state service, is employed as a Correctional Officer I, Correctional Officer II, Correctional Officer III or Community Corrections Officer and has remained in covered status without a break in service since that date.
- (c) Before September 29, 2012, is in the state service, is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and has remained in that status without a break in service since that date.

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- (d) *On or after September 29, 2012, is a Correctional Officer I, Correctional Officer II, Correctional Officer III or Community Corrections Officer and is appointed to a position in the covered service, but does not include a position in any other class in the correctional officer class series or the community correctional officer class series or in any other correctional class series.*
- (e) *On or after September 29, 2012, is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and is appointed to a position that requires such a certification in the covered service.* A.R.S. § 41-741(5)

“Covered position” means a position in the covered service.

“Covered service” is defined in A.R.S. § 41-741 and means that employment status conferring rights of appeal as prescribed in A.R.S. §§ 41-782 and 41-783 or A.R.S. § 41-1830.16, as applicable.

“Days” means calendar days, unless otherwise stated.

“Demotion” means a change in the assignment of an employee from a position in one class to a position in another class that has a lower grade.

“Department” means the Arizona Department of Administration.

“Director” means the Director of the Arizona Department of Administration, or the Director’s designee, who is responsible for administering the state personnel system pursuant to applicable state and federal laws. A.R.S. § 41-741(7)

“Disabled veteran” means, for the purposes of R2-5A-302, pertaining to preferences, an honorably separated veteran who served on active duty in the armed forces of the United States at any time and who has a service-connected disability.

“Disciplinary action” means a letter of reprimand, suspension, involuntary demotion, or dismissal.

“Employee” means all officers and employees of this state, whether in covered service or uncovered service, unless otherwise prescribed. A.R.S. § 41-741(8)

“Employing agency” means the agency where the employee is employed or, if an applicant, the agency to which the person has applied.

“Essential job function” means a fundamental job duty of a position that an applicant or employee must be able to perform, with or without a reasonable accommodation.

“FLSA” means the federal Fair Labor Standards Act.

“FLSA exempt” means a position that is not entitled to overtime compensation under the FLSA.

“FLSA non-exempt” means a position that is entitled to overtime compensation under the FLSA.

“FMLA” means the federal Family and Medical Leave Act.

“Full authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona Peace Officer Standards and Training Board. A.R.S. § 41-741(9)

“Grade” means the numeric identifier associated with one or more pay ranges, used to determine the internal worth of a class relative to other classes.

“Manifest error” means an act or failure to act that is, or clearly has caused, a mistake.

“Parent” means, for purposes of R2-5A-B602, pertaining to annual leave, R2-5A-B603, pertaining to sick leave, and R2-5A-B605, pertaining to bereavement leave, a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or anyone who can be considered “in loco parentis.”

“Part-time” means employment scheduled for less than 40 hours per week.

“3/4 time” means employment regularly scheduled for at least 30 hours but fewer than 40 hours per week.

“1/2 time” means employment regularly scheduled for at least 20 hours but fewer than 30 hours per week.

“1/4 time” means employment regularly scheduled for at least 10 hours but fewer than 20 hours per week.

“Pay status” means an employee is receiving pay for work or for a compensated absence.

“Premium/contribution” means the amount paid in exchange for insurance coverage. Depending on the type of coverage, the premium/contribution is paid by the employee, the state, or a combination of both.

“Promotion” means a change in assignment of an employee from a position in one class to a position in another class that has a higher grade.

“Protected category” means race, color, national origin, religion, age, disability, genetic information, sex (including sexual orientation and gender identity), pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation.

“Reallocation” means changing the allocation of a position to a different class if a material and permanent change in duties or responsibilities occurs.

“Reversion” means the return of a covered employee on promotional probation to a position in the class in which the employee held permanent status immediately before the promotion or to a similar position in another class at the same grade as the class the employee held permanent status if the employee possesses the qualifications for that position.

“Rules” means the rules adopted by the Department of Administration, Human Resources Division. A.R.S. § 41-741(13)

“Special assignment” means the temporary assignment, for up to six months, of the duties and responsibilities of another position to an employee in the same agency.

“State agency” means a department, board, office, authority, commission or other governmental budget unit of this state and includes an agency assigned to a department for administrative purposes. State agency does not include the legislative and judicial branches, the Arizona Board of Regents, state universities, the Arizona State Schools for the Deaf and the Blind, the Department of Public Safety, the Arizona Peace Officer Standards and Training Board, the Cotton Research and Protection Council or public corporations. A.R.S. § 41-741(14)

“State Personnel Board” is defined in A.R.S. § 41-741 and means the Board established by A.R.S. Title 41, Chapter 4, Article 6.

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“State Personnel System” is defined in A.R.S. § 41-741 and means all state agencies and employees of those agencies that are not exempted by the provisions of A.R.S. Title 41, Chapter 4, Article 4.

“State service” is defined in A.R.S. § 41-741 and means all offices and positions of employment in state government that, before September 29, 2012, were subject to the provisions of A.R.S. Title 41, Chapter 4, Articles 5 and 6 that were in effect before September 29, 2012.

“Supervisor” means a state employee who has one or more other state employees reporting directly to the person and, for those state employees, typically has the authority to:

- (a) Approve sick or annual leave.
- (b) Recommend hiring, discipline or dismissal.
- (c) Assign or schedule daily work.
- (d) Complete a performance evaluation. A.R.S. § 41-741(18)

“Temporary appointment” means an appointment made for a maximum of 1,500 hours worked in any agency in each calendar year.

“Transfer” means the movement of an employee from one position to another position in the same or an equivalent grade.

“Uncovered employee” means an employee in uncovered service. A.R.S. § 41-741(19)

“Uncovered service” means employment at will and includes all state employees except those in covered service. A.R.S. § 41-741(20)

“Working day” or “working hours” means a day or the hours an employee is regularly scheduled to work.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-102. General Provisions

- A. Authority of Director.**
 1. The Director may approve, modify or deny a request, plan or proposal submitted by a state agency for review or when the Director’s approval is required by rule.
 2. The Director may audit an agency’s personnel policies and procedures at any time. If the Director determines that the agency’s policies or procedures are inconsistent with these rules or are inconsistent with the procedures or guidelines issued by the Director, the Director may direct the agency head to modify them to achieve consistency or to discontinue them.
- B. Delegation of authority.**
 1. The Director may, in writing, delegate authority to an agency head as consistent with legal requirements.
 2. The Director may review or audit delegated authority to determine compliance with laws, rules, and policies.
 3. Unless otherwise stated by law, or in these rules, an agency head may delegate authority granted to the agency head in these rules.
- C. Availability of funds.** The granting of any compensation under these rules is contingent upon the availability of funds, as determined by an agency head and the Director.
- D. Service of notice.** If a notice or document is to be given to a person or agency, the notice or document may be served per-

sonally or mailed to the last known residence or current business address of the person or agency. Unless otherwise provided by law or these rules, service is complete upon personal delivery or mailing.

- E. Employee handbook.** The Director may publish an employee handbook outlining pertinent rules and regulations and make the handbook available to all employees. If published, the employee handbook shall serve as the official handbook for all employees in the State Personnel System. An agency head may supplement the employee handbook with agency specific policies and directives.
- F. Employment contracts.** Unless otherwise provided by law, an appointing authority shall not execute an employment contract with any state employee.
- G. Correction of errors.** Only the Director, or designee, has authority to determine whether a manifest error exists and to correct the manifest error.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-103. Applicability

- A. General.** Except as provided in A.R.S., Title 41, Chapter 4, Article 4 and Article 5, or otherwise stated in rule, the rules in this subchapter are applicable to covered and uncovered positions, applicants for covered and uncovered positions and covered and uncovered employees in the State Personnel System. An employee who violates or fails to comply with these rules may be disciplined or separated from state employment. Any such actions involving a covered employee shall be in accordance with the rules in Subchapter B, Article 3.
- B. Temporary procedures.** The Director may:
 1. Unless otherwise prescribed by statute, waive any rule and implement temporary procedures if the Director determines that essential public services are being hampered or it is in the best interest of the state.
 2. Implement a temporary pilot project to improve efficiency, productivity, or accountability in the State Personnel System. The project may include an activity or procedure that is not in accordance with these rules and shall not exceed two years in duration.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-104. Prohibition Against Discrimination, Harassment and Retaliation

- A. General.** Agencies shall comply with all federal and state anti-discrimination laws. Agencies shall not unlawfully discriminate against any individual with regard to the terms and conditions of employment, including hiring, pay, leave, insurance benefits, retention, and rehiring. The information provided in this rule is intended to serve as a summary of agencies’ and employees’ obligations with regard to compliance with applicable federal and state laws, rules and regulations. Nothing in these rules shall be construed as providing rights in excess of, or in addition to those authorized under federal laws and Arizona Revised Statutes.
- B. Equal Employment Opportunity.** Each agency shall provide equal employment opportunity for all individuals regardless of race, color, national origin, religion, age, disability, genetic information, sex (including sexual orientation and gender identity), pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation. It is the

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policy of this state that all individuals are treated in a fair and non-discriminatory manner throughout the application and employment process.

- C. Harassment Prohibited.** Harassment of a sexual nature or harassment based on any protected category is prohibited. An agency shall prohibit the unlawful harassment of any employee in the course of the employee's work by supervisors, coworkers, or third parties, such as vendors or customers. Any employee who engages in unlawful harassment may be subject to disciplinary action, up to and including termination of employment.
- D. Protection from Retaliation.** The state prohibits retaliation against anyone for raising a concern about, assisting in an investigation of, or filing a complaint concerning unlawful discrimination or unlawful harassment.
- E. Complaints.**
1. An applicant for state employment who has a complaint alleging discrimination or harassment may file a complaint under the procedures in R2-5A-308.
 2. It is every employee's responsibility to promptly bring any allegation of discrimination, harassment or retaliation to the attention of the employing agency. Such complaints shall be filed under the procedures established under Article 9.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-105. Records

- A. Definitions.** For the purposes of this Section, "record" generally refers to a paper document; however, a document may be maintained electronically.
- B. Application Materials.**
1. An agency head shall maintain and keep confidential all resumés, applications, tests, test results, records, correspondence, and other documents used to seek state employment. The agency head shall not release any materials that the agency head determines would compromise the application process for future applicants and shall restrict the review of the applicant's application materials to:
 - a. The applicant,
 - b. An individual who has written authorization from the applicant,
 - c. State officials in the normal line of duty, or,
 - d. Officials acting in response to court orders or subpoenas.
 2. The Director, or designee, shall ensure that when a person makes a public records request under A.R.S. Title 39, Chapter 1, Article 2 for applicant information:
 - a. Information shall only be provided if the position under recruitment is a high-level position and the public has a legitimate interest in the names of persons being seriously considered for the position, as determined by the Director; and
 - b. Only the names and resumés of the final candidates for the position as determined by the Director shall be released.
- C. Official Personnel File.**
1. An employee's official personnel file is the official record and documentation of the employee's employment.

2. An agency head shall, for each agency employee, maintain an official personnel file that contains:
 - a. A copy of the job application for the employee's current position;
 - b. A copy of all performance appraisals completed as required by Article 7;
 - c. Personnel action forms that authorize changes in employment status, position, classification, pay, or leave status;
 - d. Letters of commendation as established by agency policy; and
 - e. Correspondence consisting of:
 - i. Disciplinary actions;
 - ii. Acknowledgments of receipt of disciplinary actions; and
 - iii. Employee objections or responses to correspondence described in subsection (C)(2)(e)(i) that are not filed as complaints under Article 9 or grievances under Subchapter B, Article 4, if the objection or response is received within 30 calendar days of the date of the disciplinary action.
 3. For the purpose of this subsection, an official is an individual who provides identification verifying that the individual is exercising powers and duties on behalf of the chief administrative head of a public body. An agency head shall limit access to an employee's official personnel file to:
 - a. The employee;
 - b. The employee's attorney or an individual who has written authorization from the employee to review the personnel file;
 - c. Agency personnel designated by the agency head as having a need for the information;
 - d. A Department official in the normal line of duty;
 - e. An official acting in response to a court order or subpoena;
 - f. An official of an agency to which the employee has applied; and
 - g. An official of an agency of the federal government, state government, or political subdivision, if the agency head of the employing agency deems access to the file to be appropriate.
 4. When an employee moves from one state agency to another, the gaining agency shall request that the losing agency forward the employee's official personnel file to the gaining agency. The losing agency shall forward the file within 20 business days of the receipt of the request.
 5. When a former employee returns to state employment within five years of the former employee's separation to an agency other than the agency in which the employee was last employed, the gaining agency shall request that the last agency forward the employee's official personnel file. The last agency shall forward the file within 20 business days of the receipt of the request.
- D. Disclosure of information.**
1. Definitions. For the purposes of this subsection:
 - a. "Records that are reasonably necessary or appropriate to maintain an accurate knowledge of the employee's disciplinary actions" includes disciplinary actions, an official notice of charges of misconduct as applicable to covered employees, the final disciplinary letter, and any responses related to

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complaints, grievances or appeals upholding, amending, or overturning the discipline.

- b. "Employee responses" means any written documents, submitted and signed by the employee, either:
- i. In response to an official notice of charges of misconduct;
 - ii. As a formal complaint filed under the provisions of Article 9 or a formal grievance under Subchapter B, Article 4, pertaining to a specific disciplinary action; or
 - iii. As an objection to a specific disciplinary action and contained in the employee's official personnel file under subsection (C)(2)(e)(iii).

2. Personnel records are confidential and an agency head shall ensure that except as provided in subsection (C)(3), only the following information about a current or former employee is provided to any person making a public records request under A.R.S. Title 39, Chapter 1, Article 2.

- a. Name of employee;
- b. Date of employment;
- c. Current and previous class titles and dates of appointment to the class;
- d. Current and previous agencies to which the employee has been assigned and the location of the main office for each agency;
- e. Current and previous salaries and dates of each change;
- f. Name of employee's current or last known supervisor; and
- g. Records that are reasonably necessary or appropriate to maintain an accurate knowledge of the employee's disciplinary actions, including the employee responses to all disciplinary actions, unless providing this information is contrary to law.

- E. Insurance and medical records. An agency head:

1. May maintain group insurance enrollment forms in an employee's official personnel file for an employee hired prior to September 29, 2012.
2. Shall maintain in a separate file that is not part of the employee's official personnel file:
 - a. Medical records, and
 - b. Group insurance enrollment forms for an employee hired on or after September 29, 2012.

- F. Employment eligibility records. An agency head shall retain I-9 forms and other documents required by law to prove employment eligibility in a separate file that is not part of the employee's official personnel file.

- G. Employee access to files. An employee has the right to review only the employee's official personnel file.

- H. Recordkeeping Requirements. An agency head shall ensure that agency recruitment and employee records are maintained in accordance with the General Records Retention Schedule for Human Resources/Personnel Records published by and on file with the Secretary of State, Arizona State Library, Archives and Public Records.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by

final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

ARTICLE 2. CLASSIFICATION SYSTEM**R2-5A-201. Classification Plan**

- A. General. The Director shall group positions into classes based on similarities of duties and responsibilities. All positions are assigned a class specification with a specific title. An agency head may not appoint, transfer, promote, or demote an employee, or make any change in salary for any position until the position is allocated to a class.
- B. Class title. An agency head shall use the class title of a position to designate the position in all budget estimates, payrolls, vouchers, and communications in connection with personnel processes.
- C. Class specification. A class specification indicates the kinds of positions to be allocated to the class, as determined by the duties and responsibilities described for that class. Each class specification shall contain a statement of the minimum education, experience, competencies, and other qualifications required to perform the work. Required postsecondary education shall be attained in an institution that meets the standards established by an accrediting agency recognized by the U.S. Department of Education.
- D. Position description. An agency head shall ensure that every position in the agency has a completed position description describing the current duties, responsibilities, and essential job functions specific to the position.
- E. Allocation. The Director shall place every position in a class based on its duties and responsibilities.
- F. Reallocation. Upon completion of a review of a position, the Director may determine that the position should be placed in a different class.
- G. Regrade. Upon completion of a review of a classification, the Director may determine that the class should be placed in a different grade.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-202. Change in Classification

- A. Change in classification plan. The Director may establish new classes and divide, combine, alter, or abolish existing classes, grades, or both, in consultation with affected agency heads.
- B. Change in job duties.
 1. An employee in a position or the agency head may file a written request with the Director for review of the classification of the position. The request shall contain an updated position description, a specific explanation of how and when the position's duties and responsibilities have changed and the reasons why the current classification does not match these job duties.
 2. If a material and permanent change takes place in the duties and responsibilities of a position, the agency head shall report this change to the Director in an updated position description. The Director may order a reallocation of the position. The employee in the position at the time of reallocation shall continue to serve in the position.
- C. Effective date. The effective date of a change in classification shall be the first day of the pay period immediately following the Director's determination, unless the Director authorizes an exception.

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Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-203. Expired**Historical Note**

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 2489, effective August 8, 2017 (Supp. 17-3).

ARTICLE 3. RECRUITMENT, SELECTION AND APPOINTMENT**R2-5A-301. General**

An agency head shall follow the requirements outlined in this Article to identify and appoint qualified candidates to fill vacancies. The Director shall establish and maintain a centralized employment system that includes a job board for announcing vacancies in state employment, applicant tracking and candidate identification. The Director shall establish procedures for state agencies to request approval for transportation or other travel expenses or moving expenses provided by A.R.S. § 35-196.01 for out of state candidates.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5A-302. Recruitment**A. Job posting.**

1. Unless exempted by A.R.S. Title 41, Chapter 4, Article 4, an appointing authority shall post an open position to the state's centralized job board. This includes recruitments open to only employees currently employed by the agency, to state employees currently employed in any state agency, or the general public. An agency head may authorize an exception to the job posting requirement for a position in an individual case. Any exceptions shall be documented by the agency head and subject to audit by the Director.
2. In addition to posting to the state's centralized job board, an appointing authority may post an open position in a publication or to a commercial job posting board or both, in compliance with applicable procurement rules.

B. Application form.

1. A candidate for a position shall complete the standardized application form developed by the Director.
2. In addition to the standardized application form, an agency head may develop supplemental application procedures and forms specific to the agency or to a certain class or classes within the agency.

C. Preferences.

1. The state will provide preference to qualified veterans and disabled veterans seeking employment with the state.
2. For positions in the covered service, preference points authorized by A.R.S. § 38-492 shall be added to an applicant's grade on any assessment or evaluation that results in a numeric grade after the final grade is determined, if a passing grade is earned without the addition of preference points. Preference points shall not be applied to promotional examinations. If an evaluation does not result in a numeric grade, preference shall be given by granting applicable preference codes to qualified applicants.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-303. Reference and Background Checks

A candidate may be required to furnish, at the candidate's own expense, evidence of education or other qualification. The appointing authority is responsible for verifying education, work experience, applicable license or licenses and references provided by candidates on the application form and in interviews. An appointing authority shall not conduct a criminal background check or a credit check on a candidate unless the agency has statutory or executive order authority to conduct such a check.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-304. Qualifications of Selected Candidate

An agency head shall ensure that any candidate selected for hire meets the established qualifications for the position filled.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-305. Employment of Relatives

- A. Relationship to supervisors. An individual shall not be employed in a position if the immediate supervisor of the individual is related within the third degree of affinity (marriage) or consanguinity (blood), or by adoption.
- B. Relationship to other employees. An individual shall not be employed in a position if the individual is related within the third degree to an employee who currently occupies a position under the same immediate supervisor.
- C. Exceptions. The Director may grant an exception to the prohibitions in subsections (A) and (B) if there is no other qualified person for the position at the location.
- D. Relationship to subordinate employees. A supervisor or manager at any level shall not make an employment decision specifically benefitting any individual who is related within the third degree, unless an exception under subsection (C) has been granted.
- E. Relationship to interviewer or interview panel members. An employee shall not interview or serve on an interview panel of any job candidate if the candidate is related within the third degree. An agency head may authorize an exception in an individual case. Any exception shall be documented by the agency head and subject to audit by the Director.
- F. Definition. For the purpose of this Section, persons related within the third degree include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, niece, nephew or first cousin.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-306. Hiring Requirements

Agencies shall comply with federal and state law, including the verification of employment eligibility pursuant to A.R.S. § 23-214. An agency head shall ensure the completion of the Form I-9 and the employment eligibility verification process for all new hires.

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Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-307. Appointment

- A.** General. Except as provided in A.R.S. Title 41, Chapter 4, Articles 4 and 5, all appointments shall be at will uncovered. An agency head may appoint a current state employee who accepts a change in assignment or an external candidate in accordance with these rules and the procedures established by the Director.
- B.** Types of Appointment.
1. A regular appointment may be:
 - a. Full-time employment;
 - b. Part-time employment;
 - c. Subject to funding availability, such as federal or grant funding; or
 - d. To a trainee position.
 2. A temporary appointment may be made for a recurring period of time up to a maximum of 1500 hours in any one position per agency each calendar year. A temporary appointment employee may work full time for a portion of the year, intermittently, on a seasonal basis, or on an as needed basis. An employee in a pool classification is considered a temporary appointment.
 3. An agency head may place an employee on special assignment within the agency. A special assignment may be made non-competitively and for up to 6 months with the concurrence of the agency head of the employing agency and the Director. A special assignment shall not exceed 6 months unless extended by the Director. An agency head shall not make successive special assignments of the same person to the same class.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5A-308. Applicant Complaint

An applicant who has a complaint alleging discrimination or harassment relating to the procedures used in the selection or evaluation process shall submit the applicant complaint to the agency human resources representative within 90 days of the action giving rise to the complaint. The agency human resources representative shall evaluate the complaint and notify the applicant of the final action to be taken.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 4. COMPENSATION SYSTEM**R2-5A-401. Salary Plans**

- A.** General. The Director shall establish a salary plan. The salary plan shall allow for the following:
1. Minimum and maximum rates of pay for classes outlined in the classification plan.
 2. Salary adjustments, including adjustments to base salary and pay supplements and incentives, including add-ons to base salary.
- B.** Alternative salary plan. The Director may establish a special salary plan or pay practice determined to be the prevailing practice in the labor market and in the best interest of the state.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-402. Salary Administration

- A.** General. The Director shall develop procedures for salary administration for use by all agencies when setting the salary of an employee. In setting an employee's salary, an agency head shall consider such factors as the employee's education, experience, skills, performance, and the current salaries of employees in the same class in the agency and the relative experience and performance of those employees.
- B.** Classes. The Director shall assign each class to a salary range and to a grade.
- C.** Salary. The base salary of an employee shall be not less than the minimum nor more than the maximum of the salary range of the class to which the employee's position is allocated, except as provided by these rules.
- D.** Salary adjustment. The salary used to compute a salary adjustment is the employee's base salary. Following an adjustment to the base salary, an agency shall add to the new rate of pay any special pay supplement still valid.
- E.** New hire starting rate. An agency head may offer a salary to a new hire within the salary range of the class to which the employee is being appointed in accordance with the procedures and guidelines published by the Director, unless an exception is approved by the Director.
- F.** Promotion. An employee who has a change in assignment from a position in one class to a position in another class having a higher grade shall receive a salary increase as determined by the agency head in accordance with the procedures and guidelines published by the Director, unless an exception is approved by the Director.
- G.** Demotion.
1. An employee who has a change in assignment from a position in one class to a position in another class having a lower grade, whether voluntary or involuntary, shall receive a salary decrease as determined by the agency head in accordance with the procedures and guidelines published by the Director, unless an exception is approved by the Director.
 2. A demoted employee shall not be eligible for an increase to base salary for six months after the effective date of the demotion to the new position, other than a salary increase that is legislatively mandated. After six months, the employee may become eligible for a salary increase only after a performance evaluation in the new position for which the employee received an overall rating of "meets expectations" or higher.
- H.** Lateral transfer. An employee who has a change in assignment from a position in one class to a position in the same class or in another class having the same grade shall receive no increase in salary, unless an exception is approved by the Director. The Director may approve a salary increase based upon documentation of recruitment difficulties to fill the position, specific needs identified by the agency, or the employee's qualifications. Transferred employees are not eligible for increases to base salary during their first six months in the new job unless approved by the Director. An employee who transfers to another agency may become eligible for a salary increase only after a performance evaluation in the new position for which the employee received an overall rating of "meets expectations" or higher.
- I.** Reversion of covered employee. A covered employee who is reverted under the rules in Subchapter B shall be paid the same

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salary as that paid prior to the promotion, plus the percentage or dollar amount of increase of an intervening general salary adjustment for which the employee was eligible.

J. Job reallocation.

1. The base salary of an employee in a position that is reallocated to a class in a higher pay range may receive a salary increase in accordance with the procedures and guidelines published by the Director. If increasing the base salary of an employee would result in a salary level that is less than the minimum or greater than the maximum salary of the pay range, the employee's salary shall be the minimum or the maximum salary of the pay range, respectively.
2. The base salary of an employee in a position that is reallocated to a class with the same or lower pay range shall remain the same provided that the employee's salary is within the pay range of the position. If the employee's salary is less than the minimum of the salary range or greater than the maximum salary of the new pay range, the employee's salary shall be the minimum salary or the maximum salary of the new pay range, respectively.

K. Job regrade.

1. The base salary of an employee in a class that is reassigned to a higher grade shall be adjusted by the amount determined by the Director. If adjusting the base salary of an employee would result in a salary level that is less than the minimum or greater than the maximum salary of the pay range, the employee's salary shall be the minimum or the maximum salary of the pay range, respectively.
2. The base salary of an employee in a class that is reassigned to a lower grade shall remain the same provided that the employee's salary is at or above the minimum salary of the new pay range of the class, and may be greater than the maximum salary of the pay range. If the employee's salary is greater than the maximum, the employee is not eligible for an increase to base pay until the employee's salary is less than the maximum salary of the new pay range.

L. Merit increases.

1. The Director shall establish guidelines for merit increases to base pay.
2. Merit increases shall be available:
 - a. To uncovered employees.
 - b. To covered employees only if such increases are legislatively appropriated.
3. Subject to the guidelines established by the Director:
 - a. Merit increases may be implemented at the discretion of the agency head.
 - b. Merit increases are subject to the availability of funding and must be within an agency's appropriation unless otherwise legislatively appropriated.

M. Legislatively-appropriated salary adjustments. Subject to legislative appropriation, the Director shall determine employee eligibility and criteria for salary adjustments.**Historical Note**

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-403. Supplemental Pay

- A. General.** Supplemental pay is in addition to an employee's base pay. The salary of an employee may exceed the maximum salary of the pay range for the employee's class if the excess amount is due to the receipt of supplemental pay.
- B. Shift differential.** The Director may authorize a shift differential to be paid to an employee on other than a day shift. The Director shall establish a competitive shift differential rate periodically based on an annual survey of the market place. Employees in the same class in the same agency who work on the same shift shall receive the same shift differential pay.
- C. Special assignment.** An employee on a special assignment shall remain in the employee's current position with no change to base salary. If the classification to which the employee is on a special assignment is a higher grade, the employee shall be provided a conditional pay supplement in an amount that, when added to the employee's base salary, would be within the range of the higher classification. If the classification to which the employee is on a special assignment is the same or a lower grade, the employee shall not be eligible for a conditional pay supplement while on special assignment. Any conditional pay supplement received by the employee for the special assignment shall be discontinued at the conclusion of the special assignment.
- D. Conditional pay supplements.** The Director may establish conditional pay supplements. A conditional pay supplement provides additional compensation to an eligible employee and shall be discontinued when the qualifying conditions no longer apply. An employee may be awarded multiple conditional pay supplements. A conditional pay supplement does not:
 1. Change base salary;
 2. Provide a basis for the computation of a salary increase; or
 3. Provide a basis for the computation of pay upon an employee's promotion, demotion or transfer.
- E. Variable pay.**
 1. The Director may establish variable pay strategies determined to be the prevailing practices in the market and in the best interest of the state.
 2. If the Director establishes variable pay strategies, the Director shall establish guidelines for the administration of variable pay.
 3. Variable pay shall be available only to uncovered employees, except for employees in covered positions classified as Correctional Officers I, II, or III, or Community Corrections Officers, or covered positions that require full authority peace officer certification, as specified in the guidelines established by the Director.
 4. Subject to the guidelines established by the Director:
 - a. Variable pay strategies may be implemented at the discretion of the agency head.
 - b. Variable pay strategies are subject to the availability of funding and must be within an agency's appropriation unless otherwise legislatively appropriated.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-404. Overtime

- A. Approval of overtime work.** An agency head may require that an employee work overtime and:
 1. Shall approve in advance all work in excess of 40 hours per workweek or in excess of a work period as defined by

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the Fair Labor Standards Act (FLSA). FLSA Regulations 29 CFR 553 and 778 (July 2012), are incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments; and

2. May assign an employee who volunteers for overtime before mandatory overtime is required.
- B. Exemptions.** The Director shall determine exemptions from minimum wage and maximum hour requirements in accordance with the Fair Labor Standards Act, 29 U.S.C. 213, January 2004, incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C. Non-exempt employees.**
1. An agency shall compensate an employee in a non-exempt position who works in excess of 40 hours per workweek or in excess of a work period as defined by the FLSA by either:
 - a. Additional pay at the rate of 1 1/2 times the employee's regular rate for each excess hour worked, or
 - b. Compensatory leave at the rate of 1 1/2 hours for each excess hour worked.
 2. An employee shall select either overtime pay or compensatory leave for overtime compensation. If the employee selects both overtime pay and compensatory leave, the agency head shall determine which applies. If an employee's compensatory leave balance reaches the maximum allowed in subsection (E), the agency head shall compensate the employee by overtime pay.
- D. Exempt employees.**
1. Unless otherwise provided by statute or as specified in subsection (D)(2), an employee who is in a position that is exempt from the FLSA is excluded from receiving either overtime pay or compensatory leave.
 2. An employee who is in a position that is exempt from the FLSA who works in excess of 40 hours per workweek or in excess of an established work period shall receive for each hour of overtime worked, either one hour of additional pay or earn one hour of compensatory leave, at the option of the agency head, if the employee is either:
 - a. Engaged in law enforcement activities;
 - b. Engaged in firefighting activities; or
 - c. A full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board, is in a position that requires such certification, and is in the covered service.
 3. An exempt employee may earn compensatory leave as provided by subsection (D)(2) until the employee's compensatory leave balance reaches the maximum allowed in subsection (E). When the maximum balance is reached, an agency head shall compensate the employee by overtime pay for excess hours worked.
 4. For the purposes of this subsection, "engaged in law enforcement activities" has the same meaning as defined in A.R.S. Title 23, Chapter 2, Article 9.
- E. Maximum accumulation.** The maximum number of hours of accumulated compensatory leave is:
1. 480 hours for an employee who works in a public safety activity or an emergency response activity, or

2. 240 hours for an employee who works in any other activity.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-405. Education Assistance

- A. General.** A state agency may assist an employee in the pursuit of educational goals by providing tuition reimbursement and student loan repayment assistance.
- B. Tuition reimbursement.** Prior to granting tuition reimbursement, an agency shall establish a policy which shall include the following conditions:
1. The educational program will provide a benefit to the state.
 2. The employee shall successfully complete the required course work or the educational requirements of the program in order to receive reimbursement.
 3. Education assistance may not exceed \$5,250 per employee in any one calendar year unless approved in advance by the Director.
 4. An employee who receives education assistance may be required to return all or a portion of the amount received if the employee does not remain employed with the agency for a defined period of time, as specified in the agency's policy.
- C. Student loan repayment assistance.** An agency that provides tuition reimbursement may also provide student loan assistance to an eligible employee in the repayment of student loans obtained by the employee and used for the actual costs paid for educational expenses and living expenses that occurred during the employee's undergraduate, graduate or professional education if the education is required or a selective preference for the employee's current position. Before granting student loan repayment assistance, an agency head shall develop a written policy that provides for equal consideration of all employees similarly situated. The policy will describe the need being addressed, and the benefit expected to be gained. The agency head shall submit the proposed policy and any subsequent changes to the Director for approval, and include at a minimum:
1. Eligibility requirements;
 2. Request and approval procedures;
 3. Documentation required to support the request for repayment assistance;
 4. The monthly limit on student loan repayment assistance and a specified lifetime cap;
 5. A requirement that the employee receiving student loan repayment assistance must provide to the agency monthly proof of payment of the monthly repayment amount for each active student loan approved for assistance;
 6. Information regarding how an employee's leave of absence or separation affects student loan repayment assistance.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-406. Reimbursement for Relocation

An agency head may reimburse reasonable relocation expenses to a current employee for a management initiated geographical transfer

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of more than 50 miles from the employee's current work site in accordance with the procedures established by the Director.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 5. CONDITIONS OF EMPLOYMENT**R2-5A-501. Standards of Conduct**

- A.** Required conduct. A state employee shall at all times:
1. Comply with federal and state laws and rules, statewide policies and employee handbook, and agency policies and directives;
 2. Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism;
 3. Be courteous, considerate, and prompt in interactions with and serving the public and other employees; and
 4. Conduct himself or herself in a manner that will not bring discredit or embarrassment to the state.
- B.** Prohibited conduct. A state employee shall not:
1. Use his or her official position for personal gain, or attempt to use, or use, confidential information for personal advantage;
 2. Permit himself or herself to be placed under any kind of personal obligation that could lead a person to expect official favors;
 3. Perform an act in a private capacity that may be construed to be an official act;
 4. Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan that is, or may appear to be, designed to influence the employee's official conduct. This provision shall not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value;
 5. Directly or indirectly use or allow the use of state equipment or property of any kind, including equipment and property leased to the state, for other than official activities unless authorized by written agency policy or as otherwise allowed by these rules;
 6. Inhibit a state employee from joining or refraining from joining an employee organization; or
 7. Take disciplinary or punitive action against another employee that impedes or interferes with that employee's exercise of any right granted under the law or these rules.
- C.** Consequences of non-compliance. An employee who violates the standards of conduct requirements listed in subsection (A) or (B) may be disciplined or separated from state employment. Any such actions involving a covered employee shall be in accordance with the rules in Subchapter B, Article 3.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5A-502. Hours and Location of Work

- A.** State work week. The state work week is the period of seven consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m. An agency head may apply to the Director for an exception from the work week period for all or part of an agency workforce. The Director may grant an exception from the work week period to promote efficiency in the State Personnel System.
- B.** Hours of work.

1. An agency head shall determine the hours of employment in the work week for each agency employee.
 - a. An agency head may provide for breaks during the work period consistent with carrying out the duties of the agency.
 - b. An agency head may require an employee to work overtime.
 2. An agency head may offer a flexible 40-hour work week option to an employee if the agency head determines the agency's services can be maintained.
 3. An agency head may establish a standard of attendance.
- C.** Location of work. Every employee shall have a designated work location in the State of Arizona.
1. An agency head shall determine the work location for each agency employee.
 2. An agency head may allow an employee to work from an alternate location, subject to the employee's position requirements, the business needs of the agency, and in accordance with the procedures established by the Director. An employee who is authorized to work from an alternate location may be required to report to the employee's designated State of Arizona work location when directed.
 3. The employee's designated State of Arizona work location shall be the geographic location of the position for the purposes of R2-5A-C601, pertaining to furlough, and R2-5B-602, pertaining to reduction in force.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-503. Outside Employment

- A.** General. A state employee may seek employment and engage in a variety of activities outside of the employee's work for the state; however, the employee shall not engage in other employment or other activity that is not compatible with the full and proper discharge of the duties and responsibilities of state employment, or that tends to impair the employee's capacity to perform the employee's duties and responsibilities in an acceptable manner.
- B.** Definitions. For the purposes of this Section:
1. "Other employment" includes, but is not limited to:
 - a. Working as an employee for any employer, including another state agency;
 - b. Owning a business;
 - c. Contracting to provide services for a fee; or
 - d. Serving as a consultant for a fee or being self-employed;
 - e. Holding any elected or appointed public office, whether federal, state, or local; or
 - f. Holding a position in a political party or organization.
 2. "Primary agency" means the agency in which the employee is employed at the time of the employee's request to obtain outside employment with another agency.
 3. "Secondary agency" means the agency in which the employee is requesting to be employed while remaining employed with the primary agency.
- C.** Notice requirement. An employee who desires to engage in other employment shall notify the employee's supervisor and abide by the policies of the employing agency. An employee

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engaged in outside employment, including consultant relationships, shall inform the supervisor of the nature of the employment and corresponding work hours. An employee shall also disclose actual or potential conflicts of interest related to outside employment activities as soon as the employee becomes aware of the conflict. The determination as to whether a conflict or potential conflict exists shall be made by the agency head.

- D. Outside employment with another state agency. An employee who seeks outside employment with another state agency must request approval from both the employee's primary agency and prospective secondary agency before commencing employment with the secondary agency. The primary and secondary agencies must ensure that the request complies with state and federal guidelines. Such request, if approved shall be in writing and on file with both agencies. Employment records are to be maintained in accordance with the provisions of R2-5A-105.
- E. Outside employment as a paid public official or in a political party or organization. All employees shall comply with A.R.S. § 41-752 pertaining to political activities.
- F. Termination of outside employment. If an agency head determines that an employee's outside employment interferes with the employee's performance or creates a conflict of interest, the employee will be required to terminate the outside employment.
- G. Consequences of non-compliance. An employee who fails to make required disclosures or to take action to resolve any conflict of interest may be disciplined or separated from state employment. Any such actions involving a covered employee shall be in accordance with the rules in Subchapter B, Article 3.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-504. Alcohol and Drug-free Workplace

- A. General. State agencies shall prohibit the manufacture, distribution, dispensation, possession or use of alcohol, illegal drugs, unauthorized drugs, inhalants, or other unauthorized controlled substances during an employee's working hours or while on state premises or worksites, including state vehicles and property leased to the state. A state employee shall not be impaired by alcohol or drugs while on duty.
- B. Written policy. Each agency head shall adopt a written policy to address testing or retesting for the presence of alcohol or drugs of its employees and if applicable, prospective employees. The policy shall include all of the requirements listed in A.R.S. § 23-493.04. The agency head will submit its proposed alcohol and drug-free workplace policy and any subsequent changes to the Director for approval.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

ARTICLE 6. LEAVE**PART A. GENERAL****R2-5A-A601. Leave Administration**

- A. Leave plans. The Director shall adopt leave plans. Agency heads are responsible for administering leave for agency employees in accordance with the leave plans in this Article.

- B. Eligibility for leave. All state employees, except temporary employees, are eligible for any type of leave with pay from the date of appointment. Temporary employees are eligible only for holidays subject to the provisions of R2-5A-B601, administrative leave, civic duty leave for the purpose of voting, living donor leave and military leave.
- C. Amount of leave. Leave amounts are based on full-time employment and shall be pro-rated for part-time employees, even if not specified in an individual rule.
- D. Family and Medical Leave Act (FMLA) leave. FMLA Regulations, 29 CFR 825.100 through 29 CFR 825.800 (July 2012), are incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments. An employee who meets FMLA eligibility requirements and uses leave for any of the situations covered by the FMLA shall be subject to the following:
 1. Counting FMLA leave. Periods of paid leave and periods of leave without pay shall count towards the employee's available FMLA leave.
 2. Use of accrued paid leave. An employee shall use available paid leave for all or part of the employee's FMLA leave under the conditions in:
 - a. R2-5A-D602 for an employee on industrial leave,
 - b. R2-5A-D601 for an employee on FMLA leave for any other reason.
- E. Insurance benefits continuation. An employee remains eligible for continued participation in the employee insurance plans while on leave pursuant to this Article.
- F. Requests for leave. Except in an emergency, an employee shall obtain approval in advance and in writing before taking any leave.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

PART B. PAID LEAVE**R2-5A-B601. Holidays**

- A. State holidays.
 1. January 1, "New Year's Day."
 2. Third Monday in January, "Martin Luther King, Jr./Civil Rights Day."
 3. Third Monday in February, "Lincoln/Washington Presidents' Day."
 4. Last Monday in May, "Memorial Day."
 5. July 4, "Independence Day."
 6. First Monday in September, "Labor Day."
 7. Second Monday in October, "Columbus Day."
 8. November 11, "Veterans Day."
 9. Fourth Thursday in November, "Thanksgiving Day."
 10. December 25, "Christmas Day."
- B. Employees scheduled to work. Unless required to work to maintain essential state services, an employee who is regularly scheduled to work on a day on which one of the holidays listed in subsection (A) is observed is entitled to be absent with pay for the number of hours regularly scheduled to work, not to exceed eight hours, provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day on which the holiday is observed.
 1. Part-time employees who work 1/4 time, 1/2 time, or 3/4 time are entitled to a proportional amount of holiday pay. Part-time employees who work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time are entitled to

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holiday pay at the next lower rate. An employee who works less than 1/4 time is not entitled to holiday pay.

2. Temporary employees shall receive holiday pay provided they are in pay status the day before and the day after the holiday.
- C. Employees not scheduled to work. An employee, excluding part-time and temporary employees, who is not scheduled to work on a day on which one of the holidays listed in subsection (A) above is observed shall receive holiday compensation for the number of hours normally worked per day, not to exceed eight, provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day on which the holiday is observed.
- D. Employees required to work. An employee who is required to work on a day on which a holiday listed in subsection (A) is observed shall receive:
 1. Both holiday compensation and one hour of pay at the employee's current salary rate for each hour worked if the employee is in a position that is either:
 - a. FLSA non-exempt; or
 - b. Exempt from the FLSA, but meets the conditions in R2-5A-404(D)(2).
 2. No additional compensation if the employee is in a position that is exempt from the FLSA and is employed in any other capacity.
- E. Holiday compensation.
 1. Except as modified by subsection (E)(2), an employee who is eligible for holiday compensation pursuant to subsection (C) or (D) shall receive for each hour of holiday compensation authorized, at the option of the agency head, either:
 - a. One hour of additional pay at the current salary rate; or
 - b. One hour of annual leave; or
 - c. One hour time off with pay on an alternate work day specified by the agency head after the holiday and during the pay period in which the holiday is observed, or the succeeding pay period.
 2. Temporary employees do not accrue annual leave and shall receive either additional pay or time off as in subsection (E)(1)(c) above.
 3. An employee may not receive more than eight hours of holiday compensation for any holiday.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B602. Annual Leave

- A. Definitions. For the purposes of this Section:
 1. "Annual leave" means a period of approved absence with pay that is not chargeable to another category of leave.
 2. "Hire date" means the employee's first day of work upon hire or, if the employee has a break in service, rehire.
- B. Accrual.
 1. All employees, except temporary and part-time employees shall accrue annual leave as follows:
 - a. Covered employees shall accrue annual leave in accordance with the following schedule:

| Credited Service | Hours Bi-weekly |
|--------------------------------|-----------------|
| Fewer than 3 years | 3.70 |
| 3 years but fewer than 7 years | 4.62 |

| | |
|---------------------------------|------|
| 7 years but fewer than 15 years | 5.54 |
| 15 years or more | 6.47 |

- b. Except as provided in subsection (B)(1)(c), uncovered employees shall accrue leave based on the following schedule:

| Credited Service | Hours Bi-weekly |
|--------------------------------|-----------------|
| Fewer than 3 years | 4.00 |
| 3 years but fewer than 9 years | 5.54 |
| 9 years or more | 6.47 |

- c. An uncovered employee shall accrue annual leave at the rate of 6.47 hours bi-weekly if:
 - i. The employee's hire date is prior to September 29, 2012, the employee has remained employed without a break in service since that date, and the employee either was uncovered prior to September 29, 2012 or became uncovered in accordance with A.R.S. Title 41, Chapter 4, Article 4; or
 - ii. The employee is in a position listed in A.R.S. § 41-742(F).
2. Temporary employees shall not accrue annual leave.
3. Part-time employees who:
 - a. Work 1/4 time, 1/2 time, or 3/4 time shall accrue a proportional amount of annual leave;
 - b. Work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time shall accrue annual leave at the next lower rate;
 - c. Work less than 1/4 time shall not accrue annual leave.
4. Except as provided by R2-5A-D602 for an employee on industrial leave, an eligible employee accrues annual leave each bi-weekly pay period if the employee is in pay status for at least one-half of the employee's scheduled work hours in that pay period.
5. An annual leave accrual is credited on the last day of the bi-weekly pay period in which the accrual is earned and is available for use on the first day of the following pay period.
 - a. Annual leave accrued during the last pay period that begins in a calendar year is not subject to forfeiture under subsection (D).
 - b. An employee who is separating from state employment is compensated in accordance with subsection (I) for annual leave accrued through the employee's last date of employment.
6. The effective date for change in the accrual rate is the first day of the pay period immediately following the attainment of the required credited service.

C. Credited service.

1. Credited service shall be calculated from the first day of the first complete pay period worked.
2. Credited service shall include:
 - a. A period of service as an employee of a state budget unit before a break in service of less than two years;
 - b. A period of leave without pay of 240 hours or less;
 - c. Family and Medical Leave Act (FMLA) leave;
 - d. Military leave taken under A.R.S. §§ 26-168, 26-171, or 38-610; and

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- e. Active military service of an employee who is restored to state employment under A.R.S. § 38-298.
- D. Accumulation.**
1. Except as provided in subsections (D)(2) and (3), an employee shall forfeit annual leave in excess of the accumulation limit as of the last day of the last pay period that begins in a calendar year. The accumulation limit is:
 - a. 240 hours for a covered employee.
 - b. 320 hours for an uncovered employee.
 2. An agency head may request an exception to the accumulation limit contained in subsection (D)(1) for an employee in an individual case.
 - a. An agency head seeking an exception shall submit a written request to the Director that contains a plan to use the excess hours during the following calendar year, pay the employee for the excess hours, or a combination of both.
 - b. The Director may approve, modify, or deny the request.
 3. Annual leave earned for working on a day on which a state holiday is observed is not included in the accumulation limit specified in subsection (D)(1) and shall not be forfeited.
- E. Use of annual leave.**
1. An employee may take annual leave at any time approved by the agency head.
 2. An agency head shall not advance annual leave to an employee.
- F. Donation of annual leave.**
1. Definitions. For the purposes of this subsection:
 - a. *“Immediate family” means the recipient employee’s parent, spouse, or child, whether natural, adopted, foster, or step.* A.R.S. § 41-748(B)(1)
 - b. *“Family” means spouse, natural child, adopted child, foster child, stepchild, natural parent, step-parent, adoptive parent, grandparent, grandchild, brother, sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, or niece.* A.R.S. § 41-748(B)(2)
 - c. *“Disability that is caused by pregnancy or childbirth” means, as certified by a licensed health care practitioner:*
 - i. An employee is unable to work due to the employee’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth; or
 - ii. A member of the employee’s immediate family requires assistance to perform regular daily activities due to the immediate family member’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth.
 - d. *“Extended” means a period of at least three consecutive weeks.*
 - e. *“Seriously incapacitating” means a licensed health care practitioner certifies that an illness, injury, or disability that is caused by pregnancy or childbirth:*
 - i. Involves in-patient care, or
 - ii. Involves continuing treatment.
 2. Eligibility to receive donation of annual leave. An employee who has exhausted all available leave balances is eligible to receive donations of annual leave if, as certified by a licensed health care practitioner:
 - a. The employee is unable to work due to:
 - i. A seriously incapacitating and extended illness or injury, or
 - ii. A seriously incapacitating and extended disability that is caused by pregnancy or childbirth, or
 - b. The employee needs to care for a member of the employee’s immediate family who has:
 - i. A seriously incapacitating and extended illness or injury, or
 - ii. A seriously incapacitating and extended disability that is caused by pregnancy or childbirth.
 3. Eligibility to donate annual leave. An employee may donate annual leave to another employee who has exhausted all available leave balances if:
 - a. The recipient employee is employed in the same state agency as the donating employee, or
 - b. The recipient employee is a family member of the donating employee and employed in another state agency.
 4. Exhaustion of available leave. Before using donated annual leave, a recipient employee:
 - a. Who has a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust all available sick leave, compensatory leave, annual leave earned for working on a day on which a state holiday is observed and accrued annual leave; or
 - b. Whose immediate family member has a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust sick leave granted in accordance with R2-5A-B603(A)(4), if available, and all available compensatory leave, annual leave earned for working on a day on which a state holiday is observed and accrued annual leave.
 5. Calculation of hours donated. An agency head shall adjust the number of hours of annual leave donated in proportion to the hourly rate of pay of the donating employee and the recipient employee. To calculate the number of hours of donated annual leave:
 - a. Multiply the actual number of hours donated by the donating employee’s hourly rate of pay, and
 - b. Divide the result by the recipient employee’s hourly rate of pay.
 6. Maximum duration. A recipient employee is limited to using donated annual leave to allow the employee to be absent from work for a maximum of six consecutive months, or if the leave is intermittent, 1040 hours (the employee’s available leave plus leave donated to the employee) for each qualifying occurrence. If the recipient employee has a seriously incapacitating and extended illness or injury, or a seriously incapacitating and extended disability that is caused by pregnancy or childbirth and the employee applies for Long-term Disability (LTD) by the end of the fifth month of the employee’s leave, the recipient employee may continue to use donated annual leave for up to 60 additional days or until LTD benefit payments begin, whichever is sooner.
 7. Unused donated leave. If the recipient employee separates from state employment, recovers before using all donated leave, attains the maximum donation of annual leave as permitted under subsection (F)(6), or the need for the donated annual leave is otherwise abated, the agency head shall return unused donated leave to employees who donated leave on a pro-rata basis.

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G. Payment of annual leave. Subject to funding availability:

1. An agency head may pay an employee at any time at the employee's current rate of pay for all or any portion of the employee's annual leave that was earned as the result of working on a day on which a state holiday is observed.
2. An agency head may approve pay to a non-separating employee for all or any portion of the employee's accumulated and unused annual leave at the employee's current rate of pay subject to the following:
 - a. Agency procedures. Before paying an employee under this subsection, an agency head shall develop written standards and procedures that provide for equal consideration of all employees similarly situated. The agency head shall submit proposed standards and procedures and any subsequent changes to the Director for approval. The agency's procedures shall include at minimum:
 - i. Request and approval procedures;
 - ii. Documentation required to support the request for payment;
 - iii. Any limitations, as applicable, including, but not limited to: the maximum number of times an employee may receive payment under this subsection; the maximum number of hours an employee may be paid per occurrence; the minimum number of hours of annual leave an employee must have used in the previous 12 months; and the minimum balance an employee is required to maintain after payout, if any.
 - b. Restrictions. The agency head shall obtain the employee's concurrence if the payment would reduce the employee's annual leave balance to fewer than:
 - i. 240 hours for a covered employee;
 - ii. 320 hours for an uncovered employee.

H. Movement.

1. To another state agency. If an employee moves from one agency to another state agency, the employee's accumulated and unused annual leave shall be transferred to the employee's annual leave account in the new state agency, unless:
 - a. The provisions of subsection (H)(2) apply; or
 - b. The employee's leave exceeds the accumulation limit contained in subsection (D)(1). An agency head may pay an employee who transfers to another state agency for all excess annual leave at the time of the transfer. An agency head may transfer part or all of the employee's excess annual leave accumulated by the employee who transfers to another agency with the gaining agency's concurrence. If the gaining agency does not concur, the losing agency shall pay all of the unused excess annual leave that the gaining agency will not accept.
2. To an employment status ineligible for leave accrual. If an employee becomes ineligible for accrual of annual leave under R2-5A-A601(B), the agency head or the agency head of the losing agency if the employee moves to another state agency, shall pay the employee for all unused and unforfeited annual leave at the employee's current rate of pay immediately before the change in status.

I. Separation. An agency head shall pay an employee who separates from state employment for all unused and unforfeited annual leave at the employee's current rate of pay.**Historical Note**

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5A-B603. Sick Leave

- A. Definition.** "Sick leave" is any approved period of paid absence granted an employee due to:
 1. Illness or injury that renders the employee unable to perform the duties of the employee's position.
 2. Disability of the employee that is caused by pregnancy, childbirth, miscarriage, or abortion.
 3. Examination or treatment of the employee by a licensed health care practitioner.
 4. Illness, injury, disability caused by pregnancy or childbirth, or examination or treatment by a licensed health care practitioner of an employee's spouse, dependent child, or parent. Sick leave granted for this purpose shall be charged to the employee's sick leave account and shall not exceed 40 hours per calendar year. For the purposes of this Section:
 - a. The term "dependent child" means a natural child, an adopted child, a foster child, or a stepchild, more than one-half of whose support is received from the employee.
 - b. The term "parent" means a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or an individual who stood "in loco parentis."
 5. Attendance at court-related proceedings by the employee under A.R.S. § 8-420 or A.R.S. § 13-4439.
- B. Accrual.**
 1. All state employees, except temporary and part-time employees, shall accrue sick leave at the rate of 3.70 hours bi-weekly.
 2. Temporary employees shall not accrue sick leave.
 3. Part-time employees who:
 - a. Work 1/4 time, 1/2 time, or 3/4 time shall accrue a proportional amount of sick leave;
 - b. Work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time will accrue sick leave at the next lower rate;
 - c. Work less than 1/4 time shall not accrue sick leave.
 4. Except as provided by R2-5A-D602 for an employee on industrial leave, an eligible employee accrues sick leave each bi-weekly pay period if the employee has been in a pay status for at least one-half of the employee's scheduled work hours in that pay period or month.
 5. A sick leave accrual is credited on the last day of the bi-weekly pay period or month in which the accrual is earned and is available for use on the first day of the following pay period or month. An employee who is separating from state employment accrues leave through the employee's last date of employment for the purpose of determining the employee's accumulated sick leave at the time of the employee's separation pursuant to subsection (F).
- C. Accumulation.** Sick leave accumulates without limit.
- D. Use of sick leave.**
 1. Sick leave may be taken when approved by the agency head.
 2. The agency head may require submission of evidence substantiating the need for sick leave. If the agency head determines the evidence is inadequate, the absence shall

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be charged to another category of leave or considered absence without leave.

3. An agency head may require an employee to be examined by a licensed health care practitioner designated by the agency head.
 - a. If the licensed health care practitioner determines that the employee should not work due to illness or injury, the agency head may place the employee on sick leave or, if the employee's sick leave is exhausted, charge the absence to another category of leave or leave without pay.
 - b. The agency head may require the employee to obtain approval from the licensed health care practitioner before returning to work.
 - c. The agency shall pay for all examinations required pursuant to this subsection. The employee shall not be charged any leave while participating in or traveling to or from any examination required pursuant to this subsection.

E. Movement to another state agency. An employee who moves to another state agency shall transfer all accumulated and unused sick leave to the employee's sick leave account in the new state agency.

F. Separation. All sick leave credits are forfeited upon separation from state employment except as provided in A.R.S. § 38-615 or otherwise provided by law. However, an employee who returns to state employment within two years after separation shall be credited with all unused sick leave accumulated at the time of separation if the employee was not paid for accumulated sick leave pursuant to A.R.S. § 38-615.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-B604. Administrative Leave

- A.** General. An agency head may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor or:
1. In other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.
 2. To relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee or during a disciplinary or dismissal process, subject to the requirements outlined in subsections (B) and (C).
- B.** Reporting administrative leave. If an employee's administrative leave totals 80 consecutive hours, the agency head shall submit a report to the Director and for each week thereafter, until the employee's administrative leave is terminated. The report shall include:
1. The name of the agency,
 2. The employee identification number (EIN) of the employee,
 3. The name of the employee,
 4. The employment status of the employee,
 5. The date the employee was placed on administrative leave,
 6. The number of hours the employee has been on administrative leave as of the date of the report, and
 7. A brief description as to why the employee is on administrative leave.

C. Approval of Director. If an employee's administrative leave is anticipated to exceed 240 consecutive working hours, the agency head shall obtain the approval of the Director.

1. An agency head requesting approval to continue an employee's administrative leave for more than 240 working hours shall submit a request to the Director for approval at least five business days before the employee's administrative leave will total 240 working hours. If circumstances beyond the agency's control do not permit at least five business days' notice, the agency head shall submit the request as soon as the agency head is aware of the necessity for the request. The request shall include all of the information listed in subsection (B), the reason the administrative leave will extend beyond 240 working hours and the anticipated date the administrative leave will be terminated.
2. The Director shall review the request and approve, modify or deny the request within three business days of receipt.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5A-B605. Bereavement Leave

- A.** General. An employee may be absent with pay due to the death or funeral of a spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, an individual who stood "in loco parentis," grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.
- B.** Amount of bereavement leave.
1. A full-time employee may be absent with pay for up to 24 regularly scheduled work hours. An agency head may extend the bereavement leave for up to 16 additional work hours if the employee travels out-of-state for the funeral.
 2. A part-time employee who works 1/4 time, 1/2 time, or 3/4 time may be absent with pay for a proportional amount of bereavement leave. A part-time employee who works a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time may be absent with pay at the next lower rate. An employee who works less than 1/4 time is not entitled to bereavement leave.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B606. Civic Duty Leave

- A.** General. Upon substantiated application, an employee shall receive absence with pay as civic duty leave while serving as a juror, complying with a subpoena, voting, serving as a voting location worker, or serving as a member of a governmental board, commission, or similarly constituted governmental body, subject to the conditions set forth in this Section and the limitations in R2-5A-A601(B).
- B.** Use of civic duty leave. Except for voting pursuant to A.R.S. § 16-401 (primary elections) or A.R.S. § 16-402 (general elections), an employee granted civic duty leave shall report for duty with the employing agency whenever the employee's presence is not required for the civic duty, unless:
1. The distance to the work location would preclude timely reporting for the civic duty, or

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2. The employee cannot return to work at least one hour before the end of the work shift.
- C. Appearance as a witness. An employee who is subpoenaed as a witness by any court or administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's commercial, business, or personal matters.
- D. Jury and witness fees. Employees who are granted civic duty leave when called for jury duty or subpoenaed as a witness shall remit any fees to the employing agency, except for mileage allowance.
- E. Membership on a public service body. An employee serving as a member of a governmental board, commission, or similarly constituted governmental body may be absent with pay while performing official duties with the body.
- F. Serving as a voting location worker. Subject to the guidelines established by the Director and following written approval from the employee's supervisor, an employee may be absent with pay during a statewide election in this State for the purpose of serving at a voting location and completing the required associated training. An employee who is granted civic duty leave for serving as a voting location worker shall remit to the employing agency any fees paid by the county administering the election for work performed while the employee is on civic duty leave.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-B607. Compensatory Leave

- A. General. Compensatory leave is leave that has been earned by an employee under the provisions of R2-5A-404.
- B. Use of compensatory leave. An agency head:
 1. Shall approve an employee's request for earned compensatory time off within a reasonable time after the employee makes the request if the use of such time off would not unduly disrupt agency operations.
 2. May require an employee to use the employee's available compensatory leave during a period specified by the agency head.
- C. Payment. Subject to funding availability, an agency head may pay an employee at any time for all or any portion of the employee's earned compensatory leave balance at the employee's regular rate of pay.
- D. Movement.
 1. To another state agency. An agency head may pay an employee who transfers to another state agency for all unused compensatory leave at the time of the transfer. An agency head may transfer part or all of the compensatory leave earned by an employee who transfers to another agency with the gaining agency's concurrence. If the gaining agency does not concur, the losing agency shall pay all of the unused compensatory leave that the gaining agency will not accept.
 2. To an employment status or a position ineligible for compensatory leave. If an employee has a change in employment status or position that results in the employee being ineligible to earn compensatory leave, the agency head or the agency head of the losing agency if the employee moves to another state agency, shall pay the employee for all unused compensatory leave at the employee's regular

rate of pay immediately before the employee's change in status or position.

- E. Separation. An agency head shall pay an employee who separates from state employment for all unused compensatory leave at a rate of compensation not less than the higher of:
 1. The average regular rate received by such employee during the last three years of the employee's employment, or
 2. The final regular rate received by such employee.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B608. Educational Leave

- A. General. An employee may be sent with pay to participate in a formal educational or training course of study at a college, university, or technical school with the approval of the agency head and the Director, based on the determination that the leave is in the best interest of the state.
- B. Application. The approved application shall be accompanied by a written agreement signed by the agency head and the employee containing the following provisions at a minimum:
 1. A statement of the payments, if any, to be provided to the employee and the manner of their payment.
 2. An agreement by the employee to return to or continue in state employment upon the completion of the educational or training course of study for a period of time specified by the agency head.
 3. A statement by the employee that failure to successfully complete the course, to complete the specified state employment, or to fulfill all of the terms of the agreement, shall result in the employee's being required to repay all or a proportionate part of the salary and other payments received, if any.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B609. Living Donor Leave

An employee who requests absence with pay for living donor leave under A.R.S. § 41-706 shall submit written verification that the employee is to serve as a donor. An employee may be absent with pay for the time specified for the following purposes:

1. Up to 40 working hours to serve as a bone marrow donor.
2. Up to 240 working hours to serve as an organ donor.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B610. Leave for National Disaster Medical System (NDMS) Training

An employee who requests absence with pay on national disaster medical system leave under A.R.S. § 38-610 is entitled to be absent with pay for the number of hours regularly scheduled to work on all days the employee is on training duty.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-B611. Meritorious Service Leave

- A. The Director shall establish guidelines for meritorious service leave.
- B. Except for employees in covered positions classified as Correctional Officers I, II, or III, Community Corrections Offi-

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cers, or positions that require full authority peace officer certification, meritorious service leave is only available to uncovered employees.

- C. The guidelines established by the Director shall include at a minimum:
1. The maximum number of hours of meritorious service leave that may be awarded to an employee per calendar year;
 2. The maximum percentage of agency employees eligible for meritorious service leave;
 3. A requirement that an employee shall use meritorious service leave within 12 months of receipt of the leave;
 4. A requirement that if the employee does not use the meritorious service leave within 12 months of receipt, that the leave is forfeited; and
 5. A statement that unused meritorious service leave is forfeited upon separation from state employment.
- D. Subject to the guidelines established by the Director, a meritorious service leave program may be implemented at the discretion of the agency head.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

PART C. UNPAID LEAVE**R2-5A-C601. Furlough**

- A. Definition. A furlough is the involuntary placement of an employee on leave of absence without pay for budgetary reasons.
- B. Types of furloughs. A furlough may be authorized by legislative action. In addition, the Director may approve:
1. A reduction of funding furlough that allows an agency head to place employees on furlough for any combination of consecutive or non-consecutive days. There is no maximum number of days an employee may be placed on furlough, but consecutive furlough days shall not exceed five consecutive days or more than one-half the employee's regularly scheduled hours in a pay period, whichever is less; and
 2. A suspension of funding furlough that allows an agency head to place employees on furlough indefinitely until funding is restored.
- C. General.
1. The total number of days an employee is placed on furlough may vary based on the amount of the reduction or length of suspension of funding.
 2. A furlough day equals eight hours for full-time employees and is pro-rated for part-time employees. Furlough hours for part-time employees are calculated by multiplying the number of hours the employee is scheduled to work in a week by 0.2. If the calculation results in a fraction, the furlough hours shall be rounded to the nearest whole hour, as follows:
 - a. 0.5 or above is rounded up, and
 - b. Less than 0.5 is rounded down.
 3. A furlough is unpaid.
 4. Unless a work emergency occurs under subsection (D)(5)(d), while on furlough, an employee shall not conduct state work or volunteer to conduct state work, either with or without compensation.
 5. Paid leave shall not be substituted for furlough days.
- D. Reduction of funding furlough.
1. An agency head shall submit to the Director a furlough plan for approval if the agency head determines a furlough is necessary due to a reduction of funding. An agency head is not required to implement or exhaust other cost-savings measures prior to initiating a furlough plan.
 2. The agency head shall submit the furlough plan for approval at least 30 business days prior to the proposed implementation date of the furlough. If circumstances beyond the agency head's control do not permit at least 30 business days' notice, the agency head shall submit the furlough plan as soon as the agency head is aware of the necessity for the furlough and provide a written explanation of why the 30 business day requirement was not met.
 3. An agency head shall include all of the following in the furlough plan:
 - a. The proposed scope of the furlough plan, which shall be either agency-wide or limited to:
 - i. Agency operations in one or more geographic areas,
 - ii. One or more organizational units of the agency,
 - iii. One or more funding sources,
 - iv. One or more job classes,
 - v. One or more class series, or
 - vi. Any combination of the above.
 - b. If the furlough will not be conducted on an agency-wide basis, each affected:
 - i. Geographic location,
 - ii. Organizational unit,
 - iii. Funding source,
 - iv. Job class, and
 - v. Class series.
 - c. For each affected geographical location, organizational unit, funding source, job class, and class series specified in the furlough plan, the total number of employees scheduled for furlough;

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- d. If requesting any exceptions within the scope of the furlough under subsection (C)(6), the total number of employees within the scope of the furlough, the number of employees for whom an exception is requested, and the reason for the request;
- e. The number of days and date ranges for the furlough;
- f. The anticipated cost savings due to the furlough;
- g. The agency's procedures for scheduling furloughs; and
- h. The procedures for notifying employees of the furlough.
4. The Director shall review and provide written notification of approval, modification, or denial of an agency's furlough plan within 20 business days of receipt.
5. Upon approval of the Director to conduct a reduction of funding furlough, an agency head:
- a. May place an employee on furlough for any combination of consecutive or non-consecutive days, subject to the limits in subsection (B)(1);
 - b. Shall determine the scheduling of furloughs that provide for the continuation of any agency operations required by law;
 - c. May cancel or rescind any approved paid or unpaid leave in progress or scheduled for an employee who is designated for furlough and shall notify the affected employee in writing of the cancellation of the approved leave for the duration of the furlough. If the previously approved leave was scheduled to extend beyond the furlough, the employee may return to paid leave status, if available, following the furlough period. If the agency head cancels an employee's paid leave and:
 - i. The employee is on leave pursuant to the provisions of the federal Family and Medical Leave Act (FMLA) during a scheduled furlough day, the furlough day shall not count against the employee's FMLA entitlement and the employee's leave balance shall not be charged for the furlough day; or
 - ii. The employee is on military leave during a scheduled furlough day, the furlough day shall not count against the employee's military leave and the employee's leave balance shall not be charged for the furlough day; and
 - d. Shall prohibit an employee from working during the period of the furlough, unless a work emergency arises. In the event of a work emergency, an agency head may revoke the furlough for an employee in an individual case. An employee whose furlough is revoked due to an emergency shall be paid for time required to work and shall be required to take the furlough on another day, unless otherwise exempted.
- E. Suspension of funding furlough - agency head request.**
1. An agency head shall submit to the Director for approval a furlough plan if the agency head determines a furlough is required due to a suspension of funding to pay employees.
 2. The agency head shall submit the furlough plan for approval at least 15 business days prior to the proposed implementation date of the furlough. If circumstances beyond the agency head's control do not permit at least 15 business days' notice, the agency head shall submit the furlough plan as soon as the agency head is aware of the necessity for the furlough and provide a written explanation of why the 15 business day requirement was not met.
3. An agency head shall include all of the following in the furlough plan:
- a. The proposed scope of the furlough plan, which shall be either agency-wide or limited to:
 - i. Agency operations in one or more geographic areas,
 - ii. One or more organizational units of the agency,
 - iii. One or more funding sources,
 - iv. One or more job classes,
 - v. One or more class series, or
 - vi. Any combination of the above.
 - b. If the furlough will not be conducted on an agency-wide basis, each affected:
 - i. Geographic location,
 - ii. Organizational unit,
 - iii. Funding source,
 - iv. Job class, and
 - v. Class series.
 - c. For each affected geographical location, organizational unit, funding source, job class, and class series specified in the furlough plan, the total number of employees scheduled for furlough;
 - d. If requesting any exceptions within the scope of the furlough under subsection (C)(6), the total number of employees within the scope of the furlough, the number of employees for whom an exception is requested, and the reason for the request;
 - e. The procedures for notifying employees of the furlough; and
 - f. The procedures for notifying employees of restoration of funding and when to return to work.
4. The Director shall review and provide written notification of approval, modification, or denial of an agency's furlough plan within 10 business days of receipt.
5. Upon approval of the Director to conduct a suspension of funding furlough, an agency head:
- a. Shall freeze all personnel actions except for those actions that would accomplish, or assist in accomplishing the purpose of the furlough;
 - b. May place employees on furlough indefinitely until the reason for the furlough is abated;
 - c. Shall notify affected employees of the furlough and that while on furlough, an employee:
 - i. Shall not report to work or work from any location until notified to return to work; and
 - ii. Will not receive pay for any unused and forfeited annual leave, should the employee resign or be terminated, until funding is restored;
 - d. May cancel or rescind any approved paid or unpaid leave in progress or scheduled for an employee who is designated for furlough and shall notify the affected employee in writing of the cancellation of the approved leave for the duration of the furlough. If the previously approved leave was scheduled to extend beyond the furlough, the employee may return to paid leave status, if available, following the furlough period; and
 - e. Shall notify employees upon restoration of funding and when to return to work.
- F. Suspension of funding furlough - failure to pass state budget.** If the state fails to pass a budget and funds are not appropriated

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for the following fiscal year, the Director may authorize an agency head to implement a suspension of funding furlough. Upon such notification by the Director, an agency head:

1. Shall freeze all personnel actions except for those actions that would accomplish, or assist in accomplishing the purpose of the furlough;
2. Unless an exception has been authorized as provided in subsection (F)(4), shall place all employees on furlough indefinitely until the reason for the furlough is abated;
3. Shall require all employees to be subject to the furlough in the same manner;
4. May establish exceptions when only a portion of the employees in a particular class are necessary to perform mission critical services;
5. Shall notify affected employees of the furlough and that while on furlough, an employee:
 - a. Shall not report to work or work from any location until notified to return to work; and
 - b. Will not receive pay for any unused and unforfeited annual leave, should the employee resign or be terminated, until funding is restored;
6. Shall cancel or rescind any approved paid or unpaid leave in progress or scheduled for an employee who is designated for furlough and shall notify the affected employee in writing of the cancellation of the approved leave for the duration of the furlough. If the previously approved leave was scheduled to extend beyond the furlough, the employee may return to paid leave status, if available, following the furlough period; and
7. Shall notify employees upon restoration of funding and when to return to work.

G. Employee request for review.

1. An employee may submit a request for review of the employee's placement on furlough. The employee shall make the request for review in writing to the agency head no later than three business days after the employee's receipt of a furlough notice. The employee shall limit the request for review to the determination resulting in the employee's furlough and include a proposed resolution.
2. The agency head shall provide a written response to the employee with a final decision within:
 - a. Five business days after receipt of the request if a reduction of funding furlough, or
 - b. Fifteen business days after the employee returns to work if a suspension of funding furlough.
3. A request for review shall not delay implementation of the furlough.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-C602. Leave Without Pay

- A.** Approval. All leave without pay requires a written request by an employee in advance, including the reason for the employee's request, and approval by the agency head.
- B.** Use of leave. Except for military leave, an agency head shall not grant leave without pay in excess of 80 consecutive hours until all annual leave earned for working on a day on which a state holiday is observed, all accrued annual leave and, if the leave without pay is for medical reasons, sick leave are exhausted.
- C.** Return to work.
 1. An employee who returns to work after an authorized period of leave without pay of 80 consecutive hours or

less shall return to the same position occupied at the start of the leave without pay.

2. Except as provided in subsection (C)(4), an employee who returns to work after a period of leave without pay in excess of 80 consecutive hours may return to a position in the class held at the start of the leave without pay, if a position is available and funded, and if the leave without pay is terminated in one of the following ways:
 - a. Expiration of its term and the employee's return to work;
 - b. Rescission of the leave without pay by the agency head before its scheduled expiration due to an unforeseen need that results in an insufficient number of employees available to provide service and for which:
 - i. The agency head provides written notice of the rescission to the employee's last known address at least 15 days before the date the employee is directed to return to work; or
 - ii. If circumstances beyond the agency's control do not permit at least a 15-day notice, the agency head provides notice as soon as possible after becoming aware of the need for the employee to return to work; or
 - c. Curtailment of the leave without pay before its scheduled expiration date upon request of the employee and with approval of the agency head.
3. An agency head may consider the failure or inability of an employee to return to work on the first work day after an approved leave without pay as a resignation.
4. An employee returning to work from leave without pay granted:
 - a. For industrial illness or injury for up to six months shall return to the position occupied at the start of the leave without pay. If this position or a position in the same class is not available and funded, the agency head shall conduct a layoff or, if the employee is covered, a reduction in force in accordance with Subchapter B.
 - b. As military leave is subject to the provisions of the USERRA regulations incorporated by reference in R2-5A-D603.
 - c. As FMLA leave is subject to the provisions of the FMLA regulations incorporated by reference in R2-5A-D601.
- D.** Insurance benefits continuation. An employee who is on leave without pay may continue to participate in the employee insurance plans as follows:
 1. Health benefit plan participation.
 - a. An employee who is on FMLA leave is eligible to continue to participate in the health benefit plan for the duration of the FMLA leave by paying the employee premium/contribution. An agency head may recover the state's portion of premium/contributions paid to maintain health coverage for an employee if the employee fails to return from FMLA leave under certain circumstances, in accordance with FMLA regulations incorporated by reference in R2-5A-D601.
 - b. An employee who is on leave without pay for a health-related reason that is not an industrial illness or injury and who either does not meet FMLA eligibility requirements or has exhausted FMLA leave and remains absent from work may continue to par-

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ticipate in the health benefit plan by paying both the state and employee premium/contribution. Authority to continue participation in the health benefit plan shall terminate on the earliest of:

- i. Receipt of long-term disability benefits for which there is eligibility to continue health benefit plan participation under a state-sponsored retirement plan,
 - ii. A determination of eligibility for Medicare coverage, or
 - iii. 30 months after the incapacity began.
- c. An employee who is on leave without pay for reasons other than those outlined in subsection (D)(1)(a), (b), or R2-5A-D602 pertaining to industrial leave, may continue to participate in the health benefit plan for a maximum of six months by paying both the state and employee premiums/contributions.
2. Life insurance plan participation.
 - a. An employee who is on FMLA leave continues to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan and may continue to participate in the supplemental life and dependent life insurance coverage by paying the full premium/contribution.
 - b. An employee who is on leave without pay for a health-related reason that is not an industrial illness or injury and who either does not meet FMLA eligibility requirements or has exhausted FMLA leave and remains absent from work may continue to participate in the basic life insurance plan by paying the state premium/contribution. An employee who elects to continue to participate in the basic plan may also continue any supplemental or dependent life coverage that is in force at the beginning of the leave without pay by continuing to pay the premium/contribution. Authority to continue in the life insurance plan shall terminate in accordance with the time limits specified in subsection (D)(1)(b).
 - c. An employee who is on leave without pay for reasons other than those outlined in subsection (D)(1)(a), (b), or R2-5A-D602 pertaining to industrial leave, may continue to participate in the basic life insurance plan by paying the state premium/contribution. An employee who elects to continue to participate in the basic plan may also continue any supplemental or dependent life coverage that is in force at the beginning of the leave without pay by continuing to pay the premium/contribution. Authority to continue in the life insurance plan shall be available for a maximum of six months.
 3. Termination of insurance. The insurance coverage of an individual on leave without pay who fails to pay insurance premiums/contributions when due shall terminate at 11:59 p.m. on the last day of the period covered by the last premium/contribution paid.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

PART D. LEAVE THAT COULD BE PAID OR UNPAID**R2-5A-D601. Family and Medical Leave Act (FMLA) Leave**

- A. General. All state agencies are responsible for complying with the federal Family and Medical Leave Act (FMLA) of 1993

and all applicable revisions. FMLA Regulations, 29 CFR 825.100 through 29 CFR 825.800 (July 2012), are incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments. Any interference with, restraint of, or denial of an employee's rights provided by the FMLA is strictly prohibited.

- B. Eligible employee.
 1. An eligible employee for the purposes of the FMLA is an employee who:
 - a. Is an employee of the state of Arizona;
 - b. Has been employed by the state of Arizona for at least 12 months; and
 - c. Worked for at least 1,250 hours of service during the 12 months immediately preceding commencement of the leave.
 2. An agency head shall not extend FMLA benefits to an ineligible employee.
- C. Situations covered by the FMLA. A state agency shall grant an eligible employee FMLA leave when the employee takes leave for one or more of the following reasons:
 1. The birth of a child or placement of a child with the employee for adoption or foster care, provided the leave concludes within 12 months of the birth or placement.
 2. To care for the employee's spouse, child or parent with a serious health condition.
 3. The employee is unable to work because of the employee's own serious health condition.
 4. Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a covered military member on active duty or call to active duty status in support of a contingency operation.
 5. To care for a covered service member with a serious injury or illness when the covered service member is the employee's spouse, child, parent or next of kin.
- D. Amount of FMLA leave.
 1. An employee who takes FMLA leave for any of the situations described in subsections (C)(1), (2), (3) or (4) may take a maximum of 12 workweeks of leave during any rolling 12-month period, measured backward from the first day of each approved period of FMLA leave.
 2. An employee who takes FMLA leave for the situation described in subsection (C)(5) may take up to 26 workweeks of leave in a single 12-month period.
 3. During a 12-month period, an eligible employee is able to take no more than 12 workweeks of FMLA leave for any of the situations described in subsections (C)(1), (2), (3) or (4) and a combined total of 26 workweeks of FMLA leave if the leave includes the situation described in subsection (C)(5).
- E. Designation of FMLA leave. An employee need not specifically request FMLA leave to be placed on FMLA leave. If an eligible employee takes leave for any reason covered by the FMLA and has not already exhausted the employee's available FMLA leave, the agency head shall designate the employee's leave as FMLA leave.
- F. Use of paid leave. Except for portions of industrial leave, an employee on FMLA leave shall be required to use the employee's available paid leave while on FMLA leave as follows and in the following order:
 1. Sick leave or, as applicable, family sick leave subject to the provisions of R2-5A-B603.

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2. Compensatory leave subject to the provisions of R2-5A-B607.
 3. Annual leave subject to the provisions of R2-5A-B602.
 4. Leave without pay subject to the provisions of R2-5A-C602.
- G.** Insurance benefits continuation. An employee who is using leave with pay remains eligible for continued participation in the employee insurance plans and the employee's share of premiums/contributions is paid through payroll deduction. An employee who is on leave without pay while on FMLA leave may continue to participate in the employee insurance plans as follows:
1. Health benefit plan participation. An employee is eligible to continue to participate in the health benefit plan for the duration of the FMLA leave by paying the employee premium/contribution. An agency head may recover the state's portion of premium/contributions paid to maintain health coverage for an employee if the employee fails to return from FMLA leave under certain circumstances, in accordance with FMLA regulations incorporated by reference in subsection (A).
 2. Life insurance plan participation. An employee continues to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan and may continue to participate in the supplemental life and dependent life insurance coverage by paying the full premium/contribution.
 3. Termination of insurance. The insurance coverage of an employee on leave without pay who fails to pay insurance premiums/contributions when due shall terminate at 11:59 p.m. on the last day of the period covered by the last premium/contribution paid.
- H.** Return from FMLA leave. An agency head shall restore an employee returning from FMLA leave to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. The provisions of the FMLA, not the provisions of R2-5A-C602(C), shall govern return to work from leave without pay granted to complete an FMLA-qualified leave.
- I.** Employee responsibilities. An employee is required to adhere to the employing agency's call-in procedures, give the agency 30 days' notice in the event of a foreseeable leave, provide requested documentation, and periodic updates of the employee's status and intent to return to work as requested by the agency.
- J.** Agency rights. Nothing in the FMLA or this Section should be construed as limiting an agency's right to manage, discipline or terminate an employee, including an employee's failure to comply with the agency's request for appropriate documentation to substantiate the employee's need for the leave. However, an employee's use of FMLA leave cannot be considered as a negative factor in any employment decision.
- K.** Conflict. If there is a conflict between the provisions of these rules and the FMLA, the provisions of the FMLA govern.
- Historical Note**
- Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).
- R2-5A-D602. Industrial Leave**
- A.** Use of leave.
1. An agency head shall place an employee who sustains a job-related illness or injury that is compensable under the Workers' Compensation Law, A.R.S. Title 23, Chapter 6 on sick leave.
 2. If an employee who is on leave under the Worker's Compensation laws meets Family and Medical Leave Act (FMLA) eligibility requirements and the leave qualifies for FMLA leave, an agency head shall count it as FMLA leave. An agency head shall apply industrial leave and FMLA concurrently.
 3. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers' Compensation payments) that do not exceed the gross salary of the employee.
 4. If an employee exhausts all sick leave, compensatory leave and annual leave, an agency head shall place the employee on leave without pay.
- B.** Payments. If an employee receives a retroactive Workers' Compensation payment for any period of industrial illness or injury for which leave payments were received, the employee shall reimburse the agency for Workers' Compensation payments that exceed 100% of the employee's gross salary before the illness or injury, and the agency head shall restore the equivalent value of leave to the employee's appropriate leave account.
- C.** Light duty. If an employee has a job-related illness or injury that impairs performance on the former job, the agency head shall make every effort to place the employee in a suitable position within the agency, including a light duty assignment.
- D.** Restriction. An agency head shall not grant sick leave or leave without pay to an employee who fails to accept compensation available under the industrial injury and disease provisions of A.R.S. §§ 23-901 to 23-1091.
- E.** Insurance benefits continuation. An employee who is using leave with pay in accordance with subsection (A) remains eligible for continued participation in the employee insurance plans and the employee's share of premiums/contributions is paid through payroll deduction. An employee who is on leave without pay due to an industrial illness or injury may continue to participate in the employee insurance plans as follows:
1. Health benefit plan participation.
 - a. An employee may continue to participate in the health benefit plan for a maximum of six months from the date of illness or injury by paying the employee premium/contribution.
 - b. At the end of the six-month period, an employee who remains on leave without pay due to industrial illness or injury may continue to participate in the health benefit plan by paying both the state and employee premiums/contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long-term Disability, whichever occurs first.
 2. Life insurance plan participation. An employee who is on leave without pay continues to participate in the basic life and accidental death and dismemberment insurance plan without cost for six months after the month in which the illness or injury occurs. During this six-month period, the employee may continue supplemental life and dependent life coverages that were in effect at the start of the leave by paying the applicable premium/contribution.
 3. Termination of insurance. The insurance coverage of an employee on leave without pay who fails to pay insurance premiums/contributions when due shall terminate at 11:59 p.m. on the last day of the period covered by the last premium/contribution paid.

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- F. Accrual of leave. An employee shall continue to receive full leave accrual as long as the employee uses two or more hours of paid leave each day.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-D603. Military Leave

An employee who requests absence with pay on military leave under A.R.S. §§ 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave. An employee who has not received the orders for duty prior to the start of the military leave shall submit a copy of the orders within five workdays of receipt. An employee may be absent with pay for military purposes for up to three times the average of regularly scheduled work hours in a weekly work period each year and up to six times the average of regularly scheduled work hours in a weekly work period in any two consecutive federal fiscal years. All state agencies are responsible for complying with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 and all applicable revisions. USERRA Regulations, 20 CFR 1002.1 through 20 CFR 1002.314 (April 2012), are incorporated by this reference and on file with the Department and available from the U.S. Government Printing Office, 732 North Capitol Street N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-D604. Victim Leave

An employee who is a victim of a juvenile offense or a crime and who requests absence from work to attend court-related proceedings under A.R.S. §§ 8-420 or 13-4439 shall submit a copy of the form provided to the employee by the law enforcement agency or a copy of the information the law enforcement agency provided to the employee with the request for victim leave. An employee shall use the employee's available sick leave, compensatory leave or annual leave for such absence. If an employee exhausts all sick leave, compensatory leave and annual leave, an agency head shall place the employee on leave without pay.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 7. PERFORMANCE MANAGEMENT**R2-5A-701. General**

- A. Performance management system. The Director shall establish a performance management system to evaluate the job performance of state employees. The performance management system established by the Director shall contain performance rating levels and shall contain numerical points to apply to each performance rating level established.
- B. Administration. The Director shall develop an administrative manual and training on the performance management system.
- C. Exceptions. The performance management system may be used:
1. As determined by the appointing authority for the agency head, to evaluate the job performance of the agency head.

2. As determined by the agency head, to evaluate the job performance of each subordinate uncovered employee in a position listed in A.R.S. § 41-742(F).

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

R2-5A-702. Performance Management Process

- A. Performance plan. For the purposes of this subsection, "performance plan" means a communication by an employee's supervisor that outlines what is expected of the employee and how the employee's performance will be measured. Subject to review by agency management, a supervisor:
1. Shall communicate performance expectations with each employee within 30 days of becoming the employee's supervisor.
 2. May modify a performance plan at any time during a performance period.
 3. Shall modify a performance plan when significant responsibilities or expectations are added to or removed from a position.
 4. Shall notify the affected employee of any modifications made to a performance plan under subsection (A)(2) or (3).
- B. Performance evaluation requirements.
1. Informal evaluation. A supervisor shall:
 - a. Monitor and evaluate an employee's performance throughout the rating period,
 - b. Provide feedback to the employee on a regular basis, and
 - c. Attempt to correct inadequate performance where possible and appropriate.
 2. Formal evaluation. A supervisor shall:
 - a. Formally evaluate, document and rate the performance of each employee at least annually.
 - b. Submit the evaluation to agency management for review prior to the evaluation being administered to the employee.
 3. Covered probationary employees. Prior to granting a covered probationary employee permanent status, a supervisor shall evaluate a probationary employee at least once prior to the end of the employee's probationary period.
- C. Responsibilities.
1. An employee shall comply with the performance plan established by the supervisor.
 2. A supervisor shall comply with performance evaluation requirements.
 3. An agency head shall ensure that all performance evaluations are completed as required by this Section.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

ARTICLE 8. DISCIPLINARY ACTIONS**R2-5A-801. General**

- A. Authority. An agency head has the primary authority and responsibility for managing the conduct of all employees within an agency. A covered employee may be disciplined only for cause. An agency head shall discipline a covered employee in accordance with this Article and the rules in Sub-

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chapter B of this Chapter. An uncovered employee serves at the pleasure of the appointing authority and may be dismissed at will. Except for an employee who is in a position listed in A.R.S. § 41-742(F), any action that involves a suspension greater than 80 working hours, an involuntary demotion, or a dismissal requires review by the Director prior to the agency head administering such action.

- B. Level of discipline.**
1. If an agency head deems it necessary to discipline an employee, the agency head may determine the level of discipline to be imposed, up to and including dismissal, subject to review by the Director, if applicable.
 2. In determining the level of discipline to be imposed, the agency head may consider the following factors:
 - a. Consistent application of rules and standards,
 - i. Unless otherwise prescribed by statute, the agency head need only consider those cases decided under the administration of the current agency head. Decisions in cases prior to the administration of the current agency head are not binding upon the current agency head and are not relevant in determining consistent application of rules and standards.
 - ii. In determining consistent application of rules and standards, the disciplinary actions imposed by one agency may not be binding upon any other agency and may not be used for comparison purposes in hearings wherein the consistent application of rules and standards is at issue.
 - b. Prior knowledge of rules and standards,
 - c. The severity of the infraction,
 - d. The repeated nature of violations,
 - e. Prior corrective or disciplinary actions,
 - f. Previous oral discussions,
 - g. The employee's past work record,
 - h. The effect on agency operations,
 - i. The potential of the violations for causing damage to persons or property.
- C. Limitations.**
1. Except as otherwise provided by statute or rule, suspensions shall not exceed a total of 30 working days during any 12-month period. The 12-month period begins with the first day of the first suspension.
 2. An employee who is involuntarily demoted must possess the qualifications for the position and:
 - a. A covered employee who has attained permanent status may be involuntarily demoted only to a regular position in the covered service.
 - b. An uncovered employee may be involuntarily demoted only to a position in the uncovered service.
- D. Review by Director.**
1. Letters of reprimand and suspensions without pay of 80 working hours or less are not subject to review by the Director.
 2. Prior to imposing a suspension greater than 80 working hours, an involuntary demotion, or dismissal, the agency head shall submit the proposed action to the Director for review as prescribed in R2-5A-802, unless the employee is in a position listed in A.R.S. § 41-742(F). If the employee is in a position listed in A.R.S. § 41-742(F), a review by the Director is not required.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-802. Procedures for Review by the Director

- A.** Prior to administering any action requiring review by the Director, the agency head shall submit the proposed letter to the Director prior to the date the agency head intends to issue the letter to the employee.
- B.** The Director shall review the agency head's proposed action and provide notification of concurrence or recommend modification to the proposed action.
- C.** When the agency head administers the action to an employee, the agency head shall also send a copy of the employee's letter to the Director. If the agency head determines that no action will be taken, the agency head shall notify the Director.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-803. Employee Request for Review of Disciplinary Action

- A.** A covered employee who is issued a disciplinary action may have grievance or appeal rights, as applicable.
- B.** An uncovered employee does not have grievance rights or the right of appeal to the State Personnel Board or the Law Enforcement Merit System Council.
- C.** A covered employee who files a complaint on a disciplinary action alleging discrimination or harassment is precluded from also filing a grievance through the agency's grievance procedure on the same disciplinary action that is the subject of the employee's complaint.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

ARTICLE 9. COMPLAINTS**R2-5A-901. Complaint System**

- A. General.** Each agency head shall:
 1. Adopt a procedure to address employee complaints concerning discrimination or harassment in compliance with this rule.
 2. Designate an employee of the agency to serve as the agency's complaint coordinator, who shall be responsible for receiving complaints, determining applicability under the complaint system, investigating or assigning the complaint to the appropriate individual within the agency for review or investigation, and tracking the processing of complaints.
- B. Matters subject to the complaint system.** The adopted complaint procedure shall require the complainant to file the complaint with the agency complaint coordinator within 180 days of the action giving rise to the complaint and to clearly outline the allegations to be addressed, including whether the basis of the complaint is based on:
 1. Unlawful discrimination based on race, color, religion, sex (including pregnancy), age, national origin, genetic information or on the basis of a disability.
 2. Allegation of sexual harassment or other form of harassment.
 3. Retaliation for filing a complaint.

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4. Retaliation or intimidation for exercising any right under state or federal law.
 - C. Preparation. A complainant shall not be allowed the use of state time or state property to prepare a complaint, prepare for a meeting with agency management or to meet with a representative. Subject to supervisory approval, a complainant may request available compensatory or annual leave for this purpose.
 - D. Multiple complaints. Multiple complaints by an employee may be consolidated into a single complaint. Separate complaints filed by two or more employees regarding the same issue or issues may be consolidated into a group complaint. Employees having a common complaint may submit one group complaint, identifying one complainant as the selected spokesperson for the group. Employees who choose to file a group complaint are prohibited from filing separate complaints on the same issue.
 - E. Amendments. Once a complaint is submitted to the agency complaint coordinator, it may not be amended. If additional documentation is submitted by the complainant after the initiation of the complaint, the reviewing or investigating official may remand the complaint to the complainant for reconsideration and resubmission.
 - F. Approval. Each agency will submit its proposed complaint procedure and any subsequent changes to the Director for approval.
7. The agency head, or designee, shall review the findings and recommendations and issue a decision in writing to the complainant.
 8. A statement advising that retaliation against an employee for filing a complaint in good faith will not be tolerated or permitted.
 9. A statement specifying that a grievance filed by a covered employee under R2-5B-403 that includes an allegation of discrimination or harassment shall be reviewed or investigated under the provisions of this Article, and not the grievance system.
- B. Review by Director.**
1. An employee, other than a Department of Administration employee, who is not satisfied with the agency head's response to a complaint alleging discrimination or harassment, may elevate the complaint to the Director within five business days after the receipt of the agency head's response. The Director will furnish a copy of the final decision to the agency head and the complainant within 20 business days following receipt of the complaint by the Director. The 20 business days may be extended by the Director with the concurrence of the complainant. The decision of the Director is the final step in the complaint procedure.
 2. A complainant who is a Department of Administration employee and who is not satisfied with the Director's decision on a complaint alleging discrimination or harassment may resubmit the complaint to the Director within five business days after receipt of the Director's decision. The Director will appoint an individual who is not an employee of the Department of Administration and who serves in a position that is assigned to manage an agency's employee relations or investigations work unit to investigate the resubmitted complaint. The investigator shall conduct an investigation and furnish a copy of the findings and final decision to the Director and the complainant within 20 business days following receipt of the complaint by the investigator. The 20 business days may be extended by the investigator with the concurrence of the complainant. The decision of the investigator is the final step in the complaint procedure.
 3. The response will refer the employee to the appropriate entity if the employee is dissatisfied with the final step of the complaint procedure.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-902. Complaint Procedures

- A. Content.** Each agency complaint procedure shall include as a minimum that:
1. The agency head be notified of all verbal or written complaints of discrimination or harassment reported by an employee immediately upon receipt of a complaint.
 2. Employees who are told or otherwise become aware that discrimination or harassment is occurring must immediately report the allegation or complaint to the agency's complaint coordinator.
 3. The complaint include all facts and circumstances involved in the alleged violation, including:
 - a. Description of the incident(s),
 - b. Name(s) of individual(s) involved,
 - c. Name(s) of witness(es),
 - d. The date(s) the discrimination or harassment occurred (if known),
 - e. Resolution sought,
 - f. Federal or state law alleged to have been violated.
 4. The agency complaint coordinator shall acknowledge receipt of the complaint in writing to the complainant not later than five business days after receipt of the written complaint.
 5. The agency complaint coordinator shall initiate an investigation into the alleged complaint or assign the complaint to the appropriate individual within the agency for review or investigation within 10 business days and the review or investigation shall be completed within 60 business days of receipt of the written complaint. If extenuating circumstances exist, an extension shall be requested through the agency complaint coordinator.
 6. Barring resolution of the complaint by agreement of the parties, the agency complaint coordinator shall forward a written recommendation to the agency head, or designee,

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 10. SEPARATIONS**R2-5A-1001. Voluntary Separation**

- A. Resignation.** An employee may terminate employment with the state by submitting a written resignation to the agency head. An employee should submit a resignation at least 10 business days prior to the effective date of the resignation. If an employee resigns orally, the agency head shall confirm the resignation in writing. An agency head may refuse to accept a resignation and separate the employee pursuant to R2-5A-1002.
- B. Job abandonment.** An agency head may consider an employee to have voluntarily resigned from employment with the agency when the employee is absent from duty for three consecutive workdays or equivalent without proper authorization.

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Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5A-1002. Involuntary Separation

- A.** General. An agency head may terminate an employee as deemed necessary to meet the needs of the agency and in keeping with federal and state laws and regulations. A covered employee may be dismissed only for cause. An agency head shall dismiss a covered employee in accordance with Article 8 and the rules in Subchapter B of this Chapter.
- B.** Staff reduction. At times, a staff reduction is necessary due to lack of work, lack of funds, economic slowdowns, technological or structural changes in the agency's operations, or because a staff reduction is determined to be necessary to ensure the financial health and viability of the agency.
1. Except for an employee who is in a position listed in A.R.S. § 41-742(F), a staff reduction of an uncovered employee requires review by the Director prior to the agency head administering such action.
 2. An agency head shall conduct staff reductions of covered employees in accordance with Subchapter B, Article 6, Reduction in Force.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

SUBCHAPTER B. COVERED EMPLOYEES**ARTICLE 1. GENERAL****R2-5B-101. Definitions**

In addition to the definitions provided in Subchapter A of this Chapter, the following definitions apply to this Subchapter:

"Limited appointment employee" means an employee who, before September 29, 2012, was subject to the provisions of A.R.S. Title 41, Chapter 4, Articles 5 and 6 that were in effect before September 29, 2012, was appointed to a position that was based on the duration of funding, and was not eligible to acquire reduction in force rights.

"Original probationary period" means the specified period following initial appointment to covered service. A.R.S. § 41-741(10)

"Permanent status" means the standing a covered employee achieves after the completion of an original probation or a promotional probation.

"Probationary period" means a working test period of employment in a covered service position for evaluation of the employee's work. A.R.S. § 41-741(11)

"Promotional probation" means the specified period of employment following promotion of a permanent status employee to another covered position that has a higher pay grade. A.R.S. § 41-741(12)

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-102. Applicability

- A.** The rules in this Subchapter are applicable to covered positions, applicants for covered positions and covered employees in the State Personnel System.
- B.** Covered service is limited to the following:
1. An employee who was in the state service as either a probationary or permanent status employee, was not required

to become at will uncovered in accordance with A.R.S. Title 41, Chapter 4, Article 4, and who does not:

- a. Voluntarily elect to become uncovered at will.
 - b. Voluntarily accept a change in assignment to a position in the uncovered service.
 - c. Have a break in service.
2. A newly hired employee who is appointed or a current uncovered employee who voluntarily accepts a change in assignment to:
 - a. A position in the Arizona Department of Corrections that is classified as a Correctional Officer I, Correctional Officer II, Correctional Officer III, or a Community Corrections Officer; or
 - b. A position in any state agency that requires certification as a full authority peace officer by the Arizona Peace Officer Standards and Training Board, provided the position is not in the uncovered service.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

ARTICLE 2. EMPLOYMENT STATUS**R2-5B-201. Applicability**

The rules under this Article are applicable only to positions in the covered service and covered employees.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-202. Original Probation

- A.** General. A new employee hired into a position in the covered service shall serve an original probation period of one year.
- B.** Extension of probation.
1. An agency head may extend an employee's original probation up to six additional months for employment-related reasons.
 2. The probationary period shall be extended for any period for which a probationary employee is on leave without pay for more than 80 consecutive working hours. If original probation is extended for this reason, the employee's probation may exceed 18 months.
- C.** Completion of original probation.
1. In accordance with the rules in Subchapter 5A, Article 7, a supervisor shall evaluate an original probationary employee and submit a report to the agency head before expiration of the employee's probationary period. If the agency head takes no action to extend the probationary period or to terminate the employee, the agency head shall grant permanent status to the employee upon completion of the probationary period.
 2. If an agency head determines at any time during an original probationary period that the services of a probationary employee are no longer required in that position for any reason or for no reason, the agency head may:
 - a. Dismiss the employee without a stated reason and without the right of appeal, providing the employee a letter of dismissal; or
 - b. Offer the employee another position for which the employee possesses the qualifications. An employee who accepts a position that is not in the covered service is an at will uncovered employee.

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- D.** Change in position. An original probation employee who is selected for another position in the covered service shall serve an original probation period in the new position.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-203. Promotional Probation

- A.** General. A permanent-status employee who is promoted to a position in the covered service shall serve a promotional probation period of six months.
- B.** Extension of probation.
1. An agency head may extend an employee's promotional probation up to six additional months for employment-related reasons.
 2. The probationary period shall be extended for any period for which a probationary employee is on leave without pay for more than 80 consecutive working hours. If promotional probation is extended for this reason, the employee's probation may exceed one year.
- C.** Completion of promotional probation.
1. In accordance with the rules in Subchapter 5A, Article 7, a supervisor shall evaluate a promotional probationary employee and submit a report to the agency head before expiration of the employee's probationary period. If the agency head takes no action to extend the probationary period, to revert or separate the employee, or offer the employee another position, the agency head shall grant permanent status to the employee upon completion of the probationary period.
 2. If an employee fails to complete a promotional probation successfully the agency head may revert the employee in the current employing agency to:
 - a. A vacant position in the class in which the employee held permanent status immediately before promotion, or
 - b. A similar position in another class at the same grade as the class that the employee holds permanent status if the employee possesses the qualifications for that position.
- D.** Discipline. Neither subsection (C)(2)(a) nor (b) shall preclude the imposition of disciplinary action.
- E.** Failure to complete promotional probation. An employee who is reverted shall not have the right to appeal.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-204. Permanent Status

- A covered employee who has successfully completed the employee's probationary period shall attain permanent status in the position.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-205. Change from Covered to Uncovered Service

- A.** Voluntary election. A covered employee may voluntarily elect to become an at will uncovered employee without a change in assignment. Such an election is subject to the approval of the head of the employing agency and the Director. If approved, the effective date of the employee's change to uncovered service shall be the first day of the pay period immediately following the Director's approval.

- B.** Change in assignment. Except for a special assignment, a covered employee who voluntarily accepts a change in assignment to a position that is not in the covered service, regardless of whether the voluntary change in assignment is a promotion, demotion, or lateral transfer, is an at will uncovered employee. The effective date of the employee's change to uncovered service shall be the same as the effective date of the change in assignment. A special assignment is not a change in assignment.
- C.** Return to state employment. A covered employee who has a break in service and returns to employment in an agency in the State Personnel System in any capacity shall be an at will uncovered employee, unless the appointment is to a position in the covered service.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

ARTICLE 3. DISCIPLINARY ACTIONS**R2-5B-301. General**

- A.** Applicability. The rules under this Article are applicable only to covered employees.
- B.** Review by Director. Disciplinary actions for covered employees are subject to the review requirements outlined in R2-5A-801(D) and R2-5A-802.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-302. Reprimand

- A.** Authority. An agency head may issue a written reprimand to an employee for cause.
- B.** Reprimand Procedures. The agency head shall provide the employee with a written statement of the reasons for the reprimand and the employee's grievance rights.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-303. Suspension

- A.** Authority. An agency head may suspend an employee without pay for cause.
- B.** Limitation. Except as otherwise provided by statute or rule, suspensions shall not exceed a total of 30 working days during any 12-month period. The 12-month period begins with the first day of the first suspension.
- C.** Pre-suspension procedures for suspensions exceeding 80 working hours. Before an employee with permanent status can be suspended for more than 80 working hours, the agency head shall submit the proposed action to the Director for review as prescribed in R2-5A-802, give the employee written notice of the charges, a summary of the agency head's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three business days after the employee receives notice of the charges, unless extended in writing by the agency head.
- D.** Suspension procedures. The agency head shall provide the employee with a written statement of the reasons for the suspension. The statement shall specify the period of suspension and the employee's grievance or appeal rights.

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Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-304. Involuntary Demotion

- A. Authority. An agency head may involuntarily demote a permanent status employee for cause to any covered position in the employing agency, provided the employee possesses the qualifications for such position.
- B. Pre-demotion procedures. Before an employee with permanent status can be involuntarily demoted, the agency head shall submit the proposed action to the Director for review as prescribed in R2-5A-802, give the employee written notice of the charges, a summary of the agency head's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three business days after the employee receives notice of the charges, unless extended in writing by the agency head.
- C. Involuntary demotion procedures. Prior to the effective date of the involuntary demotion, a written notice containing specific reasons for the demotion and the employee's right of appeal shall be provided to the employee and the Director.
- D. Probation. Except as otherwise provided in these rules, an employee who is involuntarily demoted shall not be required to serve a probationary period in the position to which demoted.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-305. Dismissal

- A. Relief from duty. Nothing in this rule shall preclude the agency head from immediately placing an employee on administrative leave pending implementation of procedures under this Section, but no pay shall be withheld for such period.
- B. Dismissal during original probation. An employee on original probation may be dismissed without a stated reason and without the right of appeal.
- C. Pre-dismissal procedures. Before an employee with permanent status can be dismissed, the agency head shall submit the proposed action to the Director for review as prescribed in R2-5A-802, give the employee written notice of the charges, a summary of the agency head's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three business days after the employee receives notice of the charges, unless extended in writing by the agency head.
- D. Dismissal procedures. The agency head may dismiss an employee with permanent status only for cause but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for dismissal in sufficient detail to inform the employee of the facts, with a copy to the Director. The agency head shall include a statement of the employee's right to appeal.
- E. Effective date of dismissal. The dismissal action is not effective until one of the following occurs:
 - 1. The employee signs for receipt of the dismissal letter personally served or served by mail;
 - 2. Three business days have passed since the letter was mailed to the employee; or
 - 3. An attempt is made to personally serve the dismissal letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 4. GRIEVANCES**R2-5B-401. Applicability**

The rules under this Article are applicable only to covered employees.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-402. Grievance System

- A. General. Each agency that has one or more covered employees shall:
 - 1. Adopt a grievance procedure which will afford each covered employee a systematic means of resolving an employee's disagreement with the receipt of a disciplinary action that is either:
 - a. A written reprimand, or
 - b. A suspension of:
 - i. 40 working hours or less if the employee is a full authority peace officer, or
 - ii. 80 working hours or less if the employee is a covered employee in any other capacity.
 - 2. Designate an employee of the agency to serve as the agency's grievance coordinator, who shall be responsible for receiving grievances, determining applicability under the grievance system, forwarding the grievance to the appropriate individual within the agency for review or investigation, and tracking the processing of grievances.
- B. Non-applicable matters. The adopted grievance procedure shall not apply to any matter for which another method of review is provided, including but not limited to:
 - 1. Retirement, Life Insurance, or Health Insurance;
 - 2. Any classification action;
 - 3. Any recruitment, selection, or appointment;
 - 4. Any compensation action;
 - 5. A disciplinary action that is either:
 - a. A suspension of:
 - i. More than 40 working hours if the employee is a full authority peace officer, or
 - ii. More than 80 working hours if the employee is a covered employee in any other capacity,
 - b. A demotion, or
 - c. A dismissal.
 - 6. A complaint alleging discrimination or harassment; or
 - 7. Any reduction in force action.
- C. Restrictions. An employee may not submit a grievance challenging the following management rights:
 - 1. An agency head's right to direct agency employees.
 - 2. An agency head's right to hire, promote, transfer, assign, and retain employees.
 - 3. An agency head's right to maintain efficiency of government operations and to determine the methods, means, and personnel by which these operations are to be conducted.
- D. Preparation. A grievant shall not be allowed the use of state time or state property to prepare a grievance, prepare for a meeting with agency management or to meet with a representative. Subject to supervisory approval, a grievant may request available compensatory or annual leave for this purpose.
- E. Steps. An agency's grievance procedure shall have two steps for review.

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1. As determined by the agency head, the first step in the grievance procedure shall be:
 - a. The employee's second line supervisor,
 - b. The assistant director or equivalent, or
 - c. Any level of management between (a) and (b).
 2. The final step in the grievance procedure shall be the agency head, or designee.
 3. An agency head may choose to incorporate an additional step in the agency grievance procedure after the first step review.
- F.** Amendments. Once a grievance is submitted to the first step, it may not be amended. If additional documentation is submitted by the grievant after the initiation of the grievance, the reviewing official may remand the grievance to the appropriate previous level for reconsideration.
- G.** Approval. Each agency head will submit the agency's proposed grievance procedure and any subsequent changes to the Director for approval.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-403. Grievance Procedures

Content. The grievance procedure established in each state agency shall include as a minimum:

1. An initial statement that any complaint alleging unlawful discrimination or unlawful harassment will be reviewed or investigated according to the provisions of the separate complaint process outlined in Subchapter A, Article 9, and not the grievance system.
2. A requirement that the grievant have an oral discussion with the individual designated as the first step in the agency's grievance procedure in an attempt to resolve the employee's disagreement with the disciplinary action, prior to initiating the written grievance procedure.
3. A requirement that the employee file the grievance in writing with the agency grievance coordinator, within 10 business days after the occurrence of the action being grieved. The date of occurrence of a:
 - a. Reprimand is the date the reprimand was issued to the employee.
 - b. Suspension is the first day of suspension.
4. A requirement that the grievance contain a complete statement of all the facts and circumstances involved and the specific redress sought.
5. A provision that the grievant may select a representative at any step in the procedure after the oral discussion with the immediate supervisor.
6. A requirement that another state employee who serves as the representative of a grievant must receive approval for annual or compensatory leave to represent the grievant.
7. A requirement that the grievant must have a minimum of five business days after receipt of a response to forward the grievance at any step, must sign the grievance at each step, and must state the reasons why the response at the previous step was unsatisfactory.
8. A requirement that the agency head will respond to the grievant not later than 30 business days after receipt of the grievance at the first step. Within the 30 business day period, the time for any step may be extended by the agency head with the concurrence of the grievant.
9. A statement that the decision of the agency head is the final step in the grievance process.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by final rulemaking at 30 A.A.R. 2765 (September 6, 2024) effective October 12, 2024 (Supp. 24-3).

ARTICLE 5. APPEALS**R2-5B-501. Applicability**

The rules under this Article are applicable only to covered employees who have attained permanent status.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-502. General

- A.** Except for an employee who is a full authority peace officer, an employee may file an appeal on the receipt of a disciplinary action that is either:
1. A suspension for more than 80 working hours,
 2. An involuntary demotion, or
 3. A dismissal.
- B.** Such appeals shall be filed with the State Personnel Board and in accordance with the rules established by the Board.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-503. Full Authority Peace Officers

- A.** A full authority peace officer may file an appeal on the receipt of a disciplinary action that is either:
1. A suspension for more than 40 working hours,
 2. An involuntary demotion, or
 3. A dismissal.
- B.** Such appeals shall be filed with the Law Enforcement Merit System Council and in accordance with the rules established by the Council.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

ARTICLE 6. REDUCTION IN FORCE**R2-5B-601. Applicability**

The rules under this Article are applicable only to covered positions and covered employees.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

R2-5B-602. Reduction in Force Procedures

- A. General.**
1. An agency head shall submit to the Director a proposal to conduct a reduction in force if required for one or more of the following reasons:
 - a. Lack of funds or work,
 - b. Abolition of one or more covered positions,
 - c. Material change in job duties or agency organization, or
 - d. Introduction of a cost reduction initiative.
 2. An agency head shall submit the proposal for a reduction in force at least 30 business days before the proposed effective date of the reduction in force. If circumstances beyond the agency's control do not permit at least 30 business days' notice, the agency head shall submit the

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- proposal as soon as the agency head is aware of the necessity for a reduction in force.
3. An agency head shall include all of the following in the proposal for a reduction in force:
 - a. The reason for the reduction in force;
 - b. The proposed scope of the reduction in force, which shall be limited to either:
 - i. The agency,
 - ii. An organizational unit of the agency, or
 - iii. Agency operations within a geographic area,
 - c. Each specific covered position proposed for elimination and an organization chart identifying each position, and
 - d. The proposed effective date of the reduction in force.
 4. An agency head shall submit a proposal that is consistent with A.R.S. § 41-772 and this Section.
 5. An agency head shall not approve a personnel action that would have an effect on the reduction in force after the agency head has submitted a proposal for a reduction in force.
 6. An agency head shall not re-establish a position that was abolished as a result of a reduction in force for two years if the position was filled when the reduction in force occurred, unless the position was abolished due to fiscal constraints, legislative action, or court order.
- B. Administration of reduction in force.** The Director shall review and approve, modify or deny a reduction in force within 20 business days of receipt. Upon approval of the Director to conduct a reduction in force:
1. An agency head shall separate a covered employee who is not a permanent status employee in the class affected by the reduction in force in the following order before any reduction in force action is taken that affects a permanent status employee, provided the separation of the non-permanent status employee will accomplish, or assist in accomplishing, the purpose of the reduction in force:
 - a. Temporary employee,
 - b. Original probationary employee, and
 - c. Limited appointment employee.
 2. An agency head shall use retention points to identify a permanent status employee within a class series affected by a reduction in force for retention in the employee's current position, transfer, reduction, or separation based on the employee's relative standing on the retention point list.
 3. An agency head shall base retention points upon performance calculated in accordance with the instructions in subsections (C) and (D).
 4. An employee on promotional probation or special assignment shall compete for retention in the employee's permanent status class.
 5. An employee in an underfill position shall compete for retention in the employee's permanent status class.
 6. A permanent part-time employee shall compete for retention against another permanent part-time employee in the same class.
- C. Calculation of retention points.** An agency head shall compute the average score of a maximum of the three most recent performance evaluations in the 24 months concluded before the date of proposal for a reduction in force. An employee's average score shall be the employee's retention points. If an employee has not had a performance evaluation in the past 24 months, the employee shall receive 2.0 retention points.
- D. Resolution of ties.** An agency head shall break any tie in total retention points in the following manner and order:
1. The employee with the highest most recent performance evaluation shall be given preference.
 2. If a tie continues to exist, the agency head shall break the tie by lot.
- E. Offer of position.**
1. An agency head shall provide written notice at least five business days in advance to each employee identified for transfer, reduction, or separation. If circumstances beyond the agency's control do not permit at least five business days' notice, the agency head shall provide notice as soon as the agency head is aware of the necessity to transfer, reduce, or separate the employee.
 2. The notice shall include:
 - a. The reason for and effective date of the action;
 - b. A job offer, if any, including the salary, location of the position, and supervisor's name;
 - c. The availability of reduction in force procedures and records for review, with references to relevant statutes and rules; and
 - d. The employee's right to request a review of the determination as provided in R2-5B-603.
 3. An agency head shall offer a position to an employee identified for transfer, reduction, or separation with the highest number of points on the retention point list in descending order as follows:
 - a. If a vacant covered position exists and an employee possesses the required qualifications for the position, an agency head shall make the single best offer, in terms of pay range, within the agency of:
 - i. A regular position at the same or lower pay range in the same class series as the employee's present permanent status position;
 - ii. A regular position at the same or lower pay range in any class series in which the employee has held permanent status during the past five years; or
 - iii. If both positions described in subsections (E)(3)(a)(i) and (ii) are available, the position described in subsection (E)(3)(a)(i).
 - b. If the offer under subsection (E)(3)(a) is a position at a lower pay range, the agency head shall provide the employee the option of accepting a vacant covered:
 - i. Funded, regular position at the employee's present pay range in a class series in which the employee has never held permanent status for which the employee is qualified; or
 - ii. Temporary or part-time position at the employee's present pay range for which the employee is qualified.
 4. An employee shall possess the qualifications required when the position was last filled, unless the Director grants an exception.
 5. Any job offer shall contain a time period of not less than three business days in which the employee may accept the offer. Failure of an employee to reply in writing within the stated time period, or failure to accept the job offer, shall constitute a resignation. An employee may accept a job offer and retain the right to request a review of the determination.
 6. If no position exists, the agency head may separate the employee.

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Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4). Amended by exempt rulemaking at 19 A.A.R. 717 effective April 13, 2013 (Supp. 13-1).

R2-5B-603. Employee Request for Review

- A.** An employee may request a review of the following determinations made during a reduction in force:
1. Calculation of the employee's retention points,
 2. A job offer resulting in the employee's transfer or reduction, and
 3. Notification of the employee's separation.
- B.** Within three business days of receipt of a determination notice, unless a longer period is authorized by an agency head,

an employee may submit a written request to the agency head for a review of the determination. The request for review shall be based upon an error, contain specific information concerning the error involved, and include a proposed resolution of the problem.

- C.** The agency head shall review the request and respond to the employee within five business days after receipt of the request.
- D.** An agency head may postpone any portion of a reduction in force until completion of an employee request for review.

Historical Note

Section made by exempt rulemaking at 18 A.A.R. 2782, effective September 29, 2012 (Supp. 12-4).

STATUTORY AUTHORITY FOR THE RULES IN 2 A.A.C. 5
SUBCHAPTER A; ARTICLES 1, 4 AND 6
SUBCHAPTER B; ARTICLE 1

January 2025

41-703. Duties of director

The director shall:

1. Be directly responsible to the governor for the direction, control and operation of the department.
2. Provide assistance to the governor and legislature as requested.
3. Adopt rules the director deems necessary or desirable to further the objectives and programs of the department.
4. Formulate policies, plans and programs to effectuate the missions and purposes of the department.
5. Employ, determine the conditions of employment and prescribe the duties and powers of administrative, professional, technical, secretarial, clerical and other persons as may be necessary in the performance of the department's duties and contract for the services of outside advisors, consultants and aides as may be reasonably necessary.
6. Make contracts and incur obligations within the general scope of the department's activities and operations subject to the availability of monies.
7. Contract with or assist other departments, agencies and institutions of the state, local and federal governments in the furtherance of the department's purposes, objectives and programs.
8. Accept and disburse grants, gifts, donations, matching monies and direct payments from public or private agencies for the conduct of programs that are consistent with the overall purposes and objectives of the department.
9. Establish and maintain separate financial accounts as required by federal law or regulations.
10. Advise and make recommendations to the governor and the legislature on all matters concerning the department's objectives.
11. Delegate the administrative functions, duties and powers as the director deems necessary to carry out the efficient operation of the department.

41-743. Powers and duties of the director

- A. The director is responsible for the direction and control of personnel administration.
- B. The director shall:
 - 1. Employ staff as necessary to perform the duties prescribed by this article.
 - 2. Establish those offices as the director determines necessary to maintain an effective and efficient program of personnel administration.
 - 3. Adopt rules and procedures relating to personnel and personnel administration for both covered and uncovered employees. The rules shall include:
 - (a) The establishment and maintenance of classification and compensation plans.
 - (b) The recruitment, selection and appointment process of eligible applicants.
 - (c) Leave benefits and administration.
 - (d) Procedures for the periodic and regular review and evaluation of the quality and quantity of work performed by employees.
 - (e) Changes to employment status.
 - (f) Procedures for the review of complaints if the complaint contains an allegation of discrimination or harassment.
 - (g) Procedures requiring review by the director of dismissals, suspensions for more than eighty working hours or involuntary demotions before administering the action.
 - (h) Grievance rights specific to covered employees.
 - (i) Appeal rights and other rules specific to covered employees.
 - (j) Any other aspects of personnel administration as determined by the director.
 - 4. Provide an annual report and recommendation to the legislature and the joint legislative budget committee as provided in section 41-751.
 - 5. Establish a mandatory program of personnel management training for all employees with supervisory responsibility that is appropriate to the nature and scope of the employees' responsibilities. The director may waive the mandatory training on a case by case basis. The training shall include at least the following subjects:
 - (a) Basic employee supervision.
 - (b) Employee performance evaluations.

(c) Employee discipline.

(d) Other subjects as the director determines.

6. Provide consultation to state agency management in all aspects of personnel management to increase efficiency and economy in state agencies by improving the methods of personnel administration with full recognition of the requirements and needs of management.

C. The director may:

1. Delegate specific personnel functions to a state agency head consistent with legal requirements.

2. Enter into agreements with any state agency or political subdivision of this state or any agency of a political subdivision of this state to furnish personnel administration services and facilities of the department. Unless monies have been appropriated by the legislature for this purpose, any agreement shall provide for reimbursement to this state of the actual cost of the services and facilities furnished, as determined by the department.

3. Subject to legislative appropriation, contract for the services of consultants necessary to perform the annual salary plan and salary plan adjustment recommendations.

D. Subsection B, paragraph 3, subdivision (g) of this section relating to review by the director for certain disciplinary actions does not apply to those employees listed in section 41-742, subsection F.

41-771. Powers and duties of director relating to employees in covered service

The director shall adopt rules and procedures that are applicable only to employees in covered service. The rules and procedures shall provide for:

1. The continuation of a probationary period for probationary employees.

2. A minimum period of original probationary service following the initial appointment of a full authority peace officer as certified by the Arizona peace officer standards and training board or the initial appointment of a correctional captain, correctional lieutenant, correctional sergeant, correctional corporal, correctional officer I, correctional officer II, correctional officer III, correctional officer IV, community corrections unit supervisor, community corrections group supervisor or community corrections officer. During an original probationary period, the probationary employee shall perform the actual duties of the position and may be discharged without cause. The director shall establish a period of promotional probation service.

3. Disciplinary action to be taken against an employee only if cause exists.

4. Reduction in force by reason of lack of monies or work, abolition of a position or a material change in duties or organization as provided in section 41-772.

5. The continuation of the same annual leave accrual rate and the maximum number of annual leave hours that may carry over into a new calendar year as an uncovered employee for an employee of the state department of corrections who is employed on September 14, 2024 as a correctional captain, correctional lieutenant, correctional sergeant, correctional corporal, correctional officer IV, community corrections unit supervisor or community corrections group supervisor.

D-4.

BOARD OF ACCOUNTANCY

Title 2, Chapter 5.1

Amend: R4-1-229; R4-1-345; R4-1-454; R4-1-455



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - EXPEDITED RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: **BOARD OF ACCOUNTANCY**
Title 4, Chapter 1

Amend: R4-1-229, R4-1-345, R4-1-454, R4-1-455

Summary:

This Expedited rulemaking from the Arizona Board of Accountancy (Board) seeks to amend four (4) rules in Title 4, Chapter 1 related to CPA Examination, Certification and Registration, and Regulation. Specifically, the amendments will do the following:

- R4-1-229
 - Amendments are strictly grammatical fixes.
- R4-1-345
 - Amendments will remove reference to the fee amount that was in place from July 1, 2020 to June 30, 2024 and will remove reference that the fee amount will revert back to \$300 on July 1, 2024. The Board has indicated that this was a temporary discount enacted by the Board and because this discount expired in June 2024, the reference is no longer needed. The Board is not increasing or adding any additional fees.

- R4-1-454
 - Amendments will update the incorporation by reference for the AICPA Professional Standards by the American Institute of Certified Public Accountants. Council Staff believes that the updated incorporation by reference meets the requirements of A.R.S. § 41-1028. Additionally, the Board is proposing to amend the rule to further specify what documents a firm must have accessible to the Accounting Board.
- R4-1-455
 - Amendments will update the incorporation by reference to the American Institute of Certified Public Accountants' (AICPA's) Code of Professional Conduct.

1. Do the rules satisfy the criteria for expedited rulemaking pursuant to A.R.S. § 41-1027(A)?

To qualify for expedited rulemaking, the rulemaking must not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated and meet one or more criteria listed in A.R.S. § 41-1027(A). The Board indicates the rules satisfy the criteria for expedited rulemaking under A.R.S. § 41-1027 (A)(6), amends or repeals rules that are outdated, redundant or otherwise no longer necessary for the operation of state government and (A)(3), corrects typographical errors, makes address or name changes or clarifies language of a rule without changing its effect. The Board is removing an outdated reference in R4-1-345, which meets the requirements of A.R.S. § 41-1027(A)(6) and updates the incorporation by reference. The other changes are grammatical and fall under A.R.S. § 41-1027(A)(3). Council Staff believes that the Board has satisfied the criteria found in A.R.S. § 41-1027(A).

2. Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?

The Board cites both general and specific statutory authority for these rules.

3. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Board indicates that they did not receive any comments related to this rulemaking.

4. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Board indicates that they have made five changes between the proposed expedited rulemaking to the final rulemaking now before the Council. The changes are as follows:

- R4-1-454(A)

- The Board has indicated the previous language included “issued in April 2019”. The Board removed the language because the publish date was already listed and the Board believed the language to be duplicative.
- R4-1-454(B)(6)
 - Added the word Date at the beginning of the sentence because the date is the information the Board needs as opposed to the entirety of the letter.
- R4-1-454(B)(8)
 - Removed the if applicable language between “and” and “due date”, along with removing the word actions after “action and”. The Board removed because they did not consider the language to be necessary.
- R4-1-454(B)(9)
 - Added the word date at the beginning, and removed the term “if applicable” because the term is not necessary. The Board indicated that the clarification was needed because the objective information that the AICPA is able to provide is the date of the peer review or corrective action extension letters, not the letters themselves.
- R4-1-454(B)(10)
 - Added the word date at the beginning. The Board has indicated that the reason for this clarification is to show that the objective information that the AICPA is able to provide is the date of the letter acknowledging the peer review was scheduled, not the letter itself.

5. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Board states there is no corresponding federal law related to this rulemaking.

6. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

The Board indicates that these rules do not require a permit, license, or agency authorization.

7. Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?

The Board did not review or rely on any study during the course of this rulemaking.

8. Conclusion

This Expedited rulemaking from the Arizona Board of Accountancy seeks to amend four rules in Title 4, Chapter 1 related to CPA Examination, Certification and Registration, and Regulation. Specifically, the Board is amending the rules to make grammatical changes, remove reference to an expired fee, and to update incorporations by reference.

As indicated above, this rulemaking satisfies the criteria of an expedited rulemaking pursuant to ARS § 41-1027(A). Pursuant to A.R.S. § 41-1027(H), an expedited rulemaking becomes effective immediately on the filing of the approved Notice of Final Expedited Rulemaking with the Secretary of State.

Council staff recommends approval of this rulemaking.



ARIZONA STATE BOARD OF ACCOUNTANCY

100 N. 15th Ave., Suite 165
Phoenix, AZ 85007
(602) 364-0804
Fax (602) 364-0903
info@azaccountancy.gov

April 10, 2025

The Governor's Regulatory Review Council
100 North 15th Avenue, Ste. 302
Phoenix, AZ 85007
Via email: grrc@azdoa.gov

Re: Request for Approval - Notice of Final Expedited Rulemaking

Council Members:

I am pleased to submit the Notice of Final Expedited Rulemaking on behalf of the Arizona Board of Accountancy. This submission is meant to supersede the submission provided to the Governor's Regulatory Review Council (GRRC) on March 7, 2025. Pursuant to Arizona Administrative Code (A.A.C.) R1-6-202(A)(1), I have addressed the following:

- a. **The close of record date** – January 27, 2025
- b. **Explanation of how the expedited rules meet the criteria in Arizona Revised Statutes (A.R.S.) § 41-1027(A):**
 - a. **A.A.C R4-1-229. Conditioned Credit**
 - i. **Summary of Changes:** Clerical errors were recently identified in this rule. For example, in subsection B, in the last sentence, an incorrect indefinite article is used before "30-month period." Additionally, the most recent edition of the Secretary of State's Rulemaking Manual advises that agencies not use "(s)" in rule language to signify that the subject may be singular or plural. Adjustments are made to reflect this stylistic preference.
 - ii. **Compliance with A.R.S. § 41-1027(A):** These changes do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Furthermore, it corrects typographical errors, which is a permitted justification pursuant to paragraph three of the statute.
 - b. **A.A.C. R4-1-345. Registration; Fees**
 - i. **Summary of Changes:** From July 1, 2020 to June 30, 2024, the Board instituted a temporary biennial fee discount of \$25 for CPAs renewing their certificate, which saved the regulated community approximately \$500,000. The fee discount expired on July 1, 2024 and the fee has returned to the normal amount of \$300 as a matter of law. Because of this, there is no longer any reason or use to keep the

The Americans with Disabilities Act

Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation.

language found in A.A.C. R4-1-345(C)(2)(a)(i) and (ii) that permitted the fee discount, and it should be omitted.

- ii. **Compliance with A.R.S. § 41-1027(A):** These changes do not increase the cost of regulatory compliance, increase a fee, or reduce the procedural rights of persons regulated. Furthermore, it amends or repeals rules that are outdated, redundant, or otherwise no longer necessary for the operation of state government, pursuant to paragraph eight of the statute.

c. **A.A.C. R4-1-454. Peer Review**

- i. **Summary of Changes:** There are two changes that the Board is pursuing as it relates to this rule:

- 1. **Subsection A:** The Board would like to perform its annual update of the incorporation by reference of the Standards for Performing and Reporting on Peer Reviews.¹ A.R.S. § 41-1028(B) requires that a reference in rule fully identify an incorporated matter by location, date and state that the rule does not include any later amendments or editions of the incorporated matter, hence the Board's need to annually update.

- 2. **Subsection B:** The proposed updates permit the Board to see additional information in the American Institute of Certified Public Accountants' (AICPA's)² Facilitated State Board Access (FSBA). The AICPA's FSBA is a system that allows boards of accountancy across the nation to see the status and documentation related to a firm's peer review. The information that this Board is requesting access to view is already contained in the FSBA and would not put an additional burden on CPA firms. In fact, it would save firms time from having to address questions by Board staff that can be independently accessed in the FSBA without any inquiry of the firm. The information would be used to assist the Board in understanding the firm's progress in the peer review program.

- ii. **Compliance with A.R.S. § 41-1027(A):** The Board meets the requirements of this statute as these changes do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Furthermore, it amends a rule that is outdated, which is a permitted justification pursuant to paragraph six of the statute. The AICPA's standards publication is updated on a yearly basis, and the timely updating of these standards ensures that CPAs are regulated by the same standards that industry has implemented. Untimely implementation may lead to ineffective regulation, which may harm the public.

¹ Peer reviews are periodic quality reviews that CPA firms undergo to educate them as to whether complex engagements (e.g., audits) are performed in accordance with applicable standards.

² The AICPA is a national membership organization representing the interest of CPAs in the United States. The AICPA promulgates a code of professional conduct for CPAs to follow and it oversees the peer review program, which is administered by certain entities across the country.

d. A.A.C. R4-1-455. Professional Conduct and Standards

- i. **Summary of Changes:** The Board would like to perform its annual update of the incorporation by reference of the AICPA's Code of Professional Conduct (the Code)³. A.R.S. § 41-1028(B) requires that a reference in rule fully identify an incorporated matter by location, date and state that the rule does not include any later amendments or editions of the incorporated matter, hence the Board's need to annually update.
- ii. **Compliance with A.R.S. § 41-1027(A):** The Board meets the requirements of this statute as this change does not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Furthermore, it amends a rule that is outdated, which is a permitted justification pursuant to paragraph six of the statute. The AICPA's standards publication is updated on a yearly basis, and the timely updating of these standards ensures that CPAs are regulated by the same standards that industry has implemented. Untimely implementation may lead to ineffective regulation, which may harm the public.

c. **Whether the rulemaking activity relates to a five-year rule review report and, if applicable, the date the report was approved by Council** – This rulemaking does not relate to a five-year rule review report.

d. **A certification that the preamble discloses a reference to any study relevant to the rules that the agency reviewed and either did or did not rely on in the agency's evaluation or justification for the rule** – I certify that the Board did not review or rely on any study for this rulemaking.

e. **A list of all the documents enclosed:**

- a. Approvals from the Governor's Office to proceed with expedited rulemaking,
- b. Notice of Final Expedited Rulemaking (including preamble),
- c. Material incorporated by reference, and
- d. General and specific statutes authorizing the rules.

Thank you for your consideration and approval of the Board's Notice of Final Expedited Rulemaking.

Sincerely,



Monica L. Petersen
Executive Director

³ The Code is set of principles and rules that guide the ethical and professional responsibilities of CPAs. It also incorporates technical standards for various practice areas.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

PREAMBLE

1. Permission to proceed with this final expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

March 2, 2025

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

| | |
|----------|-------|
| R4-1-229 | Amend |
| R4-1-345 | Amend |
| R4-1-454 | Amend |
| R4-1-455 | Amend |

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

Authorizing statute: A.R.S. § 32-703(B)(7) and (13)

Implementing statute: A.R.S. § 32-703(B)(8)

4. The effective date of the rule:

The rules are effective the day the Notice of Final Expedited Rulemaking is filed with the Office of the Secretary of State.

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final expedited rule:

Notice of Rulemaking Docket Opening: 30 A.A.R. 3780, Issue Date: December 13, 2024, Issue Number: 50, File number: R24-269

Notice of Proposed Expedited Rulemaking: 30 A.A.R. 3774, Issue Date: December 13, 2024, Issue Number: 50, File number: R24-268

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

Name: Monica L. Petersen
Title: Executive Director
Address: Arizona State Board of Accountancy
 100 N. 15th Ave., Suite 165
 Phoenix, AZ 85007
Telephone: (602) 364-0870
Fax: (602) 364-0903
Email: mpetersen@azaccountancy.gov
Website: www.azaccountancy.gov

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

R4-1-229. Clerical errors were recently identified in this rule. For example, in subsection B, in the last sentence, an incorrect indefinite article is used before "30-month period." Additionally, the most recent edition of the Secretary of State's Rulemaking Manual advises that agencies not use "(s)" in rule language to signify that the subject may be singular or plural. Amendments are made to this rule to use the correct indefinite article and to reflect the rule language preferences of the Secretary of State's office.

R4-1-345. From July 1, 2020 to June 30, 2024, the Board instituted a temporary biennial fee discount of \$25 for CPAs renewing their certificate, which saved the regulated community approximately \$500,000. The fee discount expired on July 1, 2024. Therefore, the fee has returned to the normal amount of \$300 as a matter of law. Because of this, there is no longer any reason or use to keep the language found in A.A.C. R4-1-345(C)(2)(a)(i) and (ii) that permitted the fee discount. Accordingly, the amendments to this rule remove that purposeless language.

R4-1-454. The first change related to this rule (subsection A) is the updating of the Board's incorporation by reference of the Standards for Performing and Reporting on Peer Reviews. A.R.S. § 41-1028(B) requires that a reference in rule fully identify an incorporated matter by location, date, and state that the rule does not include any later amendments or editions of the incorporation, hence the Board's need to annually update. Peer reviews are periodic quality reviews that CPA firms undergo to educate them as to whether complex engagements (e.g., audits) are performed in accordance with applicable standards. The regulated community already uses the latest version of the standards and the Board endeavors to keep its incorporation by reference up-to-date accordingly.

The second change related to this rule (subsection B) permits the Board to see additional information in the American Institute of Certified Public Accountants' (AICPA's) Facilitated State Board Access (FSBA). The AICPA's FSBA is a system that allows boards of accountancy across the nation to see the status and documentation related to a firm's peer review. The information that this Board is requesting access to view is already contained in the FSBA and would not put an additional burden on CPA firms. In fact, it would save firms time from having to address questions by Board staff that can be independently accessed in the FSBA without any inquiry of the firm. The information would be used to assist the Board in understanding the firm's progress in the peer review program.

R4-1-455. The Board seeks to update its incorporation by reference of the AICPA's Code of Professional Conduct. A.R.S. § 41-1028(B) requires that a reference in rule fully identify an incorporated matter by location, date, and state that the rule does not include any later amendments or editions of the incorporation, hence the Board's need to annually update. The updating of this references is essential to the Board's public safety mission. The AICPA's standards publication is updated on a yearly basis, and the timely updating of these standards ensures that CPAs are regulated by the same standards that industry has implemented. Untimely implementation may create confusion for registrants and complainants, and ultimately lead to ineffective regulation, which may harm the public we must protect.

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

Not applicable.

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

Not applicable.

10. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):

This rulemaking is exempt from the requirements to obtain and file an economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2).

11. A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:

Between the proposed expedited rulemaking and the final expedited rulemaking, there have been the following minor technical changes:

1. R4-1-454(A) – “... *issued April 2019 and...*” is being recommended for deletion as we do not believe it is necessary for the incorporation by reference. This change does not substantively affect the rule in question.
2. R4-1-454(B)(6) – In further consultation with the Technical Director of Peer Review at the AICPA, it has been clarified that the objective information that the AICPA is able to provide is the date of the most current peer review program enrollment or reenrollment letter, not the letter itself. The language is amended to correct that error. This change does not substantively affect the rule in question.
3. R4-1-454(B)(8) – “... *if applicable,...*” contained in the middle of this provision is being recommended for deletion as we do not believe it is necessary language for the rule. Furthermore, “... *action and actions,*” at the end of the provision has been simplified to just “actions”. These changes do not substantively affect the rule in question.
4. R4-1-454(B)(9) – In further consultation with the Technical Director of Peer Review at the AICPA, it has been clarified that the objective information that the AICPA is able to provide is the date of the peer review or corrective action extension letters, not the letters themselves. The language is amended to correct that error. Furthermore, the “... *if applicable*” at the end of the provision has been removed as it is unnecessary. These changes do not substantively affect the rule in question.
5. R4-1-454(B)(10) – In further consultation with the Technical Director of Peer Review at the AICPA, it has been clarified that the objective information that the AICPA is able to provide is the date of the letter acknowledging the peer review was scheduled, not the letter itself. The language is amended to correct that error. This change does not substantively affect the rule in question.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Board did not receive any public or stakeholder comments regarding the rulemaking.

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

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

The rules do not require a permit.

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

There is no federal law regarding CPAs or any other subjects of the rules.

c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package.

No analysis was submitted.

14. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:

R4-1-454(A) – Standards for Performing and Reporting on Peer Reviews

<https://us.aicpa.org/content/dam/aicpa/research/standards/peerreview/downloadabledocuments/2023/clarified-standards-for-performing-and-reporting-on-peer-reviews-as-amended-by-prsu-no-1.pdf>

R4-1-455(A) - Code of Professional Conduct

<https://pub.aicpa.org/codeofconduct/ethicsresources/et-cod.pdf>

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A) state where the text was changed between the emergency and the final expedited rulemaking package:

The rules were not previously made as an emergency rule.

16. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 1. BOARD OF ACCOUNTANCY
ARTICLE 2. CPA EXAMINATION**

Section

R4-1-229. Conditioned Credit

ARTICLE 3. CERTIFICATION AND REGISTRATION

Section

R4-1-345. Registration; Fees

ARTICLE 4. REGULATION

Section

R4-1-454. Peer Review

R4-1-455. Professional Conduct and Standards

Article 2 – CPA Examination

R4-1-229. Conditioned Credit

- A. An applicant is allowed to sit for each section individually and in any order. An applicant is given conditioned credit for each section of the examination passed. Effective retroactively from and after January 1, 2024, a conditioned credit is valid for 30 months from the score release date of the examination. Upon written request to the Board and showing good cause, an applicant may be granted by the Board a 90-day extension to a conditioned credit.
- B. Transfer of conditioned credit. The Board shall give an applicant credit for all sections of an examination passed in another jurisdiction if the credit has been conditioned. If an applicant transfers conditioned credit from another jurisdiction, the applicant shall pass the remaining sections of the examination within the 30-month period from the score release date that the first section was passed. An applicant who fails to pass all sections of the Uniform CPA Examination within 30 months shall retake previously passed sections of the Uniform CPA Examination to ensure passage of all sections within ~~an~~ a 30-month period.
- C. Any candidate who had exam credit expire between January 30, 2020, and May 11, 2023, during the National Public Health Emergency declared by the United States Department of Health and Human Services which have not been subsequently replaced by new credits for the same sections and any candidate with Uniform CPA Examination ~~credit(s)~~ credit on January 1, 2024 will have such ~~credit(s)~~ credit extended to June 30, 2025.

Article 3 – Certification and Registration

R4-1-345. Registration; Fees

- A. Initial registration: After the Board approves an applicant’s request for certification or firm registration, the registrant shall file a registration in a format prescribed by the Board and pay a registration fee under subsection (C).
- B. Renewal registration: A registrant shall file an application for renewal registration in a format prescribed by the Board no later than 5:00 p.m. on the last business day of the month. A renewal registration is deemed filed on the date and time received in the Board office. The Board shall record the date and time either by electronic date stamp in Arizona time or on physical receipt in the board’s office. The Board shall not accept a postmark as evidence of timely filing. It is the sole responsibility of the registrant to complete the renewal registration requirements at the following times:
 - 1. Individual registrant: An individual registrant shall renew registration at the following times:
 - a. A registrant born in an even-numbered year shall renew registration during the month of birth in each even-numbered year.
 - b. A registrant born in an odd-numbered year shall renew registration during the month of birth in each odd-numbered year.
 - 2. Firm registrant: A firm shall renew registration at the following times:
 - a. A business organization firm that initially registered with the Board in an even-numbered year shall renew registration during the board-approved month of the initial registration in each even-numbered year.
 - b. A business organization firm that initially registered with the Board in an odd-numbered year shall renew registration during the board-approved month of the initial registration in each odd-numbered year.
 - c. An individual or a sole proprietorship firm shall renew its registration pursuant to paragraph (B)(1).
- C. Registration fees:
 - 1. Initial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50.
 - b. The registration fee shall be prorated by month for an initial registration period of less than two years.

2. Biennial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50.
 - i. ~~For registrations due during the period from July 1, 2020 to June 30, 2024, the biennial registration fee will be reduced temporarily to \$275.~~
 - ii. ~~For registrations due beginning July 1, 2024, the biennial registration fee will revert to \$300.~~
 - b. Firm Registration – \$300 and, if applicable, a late fee of \$50. Under A.R.S. § 32-729, the Board shall not charge a fee for the registration of additional offices of the same firm or for the registration of a sole practitioner.

Article 4 – Regulation

R4-1-454. Peer Review

- A. Each firm, review team, and member of a review team shall comply with the Standards for Performing and Reporting on Peer Reviews, ~~issued April 2019 and published June 1, 2023~~ June 15, 2024 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, North Carolina 27707-8110 (www.aicpa.org), which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. The incorporated material is available for inspection and copying at the Board’s office.
- B. A firm ~~must~~ shall allow the sponsoring organization to make the following documents and objective information accessible to the Board via the FSBA process:
 1. Peer review report which has been accepted by the sponsoring organization,
 2. Firm’s letter of response accepted by the sponsoring organization, if applicable,
 3. ~~Completion~~ The acceptance letter from the sponsoring organization,
 4. Letter or letters accepting the documents signed by the firm with the understanding that the firm agrees to take any actions required by the sponsoring organization, if applicable, ~~and~~
 5. Letter signed by the sponsoring organization notifying the firm that required actions have been appropriately completed, if applicable;
 6. Date of the most current peer review program enrollment or reenrollment letter.
 7. Firm representation to the sponsoring organization that it has not performed engagements subject to peer review in the last 12 months, if applicable.
 8. Due date of the current peer review and due date on any open corrective actions.
 9. Date of the peer review or corrective action extension letters.
 10. Date of the letter acknowledging the peer review was scheduled, and
 11. Estimated dates of the peer review commencement and presentation to a report acceptance body.
- C. Information discovered solely as a result of a peer review is not grounds for suspension or revocation of a certificate.
- D. Firms that reorganize a current firm, rename a firm, or create a new firm, within which at least one of the prior CPA owners remains an owner or employee, shall remain subject to the provisions of this Section. If a firm is merged, combined, dissolved, or separated, the sponsoring organization shall determine which resultant firm shall be considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.

R4-1-455. Professional Conduct and Standards

- A. It is the Board’s policy that the rules governing registrants be consistent with the rules governing the accounting profession generally. Except as otherwise set forth in these regulations, registrants shall conform their conduct to the Code of Professional Conduct,

published ~~June 1, 2023~~ June 15, 2024 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, North Carolina 27707-8110 (www.aicpa.org), available from the AICPA.

- B.** The AICPA Code of Professional Conduct, and any interpretations and ethical rulings by the issuing body, shall apply to all registrants, including those who are not members of the AICPA. The version specified above, including any interpretations and ethical rulings in effect shall apply. Any later amendments, additions, interpretations, or ethical rulings shall not apply.

32-703. Powers and duties; rules; executive director; advisory committees and individuals

A. The primary duty of the board is to protect the public from unlawful, incompetent, unqualified or unprofessional certified public accountants through certification, regulation and rehabilitation.

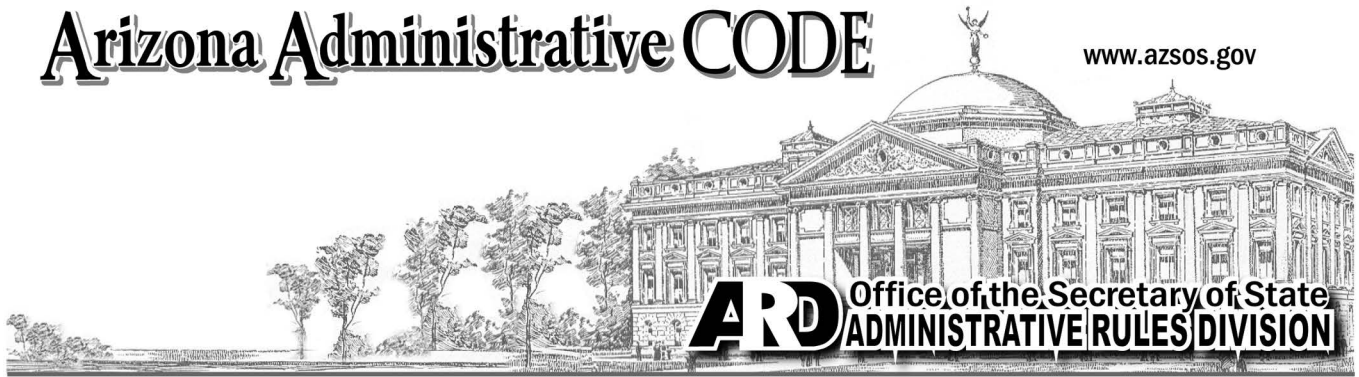
B. The board may:

1. Investigate complaints filed with the board or on its own motion to determine whether a certified public accountant has engaged in conduct in violation of this chapter or rules adopted pursuant to this chapter.
2. Establish and maintain high standards of competence, independence and integrity in the practice of accounting by a certified public accountant as required by generally accepted auditing standards and generally accepted accounting principles and, in the case of publicly held corporations or enterprises offering securities for sale, in accordance with state or federal securities agency accounting requirements.
3. Establish reporting requirements that require registrants to report:
 - (a) The imposition of any discipline on the right to practice before the federal securities and exchange commission, the internal revenue service, any state board of accountancy, other government agencies or the public company accounting oversight board.
 - (b) Any criminal conviction, any civil judgment involving negligence in the practice of accounting by a certified public accountant and any judgment or order as described in section 32-741, subsection A, paragraphs 7 and 8.
4. Establish basic requirements for continuing professional education of certified public accountants, except that the requirements shall not exceed eighty hours in any registration renewal period.
5. Adopt procedures concerning disciplinary actions, administrative hearings and consent decisions.
6. Issue to qualified applicants certificates executed for and on behalf of the board by the signatures of the president and secretary of the board.
7. Adopt procedures and rules to administer this chapter.
8. Require peer review pursuant to rules adopted by the board on a general and random basis of the professional work of a registrant engaged in the practice of accounting.
9. Subject to title 41, chapter 4, article 4, employ an executive director and other personnel that it considers necessary to administer and enforce this chapter.
10. Appoint accounting and auditing, tax, peer review, law, certification, continuing professional education or other committees or individuals as it considers necessary to advise or assist the board or the board's executive director in administering and enforcing this chapter. These committees and individuals serve at the pleasure of the board.
11. Take all action that is necessary and proper to effectuate the purposes of this chapter.
12. Sue and be sued in its official name as an agency of this state.
13. Adopt and amend rules concerning the definition of terms, the orderly conduct of the board's affairs and the effective administration of this chapter.
14. Delegate to the executive director the authority to:
 - (a) Approve an applicant to take the uniform certified public accountant examination pursuant to section 32-723.

- (b) Issue a certificate of certified public accountant pursuant to section 32-721.
- (c) Approve an application for firm registration pursuant to section 32-731.
- (d) Approve a registrant's name change and reissue a certificate of certified public accountant due to the name change.
- (e) Approve a registrant's cancellation request pursuant to section 32-730.02.
- (f) Approve a request for retired status pursuant to section 32-730.04.
- (g) Approve reactivation from inactive status or retired status pursuant to section 32-732.
- (h) Approve compliance with peer review requirements pursuant to this section.
- (i) Approve compliance with continuing professional education audits.
- (j) Approve continuing professional education compliance with decisions and orders.
- (k) Terminate decisions and orders based on a registrant's successful completion of all order requirements.
- (l) Approve a request for continuing professional education reciprocity.

C. The board or an authorized agent of the board may:

1. Issue subpoenas to compel the attendance of witnesses or the production of documents. If a subpoena is disobeyed, the board may invoke the aid of any court in requiring the attendance and testimony of witnesses and the production of documents.
2. Administer oaths and take testimony.
3. Cooperate with the appropriate authorities in other jurisdictions in investigation and enforcement concerning violations of this chapter and comparable statutes of other jurisdictions.
4. Receive evidence concerning all matters within the scope of this chapter.



4 A.A.C. 1

Supp. 24-3

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 1. BOARD OF ACCOUNTANCY

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
July 1, 2024 through September 30, 2024

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 24-3 replaces Supp. 23-2, 1-17 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

Authority: A.R.S. § 32-701 et seq.

Supp. 24-3

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

ARTICLE 1. GENERAL

R4-1-101. Definitions

- A.** The definitions in A.R.S. § 32-701 apply to this Chapter.
- B.** In this Chapter, unless the context otherwise requires:
1. "Contested case" means any proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by any agency after an opportunity for hearing.
 2. "CPE" or "continuing professional education" means attending classes, writing articles, conducting or teaching courses, and taking self-study courses if the activities contribute to maintaining and improving of professional competence in accounting.
 3. "Facilitated State Board Access (FSBA)" means the sponsoring organization's process for providing the Board access to peer review results via a secured website.
 4. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled, as of right, to be admitted as a party.
 5. "Peer review" means an assessment, conducted according to R4-1-454(A), of one or more aspects of the professional work of a firm.
 6. "Peer review program" means the sponsoring organization's entire peer review process, including but not limited to the standards for administering, performing and reporting on peer reviews, oversight procedures, training, and related guidance materials.
 7. "Person" may include any individual, and any form of corporation, partnership, or professional limited liability company.
 8. "Principal place of business" means the office designated by the individual as the principal location for the individual's practice of accounting.
 9. "Sponsoring organization" means a Board-approved professional society, or other organization approved by the Board responsible for the facilitation and administration of peer reviews through use of its peer review program and peer review standards.
 10. "Upper level course" means a course taken beyond the basic level, after any required prerequisite or introductory accounting course and does not include principles of accounting or similar introductory accounting courses.

Historical Note

Former Rule 1A; Amended effective February 22, 1978 (Supp. 78-1). Former Section R4-1-01 renumbered as Section R4-1-101 without change effective July 1, 1983 (Supp. 83-4). Amended effective August 21, 1986 (Supp. 86-4). Amended effective December 6, 1995 (Supp. 95-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 4352, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2).

R4-1-102. Powers of the Board: Applicability; Excuse; Extension

- A.** This Chapter applies to all actions and proceedings of the Board and is deemed part of the record in every action or proceeding without formal introduction or reference. All parties

are deemed to have knowledge of this Chapter, which the Board shall make available on the Board's website.

- B.** The Board, when within the Board's jurisdiction, may, in the interest of justice, excuse the failure of any person to comply with any part of this Chapter.
- C.** The Board, or in case of an emergency, the President or Executive Director, when within the Board's jurisdiction, may grant an extension of time to comply with this Chapter.

Historical Note

Former Rules 1B, 1C, 1D, 1E; Former Section R4-1-02 renumbered as Section R4-1-102 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-103. Repealed**Historical Note**

Former Rule 2E; Former Section R4-1-03 renumbered as Section R4-1-103 without change effective July 1, 1983 (Supp. 83-4). Repealed effective August 21, 1986 (Supp. 86-4).

R4-1-104. Board Records; Public Access; Copying Fees

- A.** The Board shall maintain all records, subject to A.R.S. Title 39, Chapter 1, reasonably necessary or appropriate to maintain an accurate knowledge of the Board's official activities including, but not limited to:
1. Applications for CPA certificates and supporting documentation and correspondence;
 2. Applications to take the Uniform Certified Public Accountant Examination;
 3. Registration for registrants;
 4. Documents, transcripts, and pleadings relating to disciplinary proceedings and to hearings on the denial of a certificate; and
 5. Investigative reports; staff memoranda; and general correspondence between any person and the Board, members of the Board, or staff members.
- B.** Any person desiring to inspect or obtain copies of records of the Board available to the public under this section shall make a request to the Board's Executive Director or the Director's designee. The Executive Director or the director's designee shall, as soon as possible within a reasonable time, advise the person making the request whether the records sought can be made available, or, if the Executive Director or the director's designee is unsure whether a record may be made available for public inspection and copying, the Executive Director or the director's designee shall refer the matter to the Board for final determination.
- C.** A person shall not remove original records of the Board from the office of the Board unless the records are in the custody and control of a board member, a member of the Board's committees or staff, or the Board's attorney. The Executive Director or the director's designee may designate a staff member to observe and monitor any examination of Board records.
- D.** The Board shall provide copies of all records available for public inspection and copying shall be provided according to the procedures described in A.R.S. Title 39, Chapter 1, Article 2.
- E.** Any person aggrieved by a decision of the Executive Director or the director's designee denying access to records of the Board may request a hearing before the Board to review the action of the Executive Director or the director's designee by

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

filing a written request for hearing. Within 60 days of receipt of the request, the Board shall conduct a hearing on the matter. If the person requires immediate access to Board records, the person may request and may be granted an earlier hearing, if the person sets forth sufficient grounds for immediate access.

Historical Note

Adopted effective January 3, 1977 (Supp. 77-1). Amended effective February 22, 1978 (Supp. 78-1). Amended effective July 17, 1978 (Supp. 78-4). Former Section R4-1-04 renumbered as Section R4-1-104 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2).

R4-1-105. Expired**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1). Former Section R4-1-05 renumbered as Section R4-1-105 and amended in subsections (C) and (D) effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Section expired under A.R.S. § 41-1056(J) at 25 A.A.R. 3719, effective December 4, 2019 (Supp. 19-4).

R4-1-106. Reserved**R4-1-107. Reserved****R4-1-108. Reserved****R4-1-109. Reserved****R4-1-110. Reserved****R4-1-111. Reserved****R4-1-112. Reserved****R4-1-113. Meetings**

The Board and Board committees shall conduct meetings in accordance with the current edition of Robert's Rules of Order if the rules are compatible with the laws of the state of Arizona or the Board's own resolutions regarding meetings.

1. Regular and special meetings of the Board for the purpose of conducting business shall be called by the President or a majority of the board members.
2. Regular and special meetings of the committees shall be called by the chairperson or a majority of the committee members.

Historical Note

Former Rules 2A, 2B, 2C, 2D; Former Section R4-1-13 renumbered as Section R4-1-113 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-114. Hearing; Rehearing or Review

A. Hearing: The Board or an Administrative Law Judge (ALJ) employed by the Office of Administrative Hearings (OAH)

shall hear all contested cases and appealable agency actions. The Board shall conduct hearings according to the provisions of A.R.S. Title 41, Chapter 6, Article 10 as supplemented by R4-1-117. The OAH shall conduct hearings according to A.R.S. Title 41, Chapter 6, Article 10 and the rules and procedures established by the OAH. To the extent that there is no conflict with A.R.S. Title 41, Chapter 6, Article 10, the provisions of A.R.S. § 32-743 apply to hearings conducted by the Board and the OAH. The following subsections apply to hearings conducted by the Board and hearings conducted by the OAH where applicable.

1. Power to join any interested party: Any board member or the ALJ may join as a party applicant or as a party defendant, any person, firm or corporation, that appears to have an interest in the matter before the Board.
2. Stipulation at hearing: The parties may stipulate to facts that are not in dispute. The stipulation may be in writing or may be made orally by reading the stipulation into the record at the hearing. The stipulation is binding upon the parties unless the Board or the ALJ grants permission to withdraw from the stipulation. The Board or the ALJ may set aside any stipulation.
3. Settlements and consent orders: At any time before or after formal disciplinary proceedings have been instituted against a registrant, the registrant may submit to the Board an offer of conditional settlement to avoid formal disciplinary proceedings by the Board. In the offer of conditional settlement, the registrant shall agree to take specific remedial steps such as enrolling in CPE courses, limiting the scope of the registrant's practice, accepting limitation on the filing of public reports, and submitting the registrant's work product for peer review. If the Board determines that the proposed conditional settlement will protect the public safety and welfare and is more likely to rehabilitate or educate the registrant than formal disciplinary action under A.R.S. § 32-741, the Board may accept the offer and enter an order that incorporates the registrant's proposed conditional settlement and to which the registrant consents. A consent order issued under this subsection shall provide that, upon successful compliance by the registrant with all provisions of the order, the disciplinary proceedings shall be terminated and any notice of hearing previously issued shall be vacated. The consent order shall further provide that, upon failure of the registrant to comply with all provisions of the order, or upon the discovery of material facts unknown to the Board at the time the Board issued the order, formal disciplinary proceedings against the registrant may be instituted or resumed. The consent order additionally may provide that, upon failure of the registrant to comply with all provisions of the order, the Board may immediately and summarily suspend the registrant's certificate for not more than one year. Within 30 days after the summary suspension, the registrant may request a hearing solely concerning the issue of compliance with the consent order.
4. Decisions and orders: The Board shall make all decisions and orders by a majority vote of the members considering the case. The Board shall issue a final written decision in a contested case or state the decision on the record. The decision shall state separately the findings of fact and conclusions of law on which the decision is based, and the Board's order to implement the decision. All written decisions and orders of the Board shall be signed by the

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President or Secretary of the Board. When the Board suspends or revokes the certificate of a registrant, the Board may order the registrant to return the registrant's certificate within 30 days after receipt of the order. The Board shall serve each party, each attorney of record, and the Attorney General with a copy of each decision or order of the Board, as provided in R4-1-117.

- B.** ALJ: In hearings conducted by the OAH, the ALJ shall provide the Board with written findings of fact, conclusions of law, and a recommended order within 20 days after the conclusion of the hearing or as otherwise provided by A.R.S. Title 41, Chapter 6, Article 10. The Board's decision approving or modifying the ALJ's recommendations is the final decision of the Board, subject to the filing of a motion for rehearing or review as provided in subsection (C).
- C.** Rehearing or Review: Any party aggrieved by a decision of the Board may file with the Board a written motion for rehearing or review within 30 days after service of the decision specifying the particular grounds for the motion. The Attorney General may file a response to the motion for rehearing within 15 days after service of the motion. The Board may require the filing of written briefs upon issues raised in the motion for rehearing or review and provide for oral argument. Upon review of the documents submitted, the Board may modify the decision or vacate it and grant a rehearing for any of the following causes materially affecting a party's rights:
1. Irregularity in the administrative proceedings or any order or abuse of discretion, that deprived a party of a fair hearing;
 2. Misconduct of the Board or the ALJ;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence, that could not with reasonable diligence have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing, or during the progress of the proceeding; or
 7. That the findings of fact or decision is not justified by the evidence or is contrary to law.

Historical Note

Former Rules 5A, 5B, 5C; Amended effective January 3, 1977 (Supp. 77-1). Amended effective February 22, 1978 (Supp. 78-1). Former Section R4-1-14 renumbered as Section R4-1-114 without change effective July 1, 1983 (Supp. 83-4). Amended effective December 6, 1995 (Supp. 95-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-115. Accounting and Auditing and Tax Advisory Committees

- A.** The Board may appoint advisory committees concerning accounting reports, taxation and other areas of public accounting as the Board deems appropriate. The committees shall evaluate investigation files referred by the Board, hold voluntary informal interviews and make advisory recommendations to the Board concerning settlement, dismissal or other disposition of the reviewed matter.
- B.** The Board, in its discretion, may accept, reject, or modify the recommendation of the advisory committee.

Historical Note

Adopted effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-115.01. Law Review Advisory Committee

- A.** The Board may appoint an advisory committee to assist in the evaluation of statutory and regulatory provisions. The committee shall make advisory recommendations to the Board.
- B.** The Board, in its discretion, may accept, reject, or modify the recommendations of the advisory committee.

Historical Note

Adopted effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-115.02. Continuing Professional Education Advisory Committee

- A.** The Board may appoint an advisory committee to assist in the evaluation of CPE. The committee shall make advisory recommendations to the Board concerning the following:
1. CPE programs;
 2. A registrant's satisfaction of CPE requirements; and
 3. A registrant's compliance with disciplinary orders requiring CPE.
- B.** The Board, in its discretion, may accept, reject, or modify the recommendations of the advisory committee.

Historical Note

Adopted effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-115.03. Peer Review Oversight Advisory Committee

- A.** The Board may appoint an advisory committee to:
1. Make advisory recommendations to the Board concerning peer review, and
 2. Monitor the peer review program and report to the Board on its effectiveness.
- B.** The Board may accept, reject, or modify recommendations of the Peer Review Oversight Advisory Committee.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4352, effective December 4, 2004 (04-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2).

R4-1-115.04. Certification Advisory Committee

- A.** The Board may appoint an advisory committee to assist in the evaluation of applicants for the Uniform Certified Public Accountant Examination and for certified public accountant. The committee shall review applications, transcripts, and related materials, and make advisory recommendations to the Board concerning the qualifications of applicants for the Uniform Certified Public Accountant Examination and for certification of certified public accountants.
- B.** The Board, in its discretion, may accept, reject, or modify the advisory recommendation in determining the qualifications of applicants.

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Historical Note

New Section R4-1-115.04 renumbered from R4-1-116 and amended by final rulemaking, effective February 4, 2014 (Supp. 14-1).

R4-1-116. Renumbered**Historical Note**

Adopted effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Section R4-1-116 renumbered to R4-1-115.04 by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-117. Procedure: Witnesses; Service

- A.** Pleadings; depositions; briefs; and related documents. A party shall print or type all pleadings, depositions, briefs, and related documents and use only one side of the paper.
- B.** Witness' depositions. If a party wants to take the oral deposition of a witness residing outside the state, the party shall file with the Board a petition for permission to take the deposition stating the name and address of the witness and describing in detail the nature and substance of the testimony expected to be given by the witness. The petition may be denied if the testimony of the witness is not relevant and material. If the petition is granted, the party may proceed to take the deposition of the witness by complying with the Arizona Rules of Civil Procedure. The party applying to the Board for permission to take a deposition shall bear the expense of the deposition.
- C.** Witness' interrogatories. A party desiring to take the testimony of a witness residing outside the state by means of interrogatories may do so by serving the adverse party as in civil matters and by filing with the Board a copy of the interrogatories and a statement showing the name and address of the witness. The adverse party may file in duplicate cross-interrogatories with a copy of the statement within 10 days following service on the adverse party. A party that objects to the form of an interrogatory or cross-interrogatory may file a statement of the objection with the Board within five days after service of the interrogatories or cross-interrogatories and may suggest to the Board any amendment to an interrogatory or cross-interrogatory. The Board may amend, add, or strike out an interrogatory or cross-interrogatory when the Board determines it is proper to do so.
1. Notwithstanding the fact that a party may petition for permission to take the oral deposition of a witness, the Board may require that the information be provided through written interrogatories and vice versa.
 2. A party shall provide a copy of answers to the interrogatories to the Board within 45 days after the interrogatories are answered.
- D.** Subpoenas. The Board officer presiding at a hearing may authorize subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall administer oaths. A party desiring the Board to issue a subpoena for the production of evidence, documents or to compel the appearance of a witness at a hearing shall apply for the subpoena in writing stating the substance of the witness's testimony. If the testimony appears to be relevant and material, the Board shall issue the subpoena. Affixing the seal of the Board and the signature of a Board officer is sufficient to show that the subpoena is genuine. The party applying for the subpoena shall bear the expense of service.
- E.** Service.
1. Service of any decision, order, subpoena, notice, or other document may be made personally in the same manner as a summons served in a civil action. If a document is

served personally, service is deemed complete at the time of delivery.

2. Except as provided in subsection (E)(3), service of any document may also be made by:
 - a. Personal service.
 - b. By enclosing a copy of the document in a sealed envelope and depositing the envelope in the United States mail, with first-class postage prepaid, addressed to the party, at the address last provided to the Board.
 - i. Service by mail is deemed complete when the document to be served is deposited in the United States mail. If the distance between the place of mailing and the place of address is more than 100 miles, service is deemed complete one day after the deposit of the document for each 100 miles to a maximum of six days after the date of mailing.
 - ii. In computing time, the date of mailing is not counted. All intermediate Sundays and holidays are counted. If the last day falls on a Sunday or holiday, that day is not counted and service is considered completed on the next business day.
 - c. By attaching the document to an email and sending it to the email address last provided to the Board.
3. The Board shall mail each notice of hearing and final decision by certified mail to the last known address reflected in the records of the Board.
4. Service on attorney. Service on an attorney who has appeared for a party constitutes service on the party.
5. Proof of service. A party shall demonstrate proof of service by filing an affidavit, as provided by law, proof of mailing by certified mail, or an affidavit of first-class mailing.

Historical Note

Former Rules 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D; Amended effective January 3, 1977 (Supp. 77-1). Former Section R4-1-15 renumbered as Section R4-1-117 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2).

R4-1-118. Repealed**Historical Note**

Former Rule 8; Amended effective January 3, 1977 (Supp. 77-1). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-16 renumbered as Section R4-1-118 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 1, 1995 (Supp. 95-4). Repealed by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

ARTICLE 2. CPA EXAMINATION

- R4-1-201. Reserved**
- R4-1-202. Reserved**
- R4-1-203. Reserved**
- R4-1-204. Reserved**
- R4-1-205. Reserved**

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| R4-1-206. | Reserved |
| R4-1-207. | Reserved |
| R4-1-208. | Reserved |
| R4-1-209. | Reserved |
| R4-1-210. | Reserved |
| R4-1-211. | Reserved |
| R4-1-212. | Reserved |
| R4-1-213. | Reserved |
| R4-1-214. | Reserved |
| R4-1-215. | Reserved |
| R4-1-216. | Reserved |
| R4-1-217. | Reserved |
| R4-1-218. | Reserved |
| R4-1-219. | Reserved |
| R4-1-220. | Reserved |
| R4-1-221. | Reserved |
| R4-1-222. | Reserved |
| R4-1-223. | Reserved |
| R4-1-224. | Reserved |
| R4-1-225. | Reserved |
| R4-1-226. | Expired |

Historical Note

Former Rules 6A, 6B, 6C; Amended effective January 15, 1976 (Supp. 76-1). Amended effective December 1, 1976 (Supp. 76-5). Amended effective July 17, 1978 (Supp. 78-4). Amended effective November 5, 1980 (Supp. 80-5). Former Section R4-1-26 renumbered as Section R4-1-226 and amended in subsections (B) and (C) effective July 1, 1983 (Supp. 83-4). Amended effective August 21, 1986 (Supp. 86-4). Amended subsection (C) effective May 25, 1989 (Supp. 89-2). Amended effective January 1, 1994; filed in the Office of the Secretary of State September 21, 1993 (Supp. 93-3). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4575, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 4815, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 372, effective December 31, 2008 (Supp. 09-1).

R4-1-226.01. Applications; Examination - Computer-based

A. A person desiring to take the Uniform Certified Public Accountant Examination who is qualified under A.R.S. § 32-723 may apply by submitting an initial application. A person whose initial application has already been approved by the Board to sit for the Uniform CPA Examination may apply by submitting an application for re-examination.

1. The requirements for initial application for examination are:
 - a. A completed application for initial examination,

- b. A \$100 initial application fee if:
 - i. The applicant has not previously filed an application for initial examination in Arizona, or
 - ii. The Board administratively closed a previously submitted application, or
 - iii. The applicant has been previously denied by the Board.
 - c. University or college transcripts to verify that the applicant meets the educational requirements and if necessary for education taken outside the United States an additional course-by-course evaluation from the National Association of State Boards of Accountancy International Evaluation Services (NIES).
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
2. The requirements for application for re-examination are:
 - a. A completed application for re-examination, and
 - b. A \$50 re-examination application fee.
- B.** Within 30 days of receiving an initial application, the Board shall provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing. The applicant has 30 days from the date of the Board's letter to respond to the Board's request for additional information or the Board or its designee may administratively close the file. An applicant whose file is administratively closed and who later wishes to apply shall reapply under subsection (A)(1).
- C.** The Board's certification advisory committee (CAC) shall evaluate the applicant's file and make a recommendation to the Board to approve or deny the application. The CAC may defer a decision on the applicant's file to a subsequent CAC meeting to provide the applicant opportunity to submit any information requested by written notice by the CAC that the CAC believes is relevant to make a recommendation to the Board. The applicant has 30 days from the date of the Board's letter to respond to the CAC's request for additional information or the Board or its designee may administratively close the file.
- D.** If the Board approves the application, the Board shall notify the applicant in writing and send an authorization to test (ATT) to the National Association of State Boards of Accountancy (NASBA) to permit the applicant to take the specified section or sections of the examination for which the applicant applied. If the Board denies the application, the Board shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time periods for appealing the denial.
- E.** If the applicant does not timely pay to the NASBA the fees owed for the examination section or sections for which the applicant applied, the ATT expires. An applicant that still wishes to take a section or sections of the Uniform CPA Examination shall submit an application for re-examination under subsection (A)(2).
- F.** After an applicant has paid NASBA, NASBA shall issue a notice to schedule (NTS) to the applicant. A NTS enables an applicant to schedule testing at an approved examination center. The NTS is effective on the date of issuance and expires when the applicant sits for all sections listed on the NTS or six months from the date of issuance, whichever occurs first.

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Upon written request to the Board and showing good cause that prevents the applicant from appearing for the examination, an applicant may be granted by the Board a 90-day extension to a current NTS.

- G.** The Board shall send the applicant any written notice required by this Section in accordance with R4-1-117(E)(1) or (2).

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 24 A.A.R. 3413, effective February 4, 2019 (Supp. 18-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2).

R4-1-227. Repealed**Historical Note**

Former Rule 6D; Amended effective July 17, 1978 (Supp. 78-4). Former Section R4-1-27 renumbered and amended as Section R4-1-227 effective July 1, 1983 (Supp. 83-4). Section R4-1-227 repealed effective November 20, 1998 (Supp. 98-4).

R4-1-228. Denial of Examination

An applicant whose application for examination is denied by the Board is entitled to a hearing before the Board or an ALJ.

1. Written application. The applicant shall file a notice of appeal under A.R.S. § 41-1092.03 within 30 days after receipt of the notice of denial.
2. Hearing notice. The Board shall provide the applicant with notice of the hearing in the manner prescribed by A.R.S. § 41-1092.05.
3. Conduct of hearing. The Board or the ALJ shall conduct the hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10 and applicable rules governing hearings.
4. Burden of persuasion. At the hearing, the applicant is the moving party and has the burden of persuasion.
5. Matters limited. At the hearing, the Board or ALJ shall limit the issues to those originally presented to the Board.

Historical Note

Former Rules 6E, 6F; Former Section R4-1-28 renumbered as Section R4-1-228 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Section repealed; new Section made by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1).

R4-1-229. Conditioned Credit

- A.** An applicant is allowed to sit for each section individually and in any order. An applicant is given conditioned credit for each section of the examination passed. Effective retroactively from and after January 1, 2024, a conditioned credit is valid for 30 months from the score release date of the examination. Upon written request to the Board and showing good cause, an applicant may be granted by the Board a 90-day extension to a conditioned credit.
- B.** Transfer of conditioned credit. The Board shall give an applicant credit for all sections of an examination passed in another jurisdiction if the credit has been conditioned. If an applicant transfers conditioned credit from another jurisdiction, the applicant shall pass the remaining sections of the examination within the 30-month period from the score release date that the

first section was passed. An applicant who fails to pass all sections of the Uniform CPA Examination within 30 months shall retake previously passed sections of the Uniform CPA Examination to ensure passage of all sections within an 30-month period.

- C.** Any candidate who had exam credit expire between January 30, 2020, and May 11, 2023, during the National Public Health Emergency declared by the United States Department of Health and Human Services which have not been subsequently replaced by new credits for the same sections and any candidate with Uniform CPA Examination credit or credits on January 1, 2024 will have such credit or credits extended to June 30, 2025.

Historical Note

Former Rules 6G, 6H; Former Section R4-1-29 renumbered as Section R4-1-229 without change effective July 1, 1983 (Supp. 83-4). Amended effective August 21, 1986 (Supp. 86-4). Section repealed, new Section adopted effective January 1, 1994; filed in the Office of the Secretary of State September 21, 1993 (Supp. 93-3). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Section repealed; new Section made by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 29 A.A.R. 1184 (May 26, 2023), effective July 3, 2023 (Supp. 23-2). Amended by final expedited rulemaking at 30 A.A.R. 2417 (July 26, 2024), with an immediate effective date of July 3, 2024 (Supp. 24-3).

R4-1-230. Expired**Historical Note**

Former Rule 6I; Former Section R4-1-30 renumbered as Section R4-1-230 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 372, effective December 31, 2008 (Supp. 09-1).

R4-1-231. Expired**Historical Note**

Former Rule 6J; Former Section R4-1-31 renumbered as Section R4-1-231 without change effective July 1, 1983 (Supp. 83-4). Section repealed, new Section adopted effective January 1, 1994; filed in the Office of the Secretary of State September 21, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 419, effective December 31, 2003 (Supp. 04-1).

ARTICLE 3. CERTIFICATION AND REGISTRATION

- R4-1-301. Reserved**
- R4-1-302. Reserved**
- R4-1-303. Reserved**
- R4-1-304. Reserved**
- R4-1-305. Reserved**
- R4-1-306. Reserved**

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- R4-1-307. Reserved
- R4-1-308. Reserved
- R4-1-309. Reserved
- R4-1-310. Reserved
- R4-1-311. Reserved
- R4-1-312. Reserved
- R4-1-313. Reserved
- R4-1-314. Reserved
- R4-1-315. Reserved
- R4-1-316. Reserved
- R4-1-317. Reserved
- R4-1-318. Reserved
- R4-1-319. Reserved
- R4-1-320. Reserved
- R4-1-321. Reserved
- R4-1-322. Reserved
- R4-1-323. Reserved
- R4-1-324. Reserved
- R4-1-325. Reserved
- R4-1-326. Reserved
- R4-1-327. Reserved
- R4-1-328. Reserved
- R4-1-329. Reserved
- R4-1-330. Reserved
- R4-1-331. Reserved
- R4-1-332. Reserved
- R4-1-333. Reserved
- R4-1-334. Reserved
- R4-1-335. Reserved
- R4-1-336. Reserved
- R4-1-337. Reserved
- R4-1-338. Reserved
- R4-1-339. Reserved
- R4-1-340. Reserved
- R4-1-341. **CPA Certificates; Firm Registration; Reinstatement**
 - A. An applicant may apply for a certificate of certified public accountant or for reinstatement of a certificate by submitting:
 - 1. An application fee of \$100; and
 - 2. For an applicant applying for certification under A.R.S. § 32-721(A) and (B), a completed application including:
 - a. Verification that the applicant passed the Uniform CPA Examination,
 - b. Verification that the applicant meets the education and experience requirements specified in R4-1-343,
 - c. Proof of a score of at least 90% on the American Institute of Certified Public Accountants (AICPA) examination in professional ethics taken within the two years immediately before the application is submitted,
 - d. Evidence of lawful presence in the United States, and
 - e. Other information or documents requested by the Board to determine compliance with eligibility requirements.
- 3. For an applicant applying for certification under A.R.S. § 32-721(A) and (C), a completed application including:
 - a. Verification that the applicant has passed the International Qualification Examination (IQEX),
 - b. License verification from each jurisdiction in which the applicant has ever been issued a certificate as a certified public accountant of which at least one must be an active certification from a jurisdiction with requirements determined by the Board to be substantially equivalent to the requirements in A.R.S. § 32-721(B) or verification that the applicant meets the education and experience requirements specified in R4-1-343,
 - c. Evidence of lawful presence in the United States, and
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
- 4. For an applicant applying for certification under A.R.S. § 32-721(A) and (D) for mutual recognition agreements adopted by the Board a completed application including:
 - a. Verification that the applicant has passed the International Qualification Examination (IQEX),
 - b. License verification from the applicant's country which has a mutual recognition agreement with the National Association of State Boards of Accountancy that has been adopted by the Board,
 - c. Evidence of lawful presence in the United States, and
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
- 5. For an applicant applying for certification under A.R.S. § 32-4302, a completed application including:
 - a. License verification from each jurisdiction in which the applicant holds a license;
 - b. Evidence of lawful presence in the United States;
 - c. Proof of residency;
 - d. Disciplinary history, if applicable;
 - e. Other information or documents requested by the Board to determine compliance with eligibility requirements.
- 6. For an applicant applying for reinstatement from cancelled status under A.R.S. § 32-732(B) a completed application including:
 - a. CPE that meets the requirements of R4-1-453(C)(7) and (E), and
 - b. Evidence of lawful presence in the United States.
- 7. For an applicant applying for reinstatement from expired, relinquished, or revoked status under A.R.S. § 32-732(C), a completed application including:
 - a. CPE that meets the requirements of R4-1-453(C)(7) and (E),
 - b. Evidence of lawful presence in the United States,

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- c. If prescribed by a board relinquishment or revocation order, evidence from an accredited institution or a college or university that maintains standards comparable to those of an accredited institution that the individual has completed at least one hundred fifty semester hours of education as follows:
 - i. At least 36 semester hours are accounting courses of which at least 30 semester hours are upper level courses.
 - ii. At least 30 semester hours are related courses.
 - d. If prescribed by a board relinquishment or revocation order, evidence that the individual has retaken and passed the Uniform Certified Public Accountant Examination.
- B.** An applicant may apply for a certified public accountant firm registration or for reinstatement of a registration by submitting:
1. For an applicant applying for a new firm under A.R.S. § 32-731, a completed application including:
 - a. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - b. If applicable, peer review results as prescribed by R4-1-454(B); and
 - c. Other information or documents requested by the Board to determine compliance with eligibility requirements.
 2. For an applicant applying for reinstatement from cancelled under A.R.S. § 32-732(E) a completed application including:
 - a. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - b. If applicable, peer review results as prescribed by R4-1-454(B); and
 - c. Other information or documents requested by the Board to determine compliance with eligibility requirements.
 3. For an applicant applying for reinstatement from expired, relinquished, or revoked status under A.R.S. § 32-732(F) a completed application including:
 - a. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - b. If applicable, peer review results as prescribed by R4-1-454(B);
 - c. If applicable, substantial evidence that the applicant has been completely rehabilitated with respect to the conduct that was the basis of the expiration, relinquishment or revocation of the firm's registration; and
- d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
- C.** Pursuant to Title 41, Chapter 6, Article 7.1, the Board's licensing time frames are as follows:
1. Certification/Reinstatement/Reactivation
 - a. Administrative Completeness Review Time Frame. The Board shall notify the applicant within 30 days from the receipt of the application that the application is complete.
 - i. If the application is incomplete, an incomplete notice shall specify what information is missing. If the Board issues an incomplete notice, the administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Board receives the missing information from the applicant.
 - ii. The applicant has 30 days from the date of the incomplete notice to respond in writing and provide all the missing information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (A).
 - b. Substantive Review Time Frame. The Board has 60 days to complete its substantive review.
 - i. If the Board finds deficiencies during the substantive review of the application, the Board may issue one comprehensive written request to the applicant for additional information. If the Board issues a comprehensive written request, or a supplemental request by mutual agreement, the substantive review time frame and the overall time frame are suspended from the date the request is issued until the date the Board receives the additional information from the applicant.
 - ii. The applicant has 30 days from the date of the written request to respond in writing and provide all the additional information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (A).
 - c. Overall Time Frame. The Board has 150 days to issue a written notice to an applicant approving or denying an application.
 2. Firm Registration
 - a. Administrative Completeness Review Time Frame. The Board shall notify the applicant within 10 days from the receipt of the application that the application is complete.
 - i. If the application is incomplete, an incomplete notice shall specify what information is missing. If the Board issues an incomplete notice, the administrative completeness time frame and the overall time frame are suspended from the date the notice issued until the date the Board receives the missing information from the applicant.
 - ii. The applicant has 30 days from the date of the incomplete notice to respond in writing and provide all the missing information or the Board may administratively close the file. An

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applicant whose file is administratively closed shall reapply under subsection (B).

- b. Substantive Review Time Frame. The Board has 60 days to complete its substantive review.
- i. If the Board finds deficiencies during the substantive review of the application, the Board may issue one comprehensive written request to the applicant for additional information. If the Board issues a comprehensive written request, or a supplemental request by mutual agreement, the substantive time frame and the overall time frame are suspended from the date the request is issued until the date the Board receives the additional information from the applicant.
- ii. The applicant has 30 days from the date of the written request to respond in writing and provide all the additional information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (B).
- c. Overall Time Frame. The Board has 90 days to issue a written notice to an applicant approving or denying an application.
- D. If the Board denies an applicant's request under this Section, the Board shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time periods for appealing the denial.
- E. The Board shall send the applicant any written notice required by this Section in accordance with R4-1-117(E)(1) or (2).

Historical Note

Former Rule 7A; Amended effective December 1, 1976 (Supp. 76-5). Amended effective November 5, 1980 (Supp. 80-5). Former Section R4-1-41 renumbered as Section R4-1-341 without change effective July 1, 1983 (Supp. 83-4). Amended effective August 21, 1986 (Supp. 86-4). Amended effective September 24, 1997 (Supp. 97-3). Amended by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 13 A.A.R. 2151, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 29 A.A.R. 1184 (May 26, 2023), effective July 3, 2023 (Supp. 23-2). Amended by final expedited rulemaking at 30 A.A.R. 2417 (July 26, 2024), with an immediate effective date of July 3, 2024 (Supp. 24-3).

R4-1-341.01. Repealed**Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). Amended effective September 24, 1997 (Supp. 97-3). Amended by final rulemaking at 9 A.A.R. 5022, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 13 A.A.R. 2151, effective August 4, 2007 (Supp. 07-2).

R4-1-342. Repealed**Historical Note**

Former Rule 7B; Amended effective December 1, 1976 (Supp. 76-5). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-42 renumbered as Section R4-1-342 without change effective July 1, 1983 (Supp. 83-4). Amended effective March 26, 1987 (Supp. 87-1). Amended effective September 24, 1997 (Supp. 97-3). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 13 A.A.R. 2151, effective August 4, 2007 (Supp. 07-2). Repealed by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1).

R4-1-343. Education and Accounting Experience

- A. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(B), an applicant for certification by examination or grade transfer shall submit to the Board:
1. One or more certificates of experience, completed, signed and dated by an individual who:
 - a. Possesses personal knowledge of the applicant's work, and
 - b. Is able to confirm the applicant's accounting experience, and
 - c. Is a certified public accountant; or
 - d. Has accounting education and experience similar to that of a certified public accountant; and
 2. Other information requested by the Board for explanation or clarification of experience.
- B. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(C), an applicant for certification by reciprocity shall submit to the Board:
1. One or more certificates of experience, completed, signed and dated by an individual who:
 - a. Possesses personal knowledge of the applicant's work, and
 - b. Is able to confirm the applicant's accounting experience, and
 - c. Is a certified public accountant; or
 - d. Has accounting education and experience similar to that of a certified public accountant; or
 2. If the applicant is self-employed, the applicant shall provide a signed and dated statement indicating self-employment and three signed and dated client letters, confirming years of work experience, and
 3. Other information requested by the Board for explanation or clarification of experience.
- C. To demonstrate compliance with the education requirements of Title 32, Chapter 6, an applicant for certification or reinstatement shall submit to the Board:
1. University or college transcripts verifying that the applicant meets the educational requirements and if necessary for education taken outside the United States, an additional course-by-course evaluation from the National Association of State Boards of Accountancy International Evaluation Services (NIES), and
 2. Other information requested by the Board for explanation or clarification of education.

Historical Note

Former Rule 7C; Former Section R4-1-43 repealed, new Section R4-1-43 adopted effective February 22, 1978 (Supp. 78-1). Former Section R4-1-43 renumbered as Section R4-1-343 without change effective July 1, 1983 (Supp. 83-4). Amended effective May 31, 1991 (Supp.

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91-2). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 13 A.A.R. 2151, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 24 A.A.R. 3413, effective February 4, 2019 (Supp. 18-4).

R4-1-344. Denial of Certification, Firm Registration, or Reinstatement

An applicant whose application for certification, firm registration, or reinstatement of a certificate or registration is denied by the Board is entitled to a hearing before the Board or an ALJ.

1. Written application. The applicant shall file a notice of appeal under A.R.S. § 41-1092.03 within 30 days after receipt of the notice of denial.
2. Hearing notice. The Board shall provide the applicant with notice of the hearing in the manner prescribed by A.R.S. § 41-1092.05.
3. Conduct of hearing. The Board or the ALJ shall conduct the hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10 and applicable rules governing hearings.
4. Burden of persuasion. At the hearing, the applicant is the moving party and has the burden of persuasion.
5. Matters limited. At the hearing, the Board or ALJ shall limit the issues to those originally presented to the Board.

Historical Note

Former Rule 7D; Former Section R4-1-44 renumbered as Section R4-1-344 without change effective July 1, 1983 (Supp. 83-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1).

R4-1-345. Registration; Fees

- A. Initial registration: After the Board approves an applicant's request for certification or firm registration, the registrant shall file a registration in a format prescribed by the Board and pay a registration fee under subsection (C).
- B. Renewal registration: A registrant shall file an application for renewal registration in a format prescribed by the Board no later than 5:00 p.m. on the last business day of the month. A renewal registration is deemed filed on the date and time received in the Board office. The Board shall record the date and time either by electronic date stamp in Arizona time or on physical receipt in the board's office. The Board shall not accept a postmark as evidence of timely filing. It is the sole responsibility of the registrant to complete the renewal registration requirements at the following times:
 1. Individual registrant: An individual registrant shall renew registration at the following times:
 - a. A registrant born in an even-numbered year shall renew registration during the month of birth in each even-numbered year.
 - b. A registrant born in an odd-numbered year shall renew registration during the month of birth in each odd-numbered year.
 2. Firm registrant: A firm shall renew registration at the following times:
 - a. A business organization firm that initially registered with the Board in an even-numbered year shall renew registration during the board-approved month of the initial registration in each even-numbered year.

- b. A business organization firm that initially registered with the Board in an odd-numbered year shall renew registration during the board-approved month of the initial registration in each odd-numbered year.
- c. An individual or a sole proprietorship firm shall renew its registration pursuant to subsection (B)(1).

C. Registration fees:

1. Initial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50.
 - b. The registration fee shall be prorated by month for an initial registration period of less than two years.
2. Biennial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50.
 - i. For registrations due during the period from July 1, 2020 to June 30, 2024, the biennial registration fee will be reduced temporarily to \$275.
 - ii. For registrations due beginning July 1, 2024, the biennial registration fee will revert to \$300.
 - b. Firm Registration – \$300 and, if applicable, a late fee of \$50. Under A.R.S. § 32-729, the Board shall not charge a fee for the registration of additional offices of the same firm or for the registration of a sole practitioner.

Historical Note

Former Rule 7E; Amended effective December 1, 1976 (Supp. 76-5). Amended effective February 22, 1978 (Supp. 78-1). Amended effective July 17, 1978 (Supp. 78-4). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-54 renumbered and amended as Section R4-1-345 effective July 1, 1983 (Supp. 83-4). Amended effective March 26, 1987 (Supp. 87-1). Amended effective July 1, 1991; filed May 2, 1991 (Supp. 91-2). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4575, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 4815, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2).

R4-1-346. Notice of Change of Address

Within 30 days of any email, business, mailing, or residential change of address, a registrant shall notify the Board of the new address by filling out the change of address form prescribed by the Board.

Historical Note

Former Rule 7F; Amended effective January 3, 1977 (Supp. 77-1). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-55 renumbered and amended as Section R4-1-346 effective July 1, 1983 (Supp. 83-4). Amended effective January 1, 1994; filed in the Office of the Secretary of State September 21, 1993 (Supp. 93-3). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 13 A.A.R. 2151, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1).

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Amended by final rulemaking at 27 A.A.R. 921, effective
August 1, 2021 (Supp. 21-2).

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R4-1-401. Reserved
R4-1-402. Reserved
R4-1-403. Reserved
R4-1-404. Reserved
R4-1-405. Reserved
R4-1-406. Reserved
R4-1-407. Reserved
R4-1-408. Reserved
R4-1-409. Reserved
R4-1-410. Reserved
R4-1-411. Reserved
R4-1-412. Reserved
R4-1-413. Reserved
R4-1-414. Reserved
R4-1-415. Reserved
R4-1-416. Reserved
R4-1-417. Reserved
R4-1-418. Reserved
R4-1-419. Reserved
R4-1-420. Reserved
R4-1-421. Reserved
R4-1-422. Reserved
R4-1-423. Reserved
R4-1-424. Reserved
R4-1-425. Reserved
R4-1-426. Reserved
R4-1-427. Reserved
R4-1-428. Reserved
R4-1-429. Reserved
R4-1-430. Reserved
R4-1-431. Reserved
R4-1-432. Reserved
R4-1-433. Reserved
R4-1-434. Reserved
R4-1-435. Reserved
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R4-1-437. Reserved
R4-1-438. Reserved

R4-1-439. Reserved
R4-1-440. Reserved
R4-1-441. Reserved
R4-1-442. Reserved
R4-1-443. Reserved
R4-1-444. Reserved
R4-1-445. Reserved
R4-1-446. Reserved
R4-1-447. Reserved
R4-1-448. Reserved
R4-1-449. Reserved
R4-1-450. Reserved
R4-1-451. Reserved
R4-1-452. Reserved
R4-1-452. Reserved

R4-1-453. Continuing Professional Education

- A. Measurement Standards. The Board shall use the following standards to measure the hours of credit given for CPE programs completed by an individual registrant.
1. CPE credit shall be given in one-fifth or one-half increments for periods of not less than one class hour except as noted in subsection (A)(8). The computation of CPE credit shall be measured as follows:
 - a. A class hour shall consist of a minimum of 50 continuous minutes of instruction,
 - b. A half-class hour shall consist of a minimum of 25 continuous minutes of instruction, and
 - c. A one-fifth class hour shall consist of a minimum of 10 continuous minutes of instruction.
 2. Courses taken at colleges and universities apply toward the CPE requirement as follows:
 - a. Each semester - system credit hour is worth 15 CPE credit hours,
 - b. Each quarter - system credit hour is worth 10 CPE credit hours, and
 - c. Each noncredit class hour is worth one CPE credit hour.
 3. Each self-study program hour is worth one CPE credit hour.
 4. Acting as a lecturer or discussion leader in a CPE program, including college courses, may be counted as CPE credit. The Board shall determine the amount of credit on the basis of actual presentation hours, and shall allow CPE credit for preparation time that is less than or equal to the presentation hours. A registrant may only claim as much preparation time as is actually spent for a presentation. Total credit earned under this subsection for service as a lecturer or discussion leader, including preparation time may not exceed 40 credit hours of the renewal period's requirement. Credit is limited to only one presentation of any seminar or course with no credit for repeat teaching of that course.
 5. The following may be counted for a maximum of 20 hours of CPE credit during each renewal period.

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- a. Credit may be earned for writing and publishing articles or books that contribute to the accounting profession and is published by a recognized third-party publisher of accounting material or a sponsor as long as it is not used in conjunction with a seminar.
 - b. Credit may be earned for the writing or development of online course curriculum for undergraduate, graduate, or doctoral education that contribute to the accounting profession.
 - c. Two credit hours will be given for each 3,000 words of original material written or developed into curriculum. Materials must be at least 3,000 words in length. Multiple authors may share credit for material written or developed into curriculum.
6. A registrant may earn a combined maximum of 40 hours of CPE credit under subsections (A)(4) and (5) during each renewal period.
 7. A registrant may earn a maximum of 20 hours of CPE during each renewal period by completing introductory computer-related courses. Computer-related courses may qualify as consulting services pursuant to subsection (C).
 8. A registrant may earn a maximum of 4 hours of CPE during each renewal period by completing nano-learning courses. A nano-learning program is a tutorial program designed to permit a participant to learn a given subject in a ten-minute time-frame through the use of electronic media and without interaction with a real time instructor.
 9. CPE credit shall be given in one-fifth or one-half hour increments if the CPE is a segment of a continuing series related to a specific subject as long as the segments are connected by an overarching course that is a minimum of one hour and taken within the same CPE reporting period.
 10. Credit shall not be allowed for repeat participation in any seminar or course during the registration period.
- B. Programs that Qualify.** CPE credit may be given for a program that provides a formal course of learning at a professional level and contributes directly to the professional competence of participants.
1. The Board shall accept a CPE course as qualified if it:
 - a. Is developed by persons knowledgeable and experienced in the subject matter,
 - b. Provides written outlines or full text,
 - c. Is administered by an instructor or organization knowledgeable in the program, and
 - d. Uses teaching methods consistent with the study program.
 2. The Board shall accept a self-study program which includes online or computer based programs if the sponsors maintain written records of each student's participation and records of the program outline for three years following the conclusion of the program.
 3. An ethics program taught or developed by an employer or co-worker of a registrant does not qualify for the ethics requirements of subsection (C)(4).
- C. Hour Requirement.** As a prerequisite to registration pursuant to A.R.S. § 32-730(C) or to reactivate from inactive status pursuant to A.R.S. § 32-732(A), a registrant shall complete the CPE requirements during the two-year period immediately before registration or application respectively as specified under subsections (C)(1) through (C)(5). For registration periods of less than two years CPE may be prorated by quarter, with the exception of ethics.
1. A registrant whose last registration period was for two years shall complete 80 hours of CPE.
 2. A registrant shall complete a minimum of 40 hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 16 hours in the subject areas of accounting, auditing, or taxation.
 3. A registrant shall complete a minimum of 16 of the required hours:
 - a. In a classroom setting,
 - b. Through an interactive live webinar, or
 - c. By acting as a lecturer or discussion leader in a CPE program, including college courses
 4. A registrant shall complete four hours of CPE in the subject area of ethics. The four hours required by this subsection shall include a minimum of one hour of each of the following subjects:
 - a. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants, and
 - b. Board statutes and administrative rules.
 5. A registrant shall report, at a minimum, the CPE hours required for the registration period.
 6. CPE hours completed for a registration period may not be used for a subsequent registration period in any of the following instances:
 - a. To vacate a suspension for nonregistration,
 - b. To vacate a suspension for noncompliance with CPE requirements, or
 - c. To comply with a granted CPE extension.
 7. As a prerequisite to reactivate from retired status or reinstate from cancelled, expired, relinquished or revoked status, a registrant or an applicant shall complete up to 160 hours of CPE during the four-year period immediately before application to reactivate or reinstate. For periods of less than four years CPE may be prorated by quarter, with the exception of ethics.
 - a. A registrant or an applicant shall complete a minimum of 80 hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 32 hours in the subject areas of accounting, auditing or taxation.
 - b. A registrant or an applicant shall complete a minimum of 32 hours of the required hours:
 - i. In a classroom setting,
 - ii. Through an interactive live webinar, or
 - iii. By acting as a lecturer or discussion leader in a CPE program, including college courses.
 - c. A registrant or an applicant shall complete CPE in the subject area of ethics. Four hours of ethics CPE shall be required if 1 – 24 months have passed since the last registration due date for which CPE was completed. Eight hours of ethics CPE shall be required if 25 – 48 months have passed since the last registration due date for which CPE was completed. The hours required by this subsection shall include a minimum of one hour of each of the following subjects. The following subjects shall be completed during the two-year period immediately preceding application for reactivation or reinstatement:
 - i. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants; and
 - ii. Board statutes and administrative rules.

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- D.** Reporting: A registrant or an applicant for reactivation or reinstatement, a registrant who is subject to an audit, or a registrant completing their registration must report the following details about their completed CPE:
1. Sponsoring organization,
 2. Number of CPE credit hours,
 3. Title of program or description of content,
 4. Dates attended,
 5. Subject, and
 6. Method.
- E.** In addition to the information required under subsection (D), a registrant or an applicant for reactivation or reinstatement from cancelled, expired, relinquished or revoked status, or a registrant subject to a CPE audit pursuant to subsection (G) shall provide the Board the following CPE records at its request: copies of transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- F.** CPE Record Retention: A registrant shall maintain CPE records for three years from the date the registration was dated as received by the Board the following documents for all CPE completed for the registration period, even if not reported on the registration: transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- G.** CPE audits: The Board, at its discretion, may conduct audits of a registrant's CPE and require that the registrant provide the CPE records that the registrant is required to maintain under subsection (F) to verify compliance with CPE requirements.
- H.** The Board may grant a full or partial exemption from CPE requirements on demonstration of good cause for a disability for only one registration period.
- I.** A non-resident registrant seeking renewal of a certificate in this state shall be determined to have met the CPE requirements of this Section by meeting the CPE requirements for renewal of a certificate in the jurisdiction in which the registrant's principal place of business is located.
1. Non-resident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the jurisdiction in which the registrant's principal place of business is located by signing a statement to that effect on the renewal application of this state.
 2. If a non-resident registrant's principal place of business jurisdiction has no CPE requirements for renewal of a certificate or license, the non-resident registrant must comply with all CPE requirements for renewal of a certificate in this state.

520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 24 A.A.R. 3413, effective February 4, 2019 (Supp. 18-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2). Amended by final rulemaking at 29 A.A.R. 1184 (May 26, 2023), effective July 3, 2023 (Supp. 23-2).

R4-1-454. Peer Review

- A.** Each firm, review team, and member of a review team shall comply with the Standards for Performing and Reporting on Peer Reviews, issued April 2019 and published June 1, 2023 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, North Carolina 27707-8110 (www.aicpa.org), which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. The incorporated material is available for inspection and copying at the Board's office.
- B.** A firm must allow the sponsoring organization to make the following documents accessible to the Board via the FSBA process:
1. Peer review report which has been accepted by the sponsoring organization,
 2. Firm's letter of response accepted by the sponsoring organization, if applicable,
 3. Completion letter from the sponsoring organization,
 4. Letter or letters accepting the documents signed by the firm with the understanding that the firm agrees to take any actions required by the sponsoring organization, if applicable, and
 5. Letter signed by the sponsoring organization notifying the firm that required actions have been appropriately completed, if applicable.
- C.** Information discovered solely as a result of a peer review is not grounds for suspension or revocation of a certificate.
- D.** Firms that reorganize a current firm, rename a firm, or create a new firm, within which at least one of the prior CPA owners remains an owner or employee, shall remain subject to the provisions of this Section. If a firm is merged, combined, dissolved, or separated, the sponsoring organization shall determine which resultant firm shall be considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.

Historical Note

Adopted effective December 19, 1979 (Supp. 79-6). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-53 renumbered as Section R4-1-453 and amended in subsections (A) and (B) effective July 1, 1983 (Supp. 83-4). Former Section R4-1-453 repealed, new Section R4-1-453 adopted effective July 15, 1988 (Supp. 88-3). Correction, Historical Note for Supp. 88-3 should read "Former Section R4-1-453 repealed, new Section R4-1-453 adopted effective January 1, 1990, filed July 15, 1988" (Supp. 89-1). Section repealed, new Section adopted effective December 6, 1995 (Supp. 95-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1886, effective January 1, 2005 (Supp. 04-2). Amended by final rulemaking at 14 A.A.R. 2927, effective January 1, 2009 (Supp. 08-3). Amended by final rulemaking at 20 A.A.R.

Adopted effective July 1, 1983 (Supp. 83-4). Repealed effective November 20, 1998 (Supp. 98-4). New Section made by final rulemaking at 10 A.A.R. 4352, effective December 4, 2004. Amended by final rulemaking at 12 A.A.R. 2823, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022

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(Supp. 22-2). Amended by final rulemaking at 29 A.A.R. 1184 (May 26, 2023), effective July 3, 2023 (Supp. 23-2).

Amended by final expedited rulemaking at 30 A.A.R. 2417 (July 26, 2024), with an immediate effective date of July 3, 2024 (Supp. 24-3).

R4-1-455. Professional Conduct and Standards

- A.** It is the Board's policy that the rules governing registrants be consistent with the rules governing the accounting profession generally. Except as otherwise set forth in these regulations, registrants shall conform their conduct to the Code of Professional Conduct, published June 1, 2023 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, North Carolina 27707-8110 (www.aicpa.org), available from the AICPA.
- B.** The AICPA Code of Professional Conduct, and any interpretations and ethical rulings by the issuing body, shall apply to all registrants, including those who are not members of the AICPA. The version specified above, including any interpretations and ethical rulings in effect shall apply. Any later amendments, additions, interpretations, or ethical rulings shall not apply.

Historical Note

Former Rule 9; Amended effective January 15, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Amended effective February 22, 1978 (Supp. 78-1). Amended effective November 5, 1980 (Supp. 80-6). Former Section R4-1-56 renumbered as Section R4-1-455 and amended in subsections (B) and (D) effective July 1, 1983 (Supp. 83-4). Section R4-1-455 amended and divided into R4-1-455 and R4-1-455.01 thru R4-1-455.04 effective April 22, 1992 (Supp. 92-2). Amended effective December 6, 1995 (Supp. 95-4). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1). Amended by final rulemaking at 27 A.A.R. 921, effective August 1, 2021 (Supp. 21-2). Amended by final rulemaking at 28 A.A.R. 1106 (May 27, 2022), effective July 3, 2022 (Supp. 22-2). Amended by final rulemaking at 29 A.A.R. 1184 (May 26, 2023), effective July 3, 2023 (Supp. 23-2). Amended by final expedited rulemaking at 30 A.A.R. 2417 (July 26, 2024), with an immediate effective date of July 3, 2024 (Supp. 24-3).

R4-1-455.01. Professional Conduct: Definitions; Interpretations

Interpretation of definitions: All terms defined in A.R.S. § 32-701 et seq. shall be construed, to the extent possible, to be consistent with corresponding definitions in the professional standards adopted in R4-1-455. The foregoing notwithstanding, for purposes of R4-1-455 and the professional standards adopted therein references to "member" shall be to "registrant" as defined in A.R.S. § 32-701.

Historical Note

Section R4-1-455.01 renumbered from R4-1-455(B) and amended effective April 22, 1992 (Supp. 92-2). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4).

Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1).

R4-1-455.02. Professional Conduct: Competence and Technical Standards

- A.** In reporting on financial statements for which a registrant has performed attest services (as defined in A.R.S. § 32-701) any of the following will constitute a violation of A.R.S. § 32-741(A)(4):
1. In an audit engagement, failing to:
 - a. Prepare audit documentation that is sufficient to enable an experienced auditor, having no previous connection with the audit, to understand:
 - i. The nature, timing, and extent of the audit procedures performed;
 - ii. The results of the audit procedures performed, and the audit evidence obtained; and
 - iii. Significant findings or issues arising during the audit, the conclusions reached thereon, and significant professional judgments made in reaching those conclusions;
 - b. Obtain sufficient appropriate evidence to conclude that the financial statements taken as a whole are free from material misstatement; or
 - c. Modify the opinion in the auditor's report when:
 - i. The financial statements as a whole are materially misstated; or
 - ii. Sufficient appropriate audit evidence to conclude that the financial statements as a whole are free from material misstatement has not been obtained.
 2. In a review engagement, failing to:
 - a. Accumulate sufficient review evidence to provide a reasonable basis for obtaining limited assurance that there are no material modifications that should be made to the financial statements in order to be in conformity with the applicable financial reporting framework; or
 - b. Modify the accountant's review report for a departure from the applicable financial reporting framework, including inadequate disclosure, that is material to the financial statements.
 3. In an examination of prospective financial statements engagement, failing to:
 - a. Obtain sufficient evidence to provide a reasonable basis for the conclusion that is expressed in the report; or
 - b. Modify the report when:
 - i. One or more significant assumptions do not provide a reasonable basis for the prospective financial statements; or
 - ii. The examination is affected by conditions that preclude application of one or more procedures considered necessary in the circumstances.
- B.** The provisions of this subsection are not intended to be all inclusive or to limit the application of A.R.S. § 32-741(A)(4).

Historical Note

Section R4-1-455.02 renumbered from R4-1-455(C) and amended effective April 22, 1992 (Supp. 92-2). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4).

R4-1-455.03. Professional Conduct: Specific Responsibilities

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

and Practices

- A.** Discreditable acts: In addition to any other acts prohibited by any standards incorporated in these rules, a registrant shall not commit an act that reflects adversely on the registrant's fitness to engage in the practice of public accounting, including and without limitation:
1. Violating a provision of R4-1-455, R4-1-455.01, R4-1-455.02, R4-1-455.03 or R4-1-455.04;
 2. Violating a fiduciary duty or trust relationship with respect to any person; or
 3. Violating a provision of A.R.S. Title 32, Chapter 6, Article 3, or this Chapter.
- B.** Advertising practices and solicitation practices: A registrant has violated A.R.S. § 32-741(A)(4) and engaged in dishonest or fraudulent conduct in the practice of public accounting in connection with the communication or advertising or solicitation of accounting services through any media, if the registrant willfully engages in any of the following conduct:
1. Violates A.R.S. § 44-1522 and a court finds the violation willful;
 2. Engages in fraudulent or misleading practices in the advertising of accounting services that leads to a conviction pursuant to A.R.S. § 44-1481; or
 3. Engages in fraudulent practices in the advertising of accounting services that leads to a conviction for a violation of any other state or federal law.
- C.** Form of practice and name: A registrant shall not use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter. A firm name or designation shall not include words such as "& Company," "& Associates," or "& Consultants" unless the terms refer to additional full-time CPAs that are not otherwise mentioned in the firm name.
- D.** Communications: When requested, a registrant shall file a written response to a communication from the Board within 30 days of the date of the mailing of such communication by certified mail. A written response is deemed filed on the date and time received in the Board office. The Board shall record the date and time either by electronic date stamp in Arizona time or on physical receipt in the Board's office. The Board shall not accept a postmark as evidence of timely filing.
- E.** The provisions of R4-1-455.03(A) through (C) are not intended to be all inclusive or to limit the application of any standards incorporated by R4-1-455.

Historical Note

Section R4-1-455.03 renumbered from R4-1-455(D) and amended effective April 22, 1992 (Supp. 92-2). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 12 A.A.R. 2823, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 1807, effective June 15, 2017 (Supp. 17-2). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4).

R4-1-455.04. Professional Conduct: Records Disposition

Document retention policies. Except as set forth in A.R.S. § 32-744(D), a registrant may retain and dispose of documents prescribed in A.R.S. § 32-744(C) in compliance with a reasonable document retention policy.

Historical Note

Section R4-1-455.04 renumbered from R4-1-455(E) and amended effective April 22, 1992 (Supp. 92-2). Section number corrected (Supp. 97-3). Amended effective November 20, 1998 (Supp. 98-4). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 3246, effective January 1, 2018 (Supp. 17-4).

R4-1-456. Reporting Practice Suspensions and Violations

- A.** A registrant shall report to the Board:
1. Any suspension or revocation of the right to practice accounting before the federal Securities and Exchange Commission, the Internal Revenue Service, or any other state or federal agency;
 2. Any final judgment in a civil action or administrative proceeding in which the court or public agency makes findings of violations, by the registrant, of any fraud provisions of the laws of this state or of federal securities laws;
 3. Any final judgment in a civil action in which the court makes findings of accounting violations, dishonesty, fraud, misrepresentation, or breach of fiduciary duty by the registrant;
 4. Any final judgment in a civil action involving negligence in the practice of public accounting by the registrant; and
 5. All convictions of the registrant of any felony, or any crime involving accounting or tax violations, dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, or breach of fiduciary duty.
- B.** A registrant required to report under subsection (A) shall make the report in the form of a written letter and ensure that the report is received by the Board within 30 days after the entry of any judgment or suspension or revocation of the registrant's right to practice before any agency. The registrant shall ensure that the letter contains the following information:
1. Description of the registrant's activities that resulted in a suspension or revocation;
 2. Final judgment or conviction;
 3. Name of the state or federal agency that restricted the registrant's right to practice;
 4. Effective date and length of any practice restriction;
 5. Case file number of any court action, civil or criminal;
 6. Name and location of the court rendering the final judgment or conviction; and
 7. Entry date of the final judgment or conviction.

Historical Note

Adopted effective November 5, 1980 (Supp. 80-6). Former Section R4-1-57 renumbered as Section R4-1-456 without change effective July 1, 1983 (Supp. 83-4). Amended effective February 23, 1993 (Supp. 93-1). Amended by final rulemaking at 20 A.A.R. 520, effective February 4, 2014 (Supp. 14-1). Amended by final rulemaking at 26 A.A.R. 339, effective April 5, 2020 (Supp. 20-1).

Appendix A. Repealed**Historical Note**

Adopted effective February 22, 1978 (Supp. 78-1). Amended effective December 19, 1979 (Supp. 79-6). Editorial correction, Footnote**, Rules reference corrected (Supp. 83-4). Repealed effective May 31, 1991 (Supp. 91-2).

Appendix B. Repealed

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

Historical Note

Adopted effective February 22, 1978 (Supp. 78-1).

Repealed effective April 22, 1992 (Supp. 92-2).

D-5.

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 16

Amend: R9-16-901; R9-16-902; R9-16-903; R9-16-904; R9-16-906; R9-16-907;
Table 9.1; R9-16-908

New Section: R9-16-909



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 16

Amend: R9-16-901; R9-16-902; R9-16-903; R9-16-904; R9-16-906;
R9-16-907; Table 9.1; R9-16-908

New Section: R9-16-909

Summary:

This regular rulemaking from the Department of Health Services (Department) seeks to amend seven (7) rules, one (1) table, and add one (1) new section to Title 9, Chapter 16, Article 9 regarding the certification of doulas in Arizona. Specifically, Title 9, Chapter 16, Article 9 was promulgated by final exempt rulemaking which became effective August 1, 2023. Pursuant to A.R.S. § 41-1008(E), “[a] fee that is established or increased by exempt rule making from and after September 30, 2012 is effective for two years unless an extension is granted by the council.” The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E); include updates to align the rules with the Department's practice; reduce the burden regarding requests for duplicate certificates and training; and make the rules clearer and more concise and understandable.

The Department notes this rulemaking does not propose a fee increase in comparison to the fees previously established. Furthermore, this rulemaking proposes to amend the definition

Section (R9-16-901) by removing terms from this Section and entering the definition where the term is used (Section R9-16-907); reduce the burden by removing the rule requirement to complete neonatal resuscitation training, which is not required by statute; makes general corrections; align the rule with statute in Section R9-16-906; update terminology also in R9-16-906; update time-frames (Section R9-16-907 and Table) to reflect current practice; and update R9-16-908 to reflect current practice.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

Pursuant to A.R.S. § 41-1008(A)(1), “an agency shall not...[c]harge or receive a fee or make a rule establishing a fee unless the fee for the specific activity is expressly authorized by statute or tribal state gaming compact.

Here, fees charged for the certification of doulas being “re-established” pursuant to A.R.S. § 41-1008(F), as outlined above. The Department indicates A.R.S. § 36-766.06 grants the Department specific authority to charge fees for the certification and renewals of certification of doulas. As such, Council staff believes the Department is in compliance with A.R.S. § 41-1008.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

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

4. **Summary of the agency's economic impact analysis:**

The Department states A.R.S. § 36-766.02 authorizes the Department of Health Services to adopt rules to establish standards and requirements for individuals who wish to obtain a state doula certification. The Department says Title 9, Chapter 16, Article 9 was promulgated by final exempt rulemaking. The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E); include updates to align the rules with the Department's practice; reduce the burden regarding requests for duplicate certificates and training; and make the rules clearer and more concise and understandable. The Department states that a regular rulemaking is required to re-establish the fees previously made by exempt rulemaking (refer to Sections R9-16-903, R9-16-904, R9-16-908 and R9-16-909).

The Department indicates that stakeholders include the Department; doula state-certification applicants and state-certified doulas; state-certified doulas seeking reimbursement for services rendered through AHCCCS; individuals seeking services provided by a doula provider; AHCCCS; and the general public. The Department says that, as defined in

A.R.S. § 36-766(3), a doula is a “trained nonmedical professional who may provide continuous physical, emotional and informational support to families before, during and after childbirth for a period of one year after birth or in the case of loss and who may serve as a liaison between birth parents and medical and social services staff to improve the quality of medical, social and behavioral outcomes.”

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department believes the current rules pose the minimum cost and burden on the regulated public. The Department states that as authorized by A.R.S. § 36-766.06 the Department established fees that the Department determined imposed the least burden and costs for this self-funded program. The Department indicates that the costs for the processing of applications for doula certification are necessary to achieve the underlying objectives and statutory requirements.

6. What are the economic impacts on stakeholders?

The Department states that the rulemaking proposes to amend the definition Section (R9-16-901) by removing terms from this Section and entering the definition where the term is used (Section R9-16-907); reduce the burden by removing the rule requirement to complete neonatal resuscitation training, which is not required by statute; makes general corrections; align the rules with statute in Sections R9-16-906; update terminology also in R9-16-906, update time-frames (Section R9-16-907 and Table) to reflect current practice; and update R9-16-908 to reflect current practice.

The Department does not believe the proposed amendments and re-establishing the fees will have a significant economic impact for individuals seeking a doula certification as the fees will not change from those previously established under exempt rulemaking. The Department states that this rulemaking does not propose a fee increase in comparison to the fees previously established.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Department indicates there were no changes between the Notice of Proposed Rulemaking published in the Administrative Register on January 10, 2025 and the Notice of Final Rulemaking now before the Council for consideration.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Department indicates it did not receive any public comments regarding this rulemaking.

9. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

Pursuant to A.R.S. § 41-1037(A), if an agency proposes an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization, the agency shall use a general permit, as defined by A.R.S. § 41-1001(12), if the facilities, activities or practices in the class are substantially similar in nature unless certain exceptions apply.

A.R.S. § 41-1001(12) defines “general permit” to mean “a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing.”

The Department indicates that a general permit is not applicable to the certification for doulas as the issuance of an alternative type of permit, license or authorization is specifically authorized by state statute. *See* A.R.S. § 41-1037(A)(2). As such, Council staff believes the Department is in compliance with A.R.S. § 41-1037.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

Not applicable. The Department indicates there is no corresponding federal law directly applicable to the subject of these rules.

11. Conclusion

This regular rulemaking from the Department seeks to amend seven (7) rules, one (1) table, and add one (1) new section to Title 9, Chapter 16, Article 9 regarding the certification of doulas in Arizona. Specifically, Title 9, Chapter 16, Article 9 was promulgated by final exempt rulemaking which became effective August 1, 2023. Pursuant to A.R.S. § 41-1008(E), “[a] fee that is established or increased by exempt rule making from and after September 30, 2012 is effective for two years unless an extension is granted by the council.” The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E); include updates to align the rules with the Department's practice; reduce the burden regarding requests for duplicate certificates and training; and make the rules clearer and more concise and understandable.

Pursuant to A.R.S. § 41-1032(B), “a rule making agency may specify an effective date more than sixty days after the filing of the rule in the office of the secretary of state if the agency determines that good cause exists for and the public interest will not be harmed by the later date.” Here, the Department is requesting an effective date of August 2, 2025. According to A.R.S. § 41-1008(E) a fee established under an exempt rule making is effective for two years. As outlined above, the fees in this Article were established under exempt rulemaking that

became effective August 1, 2023. With this rulemaking, the Department is re-establishing the fees and would like the re-established fees to become effective after the prior fees established through exempt rulemaking expire.

Council staff recommends approval of this rulemaking.



March 14, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair

Governor's Regulatory Review Council

100 North 15th Avenue, Suite 305

Phoenix, Arizona 85007

RE: Department of Health Services, 9 A.A.C. 16, Department of Health Services - Occupational Licensing, Article 9, Doula Certification

Dear Ms. Klein:

The attached final rulemaking package is respectfully submitted for review and approval by the Council. The following information is provided for your use in reviewing the rulemaking package:

1. The close of record date: February 10, 2025
2. Whether the rulemaking relates to five-year-review report and, if applicable, the date the report was approved by the Council:
The rulemaking for 9 A.A.C. 16, Article 9 is not related to a five-year review report. However, it is partially related to a one-year-review report approved by the Council on October 1, 2024.
3. Whether the rulemaking establishes a new fee and, if so, the statutes authorizing the fee:
A.R.S. § 41-1008 states that a fee established under an exempt rule making is effective for two years. With this regular rulemaking the Department proposes to re-establish the fees. A.R.S. § 36-766.06 grants the Department specific authority to charge fees for the certification and renewals of certification of doulas.
4. Whether the rulemaking contains a fee increase:
The rulemaking does not contain a fee increase.
5. Whether an immediate effective date is requested pursuant to A.R.S. § 41-1032:
The Department is not requesting an immediate effective date for the rules.

Katie Hobbs | Governor

Jennifer Cunico, MC | Director

150 North 18th Avenue, Suite 500, Phoenix, AZ 85007-3247

P | 602-542-1025 W | azhealth.gov

Health and Wellness for all Arizonans

6. A certification that the preamble discloses a reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation or justification for the rule:
The preamble discloses that the Department did not review any studies relevant to the rules and did not rely on any studies in its evaluation of or justification for the rules.

7. If one or more full-time employees are necessary to implement and enforce the rule, a certification that the preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule:
The Department of Health Services is not required to make a certification to JLBC because the rule does not require any new full-time employees.

8. A list of all documents enclosed:
 - Notice of Final Rulemaking, including the Preamble, Table of Contents, and text of each rule;
 - An economic, small business, and consumer impact statement that contains the information required by A.R.S. §41-1055
 - General and specific statutes authorizing the rules
 - Copy of current rules
 - Governor's Office approval via e mail from the Policy Advisor (initial and of the Notice of Final Rulemaking)

The Department's point of contact for questions about the rulemaking documents is Angie Trevino at angelica.trevino@azdhs.gov.

Sincerely,



Stacie Gravito
Director's Designee

SG: at

Enclosures

Katie Hobbs | Governor

Jennifer Cunico, MC | Director

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Health and Wellness for all Arizonans

NOTICE OF FINAL RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039(B) by the governor on:

March 3, 2025

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

| | |
|-----------|-------------|
| R9-16-901 | Amend |
| R9-16-902 | Amend |
| R9-16-903 | Amend |
| R9-16-904 | Amend |
| R9-16-906 | Amend |
| R9-16-907 | Amend |
| Table 9.1 | Amend |
| R9-16-908 | Amend |
| R9-16-909 | New Section |

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

Authorizing statute: A.R.S. §§ 36-132(A)(1) and 36-136(G)

Implementing statute: A.R.S. §§36-766.01, 36-766.02, and 36-766.03

4. The effective date of the rule:

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. 41-1032(B):

The Department of Health Services (Department) requests an effective date of August 2, 2025. According to A.R.S. § 41-1008(E) a fee established under an exempt rule making is effective for two years. The fees in this Article were established under exempt rulemaking

and were effective August 1, 2023. With this rulemaking, the Department is re-establishing the fees after they expire.

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

Notice of Rulemaking Docket Opening: 30 A.A.R. 3464, Issue Date: November 15, 2024, Issue Number: 46, File number: R24-239

Notice of Proposed Rulemaking: 31A.A.R. 112, Issue Date: January 10, 2025, Issue Number: 2, File number: R24-296

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

Name: Megan Whitby
Title: Deputy Assistant Director
Division: Public Health Licensing Services
Address: Arizona Department of Health, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007
Telephone: (602) 364-3052
Fax: (602) 364-2079
Email: megan.whitby@azdhs.gov

or

Name: Stacie Gravito
Title: Office Chief, Administrative Counsel and Rules
Division: Director's Office
Address: Arizona Department of Health, 150 N. 18th Ave., Suite 200, Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: stacie.gravito@azdhs.gov

Website: azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php

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

A.R.S. § 36-766.02 authorizes the Department to adopt rules to establish standards and requirements for individuals who wish to obtain a state doula certification. The Department has adopted rules for state-certified doulas in Arizona Administrative Code, Title 9, Chapter 16, Article 9. The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E); include updates to align the rules with the Department's practice; reduce the burden

regarding requests for duplicate certificates and training; and make the rules clearer and more concise and understandable.

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

The Department did not review or rely on any study relevant to the rule.

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

A.R.S. § 36-766.02 authorizes the Department of Health Services (Department) to adopt rules to establish standards and requirements for individuals who wish to obtain a state doula certification. Title 9, Chapter 16, Article 9 was promulgated by final exempt rulemaking. The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E); include updates to align the rules with the Department's practice; reduce the burden regarding requests for duplicate certificates and training; and make the rules clearer and more concise and understandable.

A.R.S. § 41-1008 states that a fee established under an exempt rule making is effective for two years. A.R.S. § 36-766.06 grants the Department specific authority to charge fees for the certification and renewals of certification of doulas. A.R.S. § 36-766.07 states a person is not required "to be certified by the department in order to practice as doula in this state." A regular rulemaking is required to re-establish the fees previously made by exempt rulemaking (refer to Sections R9-16-903, R9-16-904, R9-16-908, and R9-16-909).

Furthermore, this rulemaking proposes to amend the definition Section (R9-16-901) by removing terms from this Section and entering the definition where the term is used (Section R9-16-907); reduce the burden by removing the rule requirement to complete neonatal resuscitation training, which is not required by statute; makes general corrections; align the rule with statute in Section R9-16-906; update terminology also in R9-16-906; update time-frames (Section R9-16-907 and Table) to reflect current practice; and update R9-16-908 to reflect current practice.

The Department does not believe the proposed amendments and re-establishing the fees will have a significant economic impact for individuals seeking a doula certification as the fees will not change from those previously established under exempt rulemaking. This rulemaking does not propose a fee increase in comparison to the fees previously established.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Department did not make any changes between the proposed rulemaking and the final rulemaking.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

No comments were received.

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

None

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

The Department believes that under A.R.S. § 41-1037(A)(2) that a general permit is not applicable.

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

Federal laws do not apply to 9 A.A.C. 16, Article 9.

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

No analysis was submitted.

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

ARTICLE 9. DOULA CERTIFICATION

Section

- R9-16-901. Definitions
- R9-16-902. Doula Eligibility and Doula Scope of Practice
- R9-16-903. Certification Initial Application
- R9-16-904. Certification Renewal
- R9-16-906. Enforcement
- R9-16-907. Time-frames
- Table 9.1. Time-frames (in calendar days)
- R9-16-908. Changes Affecting a Certificate; ~~Request for a Duplicate Certificate~~ or Certificate Holder
- R9-16-909. Fees

ARTICLE 9. DOULA CERTIFICATION

R9-16-901. Definitions

In addition to the definitions in A.R.S. § 36-766, the following definitions apply in this Article unless otherwise specified:

- ~~1.~~ “~~Administrative completeness review time-frame~~” has the same meaning as in A.R.S. § ~~41-1072~~.
- ~~2.~~1. “Applicant” means an individual who submits an application and required documentation for approval to practice as a certified doula.
- ~~3.~~2. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run and including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- ~~4.~~3. “Certification” means an approval granted to individuals who meet the qualifications, including education and training requirements, in this Article for certified doulas.
- ~~5.~~4. “Certified doula” means the same as “state-certified doula” in A.R.S. § 36-766.
- ~~6.~~5. “Client” means an individual receiving doula services provided by a certified doula.
- ~~7.~~6. “Code of ethics agreement” means the document submitted to the Department by an applicant that agrees to the general ethics and compliance of the standards of practice, and doula scope of practice of a certified doula.
- ~~8.~~7. “Continuing education” means a course that provides training and instruction that is designed to develop or improve a certified doula’s professional competence in areas directly related to the practice of a doula.
- ~~9.~~8. “Core competencies” means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:
 - a. Entrepreneurship,
 - b. Standards of practice and ethics,
 - c. The childbirth processes,

- d. Parental engagement,
- e. Postpartum care,
- f. Grief,
- g. Trauma-informed care,
- h. Cultural doula practices,
- i. Anatomy and physiology, and
- j. HIPAA.

~~10.9.~~ “Course” means a workshop, seminar, lecture, conference, or class.

~~11.10.~~ “Department” means the same as in A.R.S. § 36-101.

~~12.11.~~ “Doula scope of practice” includes:

- a. Providing care coordination, coaching, and social support;
- b. Providing emotional support of the individuals parenting choices;
- c. Providing encouragement and positive affirmations;
- d. Advocating for parents;
- e. Assessing the needs of the family;
- f. Providing newborn care hands-on education and care including:
 - i. Normal newborn behavior,
 - ii. Newborn appearance,
 - iii. Sleep habits,
 - iv. Feeding,
 - v. Bathing, and
 - vi. Dressing the baby;
- g. Infant feeding support;
- h. Cord and circumcision care;

- i. Establishing a routine;
 - j. Organizing the nursery and home; and
 - k. Sibling education and transition.
- ~~13~~12. “Documentation” means information in written, photographic, electronic or other permanent form.
- ~~14~~. ~~“Evaluation” means the assessment of the client in order to provide doula services.~~
- ~~15~~13. “HIPAA” means the Health Insurance Portability and Accountability Act of 1996, according to U.S. Public Law 104-191.
- ~~16~~14. “Licensed midwife” has the same meaning as “midwife” in A.R.S. § 36-751 and is li-censed by the Department to provide midwifery services.
- ~~17~~15. “Medical provider” means an individual licensed in the state of Arizona as a:
- a. “Physician” as defined in A.R.S. §§ 32-1401, 32-1501, or 32-1800;
 - b. “Certified nurse midwife” as defined in A.R.S. § 32-1601; or
 - c. “Clinical nurse specialist” as defined in A.R.S. § 32-1601.
- ~~18~~16. “Observing” means to witness:
- a. The provision of doula services to a client, or
 - b. A demonstration of how to provide doula services to a client.
- ~~19~~17. “Organization” means a person specified in A.R.S. § 1-215, and includes a tribal government.
- ~~20~~. ~~“Overall time frame” has the same meaning as in A.R.S. § 41-1072.~~
- ~~21~~18. “Physical health services” means information and care provided by licensed health professionals consistent with practices specified in A.R.S. § 32-3201.
- ~~22~~19. “Postpartum” means the six-week period following delivery of a newborn and placenta.
- ~~23~~20. “Training and instruction” means educational activities that develop and improve an individual’s professional competence in areas related to the practice as a certified doula

specified in A.R.S. § 36-766.03 and specific to the delivery of services identified in the doula scope of practice and core competencies specified in this Article.

R9-16-902. Doula Eligibility and Doula Scope of Practice

- A. No change
- B. An individual is eligible to apply for certification as a certified doula, if the individual:
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. Has written documentation of:
 - a. Observing at least one birth after completing the training or education specified in subsection (B)(3), signed and dated by the medical provider or licensed midwife who assisted the laboring mother;
 - b. Attending a minimum of three births while serving as the primary doula, including evaluations from the laboring mother and from the medical provider or licensed midwife who assisted the laboring mother;
 - c. Completing first aid and adult basic cardiopulmonary resuscitation through a course recognized by the American Heart Association;
 - ~~d. Completing neonatal resuscitation through a course recognized by the American Academy of Pediatrics or American Heart Association;~~
 - e.d. A code of ethics agreement as prescribed by the Department, and
 - f.e. A valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1;

5. Meets the requirements of core competencies as specified in ~~R9-16-901(9)~~ R9-16-901(8) and certified doula scope of practice as specified in ~~R9-16-901(12)~~ R9-16-901(11); and
 6. No change
- C.** No change
- D.** No change
1. No change
 2. No change
- E.** No change

R9-16-903. Certification Initial Application

- A.** An applicant for a doula certification shall submit to the Department:
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 2. No change
 3. No change

- a. No change
- b. No change
- c. No change
- 4. No change
 - a. No change
 - b. No change
 - c. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 6. No change
- 7. No change
 - a. No change
 - b. No change
 - c. No change
- 8. A fee specified in R9-16-909(A) and (B).

B. No change

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

- a. No change
- b. No change
- c. No change
- d. No change

C. No change

R9-16-904. Certification Renewal

A. No change

B. At least 30 calendar days and not more than 90 calendar days before the expiration date of a certification, an applicant for renewal of certification shall submit to the Department:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - e. No change
 - f. No change
 - g. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change

- 3. A fee specified in R9-16-909(C).
- C. An applicant who does not submit the documentation and the fee according to subsection (B) shall apply for a new certificate according to R9-16-903.
- D. No change

R9-16-906. Enforcement

- A. No change
- B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 - 1. The type of violation,
 - 2. The severity of the violation,
 - 3. The danger to public health and safety,
 - 4. The number of violations,
 - 5. The number of clients affected by the violations,
 - 6. The degree of harm to the ~~consumer~~ individual,
 - 7. A pattern of noncompliance, and
 - 8. Any mitigating or aggravating circumstances.
- C. No change
- D. ~~If a certified doula is employed by a tribe and appears to have violated this Article according to A.R.S. § 36-766.04(C), the tribal government having jurisdiction and following tribal ordinances and policies shall:~~
 - ~~1. Review and determine whether the certified doula has violated this Article; and~~
 - ~~2. Provide the Department with a written determination of whether denied, suspended, or revoked, including specific penalties from disciplinary actions taken by the tribal government. The Department may deny, suspend, or revoke a doula certification as~~

~~described in A.R.S. § 36-766.04(C).~~ The Department may deny, suspend, or revoke a doula certification as described in A.R.S. § 36-766.04(C).

R9-16-907. Time-frames

- A.** For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B.** For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
1. The administrative completeness review time-frame begins the date the Department receives an application required in this Article.
 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
 - a. ~~If a certificate~~ an application is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the application.
 - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
 - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.

3. If the Department issues a certificate during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department approved or denied the application.
 2. During the substantive review time-frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
 4. No change
- D. No change

Table 9.1. Time-frames (in calendar days)

| Type of Approval Application | Statutory Authority | Overall Time-frame | Administrative Completeness Review Time-frame | Time to Respond to Deficiency Notice | Substantive Review Time-frame | Time to Respond to a Comprehensive Written Request |
|-------------------------------------|----------------------------|---------------------------|--|---|--------------------------------------|---|
| Initial Application (R9-16-903) | A.R.S. § 36-766.02 | 60 | 30 | 30 | 30 | 30 |

| | | | | | | |
|---|--|-----------|-----------|-----------|-----------|-----------|
| Certification Renewal (R9-16-904) | A.R.S. § 36-766.02 | 60 | 30 | 30 | 30 | 30 |
| <u>Change application (R9-16-908)</u> | <u>A.R.S. §§ 36-766.01 and 36-766.02</u> | <u>60</u> | <u>30</u> | <u>30</u> | <u>30</u> | <u>30</u> |

R9-16-908. Changes Affecting a Certificate; ~~Request for a Duplicate Certificate~~ or Certificate Holder

- A. A certified doula shall submit a change application to the Department ~~a notice~~ in a Department-provided format within 30 calendar days after the effective date of a change in:
1. The certified doula’s home address, telephone number, or email address, including the new home address, telephone number, or email address; and
 2. The certified doula’s name, including a copy of one of the following with the certified doula’s new name:
 - a. Marriage certificate,
 - b. Divorce decree, or
 - c. Other legal documents establishing the certified doula’s new name.
- B. A certificate holder ~~may obtain a duplicate certificate by submitting to the Department a written request for a duplicate certificate~~ notifying the Department of a name change shall request a revised certificate issued with the certificate holder's new name by submitting to the Department an application for a revised certificate in a Department-provided format that includes:
1. The certified doula’s name and address,
 2. The certified doula’s certification number and expiration date,
 3. The certified doula's new name,
 - ~~3.4.~~ The certified doula’s signature and date of signature, and
 - ~~4.5.~~ A revised certificate fee specified in R9-16-909.

R9-16-909. Fees

- A.** An applicant shall submit to the Department for a doula certification, a \$100 nonrefundable initial application fee.
- B.** An applicant shall submit to the Department for a doula certification, a \$200 initial certification fee.
- C.** A certified doula shall submit to the Department for a renewal certification, a \$200 nonrefundable renewal fee.
- D.** The fee for a revised certificate is \$25.
- E.** An applicant for initial certification is not required to submit the applicable fee in subsections (A) and (B) if the applicant, as part of the applicable application in R9-16-903, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
- F.** Subject to the availability of Department funding, an applicant may receive a discounted fee for an initial application, initial certification, or renewal certification.



TITLE 9. HEALTH SERVICES

**CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL
LICENSING**

ARTICLE 9. DOULA CERTIFICATION

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

FEBRUARY 2025

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

ARTICLE 9. DOULA CERTIFICATION

1. An identification of the rulemaking

Arizona Revised Statute (A.R.S.) § 36-766.02 authorizes the Department of Health Services (Department) to adopt rules to establish standards and requirements for individuals who wish to obtain a state doula certification. The Department has adopted rules, through exempt rulemaking, for state-certified doulas in the Arizona Administrative Code, Title 9, Chapter 16, Article 9. The Department proposes to amend the rules to re-establish the fees in accordance with A.R.S. § 41-1008(E), include updates to align the rules with the Department's practice, reduce the burden regarding requests for duplicate certificates and training, and make the rules clearer and more concise and understandable.

2. Identification of the persons who will be directly affected by, bear the costs of, or directly benefit from the rules.

- Department of Health Services (Department)
- Doula state-certification applicants and state-certified doulas
- State-certified doulas seeking reimbursement for services rendered through AHCCCS
- Individuals seeking services provided by a doula provider
- Arizona Health Care Cost Containment System (AHCCCS)
- General public

3. Cost/Benefit Analysis

The cost bearers and beneficiaries from these rules, including the rule amendments, are as listed in section # 2 above.

As defined in Arizona Revised Statutes (A.R.S.) § 36-766(3) a doula is a "trained nonmedical professional who may provide continuous physical, emotional and informational support to families before, during and after childbirth for a period of one year after birth or in the case of loss and who may serve as a liaison between birth parents and medical and social services staff to improve the quality of medical, social and behavioral outcomes."

Furthermore, pursuant to A.R.S. § 36-766.07, a person is not required "to be certified by the department in order to practice as doula in this state." The Department maintains a list of state-certified doulas that is available to the public. The Department believes the rules support the statute and provide further guidance.

For the purpose of this Article costs/revenue scale is defined as follows: minimal when less than \$1000, moderate when between \$1000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost or benefit was "significant" when meaningful or important, but not readily subject to quantification.

Department

Although doulas are not required to be state-certified in order to practice, A.R.S. § 36-766.02 authorizes the Department to adopt rules to establish standards and requirements for individuals who wish to obtain a state doula certification. This statute also allows the Department to "administer and enforce" the statute and rule. Costs incurred by the Department are significant; given the Department's organization, the costs associated with the responsibilities of this Article are not readily quantifiable. The Bureau of Licensing for Professions and Occupations is a bureau/unit within the Department that is responsible for the licensing and regulation of the rules in this Article. This bureau has one Section Chief, one Deputy Bureau Chief, one Individual Licensing Program Manager, two Licensing Project Managers, and five licensing coordinators that manage the licensing or certification of eight licensing or certification types, of which

doula certification is included. The Department does not anticipate allotting any new full-time employees or making changes to those currently allotted. The Department believes that the current staffing is adequate to implement and regulate the rules and the rule amendments.

In accordance with A.R.S. § 36-766.06, the Department established fees for state-certified doula certification for this self-funded program. A.R.S. § 41-1008 states that a fee established under an exempt rule making is effective for two years. With this rulemaking the Department is proposing to re-establish these fees (Sections R9-16-903, R9-16-904, R9-16-908, and R9-16-909). Furthermore, the fee amounts remain the same with this rulemaking in comparison with those established through exempt rulemaking in 2023.

According to A.R.S. § 36-766.01, a person applying for doula certification "requires a valid fingerprint clearance card issued pursuant to Title 41, Chapter 12, 3.1." Fingerprint clearance cards are processed by the Department of Public Safety (DPS); however, the Federal Bureau of Investigation (FBI) must first approve for DPS to run a background check for doula certification. DPS recently received such approval and therefore, recently began processing any applications for fingerprint clearance cards for purposes of doula certification as of September 27, 2024. As a result, the Department's metrics or data are limited at this time. In 2024, the Department approved and issued licenses to five (5) doula applicants. For those who did not already have a fingerprint clearance card, they were able to apply once DPS received FBI approval to begin processing applications for fingerprint clearance cards in September 2024. As of now, there are a total of five (5) licensed doulas. Pursuant to A.R.S. § 36-766.06, fees collected by the Department to process certification applications are deposited in a "segregated account in the health services licensing fund established by section 36-414." In 2024, the Department has collected \$1,500.00 in fees for doula certification.

Doula state-certification applicants and state-certified doulas

Initial or recertification costs to individuals applying for doula certification are estimated as minimal. The Department believes the rules in this Article have a positive impact due to the rules explaining the requirements and procedures for applying for a doula certification as well as the scope of practice. A person initially applying for a doula certification is charged a \$100 application fee. This is a one-time fee. A person applying for an initial doula certification is also charged a \$200 certification fee. This translates to \$300 total cost for initial certification, which is good for three (3) years. An applicant applying for renewal of their certification is charged a fee of \$200. The renewal certification period is for three (3) years which translates to approximately \$66.67 per year. The fees charged for doula certification is comparable to other licenses, such as licenses for speech and hearing and community health workers; however, with a difference that their initial license and renewals are both for a period of two (2) years, whereas the initial and renewal for doula certifications are for a period of three (3) years. The doula certification fees align closely with other occupational licensing fees under 9 A.A.C. 16, particularly in terms of upfront costs. However, due to the three-year license duration, the doula certification offers a slightly lower annual cost compared to similar two-year licenses. This structure maintains consistency in application and renewal fees, while also providing an economic benefit to doula applicants over time. Furthermore, this structure reflects equitable access and affordability for doula applicants, especially given their certification is good for three years; and renewal fees remain consistent across all comparable licenses/certifications, maintaining fairness in ongoing certification costs. This analysis supports the continuation of the existing fee structure, emphasizing its alignment with our broader licensing program costs and goals for affordability. Additionally, the proposed amendments will reduce the doula's burden of cost by removing the requirement of completing a neonatal resuscitation training which is not a statutory requirement and removing the fee for requests for duplicate certifications. The Department does not believe the proposed amendments and re-establishing the fees will have a significant economic impact for individuals seeking a doula certification as the fee amounts will not change from those previously established under exempt rulemaking. This rulemaking does not propose a fee increase in comparison to the fees previously established.

Furthermore, costs associated with the proposed amendments are estimated as minimal. This rulemaking proposes to amend the definition Section (R9-16-901) by removing terms from this Section and entering the definition where the term is used (Section R9-16-907); reduce the burden by removing the rule requirement to complete neonatal resuscitation, which is not a statutory requirement; make general corrections; align the rule with statute in Section R9-16-906; update time-frames (Section R9-16-907 and Table) to reflect current practice; and update R9-16-908 to reflect current practice.

Additionally, state-certified doulas, who are also registered with AHCCCS, may submit claims for reimbursement for services rendered to an AHCCCS member.

Arizona Health Care Cost Containment System (AHCCCS)

The Department expects AHCCCS costs related to this Article and the proposed amendments in this rulemaking to be significant. In October 2024, AHCCCS received approval from the Centers for Medicare and Medicaid Services allowing AHCCCS to cover and reimburse for doula services provided to AHCCCS members. In order for AHCCCS to reimburse doula providers, the doula providers must be certified by Department and registered with AHCCCS. AHCCCS establishes the rates, recommendations, referral, etc. requirements for reimbursement through AHCCCS. Additional details provided in #4.

General public and persons seeking doula services

The rules in this Article and the proposed amendments are expected to provide a significant benefit to the general public. Although state certification to provide doula services is not required in Arizona, the general public may receive a significant benefit from having a list of certified doulas to help them determine whether to choose a doula who is certified or not certified by the Department. The Department maintains a list of state-certified doulas that is available to the public. Additionally, the general public may receive a significant benefit from knowing the criteria required to become a state-certified doula. The rules in this Article provide the public details of the requirements and procedures for applying for and maintaining a doula state-certification as well as their scope of practice.

4. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking.

According to A.R.S. § 36-766.07, certification through the Department is not required in Arizona. It is not believed that political subdivisions of this state are directly affected by the rulemaking. As mentioned, doula certification with the Department is voluntary. The Department believes that the rules in this Article and the proposed amendments would benefit businesses that would like to seek reimbursement from Arizona's Medicaid program, Arizona Health Care Cost Containment System (AHCCCS). In October 2024 AHCCCS received approval from the Centers for Medicare and Medicaid Services allowing AHCCCS to cover and reimburse for doula services provided to AHCCCS members.¹ In order to obtain Medicaid reimbursement, doula providers must be certified by the Department of Health Services and registered with AHCCCS. With the option to register with AHCCCS, doulas and businesses offering doula services, could potentially expand their client base. The impact of this is unknown; however, the Department believes that this option may have a positive impact to persons or business who may seek to employ doula's certified by the Department. As mentioned, it is the Department's belief that the proposed amendments will benefit all who are seeking doula certification through the Department. It is also the Department's belief that the re-establishment of the fees will not increase the burden to doula certification applicants.

Fees for doula certification were initially established under exempt rulemaking. In accordance with A.R.S. § 41-1008 a fee established under an exempt rule making is effective for two years. With this rulemaking the Department proposes to re-establish said fees. The fee amounts will remain the same with this rulemaking.

¹

<https://www.azahcccs.gov/shared/News/PressRelease/ArizonaMedicaidtoReimburseforDoulaServicesBoostingMaternalandInfantHealthSupport.html#:~:text=CONTACT:%20PIO@azahcccs.gov,with%20AHCCCS%20as%20a%20provider.>

The Department believes that a person and/or a business providing doula services could benefit from the rules in this Article as they can expand their services to AHCCCS members and seek reimbursement from an AHCCCS.

The proposed amendments update the rules to reflect current practice, make general corrections, align rules with statute, make the rules clearer and more concise, decrease the burden, and re-establish the fees previously established under exempt rulemaking. It is the Department's belief that the proposed amendments will have a positive impact on businesses.

5. A statement of the probable impact of the rules on small business.

A small business may benefit from the rules in this Article as a doula who is state-certified has the potential to expand their clientele to AHCCCS members.

5.1 Identification of the small business businesses subject to the rules.

The rules in this Article for state doula certification affects persons seeking doula certification and those small businesses who employ doulas.

5.2 The administrative and other costs required for compliance with the rules.

The rule amendments do not add any administrative and other costs required for compliance with the rules.

5.3 A description of the methods that the agency may use to reduce the impact on small businesses.

Doula certification with the Department is voluntary, pursuant to A.R.S. § 36-766.07. There are no other methods identified to reduce the impact on small businesses.

5.4 The probable costs and benefits to private persons and consumers who are directly affected by the rules.

In general, the public may benefit from the rules in this Article. A doula, as defined in statute (A.R.S. § 36-766(3)), is a "trained nonmedical professional

who may provide continuous physical, emotional, and informational support to families before, during, and after childbirth for a period of one year after birth or in the case of loss and who may serve as a liaison between birth parents and medical and social services staff to improve the quality of medical social and behavioral outcomes." Additionally, per A.R.S. § 36-766.07, a person is not required "to be certified by the department in order to practice as doula in this state." The public may benefit from having access to a list, maintained by the Department, of state-certified doulas to help them determine whether to choose a doula who is certified or not certified by the Department.

According to AHCCCS, "Studies have shown that additional pregnancy support, including doulas, leads to healthier pregnancies that are less likely to require C-sections or result in premature births needing neonatal intensive care unit (NICU) stays. It also decreases rates of anxiety and depression for the birthing parent."² Also according to AHCCCS, "More than half of Arizona's births are covered by AHCCCS, the state's Medicaid agency. Doula reimbursement is available to any doula certified through the Arizona Department of Health Services' voluntary doula certification program and registered with AHCCCS as a provider."³ The 2024 March of Dimes report card for Arizona reports that "preterm birth rate in Arizona was 9.9% in 2023, higher than the rate in 2022." This report includes that "485 babies died before their first birthday" in 2022; the maternal death rate of birthing people in Arizona is 30 per 100,000 births; and 18.8% of birthing people received inadequate prenatal care. Among other information in this report, it also includes that having "policies and sufficient funding" surrounding doula reimbursement through AHCCCS as a factor that "is critical to improve and sustain maternal and infant healthcare."⁴

²

<https://www.azahcccs.gov/shared/News/PressRelease/ArizonaMedicaidtoReimburseforDoulaServicesBoostingMaternalandInfantHealthSupport.html>

³

<https://www.azahcccs.gov/shared/News/PressRelease/ArizonaMedicaidtoReimburseforDoulaServicesBoostingMaternalandInfantHealthSupport.html>

⁴ <https://www.marchofdimes.org/peristats/assets/s3/reports/reportcard/MarchofDimesReportCard-Arizona.pdf>

The proposed amendments may lessen the burden of costs to private persons seeking doula certification by the Department. The proposed amendments remove the requirement of doulas obtaining neonatal resuscitation which is not required by statute. Additionally, the Department is working on doulas being able to print their own certifications; therefore, the proposed rules removes the requirement for doulas to request a duplicate license and the corresponding fee for this request. As mentioned in paragraphs #3 and 4, the Department proposes to re-establish the fee amounts, with no changes, to those previously established in 2023. Additionally, those affected by the rules may also benefit from the proposed amendments as they are updated to reflect current practice; provide clarification; align rules with statute; and make corrections.

6. A statement of the probable effect on state revenues.

Pursuant to A.R.S. § 36-766.06, fees collected by the Department to process certification applications are deposited in a "segregated account in the health services licensing fund established by section 36-414."

7. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking.

The Department believes the current rules pose the minimum cost and burden on the regulated public. As authorized by A.R.S. § 36-766.06 the Department established fees that the Department determined imposed the least burden and costs for this self-funded program. The costs for the processing of applications for doula certification are necessary to achieve the underlying objectives and statutory requirements.

8. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.

Not applicable

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 2552 (September 30, 2022), effective November 7, 2022 (Supp. 22-3).

ARTICLE 9. DOULA CERTIFICATION**R9-16-901. Definitions**

In addition to the definitions in A.R.S. § 36-766, the following definitions apply in this Article unless otherwise specified:

1. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
2. "Applicant" means an individual who submits an application and required documentation for approval to practice as a certified doula.
3. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run and including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
4. "Certification" means an approval granted to individuals who meet the qualifications, including education and training requirements, in this Article for certified doulas.
5. "Certified doula" means the same as "state-certified doula" in A.R.S. § 36-766.
6. "Client" means an individual receiving doula services provided by a certified doula.
7. "Code of ethics agreement" means the document submitted to the Department by an applicant that agrees to the general ethics and compliance of the standards of practice, and doula scope of practice of a certified doula.
8. "Continuing education" means a course that provides training and instruction that is designed to develop or improve a certified doula's professional competence in areas directly related to the practice of a doula.
9. "Core competencies" means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:
 - a. Entrepreneurship,
 - b. Standards of practice and ethics,
 - c. The childbirth processes,
 - d. Parental engagement,
 - e. Postpartum care,
 - f. Grief,
 - g. Trauma-informed care,
 - h. Cultural doula practices,
 - i. Anatomy and physiology, and
 - j. HIPAA.
10. "Course" means a workshop, seminar, lecture, conference, or class.
11. "Department" means the same as in A.R.S. § 36-101.
12. "Doula scope of practice" includes:
 - a. Providing care coordination, coaching, and social support;
 - b. Providing emotional support of the individuals parenting choices;
 - c. Providing encouragement and positive affirmations;
 - d. Advocating for parents;
 - e. Assessing the needs of the family;
 - f. Providing newborn care hands-on education and care including:
 - i. Normal newborn behavior,
 - ii. Newborn appearance,
 - iii. Sleep habits,
 - iv. Feeding,
 - v. Bathing, and
 - vi. Dressing the baby;
 - g. Infant feeding support;
 - h. Cord and circumcision care;
 - i. Establishing a routine;
 - j. Organizing the nursery and home; and
 - k. Sibling education and transition.
13. "Documentation" means information in written, photographic, electronic or other permanent form.
14. "Evaluation" means the assessment of the client in order to provide doula services.
15. "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, according to U.S. Public Law 104-191.
16. "Licensed midwife" has the same meaning as "midwife" in A.R.S. § 36-751 and is licensed by the Department to provide midwifery services.
17. "Medical provider" means an individual licensed in the state of Arizona as a:
 - a. "Physician" as defined in A.R.S. §§ 32-1401, 32-1501, or 32-1800;
 - b. "Certified nurse midwife" as defined in A.R.S. § 32-1601; or
 - c. "Clinical nurse specialist" as defined in A.R.S. § 32-1601.
18. "Observing" means to witness:
 - a. The provision of doula services to a client, or
 - b. A demonstration of how to provide doula services to a client.
19. "Organization" means a person specified in A.R.S. § 1-215, and includes a tribal government.
20. "Overall time-frame" has the same meaning as in A.R.S. § 41-1072.
21. "Physical health services" means information and care provided by licensed health professionals consistent with practices specified in A.R.S. § 32-3201.
22. "Postpartum" means the six-week period following delivery of a newborn and placenta.
23. "Training and instruction" means educational activities that develop and improve an individual's professional competence in areas related to the practice as a certified doula specified in A.R.S. § 36-766.03 and specific to the delivery of services identified in the doula scope of practice and core competencies specified in this Article.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

R9-16-902. Doula Eligibility and Doula Scope of Practice

- A.** An individual may provide doula services in Arizona without obtaining certification as a certified doula specified in this Article.
- B.** An individual is eligible to apply for certification as a certified doula, if the individual:
 1. Is 18 years of age or older;
 2. Has at least a high school diploma or high school equivalency diploma;
 3. Has training or education covering at least one of the following:
 - a. Completion of at least 30 hours of in-person instruction or a combination of in-person and online

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- instruction in core competency specified in this Article; or
- b. Community training in non-western doula practices, as determined by the Department, documentation confirming that core competencies have been met through culturally specific training or education subject to Department review; or
 - c. Other related individualized or experiential training or education that is subject to review by the Director;
4. Has written documentation of:
 - a. Observing at least one birth after completing the training or education specified in subsection (B)(3), signed and dated by the medical provider or licensed midwife who assisted the laboring mother;
 - b. Attending a minimum of three births while serving as the primary doula, including evaluations from the laboring mother and from the medical provider or licensed midwife who assisted the laboring mother;
 - c. Completing first aid and adult basic cardiopulmonary resuscitation through a course recognized by the American Heart Association;
 - d. Completing neonatal resuscitation through a course recognized by the American Academy of Pediatrics or American Heart Association;
 - e. A code of ethics agreement as prescribed by the Department, and
 - f. A valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1;
 5. Meets the requirements of core competencies as specified in R9-16-901(9) and certified doula scope of practice as specified in R9-16-901(12); and
 6. Submits an initial doula application in a Department-provided format to the Department.
- C.** Proof that an individual has current certification from a nationally recognized doula organization may substitute for requirements in subsections (B)(3).
- D.** An individual who does not meet the requirements in subsections (B)(3) and (4)(a) and (b), but who has been practicing as a doula in this state for at least five years before September 29, 2021, may be eligible to be a certified doula if the individual has:
1. Proof of current certification from a nationally recognized doula organization; and
 2. Three letters of recommendation from medical providers or licensed midwives who have worked with the individual within the preceding two years and can attest to the individual's competency in providing doula services.
- E.** A certified doula shall not provide physical health services or behavioral health services, as defined in A.R.S. § 36-401 to a client.
- Historical Note**
- New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1). Amended by final expedited rulemaking at 29 A.A.R. 3431 (October 27, 2023), with an immediate effective date of October 4, 2023 (Supp. 23-4).
- R9-16-903. Certification Initial Application**
- A.** An applicant for a doula certification shall submit to the Department:
1. An application in a Department-provided format that contains:
 - a. The applicant's name, date of birth, home address, telephone number, and email address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. Whether the applicant has completed high school or a high school equivalency program;
 - d. Whether the applicant is or has been certified as a doula in another state or country;
 - e. Whether the applicant has had a certification or license revoked or suspended by any state within the previous two years;
 - f. Whether the applicant is currently ineligible for certification or licensure in any state because of a revocation or suspension;
 - g. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant's practice as a doula;
 - h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under A.R.S. § 41-1075;
 - i. An attestation that the information submitted is true and accurate; and
 - j. The applicant's signature and date of signature;
 2. If applicable, a list of all states and countries in which the applicant is or has been certified as a doula;
 3. If a certificate or license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
 - a. The date of the revocation or suspension,
 - b. The state or jurisdiction of the revocation or suspension, and
 - c. An explanation of the revocation or suspension;
 4. If the applicant is currently ineligible for any occupational certificate or license in any state because of a revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for certification or license,
 - b. The state or jurisdiction of the ineligibility for certification or license, and
 - c. An explanation of the ineligibility for certification or license;
 5. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's practice as a doula, documentation that includes:
 - a. The date of the disciplinary action,
 - b. The state or jurisdiction of the disciplinary action,
 - c. An explanation of the disciplinary action, and
 - d. Any other applicable documents, including a legal order or settlement agreement;
 6. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080;
 7. As applicable, documentation that demonstrates compliance with:
 - a. R9-16-902(B)(3) and (4),
 - b. R9-16-902(C), or
 - c. R9-16-902(D); and
 8. A fee specified in R9-16-909(A) and (B).
- B.** In lieu of the documentation required in R9-16-902(B)(3), and (4)(a) and (b), an applicant may submit documentation to the Department that includes:
1. The name of each state that issued the applicant a current certification, including:

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- a. The certification number of each current certification, and
- b. The date each current certification was issued;
2. Documentation of the professional certificate or license issued to the applicant by each state in which the applicant holds a professional certificate or license;
3. A statement, signed and dated by the applicant, attesting that the applicant:
 - a. Has been certified or licensed in another state for at least one year, with a scope of practice consistent of a certified doula;
 - b. Has met minimum education requirements specified in this Article;
 - c. Has not voluntarily surrendered a certification or license in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C. The Department shall review the application and required documentation for certification as a certified doula according to R9-16-907 and Table 9.1.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1). Amended by final expedited rulemaking at 29 A.A.R. 3431 (October 27, 2023), with an immediate effective date of October 4, 2023 (Supp. 23-4).

R9-16-904. Certification Renewal

- A. From the date of issuance, a doula certification is valid for three years.
- B. At least 30 calendar days and not more than 90 calendar days before the expiration date of a certification, an applicant for renewal of certification shall submit to the Department:
 1. The following information in a Department-provided format:
 - a. The applicant's name, home address, telephone number, and email address;
 - b. The applicant's certification number and date of expiration;
 - c. Whether the applicant has had, within three years before the renewal application date, a certificate suspended or revoked by any state;
 - d. An attestation that:
 - i. The applicant has completed at least 15 hours of continuing education, as required in R9-16-905; and
 - ii. The documentation of the completed continuing education is available upon the Department's request;
 - e. Whether the applicant agrees to allow the Department to submit supplemental request for information under R9-16-907(C);
 - f. An attestation that the information submitted as part of the renewal application packet is true and accurate; and
 - g. The applicant's signature and date of signature;
 2. If the applicant has had a certificate suspended or revoked, as specified according to subsection (B)(1)(c), documentation that includes:
 - a. The date of the revocation or suspension,
 - b. The state or jurisdiction of the revocation or suspension, and
 - c. An explanation of the revocation or suspension; and
3. A fee specified in R9-16-909(C).
- C. An applicant who does not submit the documentation and the fee according to subsection (B) shall apply for a new certificate according to R9-16-903.
- D. The Department shall review the application and required documentation for renewal certification as a doula according to R9-16-907 and Table 9.1.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1). Amended by final expedited rulemaking at 29 A.A.R. 3431 (October 27, 2023), with an immediate effective date of October 4, 2023 (Supp. 23-4).

R9-16-905. Continuing Education

- A. A certified doula shall complete 15 hours of continuing education hours within the three years prior to renewing certification specified in A.R.S. § 36-766.01.
- B. Continuing education shall:
 1. Directly relate to doula core competencies as specified in R9-16-901(9) including services, skills, and knowledge that:
 - a. Facilitates access to quality of care delivery and health outcomes for clients receiving services; and
 - b. Expands health and wellness in diverse communities to reduce health disparities;
 2. Have educational objectives that exceed an introductory level of knowledge related to doula core competencies and scope of practices; and
 3. Consist of courses related to core competencies, such as:
 - a. Health and social service systems, including disease prevention to help manage health conditions;
 - b. Health promotion education;
 - i. Health literacy and cross-cultural communication;
 - ii. Referrals and providing follow-up;
 - iii. Individual support and coaching; and
 - iv. Outreach methods and strategies;
 - c. Client and community assessment;
 - d. Health education for behavior change;
 - e. Provide direct services;
 - f. Home visits to provide education, assessment, and social support; and
 - g. Support, advocacy, and health system navigation for clients.
- C. A continuing education course developed, endorsed, or sponsored by the Department according to A.R.S. § 36-766.09(B) is available at www.azdhs.gov.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

R9-16-906. Enforcement

- A. The Department may deny, suspend, or revoke a certificate holder's certification, permanently or for a fixed period of time specified in A.R.S. § 36-766.04 and this Article.
- B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 1. The type of violation,
 2. The severity of the violation,

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- 3. The danger to public health and safety,
 - 4. The number of violations,
 - 5. The number of clients affected by the violations,
 - 6. The degree of harm to the consumer,
 - 7. A pattern of noncompliance, and
 - 8. Any mitigating or aggravating circumstances.
- C. A certificate holder may appeal an enforcement action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- D. If a certified doula is employed by a tribe and appears to have violated this Article according to A.R.S. § 36-766.04(C), the tribal government having jurisdiction and following tribal ordinances and policies shall:
- 1. Review and determine whether the certified doula has violated this Article; and
 - 2. Provide the Department with a written determination of whether denied, suspended, or revoked, including specific penalties from disciplinary actions taken by the tribal government.
- b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
 - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
3. If the Department issues a certificate during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

R9-16-907. Time-frames

- A. For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the overall time-frame.
- 1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 - 2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the administrative completeness review time-frame.
- 1. The administrative completeness review time-frame begins the date the Department receives an application required in this Article.
 - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
 - a. If a certificate application is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the application.
- C. For a certificate or approval issued by the Department under this Article, Table 9.1 specifies the substantive review time-frame, which begins on the date the Department sends a written notice of administrative completeness.
- 1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department approved or denied the application.
 - 2. During the substantive review time-frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
 - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
 - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the certificate or approval.
- D. An applicant who is denied certification may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

Table 9.1. Time-frames (in calendar days)

| Type of Approval | Statutory Authority | Overall Time-frame | Administrative Completeness Review Time-frame | Time to Respond to Deficiency Notice | Substantive Review Time-frame | Time to Respond to a Comprehensive Written Request |
|-----------------------|---------------------|--------------------|---|--------------------------------------|-------------------------------|--|
| Initial Application | A.R.S. § 36-766.02 | 60 | 30 | 30 | 30 | 30 |
| Certification Renewal | A.R.S. § 36-766.02 | 60 | 30 | 30 | 30 | 30 |

Historical Note

New Table 9.1, Time-Frames (in calendar days) made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

R9-16-908. Changes Affecting a Certificate; Request for a Duplicate Certificate

- A. A certified doula shall submit to the Department a notice in a Department-provided format within 30 calendar days after the effective date of a change in:

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1. The certified doula's home address, telephone number, or email address, including the new home address, telephone number, or email address; and
 2. The certified doula's name, including a copy of one of the following with the certified doula's new name:
 - a. Marriage certificate,
 - b. Divorce decree, or
 - c. Other legal documents establishing the certified doula's new name.
- B.** A certificate holder may obtain a duplicate certificate by submitting to the Department a written request for a duplicate certificate in a Department-provided format that includes:
1. The certified doula's name and address,
 2. The certified doula's certification number and expiration date,
 3. The certified doula's signature and date of signature, and
 4. A duplicate certificate fee specified in R9-16-909.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

R9-16-909. Fees

- A.** An applicant shall submit to the Department for a doula certification, a \$100 nonrefundable initial application fee.
- B.** An applicant shall submit to the Department for a doula certification, a \$200 initial certification fee.
- C.** A certified doula shall submit to the Department for a renewal certification, a \$200 nonrefundable renewal fee.
- D.** The fee for a duplicate certificate is \$25.
- E.** An applicant for initial certification is not required to submit the applicable fee in subsections (A) and (B) if the applicant, as part of the applicable application in R9-16-903, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
- F.** Subject to the availability of Department funding, an applicant may receive a discounted fee for an initial application, initial certification, or renewal certification.

Historical Note

New Section made by exempt rulemaking at 29 A.A.R. 803 (March 31, 2023), effective August 1, 2023 (Supp. 23-1).

ARTICLE 10. OUT-OF-STATE TELEHEALTH PROVIDERS**R9-16-1001. Definitions**

In addition to the definitions in A.R.S. § 36-3601, the following definitions apply in this Article unless otherwise stated:

1. "Applicant" means an individual who is licensed in another state and seeking the Department's approval of registration as a registered health care provider.
2. "Client" means an individual who is examined or treated by a registered health care provider.
3. "Department" means the same as in A.R.S. § 36-101.
4. "Health care decision maker" means an individual designated to make a medical decision on behalf of a client receiving telehealth services.
5. "Health care services" means assessment, diagnosis, consultation, or treatment, consistent with A.R.S. Title 32, Chapter 28; A.R.S. Title 36, Chapter 6, Article 7; or A.R.S. Title 36, Chapter 17, provided to a client.
6. "Informed consent" means documented verbal, electronic, or written permission, given by a client or the client's health care decision maker, for the client to receive

- health care services from a registered health care provider according to A.R.S. Title 36, Chapter 36, and this Article.
7. "License" means a valid and current agency permit, certificate, approval, registration, or similar form of permission required by law that is issued by a state authorizing an individual to provide health care services consistent with:
 - a. A.R.S. Title 32, Chapter 28, for radiologic technology;
 - b. A.R.S. Title 36, Chapter 6, for licensed midwifery; or
 - c. A.R.S. Title 36, Chapter 17, for audiologists, hearing aid dispensers, speech-language pathologists, and speech-language pathologist assistants.
 8. "Registered health care provider" means an individual who:
 - a. Resides and holds a current and valid license in another state, and
 - b. Has been approved by the Department to provide telehealth services in Arizona.
 9. "Telehealth services" means health care services provided through telehealth.

Historical Note

New Section made by final rulemaking at 30 A.A.R. 695 (April 5, 2024), effective May 13, 2024 (Supp. 24-1).

R9-16-1002. Initial Application

- A.** An applicant for initial registration to provide telehealth services in Arizona shall submit to the Department an application that contains:
1. The following information in a Department-provided format:
 - a. The applicant's name, home address, telephone number, and email address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. The type of telehealth registration the applicant is requesting;
 - d. Information about the license held by the applicant, including the:
 - i. State or jurisdiction that issued the license,
 - ii. The license number, and
 - iii. The license date of expiration;
 - e. The name of the applicant's professional liability insurance company, including whether the insurance policy covers claims occurring in Arizona;
 - f. The name, address, telephone number, email address, and, if applicable, business name of the applicant's statutory agent in Arizona;
 - g. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction and, if so:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - h. Whether the applicant has had a license revoked or suspended;
 - i. Whether the applicant has had a disciplinary action taken against the applicant's license by any state or jurisdiction and, if so:
 - i. The date of the disciplinary action,

36-132. Department of health services; functions; contracts

A. The department, in addition to other powers and duties vested in it by law, shall:

1. Protect the health of the people of the state.
2. Promote the development, maintenance, efficiency and effectiveness of local health departments or districts of sufficient population and area that they can be sustained with reasonable economy and efficient administration, provide technical consultation and assistance to local health departments or districts, provide financial assistance to local health departments or districts and services that meet minimum standards of personnel and performance and in accordance with a plan and budget submitted by the local health department or districts to the department for approval, and recommend the qualifications of all personnel.
3. Collect, preserve, tabulate and interpret all information required by law in reference to births, deaths and all vital facts, and obtain, collect and preserve information relating to the health of the people of this state and the prevention of diseases as may be useful in the discharge of functions of the department not in conflict with chapter 3 of this title and sections 36-693, 36-694 and 39-122.
4. Operate sanitariums, hospitals or other facilities assigned to the department by law or by the governor.
5. Conduct a statewide program of health education relevant to the powers and duties of the department, prepare educational materials and disseminate information as to conditions affecting health, including basic information to promote good health on the part of individuals and communities, and prepare and disseminate technical information concerning public health to the health professions, local health officials and hospitals. In cooperation with the department of education, the department of health services shall prepare and disseminate materials and give technical assistance for the purpose of educating children in hygiene, sanitation and personal and public health, and provide consultation and assistance in community organization to counties, communities and groups of people.
6. Administer or supervise a program of public health nursing, prescribe the minimum qualifications of all public health nurses engaged in official public health work, and encourage and aid in coordinating local public health nursing services.
7. Encourage and aid in coordinating local programs concerning control of preventable diseases in accordance with statewide plans that shall be formulated by the department.
8. Encourage and aid in coordinating local programs concerning maternal and child health, including midwifery, antepartum and postpartum care, infant and preschool

health and the health of schoolchildren, including special fields such as the prevention of blindness and conservation of sight and hearing.

9. Encourage and aid in coordinating local programs concerning nutrition of the people of this state.

10. Encourage, administer and provide dental health care services and aid in coordinating local programs concerning dental public health, in cooperation with the Arizona dental association. The department may bill and receive payment for costs associated with providing dental health care services and shall deposit the monies in the oral health fund established by section 36-138.

11. Establish and maintain adequate serological, bacteriological, parasitological, entomological and chemical laboratories with qualified assistants and facilities necessary for routine examinations and analyses and for investigations and research in matters affecting public health.

12. Supervise, inspect and enforce the rules concerning the operation of public bathing places and public and semipublic swimming pools adopted pursuant to section 36-136, subsection I, paragraph 10.

13. Take all actions necessary or appropriate to ensure that bottled water sold to the public and water used to process, store, handle, serve and transport food and drink are free from filth, disease-causing substances and organisms and unwholesome, poisonous, deleterious or other foreign substances. All state agencies and local health agencies involved with water quality shall provide to the department any assistance requested by the director to ensure that this paragraph is effectuated.

14. Enforce the state food, caustic alkali and acid laws in accordance with chapter 2, article 2 of this title, chapter 8, article 1 of this title and chapter 9, article 4 of this title, and collaborate in enforcing the federal food, drug, and cosmetic act (52 Stat. 1040; 21 United States Code sections 1 through 905).

15. Recruit and train personnel for state, local and district health departments.

16. Conduct continuing evaluations of state, local and district public health programs, study and appraise state health problems and develop broad plans for use by the department and for recommendation to other agencies, professions and local health departments for the best solution of these problems.

17. License and regulate health care institutions according to chapter 4 of this title.

18. Issue or direct the issuance of licenses and permits required by law.

19. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.

20. Subject to the availability of monies, develop and administer programs in perinatal health care, including:

- (a) Screening in early pregnancy for detecting high-risk conditions.
- (b) Comprehensive prenatal health care.
- (c) Maternity, delivery and postpartum care.
- (d) Perinatal consultation, including transportation of the pregnant woman to a perinatal care center when medically indicated.
- (e) Perinatal education oriented toward professionals and consumers, focusing on early detection and adequate intervention to avert premature labor and delivery.

21. License and regulate the health and safety of group homes and behavioral-supported group homes for persons with developmental disabilities. The department shall issue a license to an accredited facility for a period of the accreditation, except that a licensing period shall not be longer than three years. The department is authorized to conduct an inspection of an accredited facility to ensure that the facility meets health and safety licensure standards. The results of the accreditation survey shall be public information. A copy of the final accreditation report shall be filed with the department of health services. For the purposes of this paragraph, "accredited" means accredited by a nationally recognized accreditation organization.

B. The department may accept from the state or federal government, or any agency of the state or federal government, and from private donors, trusts, foundations or eleemosynary corporations or organizations grants or donations for or in aid of the construction or maintenance of any program, project, research or facility authorized by this title, or in aid of the extension or enforcement of any program, project or facility authorized, regulated or prohibited by this title, and enter into contracts with the federal government, or an agency of the federal government, and with private donors, trusts, foundations or eleemosynary corporations or organizations, to carry out such purposes. All monies made available under this section are special project grants. The department may also expend these monies to further applicable scientific research within this state.

C. The department, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

D. The department may enter into contracts with organizations that perform nonrenal organ transplant operations and organizations that primarily assist in the management of end-stage renal disease and related problems to provide, as payors of last resort,

prescription medications necessary to supplement treatment and transportation to and from treatment facilities. The contracts may provide for department payment of administrative costs it specifically authorizes.

36-136. Powers and duties of director; compensation of personnel; rules; definitions

A. The director shall:

1. Be the executive officer of the department of health services and the state registrar of vital statistics but shall not receive compensation for services as registrar.
2. Perform all duties necessary to carry out the functions and responsibilities of the department.
3. Prescribe the organization of the department. The director shall appoint or remove personnel as necessary for the efficient work of the department and shall prescribe the duties of all personnel. The director may abolish any office or position in the department that the director believes is unnecessary.
4. Administer and enforce the laws relating to health and sanitation and the rules of the department.
5. Provide for the examination of any premises if the director has reasonable cause to believe that on the premises there exists a violation of any health law or rule of this state.
6. Exercise general supervision over all matters relating to sanitation and health throughout this state. When in the opinion of the director it is necessary or advisable, a sanitary survey of the whole or of any part of this state shall be made. The director may enter, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop, tenement, public washroom, public restroom, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and any premises in which the director has reason to believe there exists a violation of any health law or rule of this state that the director has the duty to administer.
7. Prepare sanitary and public health rules.
8. Perform other duties prescribed by law.

B. If the director has reasonable cause to believe that there exists a violation of any health law or rule of this state, the director may inspect any person or property in transportation through this state, and any car, boat, train, trailer, airplane or other vehicle in which that person or property is transported, and may enforce detention or

disinfection as reasonably necessary for the public health if there exists a violation of any health law or rule.

C. The director, after consultation with the department of administration, may take all necessary steps to enhance the highest and best use of the state hospital property, including contracting with third parties to provide services, entering into short-term lease agreements with third parties to occupy or renovate existing buildings and entering into long-term lease agreements to develop the land and buildings. The director shall deposit any monies collected from contracts and lease agreements entered into pursuant to this subsection in the Arizona state hospital charitable trust fund established by section 36-218. At least thirty days before issuing a request for proposals pursuant to this subsection, the department of health services shall hold a public hearing to receive community and provider input regarding the highest and best use of the state hospital property related to the request for proposals. The department shall report to the joint committee on capital review on the terms, conditions and purpose of any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, and the fiscal impact on the department and any revenues generated by the agreement. Any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, must be reviewed by the joint committee on capital review.

D. The director may deputize, in writing, any qualified officer or employee in the department to do or perform on the director's behalf any act the director is by law empowered to do or charged with the responsibility of doing.

E. The director may delegate to a local health department, county environmental department or public health services district any functions, powers or duties that the director believes can be competently, efficiently and properly performed by the local health department, county environmental department or public health services district if:

1. The director or superintendent of the local health department, environmental department or public health services district is willing to accept the delegation and agrees to perform or exercise the functions, powers and duties conferred in accordance with the standards of performance established by the director of the department of health services.

2. Monies appropriated or otherwise made available to the department for distribution to or division among counties or public health services districts for local health work may be allocated or reallocated in a manner designed to ensure the accomplishment of recognized local public health activities and delegated functions, powers and duties in

accordance with applicable standards of performance. If in the director's opinion there is cause, the director may terminate all or a part of any delegation and may reallocate all or a part of any monies that may have been conditioned on the further performance of the functions, powers or duties conferred.

F. The compensation of all personnel shall be as determined pursuant to section 38-611.

G. The director may make and amend rules necessary for the proper administration and enforcement of the laws relating to the public health.

H. Notwithstanding subsection I, paragraph 1 of this section, the director may define and prescribe emergency measures for detecting, reporting, preventing and controlling communicable or infectious diseases or conditions if the director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for not longer than eighteen months.

I. The director, by rule, shall:

1. Define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. The rules shall declare certain diseases that are reportable. The rules shall prescribe measures, including isolation or quarantine, that are reasonably required to prevent the occurrence of, or to seek early detection and alleviation of, disability, insofar as possible, from communicable or preventable diseases. The rules shall include reasonably necessary measures to control animal diseases that are transmittable to humans.

2. Define and prescribe reasonably necessary measures, in addition to those prescribed by law, regarding the preparation, embalming, cremation, interment, disinterment and transportation of dead human bodies and the conduct of funerals, relating to and restricted to communicable diseases and regarding the removal, transportation, cremation, interment or disinterment of any dead human body.

3. Define and prescribe reasonably necessary procedures that are not inconsistent with law in regard to the use and accessibility of vital records, delayed birth registration and the completion, change and amendment of vital records.

4. Except as relating to the beneficial use of wildlife meat by public institutions and charitable organizations pursuant to title 17, prescribe reasonably necessary measures to ensure that all food or drink, including meat and meat products and milk and milk products sold at the retail level, provided for human consumption is free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe reasonably necessary measures governing the production, processing, labeling, storing, handling, serving and

transportation of these products. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained in any warehouse, restaurant or other premises, except a meatpacking plant, slaughterhouse, wholesale meat processing plant, dairy product manufacturing plant or trade product manufacturing plant. The rules shall prescribe minimum standards for any truck or other vehicle in which food or drink is produced, processed, stored, handled, served or transported. The rules shall provide for the inspection and licensing of premises and vehicles so used, and for abatement as public nuisances of any premises or vehicles that do not comply with the rules and minimum standards. The rules shall provide an exemption relating to food or drink that is:

- (a) Served at a noncommercial social event such as a potluck.
- (b) Prepared at a cooking school that is conducted in an owner-occupied home.
- (c) Not potentially hazardous and prepared in a kitchen of a private home for sale or distribution for noncommercial purposes.
- (d) Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fundraising or an employee social event.
- (e) Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut on-site for immediate consumption.
- (f) Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous.
- (g) A cottage food product that is prepared in a kitchen of a private home for commercial purposes consistent with chapter 8, article 2 of this title.
- (h) A whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.
- (i) Produce in a packing or holding facility that is subject to the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) as administered by the Arizona department of agriculture pursuant to title 3, chapter 3, article 4.1. For the purposes of this subdivision, "holding", "packing" and "produce" have the same meanings prescribed in section 3-525.
- (j) Spirituous liquor produced on the premises licensed by the department of liquor licenses and control. This exemption includes both of the following:
 - (i) The area in which production and manufacturing of spirituous liquor occurs, as defined in an active basic permit on file with the United States alcohol and tobacco tax and trade bureau.

(ii) The area licensed by the department of liquor licenses and control as a microbrewery, farm winery or craft distiller that is open to the public and serves spirituous liquor and commercially prepackaged food, crackers or pretzels for consumption on the premises. A producer of spirituous liquor may not provide, allow or expose for common use any cup, glass or other receptacle used for drinking purposes. For the purposes of this item, "common use" means the use of a drinking receptacle for drinking purposes by or for more than one person without the receptacle being thoroughly cleansed and sanitized between consecutive uses by methods prescribed by or acceptable to the department.

(k) Spirituous liquor produced by a producer that is licensed by the department of liquor licenses and control or spirituous liquor imported and sold by wholesalers that is licensed by the department of liquor licenses and control. This exemption includes all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair in this state.

5. Prescribe reasonably necessary measures to ensure that all meat and meat products for human consumption handled at the retail level are delivered in a manner and from sources approved by the Arizona department of agriculture and are free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe standards for sanitary facilities to be used in identifying, storing, handling and selling all meat and meat products sold at the retail level.

6. Prescribe reasonably necessary measures regarding production, processing, labeling, handling, serving and transportation of bottled water to ensure that all bottled drinking water distributed for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained at any source of water, bottling plant and truck or vehicle in which bottled water is produced, processed, stored or transported and shall provide for inspection and certification of bottled drinking water sources, plants, processes and transportation and for abatement as a public nuisance of any water supply, label, premises, equipment, process or vehicle that does not comply with the minimum standards. The rules shall prescribe minimum standards for bacteriological, physical and chemical quality for bottled water and for submitting samples at intervals prescribed in the standards.

7. Define and prescribe reasonably necessary measures governing ice production, handling, storing and distribution to ensure that all ice sold or distributed for human consumption or for preserving or storing food for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the

sanitary facilities and conditions and the quality of ice that shall be maintained at any ice plant, storage and truck or vehicle in which ice is produced, stored, handled or transported and shall provide for inspection and licensing of the premises and vehicles, and for abatement as public nuisances of ice, premises, equipment, processes or vehicles that do not comply with the minimum standards.

8. Define and prescribe reasonably necessary measures concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels. The rules shall prescribe minimum standards for preparing food in community kitchens, adequacy of excreta disposal, garbage and trash collection, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels and shall provide for inspection of these premises and for abatement as public nuisances of any premises or facilities that do not comply with the rules. Primitive camp and picnic grounds offered by this state or a political subdivision of this state are exempt from rules adopted pursuant to this paragraph but are subject to approval by a county health department under sanitary regulations adopted pursuant to section 36-183.02. Rules adopted pursuant to this paragraph do not apply to two or fewer recreational vehicles as defined in section 33-2102 that are not park models or park trailers, that are parked on owner-occupied residential property for less than sixty days and for which no rent or other compensation is paid. For the purposes of this paragraph, "primitive camp and picnic grounds" means camp and picnic grounds that are remote in nature and without accessibility to public infrastructure such as water, electricity and sewer.

9. Define and prescribe reasonably necessary measures concerning the sewage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation of all public schools. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained in any public school and shall provide for inspection of these premises and facilities and for abatement as public nuisances of any premises that do not comply with the minimum standards.

10. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious health conditions at these places. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained at any public or semipublic swimming pool or bathing place and shall provide for inspection of these premises and for abatement as public nuisances of any premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of environmental quality and shall be consistent with the rules adopted by the director of the department of environmental quality pursuant to section 49-104, subsection B, paragraph 12.

11. Prescribe reasonably necessary measures to keep confidential information relating to diagnostic findings and treatment of patients, as well as information relating to contacts, suspects and associates of communicable disease patients. Confidential information may not be made available for political or commercial purposes.

12. Prescribe reasonably necessary measures regarding human immunodeficiency virus testing as a means to control the transmission of that virus, including the designation of anonymous test sites as dictated by current epidemiologic and scientific evidence.

13. Establish an online registry of food preparers that are authorized to prepare cottage food products for commercial purposes pursuant to paragraph 4 of this subsection and chapter 8, article 2 of this title. A registered food preparer shall renew the registration every three years and shall provide to the department updated registration information within thirty days after any change.

14. Prescribe an exclusion for fetal demise cases from the standardized survey known as "the hospital consumer assessment of healthcare providers and systems".

J. The rules adopted under the authority conferred by this section shall be observed throughout this state and shall be enforced by each local board of health or public health services district, but this section does not limit the right of any local board of health or county board of supervisors to adopt ordinances and rules as authorized by law within its jurisdiction if the ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the director.

K. The powers and duties prescribed by this section do not apply in instances in which regulatory powers and duties relating to public health are vested by the legislature in any other state board, commission, agency or instrumentality, except that with regard to the regulation of meat and meat products, the department of health services and the Arizona department of agriculture within the area delegated to each shall adopt rules that are not in conflict.

L. The director, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

M. After consultation with the state superintendent of public instruction, the director shall prescribe the criteria the department shall use in deciding whether or not to notify a local school district that a pupil in the district has tested positive for the human immunodeficiency virus antibody. The director shall prescribe the procedure by which the department shall notify a school district if, pursuant to these criteria, the department determines that notification is warranted in a particular situation. This procedure shall include a requirement that before notification the department shall

determine to its satisfaction that the district has an appropriate policy relating to nondiscrimination of the infected pupil and confidentiality of test results and that proper educational counseling has been or will be provided to staff and pupils.

N. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (f) of this section, food and drink are exempt from the rules prescribed in subsection I of this section if offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous, without a limitation on its display area.

O. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (h) of this section, a whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption is exempt from the rules prescribed in subsection I of this section.

P. Until the department adopts an exclusion by rule as required by subsection I, paragraph 14 of this section, the standardized survey known as "the hospital consumer assessment of healthcare providers and systems" may not include patients who experience a fetal demise.

Q. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (j) of this section, spirituous liquor and commercially prepackaged food, crackers or pretzels that meet the requirements of subsection I, paragraph 4, subdivision (j) of this section are exempt from the rules prescribed in subsection I of this section.

R. For the purposes of this section:

1. "Cottage food product" has the same meaning prescribed in section 36-931.
2. "Fetal demise" means a fetal death that occurs or is confirmed in a licensed hospital. Fetal demise does not include an abortion as defined in section 36-2151.

36-766.01. Application for certificate; certification; fingerprint clearance card; renewal; continuing education

A. A person may apply to the director for a certificate to practice as a state-certified doula on a form prescribed by the director and shall furnish the information required by the director.

B. The director shall grant a certificate to a doula who:

1. Meets the qualifications prescribed by this article and rules adopted pursuant to this article.

2. Pays the applicable fees. The director shall prescribe by rule a sliding fee scale for all fees required by this article and rules adopted pursuant to this article.

3. Possesses a valid fingerprint clearance card issued pursuant to title 41, chapter 12, 3.1.

C. A doula certificate is valid for three years and may be renewed every three years by applying to the director and paying the applicable fees.

D. A person shall file an application for renewal at least thirty days and not more than ninety days before the date the current doula certificate expires. A state-certified doula must complete fifteen hours of related continuing education and submit documentation of completion with the renewal application.

36-766.02. Powers and duties of director; rules; waiver

A. The director, by rule, shall:

1. Outline the scope of practice and the core competencies of state-certified doulas regarding the skills and areas of knowledge that are essential to expand health and wellness, to reduce health disparities and to promote culturally relevant practices within diverse communities.

2. Describe and define reasonable and necessary minimum qualifications, including those prescribed in section 36-766.03.

3. Adopt standards and requirements to establish state-certified doula education and training programs in this state.

4. Adopt standards to approve or accept continuing education courses for renewing state-certified doula certificates.

5. Establish criteria for granting, denying, suspending and revoking state-certified doula certificates in order to protect the public health and safety.

B. The director may consult with subject matter experts from an integrated public health program at a higher education institution located in this state regarding the development of rules prescribed by this section.

C. The director may adopt rules:

1. That are necessary to administer and enforce this article.

2. That allow for reciprocity agreements, including with the Indian health service.

D. The director shall waive the minimum training and education requirements for certification for applicants who provide documentation of current certification with a nationally recognized doula organization.

36-766.03. Applicant requirements; education and training; alternate certification

A. An applicant for certification under this article shall do all of the following:

1. Provide one of the following:

(a) Documentation of completing at least thirty hours of in-person instruction or a combination of in-person and online instruction in core competency topics that may include the following:

- (i) Entrepreneurship.
- (ii) Standards of practice and ethics.
- (iii) The childbirth process.
- (iv) Parental engagement.
- (v) Postpartum care.
- (vi) Grief.
- (vii) Trauma-informed care.
- (viii) Cultural doula practices.
- (ix) Anatomy and physiology.

(b) For doulas who are from a community trained in non-western doula practices as determined by the director, documentation confirming that core competencies have been met through culturally specific training or education that is subject to review by the director.

(c) Other related individualized or experiential training or education that is subject to review by the director.

2. Provide department-approved written documentation of both of the following:

- (a) Observing at least one birth after training is completed.
- (b) Attending at least three births while serving as the primary doula support person and receiving a department-approved and acceptable evaluation from the laboring mother and from the medical provider who assisted the laboring mother.

3. Complete instruction on first aid and cardiopulmonary resuscitation.

4. Submit a code of ethics agreement as prescribed by the director.

B. An individual who does not qualify for state certification under this article but who has been practicing as a doula in this state for at least five years before September 29,

2021 may apply to the department for certification if the individual submits all of the following:

1. Proof of current certification from a nationally recognized doula organization in lieu of proof of the minimum qualifications prescribed in this article and rules adopted pursuant to this article.
2. Three letters of recommendation from health care professionals who have worked with the applicant within the preceding two years and can attest to the applicant's competency in providing doula services.

D-6.

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

Title 20, Chapter 4

Amend: R20-4-903; R20-4-906; R20-4-907; R20-4-911; R20-4-912; R20-4-915;
R20-4-916; R20-4-917; R20-4-919; R20-4-920; R20-4-921; R20-4-922;
R20-4-923; R20-4-924; R20-4-925; R20-4-926; R20-4-927; R20-4-928



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 4

Amend: R20-4-903, R20-4-906, R20-4-907, R20-4-911, R20-4-912, R20-4-915, R20-4-916, R20-4-917, R20-4-919, R20-4-920, R20-4-921, R20-4-922, R20-4-923, R20-4-924, R20-4-925, R20-4-926, R20-4-927, R20-4-928

Summary:

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend eighteen (18) rules in Title 20, Chapter 4, Article 9 regarding Mortgage Brokers. The amendments are intended to improve clarity and effectiveness of the rules, remove unnecessary fees, and to update terminology. The Department indicates that this rulemaking is needed to carry out the proposed course of action from the Department's Five-Year Review Report approved in September 2024.

14 of the 18 amendments can be classified as either minor grammatical changes or updating statutory references that have been renumbered. Most of these changes are a result of the merger between the Department of Insurance and Department of Financial Institutions in 2020. For the other four the changes are as follows:

- R20-4-906
 - In subsection (A), the Department is amending the rules to modify the lending-related experience requirements for applicants. Specifically, the

Department is modifying what is considered sufficient prior lending related experience for individuals. The length of time does not change only how previous occupations constitute experience. The only change in existing experience requirements is that for an attorney to have adequate experience, they must be licensed in Arizona. The previous standard was an attorney licensed in any state and certified as a real estate specialist. Attorneys from other states can still count their experience in another state under subsection (B) of this rule. Additionally, the Department is adding four additional ways to acquire the necessary experience in subsections (A)(6)-(A)(9).

- Subsection (B) allows for alternative types of experience not found in subsection (A), and allows for these alternative types of experience to count for 2 out of the three years, with at least one year of experience coming from the list in subsection (A). The Department is amending (B) to clarify that one must have a minimum of one year in a field found in (A). Additionally, the Department is amending the rule to clarify what classifies as sufficient experience.
- R20-4-916
 - The Department is proposing to remove the fee associated with a licensee changing their address. The rule is also being amended to better reflect the language in A.R.S. § 6-904(G) and (H), which respectively deal with the display of a license, and change in location for the principal place of business or change in the branch office location.
- R20-4-917
 - The Department has indicated that this rule needs to be amended to allow for records to be kept electronically, along with removing the requirement that the Director (previously Superintendent) must specifically approve a licensee to maintain the record outside the state.
- R20-4-928
 - The Department is proposing to remove fees for the renewal of Certificate of Exemption, along with removing fees associated with name changes of the federally chartered savings bank listed on the certificate, changes to the responsive individual listed on the certificate, the issuance of duplicate or replacement certificates, and a change of address of the federally chartered savings bank listed on the certificate.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase. The rulemaking does remove fees associated with Certificates of Exemption, specifically related to fees surrounding the renewal of certificates and any changes to information on the certificates.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department indicates the rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and bring the rules more in line with current Federal requirements. The Department states that the compliance costs incurred by Mortgage Brokers are minimal and are not expected to impact revenue or payroll expenditures. The Department says the rules augment the statutory sections regulating persons seeking or holding a Mortgage Broker license pursuant to A.R.S. §§ 6-903 through 6-928.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking, which is to update the rules governing Mortgage Brokers.

6. **What are the economic impacts on stakeholders?**

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. In addition, no political subdivisions of this state are directly affected by the implementation and enforcement of the proposed rulemaking.

The Department states that no additional costs are anticipated to be imposed on Mortgage Brokers. The Department is not proposing any new fees and is, instead, eliminating some current fees in Sections R20-4-916 and R20-4-928. The Department indicates that licensees may be required to comply with additional reporting but the requirements are already in federal law.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The Department indicates that the costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoptions of these rules.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates that there was only one change between the proposed rules and the final rules before the Council. The Department removed the term “and Renewal” from the heading of R20-4-928 because the rule does not concern renewals only the initial application. Council Staff believes this change to be non-substantive under A.R.S. § 41-1025(B).

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it did not receive any public comments regarding this rulemaking

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

The Department indicates that the rules do not require a permit or a license. The Department does note that mortgage brokers do require a license under the requirements in A.R.S. § 6-903.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates there are some corresponding federal laws concerning mortgage brokers but that the rules are not more stringent than those corresponding federal laws.

- For R20-4-907 (Course of Study), Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, the Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., and the regulations related to the act, and Federal Home Loan Mortgage Corporation requirements apply.
- For R20-4-917 (Recordkeeping Requirements), the Department has indicated that the The Consumer Credit Protection Act (15 U.S.C. §§ 1601 et seq.), the Real Estate Settlement Procedures Act (12 U.S.C. §§ 2601 through 2617), TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026), and the HUD-1 settlement statements apply.

11. **Conclusion**

This regular rulemaking by the Department seeks to amend eighteen (18) rules regarding mortgage brokers. The Department specifically seeks to amend the rules to include updated terminology, clarify what constitutes acceptable previous experience for a mortgage broker applicant, make grammatical changes, and to correct statutory references that have been renumbered. The Department also seeks to amend the rules to align the Financial Institutions

Division with the Insurance Division (these were two separate agencies prior to merging in 2020); remove unnecessary fees related to change of addresses for licensed mortgage brokers and fees related to the renewal of Certificates of Exemption, along with changes to the name of the bank on the certificate, changes to the responsible individual of the exempt entity, a change in the address of the bank listed on the certificate, and the issuance of a duplicant or replacement certificate.

The Department is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.



Arizona Department of Insurance and Financial Institutions
100 N 15th Avenue, Suite 261, Phoenix, Arizona 85007
(602) 364-3100 | difi.az.gov

Katie Hobbs
Governor

Barbara D. Richardson
Director

March 18, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Ave., Suite 305
Phoenix, AZ 85007

RE: Arizona Department of Insurance and Financial Institutions
Financial Institutions Division
Article 9 Notice of Final Rulemaking

Dear Chairperson Klein:

Please find enclosed the Notice of Final Rulemaking for Article 9 (Mortgage Brokers) being submitted by the Arizona Department of Insurance and Financial Institutions, Financial Institutions Division ("Department").

Pursuant to A.A.C. R1-6-201(A)(1), the Department responds as follows:

- a. The close of record date for the Notice of Proposed Rulemaking was January 19, 2025.
- b. This rulemaking relates to the Department's June 2024 Five-Year Review Report on this Article.
- c. The rulemaking does not establish a new fee.
- d. The rulemaking does not contain a fee increase.
- e. The rulemaking does not request an immediate effective date under A.R.S. § 41-1032.
- f. The Department certifies that the preamble discloses a reference to any study relevant to the rule that it reviewed and either did or did not rely on in its evaluation of or justification for the rulemaking. The Department did not review or rely on any study relevant to the rulemaking.
- g. No additional full-time employees are necessary to implement and enforce the rules. Consequently, no notification has been made to the Joint Legislative Budget Committee.
- h. The following documents are also submitted to the Council with this cover letter:
 - i. The Notice of Final Rulemaking;
 - ii. An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;

Arizona Department of Insurance and Financial Institutions

- iii. The general and specific statutes authorizing the rulemaking; and
- iv. Permission from the Governor's Office to submit this Notice of Final Rulemaking required by A.R.S. § 41-1039(B).

By this submission, the Department is requesting approval of this rulemaking from the Council.

For questions about this rulemaking, please contact Mary Kosinski at (602) 364-3476 or mary.kosinski@difi.az.gov.

Sincerely,

Barbara D. Richardson

Barbara D. Richardson
Director

NOTICE OF FINAL RULEMAKING

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
– FINANCIAL INSTITUTIONS**

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

March 17, 2025

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

| | |
|-----------|-------|
| R20-4-903 | Amend |
| R20-4-906 | Amend |
| R20-4-907 | Amend |
| R20-4-911 | Amend |
| R20-4-912 | Amend |
| R20-4-915 | Amend |
| R20-4-916 | Amend |
| R20-4-917 | Amend |
| R20-4-919 | Amend |
| R20-4-920 | Amend |
| R20-4-921 | Amend |
| R20-4-922 | Amend |
| R20-4-923 | Amend |
| R20-4-924 | Amend |
| R20-4-925 | Amend |
| R20-4-926 | Amend |
| R20-4-927 | Amend |
| R20-4-928 | Amend |

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

Authorizing statute: A.R.S. § A.R.S. § 6-123(2)

Implementing statutes: A.R.S. §§ 6-126, 6-901, 6-902, 6-902.01, 6-903, 6-904, 6-906, 6-907, 6-908, 6-909, 6-912, and 6-913

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R 3836, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-276

Notice of Proposed Rulemaking: 30 A.A.R. 3837, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-271

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

Name: Mary E. Kosinski
Title: Asst. Regulatory Legal Affairs Officer
Address: Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, Arizona 85007-2630
Tel: (602)364-3476
Email: mary.kosinski@difi.az.gov
Website: <https://difi.az.gov>

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

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 9 – Mortgage Brokers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency. As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 9 was in 2012 (with most Sections last updated in 1999). The Department is also modifying and adding experience requirements, removing some fees while re-establishing one other to comport with a statutory requirement, correcting statutory and regulation cites, allowing the use of electronic recordkeeping, and adding to documentation requirements. This rulemaking addresses the changes suggested by the Department in its June, 2024 Five-Year Review Report.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-903 through 6-928.

This rulemaking amends Article 9 (Mortgage Brokers) as follows:

- R20-4-903 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to correct punctuation and to add clarifying language.
- R20-4-906 (Equivalent and Related Experience) will be amended to correct statutory references, modify experience requirements, and to impose a 1-Year requirement on the types of experience required in subsection (A) when an applicant is attempting to qualify under subsection (B).
- R20-4-907 (Course of Study) will be amended to replace “Superintendent” with “Director,” correct punctuation, correct statutory cites, and cite to federal regulations.
- R20-4-911 (Qualified Replacement Responsible Individual) will be amended to correct statutory cites and to replace “Superintendent” with “Director.”
- R20-4-912 (Restrictions on the Term of a Cash Alternative) will be amended to replace “Superintendent” with “Director,” and to correct a statutory cite.
- R20-4-915 (Requirements for a Person Intended to Oversee a Branch Office) will be amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager.”
- R20-4-916 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-904(G) and (H), and remove the fee requirement.
- R20-4-917 (Recordkeeping Requirements) will be amended to allow records to be kept electronically and outside the state without the Director’s approval, to add clarifying language, to add an additional document required to be kept in a mortgage loan file, to correct federal statutory cites, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-919 (Deposit of Monies Received by a Mortgage Broker) will be amended to remove antiquated language.
- R20-4-920 (Requirements for the Testing Committee) will be amended to replace “Superintendent” with “Director,” and to remove an unnecessary notification.
- R20-4-921 (Authorizations to Complete Blank Spaces) will be amended to correct a statutory citation.
- R20-4-922 (Determining Loan Amounts) will be amended to add Oxford commas for clarity.
- R20-4-923 (Delay or Cause Delay) will be amended to add clarifying language.

- R20-4-924 (Receipt and Disbursement of Monies) will be amended to add clarifying language.
- R20-4-925 (Waiver of Examination and Course of Study) will be amended to replace “Superintendent” with “Director.”
- R20-4-926 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.
- R20-4-927 (Conversion to Commercial Mortgage Broker License) will be amended to remove gender specific terminology.
- R20-4-928 (Certificate of Exemption Application and Renewal) will be amended to remove “and Renewal” from the Section title, to add a statutory cite, and to remove unnecessary fees.

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

Not applicable

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

Pursuant to A.R.S. § 41-1055(A)(1):

The rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and to bring the rules more in line with current Federal requirements.

Pursuant to A.R.S. § 41-1055(A)(2):

The compliance costs incurred by Mortgage Brokers are minimal and not expected to

impact revenues or payroll expenditures.

Pursuant to A.R.S. § 41-1055(A)(3):

An economic, small business and consumer impact summary accompanies the submission of the Final Rulemaking to the Governor’s Regulatory Review Council.

11.A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Department removed “and Renewal” from the Section title of R20-4-928 to better reflect that the rule is about the application fee only. The Department does not consider this a substantive change within the meaning of A.R.S. § 41-1025(B)

12.An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

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

Not applicable

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

The rules do not require a permit and do not use a general permit. A.R.S. § 6-903 requires a Mortgage Broker to obtain a traditional license before engaging in the business of a Mortgage Broker.

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

A number of federal laws are applicable to the subject of the rules.
For Article 9. Mortgage Brokers, the following federal laws are applicable:

R20-4-907. Course of Study (the rule is not more stringent than the federal laws)

Subsection (C)(2)(f): Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements; Subsection (C)(2)(l): Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., and the regulations promulgated thereunder.

R20-4-917. Recordkeeping Requirements (the rule is not more stringent than the federal laws)

Subsection (B)(6)(e): The Consumer Credit Protection Act (15 U.S.C. §§ 1601 et seq.) disclosure requirements, the Real Estate Settlement Procedures Act (12 U.S.C. §§ 2601 through 2617) disclosure requirements, and the regulations promulgated thereunder, and disclosures required by the TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026);

Subsection (B)(6)(g): HUD-1 settlement statement, and final truth-in-lending disclosure.

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

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS –
FINANCIAL INSTITUTIONS

ARTICLE 9. MORTGAGE BROKERS

Section

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

R20-4-906. Equivalent and Related Experience

R20-4-907. Course of Study

R20-4-911. Qualified Replacement Responsible Individual

R20-4-912. Restrictions on the Term of a Cash Alternative

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

R20-4-916. Notification of Change of Address

R20-4-917. Recordkeeping Requirements

R20-4-919. Deposit of Monies Received by a Mortgage Broker

R20-4-920. Requirements for the Testing Committee

R20-4-921. Authorizations to Complete Blank Spaces

R20-4-922. Determining Loan Amounts

R20-4-923. Delay or Cause Delay

R20-4-924. Receipt and Disbursement of Monies

R20-4-925. Waiver of Examination and Course of Study

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

R20-4-927. Conversion to Commercial Mortgage Broker License

R20-4-928. Certificate of Exemption Application and Renewal

ARTICLE 9. MORTGAGE BROKERS

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A. The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person, are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices; ₁
 2. The authority to examine a claimant's books and records relating to its mortgage lending activities; ₂ and
 3. The ability to place a claimant ~~in a~~ into receivership or conservatorship with regard to the claimant's mortgage lending activities.

R20-4-906. Equivalent and Related Experience

- A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under ~~A.R.S. § 6-903(B), A.R.S. § 6-903(C) or (D),~~ or as a responsible individual, under ~~A.R.S. § 6-903(E), A.R.S. § 6-903(H).~~ The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. Mortgage broker ~~with an Arizona license,~~ responsible individual, or branch manager for a licensee;
 2. Mortgage banker ~~with an Arizona license,~~ responsible individual, or branch manager for a licensee;
 3. Loan ~~officer~~ originator with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. ~~Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;~~

Attorney licensed in Arizona;

6. ~~Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;~~

Manager or supervisor of loan originators;

7. ~~Attorney certified by any state as a real estate specialist.~~

Mortgage processor, mortgage underwriter, or mortgage quality control professional with responsibility primarily for loans secured by lien interests on real property;

8. Executive, supervisor, or policy maker involved in administering, or operating a mortgage-related business; or

9. Regulator, examiner, investigator, compliance expert, or auditor whose primary function is the review of mortgage companies, and their compliance processes whose experience is determined to be sufficient by the Department.

B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under ~~A.R.S. § 6-903(B)~~, A.R.S. § 6-903(C) or (D), or as a responsible individual, under ~~A.R.S. § 6-903(E)~~. A.R.S. § 6-903(H). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A). A minimum of one year of experience must be obtained from the types of work experience listed in subsection (A).

1. ~~Attorney without state bar certified real estate specialty not licensed in Arizona but licensed in another U.S. state or territory...3:2~~
2. Paralegal with experience in real estate matters...3:2
3. ~~Loan underwriter~~ Mortgage broker or mortgage banker from another state without a license...3:2
4. ~~Mortgage broker or mortgage banker from another state without license~~ Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2

5. ~~Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements~~ Escrow officer...3:2
6. ~~Escrow officer~~ Trust officer with a title company...3:2
7. ~~Trust officer with a title company...3:2~~ Title officer with a title company. . . 3:1.5
8. ~~Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business~~ Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
9. ~~Title officer with a title company...3:1.5~~ Loan originator with responsibility primarily for loans not secured by lien interests on real property. . . 3:1
10. ~~Real estate broker, not qualified under subsection (B)(5)...3:1.5~~
11. ~~Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5~~
12. ~~Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5~~
13. ~~Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1~~
14. ~~Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1~~

R20-4-907. Course of Study

A. A course of study shall be satisfactorily completed if the applicant has:

1. Attended at least 24 hours of class, and
2. Received a passing grade on the final exam.

B. A course of study shall meet all the following requirements:

1. The following items shall be submitted by the school to the ~~Superintendent~~ Director on an annual basis:

- a. Course materials; ,
 - b. Class content outlines on a session-by-session basis; , and
 - c. Sample final exam.
2. The following subjects shall be taught:
- a. Mortgage, deed of trust, and security agreement law;
 - b. Negotiable instrument law;
 - c. Mortgage broker law;
 - d. Escrow agent law;
 - e. Recordkeeping requirements of R20-4-917;
 - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
 - g. Ethics;
 - h. Principal and agent law;
 - i. Arithmetical computations common to mortgage brokerage;
 - j. Real estate lending principles;
 - k. Real estate law;
 - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, ~~15 U.S.C. 1601 through 1666j~~; 15 U.S.C. 1601 et seq., and the regulations promulgated thereunder; and
 - m. Securities law.
3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.
- C. The ~~Superintendent~~ Director shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The ~~Superintendent~~ Director may audit a course of study at any time. If the ~~Superintendent~~ Director finds that a course of study is unsatisfactory, or if the ~~Superintendent~~ Director has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the ~~Superintendent~~ Director may withhold or suspend approval.

R20-4-911. Qualified Replacement Responsible Individual

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed the course of study required by ~~A.R.S. § 6-903(B)(2)~~ A.R.S. § 6-903(C)(2) or passed the mortgage broker examination required by ~~A.R.S. § 6-903(B)(3)~~, A.R.S. § 6-903(C)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in ~~A.R.S. § 6-903(F)~~, A.R.S. § 6-903(I), but otherwise meets the requirements of ~~A.R.S. § 6-903(B)~~, A.R.S. §§ 6-903(C), 6-903(D) or 6-903(H), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the ~~Superintendent~~ Director grants additional time to the licensee for good cause shown.

R20-4-912. Restrictions on the Term of a Cash Alternative

If an applicant or a licensee elects to place with the ~~Superintendent~~ Director a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of ~~A.R.S. § 6-903(J)~~, A.R.S. § 6-903(M), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

~~A~~ The person designated as a branch office manager to oversee the operations of a branch office, as specified in A.R.S. § 6-904(H), shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

R20-4-916. Notification of Change of Address

If the address of the principal place of business or of any branch office is changed, the licensee shall immediately notify the Superintendent Director of the change ~~within five business days after the occurrence of the change~~ of location. ~~Together with such notice, the licensee shall provide to the Department the license for the office changing addresses together with the fee required by A.R.S. § 6-126 for changing the address of an office.~~ A copy of ~~such~~ the license shall continue to be displayed at the place of business until a new license is issued.

R20-4-917. Recordkeeping Requirements

~~A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the~~ A licensee may keep its records as electronic records if the licensee can generate all information and complete and legible copies required by this Section ~~in a timely manner within the timeframe set by the Department~~ for examination or other purposes. ~~A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:~~

- ~~1. Any approved computer or mechanical system back to a paper-based system;~~₂
- ~~2. An approved mechanical system to a computer system;~~₁ or
- ~~3. An approved computer system to a mechanical system.~~

B. In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:

1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied, etc.); and
 - f. Name of loan officer;

2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose, including identification of a related loan, if any;
3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose, including identification of a related loan, if any;
4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed; from trust account;
 - h. Date disbursed; from trust account;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
6. A file for each application for a mortgage loan containing:
 - a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, closing disclosure, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;

- d. Contract, agreement, and escrow instructions to or with any depository;
 - e. Documents showing compliance, to the extent applicable, with the Consumer Credit Protection Act's (~~15 U.S.C. §§ 1601 through 1666j~~) (15 U.S.C. §§ 1601 et seq.) disclosure requirements, ~~and~~ the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, ~~to the extent applicable~~; and the regulations promulgated thereunder such as copies of the loan estimates and closing disclosures required by the TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026);
 - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
 - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, closing disclosure, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
 - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, ~~such as~~ including a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and

12. If the ~~Superintendent has granted approval to maintain~~ licensee maintains records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E. A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.

R20-4-919. Deposit of Monies Received by a Mortgage Broker

All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be ~~so~~ deposited by 5:00 p.m. on the next business day after receipt of the funds.

R20-4-920. Requirements for the Testing Committee

- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the ~~Superintendent~~ Director no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the ~~Superintendent~~ Director shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the ~~Superintendent~~ Director does not find at least four persons from the list to be acceptable, the ~~Superintendent~~ Director shall solicit additional nominees from licensees.

- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the ~~Superintendent~~ Director containing not less than two nominees for each vacancy. The ~~Superintendent~~ Director shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the ~~Superintendent~~ Director does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the ~~Superintendent.~~ Director.
- C. The ~~Superintendent~~ Director may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the ~~Superintendent.~~ Director.
- E. ~~The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.~~
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

R20-4-921. Authorizations to Complete Blank Spaces

An authorization, under ~~A.R.S. § 6-909~~, A.R.S. § 6-909(A), allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

R20-4-922. Determining Loan Amounts

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be considered and not any points, interest, finance charges, insurance premi-

ums of any kind, compensation paid to third parties, or compensation retained by the mortgage broker, or its agents.

R20-4-923. Delay or Cause Delay

A mortgage broker shall not be deemed to have delayed or to have caused delay if such delay occurs due to events outside the control of the mortgage broker.

R20-4-924. Receipt and Disbursement of Monies

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during ~~any~~ a calendar year.

R20-4-925. Waiver of Examination and Course of Study

The ~~Superintendent's~~ Director's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

A person ~~that owns~~ owning 51% or more of a licensee's outstanding voting equity interests, and ~~that~~ who acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the ~~Superintendent.~~ Director. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the ~~Superintendent.~~ Director.

R20-4-927. Conversion to Commercial Mortgage Broker License

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert ~~his or her~~ the license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
 1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and
 2. The information and documents required by A.R.S. § 6-903.

R20-4-928. Certificate of Exemption Application and Renewal

- ~~A. Under A.R.S. § 6-912(C), A.R.S. §§ 6-902.01(C) and 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.~~
- ~~B. A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her their license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).~~
- ~~C. In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).~~
- ~~D. The following fees are payable to the Department:~~

- ~~1. To change the name of the federally chartered savings bank on a certificate of exemption:
\$250.00.~~
- ~~2. To change the responsible individual for the exempt entity: \$250.00.~~
- ~~3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.~~
- ~~4. To change the address of the federally chartered savings bank on a certificate of exemption:
\$50.00.~~

A.R.S. § 41-1055(B) Economic, Small Business, And Consumer Impact Statement
Title 20. Commerce, Financial Institutions, and Insurance
Chapter 4. Department of Insurance and Financial Institutions –
Financial Institutions

A.R.S. § 41-1055(B)(1): An identification of the proposed rulemaking.

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 9 – Mortgage Brokers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency.

As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 9 was in 2012 (with most Sections last updated in 1999). The Department is also modifying and adding experience requirements, removing some fees while re-establishing one other to comport with a statutory requirement, correcting statutory and regulation cites, allowing the use of electronic recordkeeping, and adding to documentation requirements.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-903 through 6-928.

This rulemaking amends Article 9 (Mortgage Brokers) as follows:

- R20-4-903 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to correct punctuation and to add clarifying language.
- R20-4-906 (Equivalent and Related Experience) will be amended to correct statutory references, modify experience requirements, and to impose a 1-Year requirement on the types of experience required in subsection (A) when an applicant is attempting to qualify under subsection (B).

- R20-4-907 (Course of Study) will be amended to replace “Superintendent” with “Director,” correct punctuation, correct statutory cites, and cite to federal regulations.
- R20-4-911 (Qualified Replacement Responsible Individual) will be amended to correct statutory cites and to replace “Superintendent” with “Director.”
- R20-4-912 (Restrictions on the Term of a Cash Alternative) will be amended to replace “Superintendent” with “Director,” and to correct a statutory cite.
- R20-4-915 (Requirements for a Person Intended to Oversee a Branch Office) will be amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager.”
- R20-4-916 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-904(G) and (H), and remove the fee requirement.
- R20-4-917 (Recordkeeping Requirements) will be amended to allow records to be kept electronically and outside the state without the Director’s approval, to add clarifying language, to add an additional document required to be kept in a mortgage loan file, to correct federal statutory cites, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-919 (Deposit of Monies Received by a Mortgage Broker) will be amended to remove antiquated language.
- R20-4-920 (Requirements for the Testing Committee) will be amended to replace “Superintendent” with “Director,” and to remove an unnecessary notification.
- R20-4-921 (Authorizations to Complete Blank Spaces) will be amended to correct a statutory citation.
- R20-4-922 (Determining Loan Amounts) will be amended to add Oxford commas for clarity.
- R20-4-923 (Delay or Cause Delay) will be amended to add clarifying language.
- R20-4-924 (Receipt and Disbursement of Monies) will be amended to add clarifying language.

- R20-4-925 (Waiver of Examination and Course of Study) will be amended to replace “Superintendent” with “Director.”
- R20-4-926 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.
- R20-4-927 (Conversion to Commercial Mortgage Broker License) will be amended to remove gender specific terminology.
- R20-4-928 (Certificate of Exemption Application and Renewal) will be amended to add a statutory cite, and to remove unnecessary fees.

This rulemaking addresses the changes suggested by the Department in its June, 2024 Five-Year Review Report.

Questions about this Economic Impact Statement may be directed to: Mary E. Kosinski (mary.kosinski@difi.az.gov).

A.R.S. § 41-1055(B)(2): An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

The rules augment the statutory sections regulating persons seeking or holding a Mortgage Broker license pursuant to A.R.S. §§ 6-903 through 6-928.

A.R.S. § 41-1055(B)(3): A cost benefit analysis of the following:

- (a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.**

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. No new full-time employees will be necessary to implement and enforce the proposed rule changes.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

No political subdivision of this state is directly affected by the implementation and enforcement of the proposed rulemaking.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking.

No additional costs are anticipated to be imposed upon Mortgage Brokers. The Department is not proposing any new fees and is, instead, eliminating some current fees in Sections R20-4-916 and R20-4-928. Licensees may be required to comply with additional reporting but the requirements are already in Federal law.

A.R.S. § 41-1055(B)(4): A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department does not anticipate any impact on public employment in the Department.

A.R.S. § 41-1055(B)(5): A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking.

Many of the Mortgage Brokers regulated by the Department may qualify as small businesses within the meaning of A.R.S. § 41-1001(23). However, the Department does not track the number of employees or annual receipts of a mortgage broker and cannot identify specific mortgage brokers that qualify as small businesses.

(b) The administrative and other costs required for compliance with the proposed rulemaking.

The Department requested, but did not receive, any information from licensees on administrative or other costs required for compliance with the proposed rulemaking.

Two Sections of the rulemaking eliminate fees (R20-4-916 and R20-4-928). One Section allows a licensee to keep electronic records and records outside the state without first receiving the Director's approval (R20-4-917). These changes should result in savings to licensees.

The additional record keeping requirements imposed in Section R20-4-917 are already required by Federal law so should have no compliance impact.

Lastly, the addition of the requirement that an applicant for a license have at least one year of the type of experience listed in R20-4-906(A) before augmenting it with the types of experience listed in subsection (B), should result in a minimal, if any cost, to an applicant.

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The Department does not believe that any of the methods listed at A.R.S. § 41-1035 are useful to reduce the impact of the rulemaking on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoption of these rules.

A.R.S. § 41-1055(B)(6): A statement of the probable effect on state revenues.

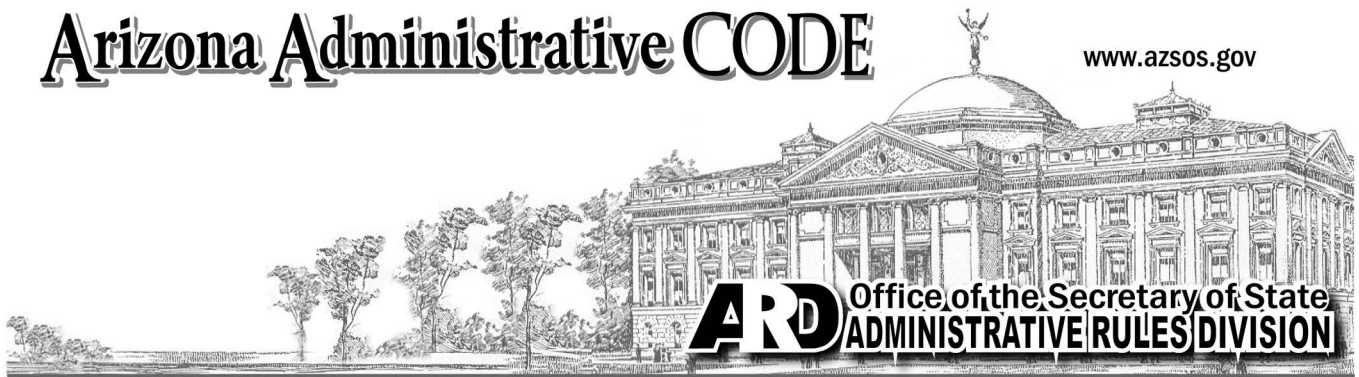
No impact on state revenues is anticipated.

A.R.S. § 41-1055(B)(7): A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Mortgage Brokers.

A.R.S. § 41-1055(B)(8): A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

The rule is not based on any data.



20 A.A.C. 04

Supp. 24-1

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

At the request of the Department a correction has been made to Section R20-4-1220 (Supp. 24-1).

No other changes have been made to this Chapter since Supp. 23-3.

Questions about these rules? Contact:

Department: Department of Insurance and Financial Institutions
Address: 100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
Website: <https://difi.az.gov>
Name: Mary E. Kosinski
Telephone: (602) 364-3476
Email: mary.kosinski@difi.az.gov

The release of this Chapter in Supp. 24-1 replaces Supp. 23-3, 1-49 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
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TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Authority: A.R.S. § 20-124

Supp. 24-1

Editor's Note: The name of the Arizona Department of Financial Institutions was changed to the Department of Insurance and Financial Institutions under Laws 2019, Ch. 252, effective July 1, 2020 (Supp. 22-2).

Editor's Note: The Banking Department's name was changed to the Arizona Department of Financial Institutions under the authority of A.R.S. § 6-110, originally enacted as Laws 2004, Ch. 188, effective January 1, 2006 (Supp. 06-1).

Editor's Note: Title 20, formerly Commerce, Banking, and Insurance, is now Commerce, Financial Institutions, and Insurance. This change became effective when the Banking Department changed its name to the Department of Financial Institutions, effective January 1, 2006 (Supp. 06-1).

20 A.A.C. 4, consisting of R20-4-101 through R20-4-106, R20-4-201 through R20-4-215, R20-4-301 through R20-4-331, R20-4-401 through R20-4-402, R20-4-501 through R20-4-536, R20-4-601 through R20-4-620, R20-4-701 through R20-4-707, R20-4-801 through R20-4-816, R20-4-901 through R20-4-924, R20-4-1001, R20-4-1101 through R20-4-1102, R20-4-1201 through R20-4-1220, R20-4-1401 through R20-4-1410, R20-4-1501 through R20-4-1530, R20-4-1601 through R20-4-1604, and R20-4-1701 through R20-4-1706, recodified from 4 A.A.C. 4, consisting of R4-4-101 through R4-4-106, R4-4-201 through R4-4-215, R4-4-301 through R4-4-331, R4-4-401 through R4-4-402, R4-4-501 through R4-4-536, R4-4-601 through R4-4-620, R4-4-701 through R4-4-707, R4-4-801 through R4-4-816, R4-4-901 through R4-4-924, R4-4-1001, R4-4-1101 through R4-4-1102, R4-4-1201 through R4-4-1220, R4-4-1401 through R4-4-1410, R4-4-1501 through R4-4-1530, R4-4-1601 through R4-4-1604, and R4-4-1701 through R4-4-1706, pursuant to R1-1-102 (Supp. 95-1).

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ARTICLE 1. GENERAL

R20-4-101 through R4-4-106 recodified from R4-4-101 through R4-4-106 (Supp. 95-1).

Article 1, consisting of Sections R4-4-101 through R4-4-106 adopted effective August 16, 1991 (Supp. 91-3).

Article 1, consisting of Sections R4-4-101 through R4-4-104, repealed effective August 16, 1991 (Supp. 91-3).

Table with 2 columns: Section and Description. Includes R20-4-101 Scope of Article, R20-4-102 Definitions, R20-4-103 Fingerprints, R20-4-104 Acceptance of Other Forms, R20-4-105 Claims Against a Deposit in Place of Bond, R20-4-106 Bankruptcy, R20-4-107 Licensing Time-frames, and Table A. Licensing Time-frames.

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ARTICLE 1. GENERAL**R20-4-101. Scope of Article**

The rules in this Article apply to all activities of the Superintendent and to the interpretation of all Arizona statutes and rules administered by the Superintendent.

Historical Note

Former Rule 1. Former R4-4-101 repealed, new R4-4-101 adopted effective August 16, 1991 (Supp. 91-3).
R20-4-101 recodified from R4-4-101 (Supp. 95-1).

R20-4-102. Definitions

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
 - a. Is knowledgeable about the licensee's Arizona activities;
 - b. Supervises compliance with:
 - i. The laws enforced by the Department of Financial Institutions as they relate to the licensee, and
 - ii. Other applicable laws and rules; and
 - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation:
 - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
 - b. Out-of-pocket expenses paid to independent third parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
 - c. Insurance commissions;
 - d. Contingent or additional interest, including interest based on net operating income; or
 - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans," means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903, 6-944, or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases are used in A.R.S. §§ 6-901, 6-941, or 6-971, mean:
 - a. Providing consulting or advisory services in connection with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage loan transaction;
 - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services directly contacts any potential borrowers; or
 - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
 - b. Providing assistance in preparing an application for a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction, regardless of whether the person providing assistance directly contacts any potential investor or lender; and
 - c. Processing a loan; but
 - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do not include:
 - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction;
 - ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, mortgage banking loan, or commercial mortgage banking loan already funded;
 - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
 - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modifica-

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- tion, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
12. "Electronic record" has the meaning stated at A.R.S. § 44-7002(7).
13. "Employee" means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
- The person is entitled to payment, or is paid, by the licensee;
 - The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
 - The licensee has the right to hire and fire the employee and the employee's assistants;
 - The licensee directs the methods and procedures for performing the employee's job;
 - The licensee supervises the employee's business conduct and the employee's compliance with applicable laws and rules; and
 - The rights and duties under subsections (13)(a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
14. "Engaged in the business of making mortgage loans," as that phrase is used in A.R.S. § 6-902, and "engaged in the business of making mortgage loans or mortgage banking loans," as that phrase is used in A.R.S. § 6-942, mean the direct or indirect making of a total of more than five mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not "engaged in the business of making mortgage loans or mortgage banking loans" if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
15. "Exclusive contract," as that term is used in A.R.S. §§ 6-912 and 6-991.02, means a written agreement in which a loan originator agrees to perform services as a loan originator subject to supervision and control by a person holding a certificate of exemption issued under A.R.S. § 6-912 on an exclusive basis. The agreement provides that the loan originator is expressly prohibited from performing loan origination or modification services for any other person during the time the agreement is in effect.
16. "Generally accepted accounting principles" has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
17. "Holds out to the public," as used in this Section's definition of "branch office," means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. "Holds out to the public" includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. "Holds out to the public" does not include a clearly identified home or mobile telephone number on a business card or stationery.
18. "Loan," as that term is used in A.R.S. §§ 6-126(C)(6) and (8), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
19. "Loan Processing" means obtaining a loan application's supporting documents for use in underwriting.
20. "Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
21. "Property insurance," as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
22. "Reasonable investigation of the background," as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
- Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
 - Obtains a completed Employment Eligibility Verification (Form I-9);
 - Obtains a completed and signed employment application;
 - Obtains a signed statement attesting to all of an applicant's felony convictions, including detailed information regarding each conviction;
 - Consults with the applicant's most recent or next most recent employer, if any;
 - Inquiries regarding the applicant's qualifications and competence for the position;
 - If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
 - Investigates further if any information received in the above inquiries raises questions as to the applicant's honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two attempts to contact a person, including at least one written inquiry.
23. "Record" has the meaning stated at A.R.S. § 44-7002(13).
24. "Registered to do business in this state" means:
- If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
 - If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
 - If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
 - If an estate, it acts through a personal representative duly appointed by this state's Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
 - If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 - All the current amendments, or

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A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;

- f. If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
 - g. If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State's office under A.R.S. Title 29;
 - h. If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
 - i. The entity is exempt from registration.
25. "Registered Exempt Person" means a person who is exempt from licensure pursuant to A.R.S. § 6-912 and A.R.S. Title 6, Chapter 9, Articles 1, 2 and 3 as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry and holds a certificate of exemption.
26. "Resident of this state" means a natural person domiciled in Arizona.
27. "Responsible individual" or "responsible person", as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a. Lives in Arizona during the entire period of designation as the responsible individual on a license;
 - b. Is in active management of a licensee's affairs;
 - c. Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
 - d. Is an officer, director, member, partner, employee, or trustee of a licensed entity.

Historical Note

Former Rule 2. Former R4-4-102 repealed, new R4-4-102 adopted effective August 16, 1991 (Supp. 91-3). R20-4-102 recodified from R4-4-102 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 668, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-103. Fingerprints

- A. A licensee or applicant shall deliver fingerprints requested or required by the Superintendent on fingerprint cards provided by the Superintendent.
- B. A licensee or applicant shall bear any costs incurred in obtaining or submitting fingerprints.
- C. A licensee or applicant shall arrange to have fingerprints taken, signed, and dated by:
 - 1. A municipal police department,
 - 2. A local sheriff's office, or
 - 3. Another law enforcement authority recognized by the Superintendent.

Historical Note

Former Rule 3. Former R4-4-103 repealed, new R4-4-103 adopted effective August 16, 1991 (Supp. 91-3). R20-4-103 recodified from R4-4-103 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective

November 14, 2000 (Supp. 00-4).

R20-4-104. Acceptance of Other Forms

If another entity's applications and forms provide all the information required by Arizona law, the Superintendent has the discretion to accept them, even if another provision of this Chapter requires use of a specific Department of Financial Institutions form. The Superintendent's exercise of the discretion to accept alternative forms does not limit the Superintendent's power to require additional information necessary to complete an application or other form.

Historical Note

Former Rule 4. Former R4-4-104 repealed, new R4-4-104 adopted effective August 16, 1991 (Supp. 91-3). R20-4-104 recodified from R4-4-104 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-105. Claims Against a Deposit in Place of Bond

- A. As used in this Section:
 - 1. "Deposit" means cash or alternatives to cash deposited by a licensee with the Superintendent in place of a bond.
 - 2. "Depositor" means licensee or an employee of the licensee who makes a deposit with the Superintendent.
 - 3. "Verified claim" means a claim filed with the Superintendent under subsection (B).
 - 4. "Award" means an amount of money granted under subsection (F).
- B. A person may file a claim against a deposit by delivering documentation of the claim to the Superintendent. The claim shall be based on a final judgment in favor of the claimant, entered by a court of competent jurisdiction. To support a claim, the judgment shall be:
 - 1. Against a depositor;
 - 2. For injury caused by the depositor's wrongful act, default, fraud, or misrepresentation committed in the course of the depositor's licensed business activity; and
 - 3. Documented by:
 - a. A certified copy of the complaint in the action;
 - b. A certified copy of the judgment in the action;
 - c. A statement that execution of the judgment has not been stayed, or an explanation of the terms and reason for any stay;
 - d. A statement of any amounts recovered on the judgment; and
 - e. A sworn and notarized statement that the claim is true and correct to the best of the claimant's knowledge and belief.
- C. A claimant shall file a claim with the Superintendent, and all required supporting documentation, not more than six months after entry of the judgment asserted in the claim. However, if execution of the asserted judgment is stayed during the first six months after its entry, the claimant may file a verified claim only during the six months after the stay is lifted. The Department shall process a timely-filed verified claim as a request for hearing under R20-4-1208.
- D. The claimant shall notify the depositor of the filing of a verified claim under this Section, and make the depositor a party to all proceedings on the claim. To do so, the claimant shall send the depositor a copy of all documents filed under subsection (B). The claimant shall make this delivery no more than 10 days after the original filing with the Superintendent under subsection (B). The Department considers a proceeding on a verified claim to be a contested case, governed by the provisions of 20 A.A.C. 4, Article 12.

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- E. The Superintendent shall, after a hearing, deny a verified claim if the hearing produces evidence of any of the following circumstances:
1. The judgment is not for an injury caused by the depositor and described in subsection (B)(2);
 2. The judgment was awarded by default, stipulation, or consent, and no showing is made in the hearing of an injury caused by the depositor and described in subsection (B)(2);
 3. The judgment's execution has been stayed for any reason;
 4. The judgment was procured through fraud or collusion;
 5. The judgment has been satisfied from other sources; or
 6. The action that produced the judgment was barred by the applicable statute of limitations at the time it was commenced.
- F. If the Superintendent grants a verified claim, the Superintendent shall do so in the amount of the compensatory damages awarded against the depositor in the judgment, exclusive of:
1. Attorney's fees, and
 2. Amounts previously paid on the judgment.
- G. A person injured by a depositor shall give the Superintendent written notice at the time of filing a civil action if the claims alleged could be made as a verified claim under this Section. The written notice shall include a statement of the amount of compensatory damages sought against the depositor. The injured person shall provide further information about the civil action to the Superintendent upon request.
- H. If the Superintendent grants a verified claim under subsection (F), the Superintendent shall authorize the State Treasurer, in writing, to release the deposit to the claimant in the amount stated in subsection (F) if the Superintendent has not received notice of another pending civil action under subsection (G).
- I. If given notice under subsection (G), the Superintendent shall determine whether the deposit is sufficient to satisfy all claims under subsection (F). The Superintendent shall determine award amounts for each claim of which the Superintendent has notice, and authorize payment, as follows:
1. If the deposit is sufficient to satisfy all claims under subsection (F), the Superintendent shall authorize its release as described in subsection (H).
 2. If the deposit is not sufficient to satisfy all claims under subsection (F), the Superintendent shall calculate the award on each claim as follows:
 - a. Each granted claim shall receive a pro rata share of the total deposit.
 - b. Each pro rata share shall be a dollar amount calculated by multiplying the total deposit by a fraction.
 - i. The numerator of the fraction is the amount of the Superintendent's award for the verified claim.
 - ii. The denominator of the fraction is the sum of the amount of the Superintendent's award for the verified claim plus the total compensatory damages sought in all other civil actions against the same depositor disclosed to the Superintendent under subsection (G).
 - c. The Superintendent shall authorize the State Treasurer to release the pro rata portion of the deposit calculated for each verified claim.
- J. A depositor or former licensee may request return of its deposit if it substitutes a bond for the deposit, or if its license is surrendered, revoked, or expired, and if all statutory conditions for release of the deposit have been satisfied. The Superintendent shall not release any part of a deposit to a depositor or former licensee until the Superintendent determines whether there are any awards on verified claims unsatisfied because of an apportionment under subsection (I). The Superintendent shall use the deposit amount to pay any unsatisfied portion of those awards. If the deposit amount is not sufficient to pay in full all unsatisfied awards, the Superintendent shall pay the remaining amount of the deposit to claimants in the ratio their awards bear to the total of all awards granted against the deposit.
- K. The court supervising a licensee in receivership may order the release of a deposit to persons injured by conduct described in subsection (B). In that event, the receiver shall deliver a certified copy of the court's order to the Superintendent. The copy may be uncertified if the receiver is the Superintendent or any other officer or agency of the state of Arizona. The Superintendent shall then authorize the State Treasurer, in writing, to release the deposit to the receiver. The receiver shall distribute the deposit as ordered by the receivership court, rather than under this Section.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-105 recodified from R4-4-105 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-106. Bankruptcy

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents' filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief,
2. Schedule of assets and liabilities,
3. Statement of financial affairs,
4. List of creditors, and
5. Plan of reorganization.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-106 recodified from R4-4-106 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-107. Licensing Time-frames

- A. As used in this Section, "application" means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B. The time-frames in Table A apply solely to applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application by the Department.
1. Within the administrative completeness review time-frame in Table A, the Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall specify the missing information or component.
 2. An applicant whose application is incomplete shall supply the missing information within 60 days after the date

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of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completion of an application. The administrative completeness review time-frame stops running on the postmark date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department shall reject the application and close the file. An applicant may reapply.

3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual

agreement under A.R.S. § 41-1075. If the Department denies an application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.

5. The Department shall calculate time limits prescribed in this Section under R2-19-107.
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

Historical Note

Adopted effective September 9, 1998 (Supp. 98-3).
Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

Table A. Licensing Time-frames

| No. | License Type | Legal Authority | Administrative Completeness Review (Days) | Substantive Review (Days) | Overall Time-Frame (Days) |
|-----|---|-----------------------------------|---|---------------------------|---------------------------|
| 1 | Bank | A.R.S. § 6-203, et seq. | | | |
| | Initial Application | R20-4-211 | 45 | 45 | 90 |
| 2 | Bank Trust Dept. | A.R.S. § 6-381 | | | |
| | Initial Application | A.R.S. § 6-203, A.R.S. § 6-204(C) | 45 | 45 | 90 |
| 3 | Savings & Loan | A.R.S. § 6-401, et seq. | | | |
| | Initial Application | A.R.S. § 6-408, R20-4-327 | 75 | 75 | 150 |
| 4 | Credit Union | A.R.S. § 6-501, et seq. | | | |
| | Initial Application | A.R.S. § 6-506(A) | 60 | 60 | 120 |
| 5 | Trust Company | A.R.S. § 6-851, et seq. | | | |
| | Initial Application | A.R.S. § 6-854(A) | 75 | 75 | 150 |
| 6 | Consumer Lender | A.R.S. § 6-601, et seq. | | | |
| | Initial Application | A.R.S. § 6-603(C) | 60 | 60 | 120 |
| 7 | Debt Management | A.R.S. § 6-701, et seq. | | | |
| | Initial Application | A.R.S. § 6-704(A), R20-4-602(A) | 30 | 30 | 60 |
| 8 | Escrow Agent | A.R.S. § 6-801, et seq. | | | |
| | Initial Application | A.R.S. § 6-814 | 60 | 60 | 120 |
| 9 | Mortgage Broker or Commercial Mortgage Broker | A.R.S. § 6-901, et seq. | | | |
| | Initial Application | A.R.S. § 6-903(C) & (D) | 60 | 60 | 120 |
| 10 | Mortgage Banker | A.R.S. § 6-941, et seq. | | | |
| | Initial Application | A.R.S. § 6-943(D) | 60 | 60 | 120 |
| 11 | Commercial Mortgage Banker | A.R.S. § 6-971, et seq. | | | |
| | Initial Application | A.R.S. § 6-974(A) | 60 | 60 | 120 |
| 12 | Acquisition of Control of Financial Institution | R20-4-1602, R20-4-1702 | | | |

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|-----------|--------------------------|------------------------------|----|----|-----|
| | Initial Application | A.R.S. 6-1104 | 30 | 30 | 60 |
| 13 | Money Transmitter | A.R.S. § 6-1201, et seq. | | | |
| | Initial Application | A.R.S. § 6-1204(A) | 60 | 60 | 120 |
| 14 | Advance Fee Loan Broker | A.R.S. § 6-1301, et seq. | | | |
| | Initial Application | A.R.S. § 6-1303(A) | 30 | 30 | 60 |
| 15 | Premium Finance Co. | A.R.S. § 6-1401, et seq. | | | |
| | Initial Application | A.R.S. § 6-1402(C) | 60 | 60 | 120 |
| 16 | Collection Agency | A.R.S. § 32-1001, et seq. | | | |
| | Initial Application | A.R.S. § 32-1021, R20-4-1502 | 30 | 15 | 45 |
| 17 | Motor Vehicle Dealer | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 18 | Sales Finance Co. | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 19 | Certificate of Exemption | A.R.S. § 6-912 | | | |
| | Initial Application | A.R.S. § 6-912(B) | 45 | 45 | 90 |
| 20 | Loan Originators | A.R.S. § 6-991, et seq. | | | |
| | Initial Application | A.R.S. § 6-991.04(A) | 60 | 60 | 120 |

Historical Note

Table A adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 2. BANK ORGANIZATION AND REGULATION

R20-4-201. Articles of Incorporation

A licensee shall deliver to the Director a copy of each amendment to the licensee’s articles of incorporation within 30 days after the amendment is filed with the Arizona Corporation Commission. Before delivery to the Director, an officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 1. R20-4-201 recodified from R4-4-201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-202. Bylaws

A licensee shall deliver to the Director a copy of each amendment to the licensee’s bylaws within 30 days after the amendment is adopted. An officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 2. R20-4-202 recodified from R4-4-202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-203. Repealed

Historical Note

Former Rule 3; Amended subsection (C) effective Sep-

tember 4, 1981 (Supp. 81-5). R20-4-203 recodified from R4-4-203 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-204. Repealed

Historical Note

Former Rule 4. R20-4-204 recodified from R4-4-204 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-205. Repealed

Historical Note

Former Rule 5. R20-4-205 recodified from R4-4-205 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-206. Bankers Blanket Bond Coverage - A.R.S. § 6-188

- A. Each bank shall carry at least the following basic blanket bond coverage listed in Table B.
- B. Each bank shall supplement the bankers blanket bond coverage with at least a \$2,000,000 excess fidelity bond.

Historical Note

Former Rule 6. R20-4-206 recodified from R4-4-206 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Table B. Basic Blanket Bond Coverage

| Banks with Deposits of: | | Amounts: |
|-------------------------|---------------|-----------|
| Less than \$25,000,000 | | \$300,000 |
| 25,000,000 | to 35,000,000 | 350,000 |

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| | | | |
|---------------------|----|----------------|------------|
| 35,000,000 | to | 50,000,000 | 450,000 |
| 50,000,000 | to | 75,000,000 | 550,000 |
| 75,000,000 | to | 100,000,000 | 700,000 |
| 100,000,000 | to | 150,000,000 | 850,000 |
| 150,000,000 | to | 250,000,000 | 1,200,000 |
| 250,000,000 | to | 500,000,000 | 1,700,000 |
| 500,000,000 | to | 1,000,000,000 | 2,500,000 |
| 1,000,000,000 | to | 2,000,000,000 | 4,000,000 |
| 2,000,000,000 | to | 5,000,000,000 | 6,000,000 |
| 5,000,000,000 | to | 20,000,000,000 | 9,000,000 |
| Over 20,000,000,000 | | | 10,000,000 |

Historical Note

Table B removed from R20-4-206(A) to conform with the codification scheme of this Chapter and amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-207. Capital Obligations

- A. An applicant for a Director’s order of approval to issue a capital obligation shall submit the following documents to the Director and shall not issue any capital obligation before the Director issues the order of approval. The required documents are:
 - 1. A certified copy of the resolution adopted by the Board of Directors, or a certified copy of the unanimous written consent of the Board of Directors, authorizing the sale of the capital obligation;
 - 2. A copy of the agreement underlying the capital obligation;
 - 3. A copy of the note or debenture intended to represent the capital obligation; and
 - 4. A copy of the prospectus, if any, proposed for use in the sale of the capital obligation.
- B. Each document evidencing a capital obligation shall:
 - 1. Bear on its face, in bold face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.
 - 2. Have a maturity provision that either:
 - a. Gives the obligation a maturity of at least five years, or
 - b. In the case of an obligation or issue that provides for scheduled repayments of principal, gives an average maturity of at least five years. The restriction on maturity stated in this subsection does not apply to any obligation that otherwise meets all the requirements of this Section if the Director determines that exigent circumstances require the issuance of the obligation without regard to any restriction on maturity. The provisions of this subsection do not apply to mandatory convertible debt obligations or issues.
 - 3. State expressly on its face that the obligation:
 - a. Is subordinated and junior in right of payment to the issuing bank’s obligations to its depositors and to the bank’s other obligations to its general and secured creditors, and
 - b. Is ineligible as collateral for a loan by the issuing bank, except as provided in A.R.S. § 6-354.
 - 4. Be unsecured.
 - 5. State expressly on its face that the issuing bank may not retire any part of its capital obligation without the Director’s prior written order of approval, and the prior written consent of the Federal Deposit Insurance Corporation.

- 6. Include, if the obligation is issued to a depository institution, a specific waiver of the right of offset by the lending depository institution.
 - 7. State that, in the event of liquidation, all depositors and other creditors of the bank are to be paid in full before any payment of principal or interest is made on a capital obligation.
- C. No payment shall be made under an optional right of payment reserved to the bank without the separate authorization of the Director. The Director may grant that authority in the initial order of approval or in a later order of approval.

Historical Note

Former Rule 7. R20-4-207 recodified from R4-4-207 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 2155, effective May 4, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-208. Repealed

Historical Note

Former Rule 8. R20-4-208 recodified from R4-4-208 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-209. Notice of Permanent Closing of Banking Office

A bank may close fewer than all of its banking offices. Before closing any office, a bank shall deliver a letter to the Director specifying the banking office it plans to close and the closing date. The bank shall ensure that the Director receives the letter at least 10 days before the closing date. Closing the banking office shall terminate the bank’s authority to maintain that banking office on the date of the actual closure.

Historical Note

Former Rule 9. R20-4-209 recodified from R4-4-209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5388, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-210. Repealed

Historical Note

Former Rule 10. R20-4-210 recodified from R4-4-210 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-211. Application for a Banking Permit

- A. Before an application is filed, the representatives of the potential applicant shall meet with the Director to discuss capitalization, location, and management of the proposed bank.
- B. After the meeting required by subsection (A), persons who wish to proceed with the application process shall submit an application in the form the Director prescribes. The applicant shall support the application with sufficient information to enable the Director to make a determination.

Historical Note

Former Rule 11. R20-4-211 recodified from R4-4-211 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-212. Repealed

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Historical Note

Former Rule 12. Amended effective September 4, 1981 (Supp. 81-4). R20-4-212 recodified from R4-4-212 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-213. Repealed

Historical Note

Former Rule 13. Repealed effective September 13, 1981 (Supp. 81-5). R20-4-213 recodified from R4-4-213 (Supp. 95-1).

R20-4-214. Preservation of Records

- A. Every bank shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. Copies complying with this subsection, when satisfactorily identified, have the same evidentiary status as an original. A bank may keep its records as electronic records if the bank can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A bank shall keep its corporate and business records for the period required by this Section. These periods are measured from the date of the last entry or final action date. A bank shall have and comply with its own record retention schedule that is consistent with this Section. A bank may comply with this Section by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this Section. This Section does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required in subsection (D).
- C. Beginning on the effective date of this Section, corporate and business records of a bank operating in the state of Arizona are classified, and their retention periods are prescribed, according to the schedule in subsection (D). Retention periods are listed in subsection (D) using the notations, acronyms, and abbreviations listed in subsections (C)(1) through (20).
 - 1. A numerical designation refers to a period of years unless a shorter period of time is specified in the schedule.
 - 2. "AC" means after closure.
 - 3. "ACH" means automated clearing house.
 - 4. "AE" means after expiration.
 - 5. "ALC" means after last contact.
 - 6. "AP" means after paid.
 - 7. "ATD" means after termination date.
 - 8. "CTR" means a cash transaction report required by the Federal Bank Secrecy Act.
 - 9. "FDIC" means the Federal Deposit Insurance Corporation.
 - 10. "FHA" means the Federal Housing Administration.
 - 11. "FHLMC" means the Federal Home Loan Mortgage Corporation.
 - 12. "FNMA" means the Federal National Mortgage Association.
 - 13. "GNMA" means the Government National Mortgage Association.
 - 14. "IRS" means the United States Department of the Treasury's Internal Revenue Service.
 - 15. "M" means months.
 - 16. "P" means the bank shall keep the record permanently.
 - 17. "PMI" means private mortgage insurance.

- 18. "SAR" means a suspicious activity report required by the Federal Bank Secrecy Act.
- 19. "TTL" means a treasury, tax, and loan account maintained by a bank.
- 20. "UCC" means the Uniform Commercial Code as it is in effect in Arizona.

D. Retention Schedule

- 1. Accounting and Auditing
 - a. Accrual and bond amortization 3
 - b. Audit report 6
 - c. Audit work papers 3
 - d. Bank call, income and dividend report 5
 - e. Bill, statement, or invoice – paid 7
 - f. Budget work papers 2
 - g. Collateral vault "in-and-out" ticket 1
 - h. Daily reserve computation 7
 - i. Earnings report 7
 - j. Expense voucher or invoice 7
 - k. Financial statement 7
 - l. Interoffice reconciliation 1
 - m. Interoffice transaction 1
 - n. Periodic statement for account owned by bank 2
 - o. Reconciliation of deposits – due to bank 2
 - p. Reconciliation register – due from bank 2
 - q. Return and cash item register 1
 - r. Service contract 2
 - s. Treasury tax and loan account 2
 - t. Unclaimed property record 5
- 2. Administration
 - a. Articles of incorporation or association, bylaws or other record of organization P
 - b. Bankers blanket bond-record showing compliance 5AE
 - c. Bank examiner's report 7
 - d. Capital note issuance and transfer record P
 - e. Depreciation record – office equipment 3
 - f. Dividend check and register 7
 - g. Dividend check – outstanding P
 - h. Expired policy insuring the bank 3 AE
 - i. FDIC assessment base, record 5
 - j. FDIC certificate P
 - k. Insurance policy number, record of premium paid and amount recovered 3 AE
 - l. Legal proceedings when completed 5
 - m. Minute book of:
 - i. Meetings of the board of directors P
 - ii. Meeting of committees of the board of directors P
 - iii. Shareholders' meetings P
 - n. Postage meter record book (from date of final entry) 1
 - o. Real estate documentation 5 ATD
 - p. Report to directors 3
 - q. Stock issuance and transfer record P
 - r. Required report to supervisory agency 3
 - s. Tax controversy or proceeding when completed 7
 - t. Tax record not material to any controversy 7
 - u. Voting list and proxies 3
- 3. Collections
 - a. Collection payment record 1
 - b. Collection receipt – carbon 1
 - c. Collection register 1
 - d. Coupon cash letter – outgoing 1
 - e. Coupon envelope 1
 - f. Customer file copy 1
 - g. Incoming collection letter 1
 - h. Incoming contract or note letter 1

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| | | | | | |
|----|--|-------|------|---|-------|
| 4. | Customer service | | c. | Draft – original | 7 |
| | a. Broker account holder – identification | 5 | d. | Draft register or copy | 1 AP |
| | b. Broker’s confirmation | 3 | e. | Duplicate check – information and documentation pertaining to issuance | 7 |
| | c. Broker’s invoice | 3 | f. | Reconciliation register | 1 |
| | d. Broker’s statement | 3 | 8. | Due to banks | |
| | e. E-Bond application | 2 | a. | Account opened and account closed – reports | 1 |
| | f. E-Bond sold or redeemed – record | 2 | b. | Advice – copy | 1 |
| | g. E-Bond transmittal letter | 2 | c. | Incoming cash letter memo for credit | 1 |
| | h. Lock box daily receipts | 1 | d. | Incoming cash letter for remittance | 1 |
| | i. Night depository agreement | 1 AC | e. | Reconciliation register (TTL) | 2 |
| | j. Night depository daily record | 1 | f. | Reconciliation verification | 1 |
| | k. Safekeeping record and receipt | 5 | g. | Resolution | 2 AC |
| | l. Securities buy order and sell order | 3 | h. | Signature card | 6 AC |
| 5. | Data processing (management information systems) | | i. | Trial balance (fiche) | 7 |
| | a. Back-up data (for reconstruction) daily, end of month, quarter, or year | 1 | j. | Undelivered statement, reconstruction available from bank records | 1 |
| | b. Disaster recovery program | P | k. | Undelivered statement, reconstruction not possible | 7 |
| | c. Film copy of every IRS financial reporting form | 6 | 9. | General | |
| | d. Program change | P | a. | Address change order | 1 |
| | e. System, program and procedure manual | P | b. | Affidavit from customer including affidavit of loss, forgery, or non-use of cashier’s check | 1 |
| 6. | Deposits | | c. | Writ of attachment or garnishment | 5 |
| | a. Account opened and account closed | 1 | d. | Attachment, release | 5 |
| | b. Certificate of deposit purchase record | 7 | e. | Armored car receipt | 1 |
| | c. Check paid, withdrawal slip, and other debits to account | 7 | f. | Check book order | 1 |
| | d. Club account check register | 1 | g. | Check book – receipt | 1 |
| | e. Club account coupon | 1 | h. | Court order memorandum record | 5 |
| | f. SAR – for suspicious transaction under \$10,000 | 5 | i. | Notice of Protest | 1 |
| | g. CTR – for transaction exceeding \$10,000 | 5 | j. | Vault record – opening and closing | 1 |
| | h. Customer authorization, resolution, and signature card | 6 AC | k. | Wire transfer debit entry and credit entry | 7 |
| | i. Deposit account record needed to reconstruct | 7 | 10. | General ledger | |
| | j. Deposit and other credits | 7 | a. | Daily statement of condition | 3 |
| | k. Dormant account – after closed or escheated | 7 ALC | b. | General journal – if byproduct of posting the general ledger | 3 |
| | l. Form 1096 and 1099 reports to IRS | 7 | c. | General journal – if used as book of original entry with description | 3 |
| | m. Individual retirement account record | 7 | d. | General ledger | 5 |
| | n. Interest check or other record of interest payment and reports | 7 | e. | General ledger ticket – debit and credit | 2 |
| | o. Internal management reports: | | 11. | International department | |
| | i. Large balance | 1 | a. | Broker account holder – identification | 5 |
| | ii. Overdraft | 1 | b. | Cable copy | 7 |
| | iii. Public funds | 1 | c. | Cable requisition | 7 |
| | iv. Service charges | 1 | d. | Collection paid | 1 |
| | v. Stop payment | 1 | e. | Correspondence | 2 |
| | vi. Uncollected funds | 1 | f. | Draft | 7 |
| | vii. Unposted item | 1 | g. | Foreign collection register | 6 |
| | viii. Zero balance | 1 | h. | Foreign draft application | 6 |
| | p. Ledger card | 5 AC | i. | Foreign draft – carbon | 2 ATD |
| | q. Power of attorney document | 7 ATD | j. | Foreign exchange remittance sheet or book | 6 |
| | r. Receipt for statement held at customer’s request | 1 | k. | Foreign financial account – record | 7 |
| | s. Record showing compliance with the following federal regulations. The state retention period applies unless, and until, it is preempted by federal law: | | l. | Foreign mail transfer application | 6 |
| | i. Regulation CC, Expedited Funds Availability Act | 2 | m. | Foreign mail transfer – carbon | 2 ATD |
| | ii. Regulation DD, Truth in Savings Act | 2 | n. | Foreign outstanding cash | 2 |
| | iii. Regulation E, Electronic Funds Transfer Act | 2 | o. | Foreign payment – incoming | 2 |
| | t. Returned statement and canceled checks | 6 | p. | Letter of credit application | 2 |
| | u. Statement | 6 | q. | Letter of credit ledger sheet | 7 |
| | v. Stop payment order | 6 AE | r. | Transfer outside of the United States in excess of \$10,000 – record | 5 |
| | w. Document used to request and receive Tax Identification Number | 6 | 12. | Investments | |
| | x. Transaction journal | 6 | a. | Bonds | |
| | y. Trial balance | 6 | i. | Amortization record | 6 |
| 7. | Due from banks | | ii. | Confirmation | 3 |
| | a. Advice from correspondent bank | 1 | iii. | Safekeeping receipt | 2 |
| | b. Bank statement | 1 | b. | Broker’s securities | |
| | | | i. | Broker’s invoice | 3 |
| | | | ii. | Broker’s statement | 3 |
| | | | iii. | Report of lost or stolen securities | 3 |
| | | | iv. | Safekeeping advice | 2 |
| | | | v. | Taxpayer identification number | 5 |

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| | | | |
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| c. Commercial paper | | vi. Overdraft loan agreement | 6 |
| i. Broker's advice | 2 | vii. Promissory note and modification agreement – copy | 6 |
| ii. Purchase order | 2 | viii. Title documentation | 6 |
| iii. Remittance advice | 2 | ix. UCC filing – copy | 6 |
| d. Mortgage-backed securities | | d. Real estate loans | |
| i. Buy-and-sell agreement | 3 | i. Assignment of escrow | 6 |
| ii. Commitment letter | 7 | ii. Assumption | 6 |
| iii. FHLMC and FNMA loan file | 7 | iii. Commitment letter | 6 |
| iv. GNMA certificate | 7 | iv. Copy of deed of trust or mortgage note, as it may have been modified | 6 |
| v. Interest accrual record | 7 | v. Escrow analysis record | 6 |
| vi. Monthly remittance report | 7 | vi. Evidence of any FHA or PMI insurance required | 6 |
| 13. Loans. A bank shall keep each loan record listed for the period required by this subsection. These periods are measured from the date of final activity. A bank shall have and comply with its own record retention schedule that is consistent with this subsection. A bank may comply with this subsection by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this subsection. This subsection does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required by this subsection. | | vii. Hazard insurance | life of loan |
| a. All loans – general | | viii. Proof of insurance excluding hazard | 6 |
| i. Application for loan approval | 6 | ix. Sales contract | 6 |
| ii. Appraisal | 6 | x. Settlement sheet | 6 |
| iii. Borrower's financial statement | 6 | xi. Survey | 6 |
| iv. Charge-off record | 10 | xii. Title documentation | 6 |
| v. Charged off note | 10 | e. Construction loans. In addition to the documents specified in subsection (d), a bank shall keep a record for a construction loan as specified in this subsection: | |
| vi. Collateral file | 6 | i. Certificate of occupancy | 6 |
| vii. Correspondence | 6 | ii. Construction progress report | 6 |
| viii. Credit file- all documentation | 6 | iii. Contractor's cost breakdown | 6 |
| ix. Credit report | 6 | iv. Disbursement documentation | 6 |
| x. Daily proof and record | 6 | v. Inspection report | 6 |
| xi. Loan committee minutes | P | vi. Residential construction specifications and material list | 6 |
| xii. Miscellaneous loan reports including new loan journal, paid loan journal, past due report, and transaction journal as original entry | 6 | 14. Official checks and drafts | |
| xiii. Other documentation for reconstruction of loan | 2 | a. Affidavit, bond, indemnity agreement, other documentation supporting the issuance of a duplicate check or draft | 7 |
| b. Commercial loans | | b. Bank draft | 3 |
| i. Application for loan denied | 12 M | c. Cashier's check – canceled | 7 |
| ii. Bill of sale | 6 | d. Cashier's check register – copy | 7 |
| iii. Borrowing resolution | 3 | e. Expense check – canceled | 7 |
| iv. Business annual report (fiscal or year end) – after date of report | 3 | f. Expense check register – copy | 7 |
| v. Business cash-flow analysis report – after date of report | 3 | g. Expense voucher or invoice | 7 |
| vi. Business tax return – after date of return | 6 | h. Money order – bank or personal | 7 |
| vii. Commitment letter | 6 | i. Money order register – copy | 7 |
| viii. Copy of mortgage note or deed of trust | 6 | j. Official check outstanding | P |
| ix. Evidence of insurance | 6 | 15. Personnel Records | |
| x. Guaranty | 6 | a. Attendance record, and time card | 3 |
| xi. Letter of credit | 6 | b. Authorization for payroll deduction | 2 |
| xii. Participation agreement | 6 | c. Department of labor report | 5 |
| xiii. Promissory note | 6 | d. Disability record | 5 |
| xiv. Purchase and sale agreement | 6 | e. Employee record and personnel folder | 5 |
| xv. Security agreement | 6 | f. Employment application | 3 AT |
| xvi. Title documentation | 6 | g. Insurance record | 2 |
| xvii. UCC filing | 6 | h. Payroll check | 2 |
| c. Consumer loans | | i. Pension fund record | 10 |
| i. Application for loan denied, including adverse action notice | 25 M | j. Profit sharing fund record | 10 |
| ii. Collateral record | 6 | k. Rejected employee application | 2 |
| iii. Hazard insurance record | 6 | l. Salary ledger or electronic data processing printout | 4 |
| iv. Invoice | 6 | m. Salary receipt | 2 |
| v. Life and disability insurance record | 6 | n. W-3 reconciliation of income tax withheld from wages | 3 |
| | | o. W-4 withholding exemption certificate | 3 |
| | | p. Wage and tax statement record (W-2) | 7 |
| | | q. Wage differential documentation (Fair Labor Standards Act) | 3 |
| | | 16. Registered mail | |
| | | a. Marine insurance book | 3 |
| | | b. Record of incoming and outgoing registered mail | 1 |
| | | c. Return receipt card | 3 |

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| | | | |
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| 17. Safe deposit vault | | i. Accounting | 3 AC |
| a. Access ticket or card | 6 | ii. Decree | 3 AC |
| b. Court order and correspondence | 6 | iii. Receipt and release | 3 AC |
| c. Delivery of will, burial plot deed, insurance policy – receipt | 6 | b. Accounting – recorded | 3 AC |
| d. Forced entry record | 6 | c. Advice of payment – securities department regarding bond and coupon collection | 3 AC |
| e. Lease or contract – closed account | 2 AC | d. Appraisal | |
| f. Ledger record of account | 1 | i. Real property | 3 AC |
| g. Opened box contents – record and report | 7 | ii. Personal property | 3 AC |
| h. Rent receipt – copy | 1 | e. Asset delivery receipt | 3 AC |
| i. Sale to satisfy lien – record | 7 | f. Authorization | |
| j. Signature card, authorization, and resolution | 6 AC | i. By co-fiduciary | P |
| 18. Tellers | | ii. By consultant | P |
| a. Mail teller envelope | 3 M | g. Approval | 5 |
| b. Teller’s balancing recap or recap book | 1 | i. By co-fiduciary | P |
| c. Teller’s cash ticket – original and carbons | 1 | ii. By consultant | P |
| d. Teller’s cash shipment record | 1 | h. Broker’s statement | 7 |
| e. Teller’s exchange ticket | 1 | i. Buy and sell order | 7 |
| f. Teller’s machine tape | 1 | j. Cash documentation | |
| 19. Transit, proof, and clearing | | i. Customer cash and asset statement | 7 |
| a. ACH entry | 6 | ii. Cash and security journal | 7 |
| b. Advice of correction to deposit | 2 | iii. Cash trial balance | 1 |
| c. Clearinghouse settlement sheet – recapitulation of checks delivered to the clearinghouse or federal reserve | 2 | k. Common trust fund annual report | 10 |
| d. Record of items processed | 6 | l. Correspondence | |
| e. Proof machine tape or other record | 2 | i. Transfer letter | 3 AC |
| f. Receipt for transit letter | 1 | ii. Claim letter | 3 AC |
| g. Return item letter | 5 | m. Coupon collection letter | 7 |
| 20. Trust department administration | | n. Court accounting and petition | 7 |
| a. Appraisal of real or personal property held as a trust asset | 3 AC | o. Daily transaction journal | 6 M |
| b. Correspondence | 3 AC | p. Debits and credits – daily | 1 |
| c. Decree or receipt and release | 3 AC | q. Documentation necessary to support account decision | 3 AC |
| d. Fee record and supporting data | 3 AC | r. Tax Documentation | |
| e. Intermediate and final account | 3 AC | i. Federal estate tax return | 10 |
| f. Legal documentation including judgment, court order, and legal opinion | 3 AC | ii. State estate tax return | 10 |
| g. Paid bill | 3 AP | iii. Tax-related work papers | 10 |
| h. Real estate insurance policy | 1 AE | iv. Federal gift tax return | 10 |
| i. Real estate and mortgage document | 3 AC | s. Fee calculations and supporting data | 1 |
| j. Receipt for asset received or delivered | 3 AC | t. Income tax return | |
| k. Record of asset tax cost | 3 AC | i. Federal | 3 AC |
| l. Summary card, original instrument, agreement and amendment, and letters of appointment | 3 AC | ii. State | 3 AC |
| m. Synopsis sheet | 3 AC | u. Inventory | 3 AC |
| 21. Corporate trust | | v. Investment review and related material | 3 AC |
| a. Bond registration journal | 3 AC | w. Minutes | |
| b. Bond – canceled | 7 | i. Investment committee | P |
| c. Indemnity bond | P | ii. Trust committee | P |
| d. Certification | 2 | 23. Other personal trust records | |
| e. Coupon envelope | 6 M | a. Legal opinion | 3 AC |
| f. Coupon – canceled | 6 M | b. Correspondence related to legal opinion | 3 AC |
| g. Customer receipt | 7 | c. Paid bill | 7 |
| h. Dividend and coupon record | 3 AC | d. Review and recommendation | 3 AC |
| i. Dividend and interest disbursement check and list | 3 AC | e. Safekeeping record and receipt | 3 AC |
| j. General ledger ticket | 2 | f. Security ledger sheet | P |
| k. Legal paper | P | g. Trust check | 10 |
| l. Copy of canceled stock certificate, original returned to customer | 1 | h. Trust entry – original | 3 AC |
| m. Stock registration journal | 3 AC | i. Trust or agency agreement – original | 3 AC |
| n. Stock transfer memo | 1 | j. Vault withdrawal and deposit ticket | 7 |
| o. Stock transfer receipt | 1 | k. Will – certified copy | P |
| p. Tax return | 3 AC | l. Work papers supporting tax return | 7 |
| q. Transfer – supporting papers | 3 AC | 24. Trust Investments | |
| r. Transfer journal | 3 AC | a. Annual report | |
| s. Transfer tax waiver | 3 AC | i. Common trust fund | 10 |
| t. Trust ledger – corporate | 7 | ii. Pooled fund | 10 |
| 22. Personal trust | | b. Valuation | |
| a. Record of previously discharged fiduciary | | i. Common trust fund | 10 |
| | | ii. Pooled fund | 10 |
| | | c. Minutes | |
| | | i. Investment committee | P |
| | | ii. Administrative committee | P |
| | | d. Investment order and broker’s confirmation | 3 AC |
| | | e. Investment review and related material | 3 AC |

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- f. Correspondence 3 AC
- g. Summary of annual account activity 3 AC
- 25. Wire transfer
 - a. Incoming wire log 1
 - b. Outgoing wire log 1
 - c. Transmission record 7
 - d. Wire transfer request 7

Historical Note

Former Rule 14. R20-4-214 recodified from R4-4-214 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4142, effective September 12, 2001 (Supp. 01-3). Missing notation in subsection (D)(1)(j) corrected as proposed at 7 A.A.R. 2491 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-215. Trust Business

Each bank authorized to conduct trust business under their banking permit shall comply with the applicable requirements of R20-4-808 through R20-4-816.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-215 recodified from R4-4-215 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

ARTICLE 3. EXPIRED

R20-4-301. Expired

Historical Note

Former Rule 1. R20-4-301 recodified from R4-4-301 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-302. Repealed

Historical Note

Former Rule 2; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-302 recodified from R4-4-302 (Supp. 95-1).

R20-4-303. Expired

Historical Note

Former Rule 3. R20-4-303 recodified from R4-4-303 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-304. Expired

Historical Note

Former Rule 4. R20-4-304 recodified from R4-4-304 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-305. Repealed

Historical Note

Former Rule 5. R20-4-305 recodified from R4-4-305 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-306. Repealed

Historical Note

Former Rule 6. R20-4-306 recodified from R4-4-306 (Supp. 95-1). Repealed effective September 19, 1996

(Supp. 96-3).

R20-4-307. Repealed

Historical Note

Former Rule 7. R20-4-307 recodified from R4-4-307 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-308. Repealed

Historical Note

Former Rule 8. R20-4-308 recodified from R4-4-308 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-309. Expired

Historical Note

Former Rule 9. R20-4-309 recodified from R4-4-309 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-310. Reserved

R20-4-311. Repealed

Historical Note

Former Rule 11; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-311 recodified from R4-4-311 (Supp. 95-1).

R20-4-312. Repealed

Historical Note

Former Rule 12. R20-4-312 recodified from R4-4-312 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-313. Reserved

R20-4-314. Repealed

Historical Note

Former Rule 14. R20-4-314 recodified from R4-4-314 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-315. Repealed

Historical Note

Former Rule 15. R20-4-315 recodified from R4-4-315 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-316. Repealed

Historical Note

Former Rule 16. R20-4-316 recodified from R4-4-316 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-317. Repealed

Historical Note

Former Rule 17; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-317 recodified from R4-4-317 (Supp. 95-1).

R20-4-318. Expired

Historical Note

Former Rule 18. R20-4-318 recodified from R4-4-318 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J)

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at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-319. Repealed**Historical Note**

Former Rule 19. R20-4-319 recodified from R4-4-319 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-320. Repealed**Historical Note**

Former Rule 20. R20-4-320 recodified from R4-4-320 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-321. Repealed**Historical Note**

Former Rule 21. R20-4-321 recodified from R4-4-321 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-322. Repealed**Historical Note**

Former Rule 22; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-322 recodified from R4-4-322 (Supp. 95-1).

R20-4-323. Repealed**Historical Note**

Former Rule 23. R20-4-323 recodified from R4-4-323 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-324. Expired**Historical Note**

Former Rule 24. R20-4-324 recodified from R4-4-324 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-325. Expired**Historical Note**

Former Rule 25. R20-4-325 recodified from R4-4-325 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-326. Expired**Historical Note**

Former Rule 26. R20-4-326 recodified from R4-4-326 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-327. Expired**Historical Note**

Former Rule 27. R20-4-327 recodified from R4-4-327 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-328. Expired**Historical Note**

Former Rule 28. R20-4-328 recodified from R4-4-328 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-329. Repealed**Historical Note**

Former Rule 29. R20-4-329 recodified from R4-4-329 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-330. Expired**Historical Note**

Original Rule. R20-4-330 recodified from R4-4-330 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-331. Repealed**Historical Note**

Original Rule. R20-4-331 recodified from R4-4-331 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

ARTICLE 4. CREDIT UNIONS**R20-4-401. Fidelity Bond Coverage**

- A. A credit union shall have a fidelity bond in the form and in the amount required to maintain federal insurance on its accounts.
- B. A fidelity bond purchased by a credit union to comply with this Section shall include faithful-performance-of-duty coverage.
- C. A credit union shall purchase its fidelity bond from an insurer that holds a certificate of authority from the Director to transact surety business in Arizona.

Historical Note

Former Rule 1. R20-4-401 recodified from R4-4-401 (Supp. 95-1). Amended effective April 21, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 2229, effective May 3, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-402. Repealed**Historical Note**

Former Rule 2. R20-4-402 recodified from R4-4-402 (Supp. 95-1). Repealed effective April 21, 1995 (Supp. 95-2).

ARTICLE 5. CONSUMER LENDERS**R20-4-501. Repealed****Historical Note**

Former Rule 1. R20-4-501 recodified from R4-4-501 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-502. Repealed**Historical Note**

Former Rule 2. R20-4-502 recodified from R4-4-502 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-503. Adjustments in Precomputed Charges

A licensee shall adjust the total precomputed charges if the first installment period is more or less than one month in duration. The licensee's records shall reflect the adjustment's collection in one of three ways.

1. In the first installment payment,
2. Amortized over the life of the contract, or
3. As part of the final payment.

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Historical Note

Former Rule 3. R20-4-503 recodified from R4-4-503 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-504. Repealed**Historical Note**

Former Rule 4. R20-4-504 recodified from R4-4-504 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-505. Repealed**Historical Note**

Former Rule 5. R20-4-505 recodified from R4-4-505 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-506. Repealed**Historical Note**

Former Rule 6. R20-4-506 recodified from R4-4-506 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-507. Repealed**Historical Note**

Former Rule 7. R20-4-507 recodified from R4-4-507 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-508. Cut-off Date for Computing Refunds upon Early Repayment in Full

If a borrower repays a loan before the due date of the final installment, the licensee shall calculate any refund or credit due on the precomputed loan using the following rules:

1. A licensee shall credit any full repayment, made on or before the 15th day following an installment date, as if received on the last previous installment date.
2. A licensee shall credit any full repayment, made on or after the 16th day following an installment date, as if received on the next installment date.

Historical Note

Former Rule 8. R20-4-508 recodified from R4-4-508 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-509. Repealed**Historical Note**

Former Rule 9. R20-4-509 recodified from R4-4-509 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-510. Repealed**Historical Note**

Former Rule 10. R20-4-510 recodified from R4-4-510 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-511. Repealed**Historical Note**

Former Rule 11. R20-4-511 recodified from R4-4-511

(Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-512. Reserved**R20-4-513. Repealed****Historical Note**

Former Rule 13. R20-4-513 recodified from R4-4-513 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-514. Repealed**Historical Note**

Former Rule 14. R20-4-514 recodified from R4-4-514 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-515. Repealed**Historical Note**

Former Rule 15. R20-4-515 recodified from R4-4-515 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-516. Repealed**Historical Note**

Former Rule 16. R20-4-516 recodified from R4-4-516 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-517. Repealed**Historical Note**

Former Rule 17. R20-4-517 recodified from R4-4-517 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-518. Deferral Fee

- A. A licensee may collect a deferral fee at the time it agrees to a deferment or at any time after the assessment of a deferral fee. If a licensee receives a payment after it agrees to a deferment, it may apply the payment first to the deferral fee. Any remainder of the payment shall be applied to the balance of the loan.
- B. If a licensee receives a payment that is large enough to pay in full a delinquent installment and all allowable delinquency fees, the licensee shall apply the payment first to the delinquent installment and fees. The licensee shall not show the paid installment as deferred, and shall not collect a deferral fee.

Historical Note

Former Rule 18. R20-4-518 recodified from R4-4-518 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-519. Deferral Statement

A licensee shall give the borrower a statement at the time it agrees to a deferment and shall retain a copy of the statement in the borrower's credit file. The statement shall contain the following information:

1. The amount of the deferral fee,
2. The date of the borrower's next scheduled payment,
3. The amount of the borrower's next scheduled payment, and
4. The extended maturity date of the loan.

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Historical Note

Former Rule 19. R20-4-519 recodified from R4-4-519 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-520. Repealed**Historical Note**

Former Rule 20. R20-4-520 recodified from R4-4-520 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-521. Repealed**Historical Note**

Former Rule 21. R20-4-521 recodified from R4-4-521 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-522. Repealed**Historical Note**

Former Rule 22. R20-4-522 recodified from R4-4-522 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-523. Repealed**Historical Note**

Former Rule 23. R20-4-523 recodified from R4-4-523 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-524. Books, Accounts, and Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A licensee authorized under A.R.S. Title 6, Chapter 5 shall:
1. Keep its books, accounts, and records of operations separate from the books, accounts, and records of its other business activities; and
 2. In addition to any statutory requirements, the books, accounts, and records of operations shall include the following:
 - a. A file containing a record of all legal actions brought during the fiscal year which the licensee shall keep until the Department conducts its examination of the licensee;
 - b. An itemized record of disbursement of the proceeds of each loan which shall also include, if the licensee makes precomputed loans, the amount of refund on each loan that is renewed or refinanced;
 - c. A record of the receipt of all allowable fees;
 - d. A record for each borrower and each loan that contains documentary evidence of filing or recording each instrument of record for the loan; and
 - e. A record of the borrower's voluntary election to purchase any insurance in connection with a loan if that insurance is sold by the licensee.

Historical Note

Former Rule 24. R20-4-524 recodified from R4-4-524 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (Sep-

tember 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-525. Repealed**Historical Note**

Former Rule 25. R20-4-525 recodified from R4-4-525 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-526. Repealed**Historical Note**

Former Rule 26. R20-4-526 recodified from R4-4-526 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-527. Repealed**Historical Note**

Former Rule 27. R20-4-527 recodified from R4-4-527 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-528. Repealed**Historical Note**

Former Rule 28. R20-4-528 recodified from R4-4-528 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-529. Repealed**Historical Note**

Former Rule 29. R20-4-529 recodified from R4-4-529 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-530. Repealed**Historical Note**

Former Rule 30. R20-4-530 recodified from R4-4-530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-531. Repealed**Historical Note**

Former Rule 31. R20-4-531 recodified from R4-4-531 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-532. Repealed**Historical Note**

Former Rule 32. R20-4-532 recodified from R4-4-532 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-533. Reserved**R20-4-534. Insurance**

- A. A licensee shall obtain written evidence of the borrower's voluntary election to purchase insurance in connection with a loan if the licensee's sale of insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE INSURANCE IN THE AMOUNT OF \$ _____.

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I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

- B.** A licensee shall obtain written evidence of the borrower's voluntary election to purchase property insurance in connection with a loan if the licensee's sale of property insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE PROPERTY INSURANCE IN THE AMOUNT OF

\$ _____.

I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

I ATTEST THAT THE VALUE OF MY PROPERTY INSURED IN CONNECTION WITH THIS LOAN IS THE SUM OF

\$ _____.

Historical Note

Former Rule 34. R20-4-534 recodified from R4-4-534 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-535. Reserved

R20-4-536. Repealed

Historical Note

Former Rule 36. R20-4-536 recodified from R4-4-536 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

ARTICLE 6. DEBT MANAGEMENT COMPANIES

Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).

Former Article 6 consisting of Section R4-4-601 repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).

R20-4-601. Repealed

Historical Note

Former Rule 1; Former Section R4-4-601 repealed, new Section R4-4-601 adopted effective October 26, 1978 (Supp. 78-5). R20-4-601 recodified from R4-4-601 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-602. Applications

- A.** An applicant for a debt management company license shall send the Department an application on the form required by the Director. If the Director determines that a credit report is required as authorized under A.R.S. § 6-704(A), the applicant shall order a credit report from a credit reporting agency disclosing the credit history of the applicant's principals or managing agents and submit the credit report to the Department. A complete application shall include the credit report required by this Section and all of the following:
1. The surety bond required by A.R.S. § 6-704(B);

2. Fidelity bonds if required by the Director under A.R.S. § 6-704(D);
3. The nonrefundable application fee specified in A.R.S. § 6-126(A)(14);
4. An original license fee described in A.R.S. §§ 6-126(B), 6-126(D)(2), and 6-706;
5. A sample of the contract intended to be used by the applicant required by A.R.S. § 6-704(E);
6. Current financial statements as described in R20-4-604(A)(5);
7. A copy of the current articles of incorporation, by-laws, partnership agreement or other organizing documents used to form the applicant business entity;
8. The name and address information required under A.R.S. § 6-704(A); and
9. A background check, on the form required by the Department, for each of the applicant's principals, principal officers, trustees, partners, and managing agents.

- B.** A debt management company applying to operate a branch office or use an agency shall send the Department an application on the form required by the Director.

- C.** A debt management company applying to renew a license shall deliver, on or before June 15 of each year, an application to the Department on the form required by the Director. A debt management company shall apply separately to renew each authorized business location. With each application for renewal, a debt management company shall include the renewal fee described in A.R.S. § 6-706 and specified in A.R.S. § 6-126(D)(2).

- D.** The Department may require additional information the Director considers necessary in connection with an application under this Section.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-602 recodified from R4-4-602 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-603. Reports

- A.** Each debt management company and each nonprofit corporation or association exempt from licensure under A.R.S. § 6-702(4) and (5), shall send the Department an annual report of its business and operations for each place of business during the previous year beginning July 1 and ending June 30, using the form required by the Director. A debt management company shall deliver its report to the Department on or before August 15.
- B.** Each debt management company shall notify the Department of any change in its ownership or in the names of its officers, directors, trustees, partners, or managing agents within 30 days of the change.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-603 recodified from R4-4-603 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-604. Records

- A.** A debt management company shall keep books, accounts, and records adequate to provide a clear and readily understandable

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record of all its business activity. A debt management company may keep its books, accounts, and records as electronic records if the debt management company can generate all information and documentation required by this Section in the timeframe set by the Department for examination or other purposes. A debt management company's books, accounts, and records shall include:

1. A file for each account containing:
 - a. A copy of all correspondence concerning the account;
 - b. Evidence of the notice given to creditors of the debt management contract;
 - c. A subsidiary ledger disclosing all financial transactions concerning the account;
 - d. A copy of each written statement of account given to the debtor;
 - e. The original budget analysis required under R20-4-607; and
 - f. The original contract between the debt management company and the debtor, including all amendments.
 2. A trust account general ledger, which is kept current daily, which reflects each deposit to and disbursement from the trust account.
 3. Each reconciliation of the debt management company's trust account, prepared at least once a month.
 4. A general ledger, kept current monthly, which reflects each financial transaction by the debt management company except those recorded in its trust account general ledger.
 5. A financial statement produced in accordance with generally accepted accounting principles at least once every three months, or more frequently if directed by the Director, which reflects the financial condition of the debt management company. The financial statement shall include:
 - a. A balance sheet,
 - b. A statement of income and retained earnings,
 - c. A statement of changes in financial condition, and
 - d. Appropriate footnotes that either:
 - i. Explain entries in the documents listed in subsections (A)(5)(a), (b), and (c);
 - ii. Contain material information not required or not reportable in documents listed in subsections (A)(5)(a), (b), or (c); or
 - iii. Contain other disclosures required by generally accepted accounting principles.
 6. A record of all litigation naming the debt management company as a party including:
 - a. For pending litigation:
 - i. A copy of the complaint;
 - ii. A copy of any answer filed by the debt management company in response to the complaint; and
 - iii. A copy of any motion filed by the debt management company; and
 - b. For any litigation that is no longer pending, a copy of any judgment showing the settlement date, dismissal, or other final order disposing of the litigation.
- B.** All records required under this Section may be maintained at the debt management company's office in Arizona. A debt management company may keep its records outside this state if it:

1. Makes the records available to the Director, for examination or other purposes, in this state not more than three business days after demand; and
 2. Allows its debtor customers to call toll free to obtain information from the records that are not available from the debt management company's office in Arizona.
- C.** Each debt management company shall preserve its books, accounts, and records for the period required by A.R.S. §§ 6-709(J) and 6-710(1).

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-604 recodified from R4-4-604 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-605. Reserved

R20-4-606. Reserved

R20-4-607. Budget Analysis

- A.** A debt management company shall not accept an account unless it first concludes that the debtor can reasonably meet the payments agreed upon by the debt management company and the debtor. The debt management company's conclusion shall be supported by a written budget analysis kept in the company's records.
- B.** The written budget analysis shall either be part of an application form or a separate document. The debtor shall date and sign the written budget analysis before the debt management company draws any conclusions from the budget analysis.
- C.** The budget analysis shall disclose the disposable income available for payment to the debt management company after the debtor pays their reasonable and necessary living expenses including taxes, insurance, child support, alimony, and residential rent or mortgage payments.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-607 recodified from R4-4-607 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-608. Reserved

R20-4-609. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-609 recodified from R4-4-609 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-610. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-610 recodified from R4-4-610 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-611. Advertising

- A.** A debt management company shall not use advertising, communication, or sales material that contains:
1. A false, misleading, or deceptive statement about the debt management company's services or charges. A statement is a violation of this Section if the person making the

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statement does not state a material fact necessary to make the statement true, in light of the circumstances under which it is made;

- 2. A claim, direct or implied, that the debt management company consolidates debts or makes loans; or
 - 3. A schedule of payments in any form.
- B.** A debt management company’s advertising, communication, and sales material shall contain the following legend, conspicuously displayed in at least 12 point type and in bold print: “NOT A LOAN COMPANY.”

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-611 recodified from R4-4-611 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-612. Solvency and Minimum Liquid Assets

- A.** A debt management company shall not operate if it is insolvent. For purposes of this Section “insolvent” has the same meaning as in A.R.S. § 47-1201(23).
- B.** To determine compliance with A.R.S. § 6-709(A), a debt management company’s liquid assets include funds held in its trust account. Liquid assets do not include goodwill and other intangible assets. A debt management company’s total liquid assets shall exceed by \$2,500.00 the total of all its current business liabilities together with all balances held for debtors as reflected in the company’s subsidiary ledgers.
- C.** Except as otherwise provided by this Section, or in a specific ruling by the Director, a debt management company shall use generally accepted accounting principles to compute assets and liabilities.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-612 recodified from R4-4-612 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

- R20-4-613. Reserved**
- R20-4-614. Reserved**
- R20-4-615. Reserved**
- R20-4-616. Reserved**
- R20-4-617. Reserved**
- R20-4-618. Reserved**
- R20-4-619. Reserved**
- R20-4-620. Repealed**

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-620 recodified from R4-4-620 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2).

ARTICLE 7. ESCROW AGENTS

- R20-4-701. Change in Location of Business**
An escrow agent shall submit to the Director notice of any change in the location of the escrow agent’s business. The escrow agent

shall ensure that the Director receives the notice at least five days before the escrow agent conducts business at the new location. The escrow agent shall remit the fee required by A.R.S. § 6-126(A), to the Director with the notice of the location change.

Historical Note

Former Rule 1. R20-4-701 recodified from R4-4-701 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-702. Account Practices and Records

An escrow agent shall maintain records to enable the Director to reconstruct the details of each escrow transaction. The records shall include the following:

- 1. The seller’s name and address;
- 2. The buyer’s name and address;
- 3. The lender’s name and address, if any;
- 4. The borrower’s name and address, if any;
- 5. The real estate agent’s name and address, if any;
- 6. Complete escrow instructions;
- 7. Records and supporting documentation for each receipt and disbursement made through the escrow; and
- 8. A copy of the escrow settlement.

Historical Note

Former Rule 2. R20-4-702 recodified from R4-4-702 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-703. Preservation of Records

An escrow agent shall preserve the records, books, and accounts pertaining to each escrow transaction for at least three years following the final settlement date of the transaction. An escrow agent may keep its records as electronic records if the escrow agent can generate all information and copies of documents required by A.R.S. § 6-831 within the timeframe set by the Department for examination or other purposes.

Historical Note

Former Rule 3. R20-4-703 recodified from R4-4-703 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-704. Subsidiary Account Records

An escrow agent shall maintain subsidiary account records that identify the funds deposited in each escrow account. The total of all credit balances in the subsidiary accounts shall always equal the balance of the general ledger control account.

Historical Note

Former Rule 4. R20-4-704 recodified from R4-4-704 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

- R20-4-705. Reserved**
- R20-4-706. Repealed**

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Historical Note

Former Rule 6. R20-4-706 recodified from R4-4-706 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4).

R20-4-707. Expired**Historical Note**

Adopted effective June 25, 1993 (Supp. 93-2). R20-4-707 recodified from R4-4-707 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 411, effective September 30, 2014 (Supp. 15-1).

R20-4-708. Financial Condition and Resources

The Director shall consider the following criteria in evaluating an escrow agent's, other escrow agent's, or applicant's financial condition and resources under A.R.S. § 6-817:

1. Amount of positive net worth,
2. Amount of tangible net worth,
3. Amount of liquid assets,
4. Amount of cash provided by operations,
5. Ratio of debt to net worth,
6. Owner's personal financial resources,
7. Outside resources available,
8. Profitability,
9. Projected operating results,
10. Status as agent for a title insurance company, and
11. Sources of new business.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 8. TRUST COMPANIES**R20-4-801. Definitions**

In addition to the definitions provided in A.R.S. § 6-851, the following terms apply to this Article unless the context otherwise requires:

"Account" means the trust, estate, or other fiduciary relationship established with a trust department or trust company.

"Affiliate" has the meaning stated at A.R.S. § 6-801.

"Director" has the meaning stated at A.R.S. § 20-102.

"Governing instrument" means a document, and all its operative amendments, that:

- Creates a trust and regulates the trustee's conduct,
- Creates an agency relationship between a trust department or trust company and a client, or
- Otherwise evidences a fiduciary relationship between a trust department or trust company and a client.

"Investment responsibility" means full and unrestricted discretion to invest trust funds without direction from anyone as to any matter, including the terms of the trade or the identity of the broker.

"Person" has the meaning stated at A.R.S. § 20-105.

"Trust asset" means any property or property right held by a trust department or trust company for the benefit of another.

"Trust department" means a permittee under both A.R.S. § 6-201 et seq. and Article 2 of this Chapter that possesses a banking permit authorizing it to engage in trust business.

"Trust funds" means any money held by a trust department or trust company for the benefit of another.

"Trustor" means a person who creates or funds a trust, or both.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-801 recodified from R4-4-801 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-802. Reserved**R20-4-803. Reserved****R20-4-804. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-804 recodified from R4-4-804 (Supp. 95-1). Repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

R20-4-805. Reports

- A. Within 90 days following each December 31, each trust department and trust company shall file an annual report of trust assets with the Director on the form prescribed by the Director. The annual report shall include the current market value of all trust assets held by the trust department or trust company as of December 31. The report shall also identify and briefly describe all transactions conducted in the report period that are regulated by subsections R20-4-812(E) through (G).
- B. Each trust company shall deliver a copy of its annual report and certificate of disclosure to the Director within 10 days of filing the report and certificate at the Arizona Corporation Commission. A report or certificate covered by this subsection is one filed under the authority of A.R.S. §§ 10-202 or 10-1622. A copy delivered to the Director, as required in this subsection, shall be date-stamped by the Arizona Corporation Commission to confirm the actual filing date.
- C. Each trust company shall notify the Director of any change in the directors or officers of the company within 10 days of the change. Any trust company with more than 25 officers may, after obtaining the Director's written approval, limit the officers covered by this subsection to those with substantial involvement in the trust company's corporate operations or in the trust company's trust business in this state.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-805 recodified from R4-4-805 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-806. Records

- A. Every trust company shall keep its records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. A trust company may keep its records as electronic records if the trust company can generate all information and copies required by

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this Section within the timeframe set by the Department for examination or other purposes.

- B.** A trust department or trust company shall keep books, accounts, and records adequate to provide clear and readily understandable evidence of all business conducted by the trust department or trust company, including the following:
1. A file for each account that includes:
 - a. The governing instrument,
 - b. All contracts and other legal documents,
 - c. Copies of all correspondence,
 - d. Accounting records disclosing all the financial transactions, and
 - e. A listing of all the account's assets and liabilities.
 2. An investment file for each account that includes:
 - a. All original documentary evidence of the account's assets; or
 - b. Copies of the original documentary evidence of the account's assets, together with written evidence of custody or receipt of the originals by an authorized holder; and
 - c. A record of the initial and annual investment reviews for the account.
 3. The corporate general ledger kept current on a daily basis. This record shall identify and segregate all financial transactions conducted by the trust department or trust company for itself, distinguishing them from those relating to the trust department's or trust company's trust business;
 4. Unaudited financial statements. A trust department or trust company shall produce these statements quarterly or more frequently when required by the Director. The financial statements shall include at least:
 - a. A balance sheet; and
 - b. A statement of income, expenses, and retained earnings.
 5. Adequate records of all pending litigation that names the trust department or trust company as a party.
- C.** A trust department shall keep its fiduciary records separate and distinct from the trust department's corporate records.
- D.** A trust department or trust company shall keep records described in subsections (B)(1) and (2) for at least three years after closing an account. If litigation occurs concerning a particular account, the trust department or trust company shall keep that account's records, described in subsections (B)(1) and (2), for three years after the litigation is resolved.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-806 recodified from R4-4-806 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-807. Unsafe or Unsound Condition

For purposes of A.R.S. §§ 6-863 and 6-865, a trust company conducts business in an unsafe manner or its affairs are in an unsound condition if it:

1. Violates any fiduciary duty or obligation, including those listed in Sections R20-4-809 through R20-4-815;
2. Violates any state or federal requirement for operating or maintaining trusts, common trust funds, or other accounts;

3. Violates any applicable federal or state law or regulation regarding corporations or securities;
4. Employs an officer or director who violates a corporate fiduciary duty;
5. Is insolvent; or
6. Engages in any conduct that the Director determines constitutes an unsafe or unsound business practice jeopardizing the trust company's financial condition or the interests of a stockholder, creditor, trustor, beneficiary, or trust company's principal.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-807 recodified from R4-4-807 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-808. Administration of Fiduciary Powers

- A.** The board of directors and the officers share responsibility for the exercise of fiduciary powers by a trust department or trust company. The board of directors is responsible for determining policy; investing and disposing of trust assets; and directing and reviewing the actions of all directors, officers, and committees of the board that exercise fiduciary powers. The board of directors may delegate the necessary power and authority to perform the trust department's or trust company's duties as a fiduciary to selected directors, officers, employees, or committees of the board if the delegation is consistent with the corporate charter. The minutes of the board's meetings shall duly reflect all those delegations.
- B.** A trust department or trust company shall not accept a new account without first obtaining the board's approval, or that of the directors, officers, or committees that the board may have authorized to approve new accounts. The trust department or trust company shall keep a written record of each new account approval and of the closing of each account. The trust department or trust company shall conduct an asset review within 60 days after it accepts each new account if it has investment responsibility for that account. The trust department's or trust company's board shall ensure that an annual review of account assets is conducted for each account in which the trust department or trust company has investment responsibility, to determine whether to retain or dispose of the assets.
- C.** A trust department or trust company exercising fiduciary powers shall use independent legal counsel admitted to practice in Arizona to advise and inform the trust department or trust company on fiduciary matters and all other legal issues presented to the trust department or trust company by the conduct of its trust business.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-808 recodified from R4-4-808 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-809. Fiduciary Duties

A trust department or trust company shall perform all fiduciary duties imposed upon it by law, including the following:

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1. Administer accounts strictly according to the governing instrument and solely in the account beneficiary's interests;
2. Use reasonable care and skill to make the account productive;
3. Provide complete and accurate information about the nature and amount of assets held to each account's beneficiary or principal and permit the beneficiary, principal, or any person duly authorized by the beneficiary or principal to inspect the account's records at any time during normal business hours. The information provided in compliance with this subsection shall be delivered at least quarterly, unless:
 - a. The trust department or trust company and its account's beneficiary, principal, or authorized person agree otherwise in writing;
 - b. The governing instrument provides otherwise; or
 - c. A different frequency is established by a lawful course of dealing before the effective date of this Section; and
4. Comply with all lawful provisions of the governing instrument.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-809 recodified from R4-4-809 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-810. Funds Awaiting Investment or Distribution

- A. Trust funds held by a trust department or trust company awaiting investment or distribution shall not remain uninvested or undistributed any longer than is reasonable for the account's proper management.
- B. A trust department or trust company may keep trust funds in deposit accounts maintained by the trust department or trust company unless prohibited by law or by the governing instrument. The trust department or trust company shall set aside collateral security for all deposited trust funds under a third party's control. The collateral shall be the following types of securities, in any combination:
 1. Direct obligations of the United States or any agency, department, division, or administration of the federal government;
 2. Any other obligations fully guaranteed by the United States government as to principal and interest;
 3. Obligations of a Federal Reserve Bank;
 4. Obligations of any state, political subdivision of a state, or public authority organized under the laws of a state; or
 5. Readily marketable securities that either:
 - a. Qualify as investment securities under the Investment Securities regulations of the Comptroller of the Currency, 12 CFR, Chapter 1, Part 1; or
 - b. Satisfy state pledging requirements under A.R.S. § 6-245(C).
- C. The securities set aside under subsection (B) shall, at all times, have a market value no less than the amount of trust funds deposited. No collateral security is required to the extent the Federal Deposit Insurance Corporation, or its successor, insures the deposited trust funds.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-810 recodified from R4-4-810 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-811. Investment of Trust Funds

- A. A trust department or trust company shall invest trust funds according to:
 1. The governing instrument; and
 2. All applicable laws, including A.R.S. §§ 6-862, 14-7402, and 14-7501 through 14-7512
- B. A trust department or trust company shall make any collective investment of trust funds exclusively under the terms of R20-4-815.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-811 recodified from R4-4-811 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-812. Self-dealing

- A. A trust department or trust company shall not invest trust funds in the following types of property unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its own securities;
 2. Other types of property acquired from the trust department or trust company;
 3. Property acquired from the trust department's or trust company's directors, officers, or employees;
 4. Property acquired from the trust department's or trust company's affiliates;
 5. Property acquired from its affiliates' directors, officers, or employees; or
 6. Property acquired from other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- B. A trust department or trust company may use trust funds to purchase its own securities, or its affiliates' securities:
 1. If the trust department or trust company has authority under subsection (A), and
 2. If those securities are offered pro rata to all stockholders of the trust department or trust company.
- C. A trust department or trust company shall not sell or loan trust property to itself, or to the following types of persons, unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its directors, officers, or employees;
 2. Its affiliates;
 3. Its affiliates' directors, officers, or employees; or
 4. Other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.

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- D.** However, a trust department or trust company may sell or loan trust property to persons prohibited by subsection (C) if either:
1. Its counsel has advised in writing that, by holding certain property, the trust department or trust company has incurred a contingent or potential liability for breach of fiduciary duty; and
 - a. The proposed sale or loan avoids the contingent or potential liability;
 - b. Its board of directors authorizes the sale or loan by an action duly noted in the trust department's or trust company's minutes;
 - c. Its board of directors' action expressly authorizes reimbursement to the affected account; and
 - d. The affected account is reimbursed, in cash, at no loss to that account; or
 2. The Director requires or approves, in writing, the sale or loan to otherwise prohibited parties.
- E.** A trust department or trust company may sell trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- F.** A trust department or trust company may loan trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- G.** A trust department or trust company may make a loan to a trust account, taking trust assets of the borrowing account as security for repayment, if:
1. The transaction is fair to the borrowing account; and
 2. The transaction is not prohibited by the governing instrument, applicable state or federal law, or court order.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-812 recodified from R4-4-812 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-813. Custody of Investments

- A.** A trust department or trust company shall keep each account's investments separate from its own assets. A trust department or trust company shall place each account's assets in the joint control of at least two officers or employees of the trust department or trust company designated in writing for that purpose by:
1. The trust department's or trust company's board of directors, or
 2. One or more officers authorized by the trust department's or trust company's board of directors to make the designation.
- B.** A trust department or trust company shall either:
1. Keep each account's investments separate from all other accounts' investments, except as provided in R20-4-815; or
 2. Adequately identify each account's property in the trust department's or trust company's records.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-813 recodified from R4-4-813 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000

(Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-814. Compensation

- A.** A trust department or trust company acting as a fiduciary may charge a reasonable fee for its services. The trust department or trust company shall receive the fee allowed by the court when it is acting under a court appointment. Any agreement as to fees in the governing instrument shall control the fee unless contrary to law, regulation, or court order.
- B.** A trust department or trust company shall not permit any of its officers or employees to take any compensation for acting as a co-fiduciary with the trust department or trust company in the administration of an account.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-814 recodified from R4-4-814 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-815. Collective Investments

- A.** All collective investments made by a trust department or trust company shall be in a common trust fund established under A.R.S. § 6-871 and maintained by the trust department or trust company exclusively for the collective investment and reinvestment of funds contributed by the trust department or trust company acting as a fiduciary. A trust department or trust company shall not establish a common trust fund unless it first:
1. Prepares a written plan regarding the common trust fund; and
 2. Obtains its board of directors' approval of the plan, evidenced by a duly adopted resolution or the board's unanimous written consent.
- B.** The plan shall describe the common trust fund's operational details, including a description of:
1. The trust department's or trust company's investment powers and investment policy over all funds deposited in the common trust fund,
 2. The manner for allocating the common trust fund's income and losses,
 3. The criteria for admission to or withdrawal from participating in the common trust fund, and
 4. The method for valuing assets in the common trust fund and the frequency of valuation.
- C.** A trust department or trust company shall advise all persons having an interest in its common trust fund of the existence of the plan described in subsection (B), and shall provide a copy of the plan upon request.
- D.** The annual report required under R20-4-805(A) shall include all common trust funds operated by the trust department or trust company.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-815 recodified from R4-4-815 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by

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final rulemaking at 29 A.A.R. 1952 (September 1, 2023),
effective October 8, 2023 (Supp. 23-3).

R20-4-816. Termination of Trust or Fiduciary Powers and Duties

- A.** Any trust department that wants to surrender its trust powers shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust department has no remaining fiduciary duties, the Director shall notify the trust department that it no longer has authority to exercise trust powers.
- B.** Any trust company that wants to surrender its certificate of authority to conduct trust business and wind up its affairs shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. Upon receipt of the resolution or consent, the Director shall cancel the trust company's certificate of authority, and the trust company shall not accept new trust accounts.
- C.** After winding up its affairs, any trust company that wants to surrender its rights and obligations as a fiduciary and remove itself from the Director's supervision shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust company has no further fiduciary duties, the Director shall notify the trust company that it no longer has authority to exercise fiduciary powers.
- D.** Any trust department or trust company that surrenders its powers, rights, obligations, or certificate under this Section or that has them canceled, suspended, or revoked shall continue to be regulated under A.R.S. § 6-864 and this Article until it winds up its affairs. No action under this Section impairs any liability or cause of action, existing or incurred, against any trust department or trust company or its stockholders, directors, or officers.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-816 recodified from R4-4-816 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Appendix A. Repealed**Historical Note**

Appendix A repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

Appendix B. Repealed**Historical Note**

Appendix B repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

ARTICLE 9. MORTGAGE BROKERS**R20-4-901. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-901 recodified from R4-4-901 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-902. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-902 recodified from R4-4-902 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A.** The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices;
 2. The authority to examine a claimant's books and records relating to its mortgage lending activities; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's mortgage lending activities.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-903 recodified from R4-4-903 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-904. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-904 recodified from R4-4-904 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-905. Repealed**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-905 recodified from R4-4-905 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-906. Equivalent and Related Experience

- A.** An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;

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- 6. Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;
- 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
 - 1. Attorney without state bar certified real estate specialty...3:2
 - 2. Paralegal with experience in real estate matters...3:2
 - 3. Loan underwriter...3:2
 - 4. Mortgage broker or mortgage banker from another state without license...3:2
 - 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 - 6. Escrow officer...3:2
 - 7. Trust officer with a title company...3:2
 - 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 - 9. Title officer with a title company...3:1.5
 - 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 - 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 - 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 - 13. Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 - 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-906 recodified from R4-4-906 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-907. Course of Study

- A.** A course of study shall be satisfactorily completed if the applicant has:
 - 1. Attended at least 24 hours of class, and
 - 2. Received a passing grade on the final exam.
- B.** A course of study shall meet all the following requirements:
 - 1. The following items shall be submitted by the school to the Superintendent on an annual basis:

- a. Course materials;
- b. Class content outlines on a session-by-session basis; and
- c. Sample final exam.
- 2. The following subjects shall be taught:
 - a. Mortgage, deed of trust, and security agreement law;
 - b. Negotiable instrument law;
 - c. Mortgage broker law;
 - d. Escrow agent law;
 - e. Recordkeeping requirements of R20-4-917;
 - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
 - g. Ethics;
 - h. Principal and agent law;
 - i. Arithmetical computations common to mortgage brokerage;
 - j. Real estate lending principles;
 - k. Real estate law;
 - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 through 1666j; and
 - m. Securities law.
- 3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.

- C.** The Superintendent shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The Superintendent may audit a course of study at any time. If the Superintendent finds that a course of study is unsatisfactory, or if the Superintendent has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the Superintendent may withhold or suspend approval.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-907 recodified from R4-4-907 (Supp. 95-1).

R20-4-908. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-908 recodified from R4-4-908 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-909. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-909 recodified from R4-4-909 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-910. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-910 recodified from R4-4-910 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-911. Qualified Replacement Responsible Individual

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed

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the course of study required by A.R.S. § 6-903(B)(2) or passed the mortgage broker examination required by A.R.S. § 6-903(B)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in A.R.S. § 6-903(F), but otherwise meets the requirements of A.R.S. § 6-903(B), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the Superintendent grants additional time to the licensee for good cause shown.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-911 recodified from R4-4-911 (Supp. 95-1).

R20-4-912. Restrictions on the Term of a Cash Alternative

If an applicant or a licensee elects to place with the Superintendent a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of A.R.S. § 6-903(J), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-912 recodified from R4-4-912 (Supp. 95-1).

R20-4-913. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-913 recodified from R4-4-913 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-914. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-914 recodified from R4-4-914 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-915 recodified from R4-4-915 (Supp. 95-1).

R20-4-916. Notification of Change of Address

If the address of the principal place of business or of any branch office is changed, the licensee shall notify the Superintendent of the change within five business days after the occurrence of the change of location. Together with such notice, the licensee shall provide to the Department the license for the office changing addresses

together with the fee required by A.R.S. § 6-126 for changing the address of an office. A copy of such license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-916 recodified from R4-4-916 (Supp. 95-1).

R20-4-917. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system;
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied, etc.); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose, including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose, including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;

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- h. Date disbursed;
- i. Disbursement's payee and purpose; and
- j. Balance;
6. A file for each application for a mortgage loan containing:
- a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement, and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
 - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
 - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
8. Copies of governmental or regulatory compliance reviews;
9. If the licensee is not a natural person, a file containing:
- a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter.
- A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E. A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-917 recodified from R4-4-917 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-918. Repealed**
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-918 recodified from R4-4-918 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-919. Deposit of Monies Received by a Mortgage Broker**
- All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be so deposited by 5:00 p.m. on the next business day after receipt of the funds.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-919 recodified from R4-4-919 (Supp. 95-1).
- R20-4-920. Requirements for the Testing Committee**
- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the Superintendent no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the Superintendent shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the Superintendent does not find at least four persons from the list to be acceptable, the Superintendent shall solicit additional nominees from licensees.
- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the Superintendent containing not less than two nominees for each vacancy. The Superintendent shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the Superintendent does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the Superintendent.

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- C. The Superintendent may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the Superintendent.
- E. The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-920 recodified from R4-4-920 (Supp. 95-1).

R20-4-921. Authorizations to Complete Blank Spaces

An authorization, under A.R.S. § 6-909, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-921 recodified from R4-4-921 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-922. Determining Loan Amounts

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be considered and not any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties or compensation retained by the mortgage broker or its agents.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-922 recodified from R4-4-922 (Supp. 95-1).

R20-4-923. Delay or Cause Delay

A mortgage broker shall not be deemed to have delayed or caused delay if such delay occurs due to events outside the control of the mortgage broker.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-923 recodified from R4-4-923 (Supp. 95-1).

R20-4-924. Receipt and Disbursement of Monies

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later

than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during any calendar year.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-924 recodified from R4-4-924 (Supp. 95-1).

R20-4-925. Waiver of Examination and Course of Study

The Superintendent's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-927. Conversion to Commercial Mortgage Broker License

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert his or her license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
 1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and
 2. The information and documents required by A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-928. Certificate of Exemption Application and Renewal

- A. Under A.R.S. § 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.
- B. A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and

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applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).

- C. In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).
- D. The following fees are payable to the Department:
1. To change the name of the federally chartered savings bank on a certificate of exemption: \$250.00.
 2. To change the responsible individual for the exempt entity: \$250.00.
 3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.
 4. To change the address of the federally chartered savings bank on a certificate of exemption: \$50.00.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 10. SAFE DEPOSIT AND SAFEKEEPING CODE**R20-4-1001. Notice of Change of Location of Safe Deposit Repository**

- A. A corporation or association that moves a repository shall give written notice of the location change to the Director and to its customers.
1. A corporation or association shall provide notice of the location change to the Director by mailing the notice required under this subsection by first class mail no less than 30 days before the scheduled moving date. The corporation or association shall include a copy of the notice to customers required under subsection (B).
 2. A corporation or association shall provide notice of the location change to its customers by:
 - a. Publishing notice of the change of location in:
 - i. An English language newspaper of general circulation in the county where the repository will be closed,
 - ii. In a weekly newspaper for two consecutive publications, or
 - iii. In a daily newspaper for three consecutive days; and
 - b. Publishing the notice no more than 90 days, and no less than 30 days, before the scheduled moving date.
- B. The corporation or association shall include all the following information in the notice:
1. The date the corporation or association intends to move the repository,
 2. The earliest date a customer can remove contents and transact other business related to the move,
 3. The latest date a customer can remove contents and transact other business related to the move,
 4. The street address of the repository to be closed, and
 5. The street address of the new repository.

Historical Note

Former Rule 1. R20-4-1001 recodified from R4-4-1001 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 5227, effective February 4, 2003 (Supp. 02-4). Preceding Historical Note entry corrected to read 2003 instead of 2002 (Supp. 03-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 11. PUBLIC DEPOSITORIES FOR PUBLIC MONIES**R20-4-1101. Capital Structure of Banks; Defined**

"Capital structure" as the term is applied to banks under Article 2.1, Chapter 2, Title 35, Arizona Revised Statutes, means the sum of the following reserves and capital accounts of the institution as stated in the institution's report of condition required by the supervisory banking authority for the year end next preceding the institution's bid for deposit:

1. Reserve for bad debt losses on loans,
2. Other reserves on loans,
3. Reserves on securities,
4. Capital notes and debentures,
5. Preferred stock – total par value,
6. Common stock – total par value,
7. Surplus,
8. Undivided profits, and
9. Reserve for contingencies and other capital reserves.

Historical Note

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1101 recodified from R4-4-1101 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1102. Expired**Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1102 recodified from R4-4-1102 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 382, effective February 5, 2020 (Supp. 20-1).

ARTICLE 12. RULES OF PRACTICE AND PROCEDURE BEFORE THE DIRECTOR**R20-4-1201. Scope of Article; Definitions**

- A. Scope. This Article, Title 6, Title 32, Chapters 9 and 36, and Title 44, Chapter 2.1 of the Arizona Revised Statutes govern administrative hearings before the Department. The Department shall use the authority of A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' procedural rules and this Article to govern the initiation and conduct of administrative hearings. In an administrative hearing, special procedural requirements in state statute or another Section in this Article shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' rules, or this Article. Except as otherwise provided in Section R20-4-1220 for rulemaking petitions, this Article does not apply to rulemaking or to investigative proceedings before the Director. Unless expressly applicable by rule or statute, the Arizona Rules of Civil Procedure do not apply to administrative hearings.

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- B.** In addition to the definitions provided in A.R.S. §§ 41-1001 and 41-1092, the following terms apply to this Article:

“Administrative Hearing” means an appealable agency action as defined by A.R.S. § 41-1092(3) or a contested case as defined by A.R.S. § 41-1001(5) subject to A.R.S. Title 41, Chapter 6, Article 10.

“Attorney General” means the Attorney General of Arizona, and the Attorney General’s assistants and special agents.

“Department” means the Arizona Department of Insurance and Financial Institutions – Financial Institutions Division.

“Director” has the meaning stated at A.R.S. § 20-102.

“Party” has the meaning prescribed at A.R.S. § 41-1001(16) and includes any person or entity subject to the jurisdiction of the Department under A.R.S. Title 6, Title 32 - Chapter 9, Title 32 - Chapter 36, and Title 44 - Chapter 2.1.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1201 recodified from R4-4-1201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1202. Appearance and Practice before the Director for Administrative Hearings

- A.** A party may appear on their own behalf or through counsel.
- B.** When an attorney other than the Attorney General appears or intends to appear before the Director or the Department, they shall promptly disclose their name and contact information and the name and contact information of the party on whose behalf they intend to appear.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1202 recodified from R4-4-1202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1203. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1203 recodified from R4-4-1203 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1204. Filing; Service

- A.** A document filed by a party with the Department is filed on the date it is received by the Department as established by the Department’s earliest stamped date on the face of the document or by some other method of affixing a received date by the Department.
- B.** If a party is represented by an attorney, service is effectuated by service upon the attorney unless additional service upon the represented party is required by an administrative law judge or the Department.
- C.** A document is served upon a party as provided for under A.R.S. § 41-1092.04 and Section R2-19-108. A party effectuating service is responsible for producing proof of service if requested by the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1204 recodified from R4-4-1204 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended to correct a typographical error in subsection (B) (Supp. 01-4). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1205. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1205 recodified from R4-4-1205 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1206. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1206 recodified from R4-4-1206 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1207. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1207 recodified from R4-4-1207 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1208. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1208 recodified from R4-4-1208 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1209. Answer to Notice of an Administrative Hearing

- A.** The Department may, in a notice of hearing, direct one or more parties to file a written answer to the allegations contained in the notice of hearing. Even if not directed to do so, any party to the proceeding may file an answer.
- B.** A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Department may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.
- C.** An answer filed under this Section shall briefly state the party’s position or defense to the proceeding and shall specifically admit or deny each of the allegations in the notice of hearing. An answering party who does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an allegation shall state that inability which shall have the effect of a denial. Any allegation not denied is admitted. A party who intends to deny only a part of an allegation, shall expressly admit as much of that allegation as is true and shall deny the remainder.
- D.** A party who fails to file an answer required by this Section within the time allowed is in default. The Director may resolve

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the proceeding against a defaulting party. In doing so, the Director may regard any allegations in the notice of hearing as admitted by the defaulting party.

E. Defenses not raised in the answer are waived.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1209 recodified from R4-4-1209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1210. Stay Pending a Hearing

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Director stay an action or any part of an order that will become effective before a hearing. The Director may, in the Director's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Director grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1210 recodified from R4-4-1210 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1211. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1211 recodified from R4-4-1211 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1212. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1212 recodified from R4-4-1212 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1213. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1213 recodified from R4-4-1213 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1214. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1214 recodified from R4-4-1214 (Supp. 95-1). Section

repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1215. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1215 recodified from R4-4-1215 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1216. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1216 recodified from R4-4-1216 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1217. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1217 recodified from R4-4-1217 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1218. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1218 recodified from R4-4-1218 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1219. Request for Rehearing or Review

- A. Any party aggrieved by an administrative decision may file with the Director within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for the request.
- B. A party filing a motion under this Section may amend the motion at any time before a response to the motion is filed. An amended motion tolls the time for filing a response and the time for rendering a decision on the motion.
- C. A request for rehearing or review which is not timely filed is deemed waived for the purpose of judicial review.
- D. A motion for rehearing or review shall specify which of the grounds listed in subsection (G) it is based upon and shall set forth the specific facts and laws in support of the motion. A motion may cite relevant portions of testimony from the hearing if a transcript is provided with the motion and may cite hearing exhibits by reference to the exhibit number. The motion shall specify the relief sought by the request, such as a different finding of fact, conclusion of law or order and may seek multiple forms of relief in the alternative. When a motion for rehearing or review is based on an affidavit, the moving party shall attach the affidavit to the motion.
- E. A party may file a separate request for a stay of the Director's decision. Filing a stay request or a motion for rehearing or review does not stay an order filed by the Director. The Director may stay an order pending the resolution of a motion for rehearing or review.
- F. Each party served with a motion for rehearing or review shall be permitted to file a written response within 15 days after the motion has been filed. Affidavits may be attached to and filed with a response. A response may cite relevant portions of testimony from the hearing if a transcript is provided with the

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response and may cite hearing exhibits by reference to the exhibit number. The Director has the discretion to hear oral argument to consider a request for rehearing or review.

- G.** The Director may grant a motion for rehearing or review for any of the following causes:
1. Irregularity in the proceedings before the Department, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
 2. Misconduct by the Department, the administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary care;
 4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing; and
 7. The decision is not justified by the evidence or is contrary to law.
- H.** The Director may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (G). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.
- I.** The Director, within the time for filing a motion for rehearing, may without a motion for rehearing, order a rehearing for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.
- J.** The Director may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1219 recodified from R4-4-1219 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1220. Petition for Rulemaking Action

- A.** The following definitions apply in this Section.
1. "Petitioner" means a person who petitions the Department for Rulemaking action as authorized under A.R.S. § 41-1033(A).
 2. "Rule" has the meaning stated at A.R.S. § 41-1001 and is enforceable by the Department.
 3. "Rulemaking action" means the process for formulation and finalization of a new rule, or amendment or repeal of an existing rule.
 4. "Substantive Policy Statement" has the meaning stated at A.R.S. § 41-1001, is advisory only, and is not enforceable by the Department.
- B.** Any person may petition the Department under A.R.S. § 41-1033(A) to either:
1. Make, amend, or repeal a final Rule; or
 2. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule.
- C.** A person who files a petition pursuant to A.R.S. § 41-1033(A), shall include the following information in the petition:
1. The Petitioner's name and contact information;

2. The name and address of any organization the Petitioner represents;
 3. Whether the Petitioner is petitioning the Department to:
 - a. Make, amend, or repeal a final Rule; or
 - b. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule;
 4. A detailed explanation of Petitioner's basis for submitting the petition;
 5. If the Petitioner is petitioning the Department to make a Rule, the language of the proposed new Section and the specific authority for the requested Rulemaking action;
 6. If the Petitioner is petitioning the Department to amend an existing Rule, a citation to the existing Section to be amended, the language of the proposed Rule amendment, and the specific authority for the requested Rulemaking action;
 7. If the Petitioner is petitioning the Department to repeal an existing Rule, a citation to the existing Section or subsection to be repealed, and an explanation of why the Rule should be repealed including, if applicable, how the Rule does not meet the requirements of A.R.S. § 41-1030;
 8. If the Petitioner is petitioning the Department to review an existing agency practice that the Petitioner alleges to constitute a Rule, a description of the Department's practice, an explanation of how the Department's practice constitutes a Rule being enforced by the Department, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action;
 9. If the petitioner is petitioning the Department to review a Substantive Policy Statement that the Petitioner alleges to constitute a Rule, a citation to the Substantive Policy Statement, an explanation of how the Substantive Policy Statement is being enforced by the Department as a Rule, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action; and
 10. The petitioner's dated signature.
- D.** The petitioner may submit additional supporting information, including:
1. Statistical data; and
 2. A list of other persons and entities likely to be affected by the proposed Rulemaking action, with an explanation of the likely effects.
- E.** Within 60 days of the date the Department receives the petition, the Director shall send the petitioner a written decision indicating whether the Department is denying the petition or will initiate the requested Rulemaking action, with the reasons for the decision.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1220 recodified from R4-4-1220 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4). Subsections C(5) through (10), (D) and (E) omitted when codified in Supp. 22-4; the rule text has been published as promulgated at 28 A.A.R. 3620 (Supp. 24-1).

ARTICLE 13. LOAN ORIGINATORS**R20-4-1301. Scope of Article**

This Article applies to:

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1. All loan originating activities of any person licensed under Arizona law as a loan originator, and
2. The conduct of any applicant for a loan originator license.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1302. Course of Study to Qualify for Licensure

- A. The Superintendent shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensing System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- B. An applicant for a loan originator license shall satisfactorily complete a course of study by:
 1. Attending at least 20 hours of instruction, and
 2. Receiving a passing grade of not less than 75 percent correct answers on both the national and Arizona state exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- C. A pre-licensure course of study shall include 20 hours of instruction in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Three hours;
 3. Non-traditional mortgage product lending standards: Two hours;
 4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: Four hours;
 5. The remaining eight hours should be comprised of instruction in:
 - a. The obligations between principal and agent;
 - b. The statutory and regulatory laws governing loan originators;
 - c. Arithmetical computations common to mortgage lending;
 - d. Principles of real estate lending;
 - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
 - f. The terms and conditions of conforming and non-conforming residential mortgages;
 - g. Real estate appraisal; and
 - h. The principles of appraisal independence.
- D. A continuing education course of study shall include eight hours of instruction each year in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending

Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;

2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Two hours;
3. Non-traditional mortgage product lending standards: Two hours;
4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: One hour.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1303. Financial Responsibility

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and paying to the Superintendent, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to A.R.S. § 6-991.03(B)(6); or
2. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(6).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1304. Fees

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to A.R.S. § 6-126(A)(33): \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G): \$150,
4. Transfer license to new employer fee pursuant to A.R.S. § 6-126(A)(34): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

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Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1305. Practice and Procedure

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the Superintendent) for challenging information the Superintendent enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section repealed; new Section made by renewed emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

ARTICLE 14. INVESTIGATIONS**R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. "Examination" means reviewing an applicant's or licensee's operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. "Investigation" means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity's operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. "Licensee" means a financial institution or enterprise licensed with the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1401 repealed, new Section R4-4-1401 renumbered from R4-4-1402 and amended effective August 14, 1991 (Supp. 91-3). Amended effective August 14, 1991 (Supp. 91-3). R20-4-1401 recodified from R4-4-1401 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1402. Repealed**Historical Note**

Former Section R4-4-1402 renumbered to R4-4-1401, new Section R4-4-1402 adopted effective August 14, 1991 (Supp. 91-3). R20-4-1402 recodified from R4-4-1402 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4).

R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director's Subpoena Power

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General's office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1403 repealed, new Section R4-4-1403 renumbered from R4-4-1407 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1403 recodified from R4-4-1403 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1404. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1404 recodified from R4-4-1404 (Supp. 95-1).

R20-4-1405. Background Information

- A. In connection with an examination or investigation, the Director may investigate the following persons' background:
 1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
 2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).
- B. In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1405 repealed, new Section R4-4-1405 renumbered from R4-4-1409 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1405 recodified from R4-4-1405 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1406. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1406 recodified from R4-4-1406 (Supp. 95-1).

R20-4-1407. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1403 effective August 14, 1991

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(Supp. 91-3). R20-4-1407 recodified from R4-4-1407 (Supp. 95-1).

final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1408. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1408 recodified from R4-4-1408 (Supp. 95-1).

R20-4-1409. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Renumbered to R4-4-1405 effective August 14, 1991 (Supp. 91-3). R20-4-1409 recodified from R4-4-1409 (Supp. 95-1).

R20-4-1410. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1410 recodified from R4-4-1410 (Supp. 95-1).

ARTICLE 15. COLLECTION AGENCIES**R20-4-1501. Definitions**

In this Article, unless the context otherwise requires:

1. "Account" means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client's behalf.
2. "Active Manager" means the person who is in active management of the conduct of the collection agency's business, and who meets the qualifications listed in A.R.S. § 32-1023(A).
3. "Client" means a person who has hired a collection agency to collect a debt.
4. "Collection agency" has the meaning in A.R.S. § 32-1001(2).
5. "Contact" means to communicate with, and includes attempted communications.
6. "Credit bureau" or "credit reporting agency" means any person engaged exclusively in the business of gathering, recording, and disseminating information about the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension.
7. "Creditor" means a person who offers or extends credit creating a debt, or to whom a debt is owed. The term does not include a person that receives an assignment or transfer of a defaulted debt solely for use in collecting the debt for someone else.
8. "Debt" means a debtor's actual or claimed obligation to pay money, whether or not the obligation has been reduced to judgment.
9. "Debtor" means a person obligated to pay a debt. The term also means a person claimed to be obligated to pay a debt.
10. "Director" has the meaning stated at A.R.S. § 20-102.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1501 recodified from R4-4-1501 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by

R20-4-1502. Applications

- A. An applicant for a license shall complete and file an application, as required by the Department, by delivering the application to the Director, together with the following documents and payment:
 1. The bond required by A.R.S. § 32-1021;
 2. The nonrefundable investigation fee and original license fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126;
 3. A current financial statement in the form required by the Department;
 4. A certified copy of the current articles of incorporation, by-laws, partnership agreement, or other organizational documents under which the applicant proposes to conduct business; and
 5. A statement of personal history for each principal officer, partner, and manager of the applicant, in the form required by the Department.
- B. An out-of-state collection agency applying for a license under A.R.S. § 32-1024 shall complete and file the application required by subsection (A), together with a signed statement declaring that:
 1. The requirements for securing the out-of-state license were, when issued, substantially the same or equivalent to the requirements imposed under A.R.S. Title 32, Chapter 9, Article 2. The statement shall also contain a complete description of those requirements.
 2. The state issuing the out-of-state license extends reciprocity to Arizona licensees under similar circumstances. The statement shall also contain a complete description of the conditions for reciprocity in the other state.
- C. A licensee applying for license renewal shall complete and file an application, as required by the Department, by delivering the renewal application to the Director before January 1, together with the renewal fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126. An application for renewal shall also include a current financial statement in the form required by the Department.
- D. An applicant for a provisional license under A.R.S. § 32-1027 shall complete and file an application as required by the Department, by delivering the application to the Director within 30 days of the event justifying a provisional license. The applicant shall deliver the application together with each of the following:
 1. A bond that satisfies the requirements of A.R.S. § 32-1022;
 2. A current financial statement as required by the Department;
 3. A detailed description of the facts justifying the issuance of a provisional license; and
 4. Evidence that the licensee notified the Director as required by A.R.S. § 32-1023, in the event the licensee has terminated its active manager.
- E. An applicant for a provisional license shall, in each instance, be appropriate to the circumstances justifying the provisional license, as follows:
 1. A licensee's personal representative, or the personal representative's appointee, shall complete and file an application if the licensee, a natural person, has died;
 2. The surviving partners shall complete and file an application if the licensee, a partnership, has dissolved;

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3. A licensee shall complete and file an application if an active manager's employment was terminated.
 - F. An applicant for a provisional license shall clearly label the top of the first page with the heading "APPLICATION FOR PROVISIONAL LICENSE UNDER A.R.S. § 32-1027."
 - G. The Director may require additional information the Director considers necessary in connection with any application under this Section.
4. A trust general ledger reflecting all deposits to and payments from a trust account. A licensee shall post transactions to its trust general ledger at least every five business days. A licensee shall bring its trust general ledger current within 24 hours when requested by the Director.
 5. The licensee's trust account reconciliation, prepared at least once a month.
 6. Books, records, and files maintained so that the Director can easily conduct an unannounced spot check, as well as the examinations and investigations required by A.R.S. §§ 6-122 and 6-124.
 7. A copy of all pleadings in pending litigation that names the collection agency as a defendant.
 8. A record of fictitious names used by the agency's debt collectors as required by R20-4-1520.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1502 recodified from R4-4-1502 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1503. Reports

A collection agency shall notify the Director in writing of any change in the officers, directors, partners, or active manager of the collection agency not more than 10 days after the change. With the notice, the collection agency shall provide the Director with a Statement of Personal History for each new officer, director, partner, or active manager on a form obtained from the Department.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1503 recodified from R4-4-1503 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1504. Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. All licensees shall keep and maintain books, accounts, and records adequate to provide a clear and readily understandable record of all business conducted by the collection agency, including:
 1. Records or books of account listing all clients' accounts. Each account shall reflect its true condition at each calendar month's end, and shall include:
 - a. The client's name and address;
 - b. Each debtor's name worked for collection in that month;
 - c. The amount, description, and date of each debit and each credit to the account; and
 - d. The balance due to, or owing from, the client.
 2. A record and history of each debt for collection that clearly shows:
 - a. The debtor's name;
 - b. The debt's principal amount;
 - c. The interest charged or collected;
 - d. The amount, and description, of any other charges;
 - e. The amount, and date, of each payment received or collected; and
 - f. The current balance due on the debt.
 3. An original of each written contract between the licensee and a client, including any contract amendments.

- C. A person issuing a receipt for a collection agency shall sign the receipt using that person's true name. Each receipt shall also show the collection agency's name.
- D. A licensee shall maintain all records required under this Section and shall make them available for examination, investigation, or audit in Arizona within three working days after the Director demands the records.
- E. A licensee shall retain the records required by this Section for the following periods:
 1. A licensee shall retain all records described in subsections (B)(1), and (B)(3) through (8) for at least seven years following their creation.
 2. A licensee shall retain all records described in subsection (B)(2) for at least three years from an account's assignment to the licensee. If a licensee collects any money on an account, the licensee shall retain the records described in subsection (B)(2) for at least three years from the last collection date.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1504 recodified from R4-4-1504 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1505. Trust Account

- A. A licensee that maintains an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in Arizona. A licensee that does not maintain an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in the state where the licensee maintains its principal office. A licensee shall deposit all client funds before the close of its business on the third business day after the licensee receives the funds. Client funds shall remain on deposit as required by this Section until:
 1. Paid over to a client, or
 2. Otherwise paid as provided in this Section.
- B. A licensee shall pay funds from the trust account either:
 1. By prenumbered printed checks, or
 2. By electronic payment.
- C. A licensee shall deposit in its trust account only the funds it has collected for its client. A licensee, its officers, directors, partners, managers, members, or employees shall not commin-

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gle, or permit the commingling of, their own funds with client funds. This prohibition includes any funds that a licensee, or any officer, director, partner, manager, member, or employee claims an interest in if that interest arises outside the licensee's contract with a client.

- D. A licensee shall keep unpaid client funds in its trust account. A licensee may maintain a separate trust account for dormant accounts into which the licensee deposits unpaid funds such as those of a client that cannot be located, or any trust account check issued to a client that is returned without being negotiated. As to all those unpaid funds, under A.R.S. § 44-307, a licensee shall file an abandoned property report at the Arizona Department of Revenue as and when required by law.
- E. A licensee shall withdraw from its trust account all fees and commissions due the licensee under its contract with a client and deposit them directly into its own operating account.
- F. A licensee shall not pay funds from its trust account except as:
 1. Provided in this Section,
 2. Expressly authorized in its contract with a client, or
 3. Authorized in writing by the Director.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1505 recodified from R4-4-1505 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1506. Articles of Incorporation; Bylaws; Organizing Documents

- A. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Director, an officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.
- B. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C. A collection agency not organized as a corporation shall file with the Director a copy of each amendment to its organizing documents within 10 days after the amendment is adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1506 recodified from R4-4-1506 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1507. Representations of Collection Agency's Identity

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency,

2. A collection agency shall not directly or indirectly claim to be a credit reporting agency or credit bureau if it is not,
3. A collection agency shall not directly or indirectly claim to be a law enforcement agency, and
4. A collection agency shall not directly or indirectly claim to be a law firm.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1507 recodified from R4-4-1507 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1508. Representations of the Law

A collection agency shall not:

1. Misrepresent the state of the law to a debtor;
2. Send a debtor written material that simulates legal process; or
3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1508 recodified from R4-4-1508 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required

- A. A collection agency shall not threaten to collect, or attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B. A collection agency shall not inform a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C. A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D. A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E. A collection agency shall not file a lawsuit against a debtor unless the lawsuit is filed by an attorney who has no personal or financial interest in the collection agency filing the lawsuit against the debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1509 recodified from R4-4-1509 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1510. Representations as to Rights Waived or Rem-

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Remedies Available

- A.** A collection agency shall not inform a debtor that:
1. The debtor waives any legal right or legal defense by a failure to contact the collection agency, and
 2. The collection agency has the power or right to bypass the legal process.
- B.** A collection agency shall not misrepresent the remedies available to the collection agency.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1510 recodified from R4-4-1510 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1511. Prohibition of Harassment

- A.** A collection agency shall not use unauthorized or oppressive tactics designed to harass any person to pay a debt.
- B.** A collection agency shall not use written or oral communications that ridicule, disgrace, or humiliate any person, or tend to ridicule, disgrace, or humiliate any person.
- C.** A collection agency shall not state, imply, or tend to imply, in written or oral communications, that any person is guilty of fraud or any other crime.
- D.** A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.
- E.** A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1511 recodified from R4-4-1511 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1512. Contacts with Debtors and Others

- A.** A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.
- B.** A collection agency shall not threaten to or contact a third party, including a debtor's friend, relative, neighbor, or employer and:
1. Inform the third party of the debt;
 2. Ask the third party to pressure the debtor into paying the debt; or
 3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C.** Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1512 recodified from R4-4-1512 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1513. Cessation of Communication with the Debtor

- A.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through the debtor's lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.
- B.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or
 2. Wants the collection agency to stop all further communication with the debtor.
- C.** Despite the provisions of subsection (B), a collection agency may contact a debtor to inform the debtor that:
1. The collection agency has stopped trying to collect the debt, or
 2. The collection agency or the creditor may invoke specific remedies that are customarily used by the collection agency or the creditor.
- D.** The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1513 recodified from R4-4-1513 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1514. Disclosure of Information to Debtor

- A.** Within five days after the initial communication with the debtor, a collection agency shall obtain and be able to inform the debtor of:
1. The name of the creditor;
 2. The time and place of the creation of the debt;
 3. The merchandise, services, or other value provided in exchange for the debt; and
 4. The date when the account was turned over to the collection agency by the creditor.
- B.** A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection (A).
- C.** At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection (A).

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978

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(Supp. 78-6). R20-4-1514 recodified from R4-4-1514 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1515. Aiding and Abetting

A collection agency shall not help or encourage, directly or indirectly, any person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1515 recodified from R4-4-1515 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1516. Advertising

A collection agency shall not use any form of communication to state or imply that the collection agency is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1516 recodified from R4-4-1516 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1517. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1517 recodified from R4-4-1517 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2).

R20-4-1518. Agreements with Clients

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court, or to practice law in any other way, is void and prohibited by this Section. The records for an account shall separately state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,

3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1518 recodified from R4-4-1518 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1519. Licensee Names and Control

- A.** The Department shall not issue a license with a name that is:
1. Similar to, or that may be confused with, any federal, state, county, or municipal government function or agency;
 2. Descriptive of any business activity that the applicant does not actually conduct;
 3. The same as, or similar to, the name of any existing collection agency, or
 4. Otherwise deceptive or misleading.
- B.** The Department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the existing collection agency.
- C.** A collection agency shall not use a collection agency license to do business under more than one name. Each collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1519 recodified from R4-4-1519 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1520. Representations of Collection Agency Employees' Identity or Position

- A.** A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:
1. Misrepresent the person's true position with the collection agency;
 2. Claim to be, or imply that the person is, an attorney unless the person is licensed to practice law;
 3. Claim to be, or imply that the person is, a public official, peace officer, or any other type of public employee; or
 4. Claim to be, or imply that the person is, any other third party.
- B.** In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.
- C.** A collection agency shall keep a record of all fictitious names used by its debt collectors during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the Department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:
1. The true name of each debt collector that uses a fictitious name;

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2. Each fictitious name used by the debt collector, together with the dates when the name is used; and
3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1520 recodified from R4-4-1520 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1521. Duty of Investigation

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney upon request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

1. The debtor has been misidentified,
2. The debt has been paid,
3. The debt has been discharged in bankruptcy, or
4. Based on any other reasonable claim, the debt is not owed.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1521 recodified from R4-4-1521 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1522. Reserved**R20-4-1523. Reserved****R20-4-1524. Reserved****R20-4-1525. Reserved****R20-4-1526. Reserved****R20-4-1527. Reserved****R20-4-1528. Reserved****R20-4-1529. Reserved****R20-4-1530. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1530 recodified from R4-4-1530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4).

ARTICLE 16. ACQUIRING CONTROL OF FINANCIAL INSTITUTIONS**R20-4-1601. Definitions**

In addition to the definitions provided in A.R.S. § 6-141, the following terms apply to this Article unless the context otherwise requires:

“Acquiring party” means a person who intends to acquire control of a bank, trust company, savings and loan association, or controlling person under A.R.S. Title 6, Chapter 1, Article 4.

“Bank” has the meaning stated in A.R.S. § 6-101.

“Director” has the meaning stated in A.R.S. § 6-101(7).

“Savings and loan association” means a person required to possess a permit issued by the Director under A.R.S. Title 6, Chapter 3.

“Target company” means a bank, savings and loan association, trust company, or controlling person to be acquired by an acquiring party.

“Trust company” has the meaning stated in A.R.S. § 6-851.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1601 recodified from R4-4-1601 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1602. Application for Approval to Acquire Control of Financial Institution

A. An applicant seeking approval to acquire control of a bank, savings and loan association, or controlling person of a bank or savings and loan association, under A.R.S. Title 6, Chapter 1, Article 4, shall file with the Director copies of all application documents filed with federal regulatory agencies in connection with the planned acquisition of control.

B. As used in this subsection, “executive officer” includes the chairman of the board, president, each vice president, cashier, secretary, treasurer, and every other person who participates in major policymaking functions of the applicant. Under A.R.S. § 6-145(A), an applicant seeking approval to acquire control of a trust company or controlling person of a trust company, under A.R.S. Title 6, Chapter 1, Article 4 shall supply all information the Director requires under this subsection. The Director may require an applicant to supplement or amend its application based on issues raised by the initial submission. The initial application shall consist of the following items:

1. A copy of the signed purchase agreement;
2. The applicant's audited financial statement;
3. A personal history statement, on a form supplied by the Department, for each executive officer and each director of the acquiring party;
4. Each executive officer's and each director's personal financial statement;
5. A full set of fingerprints for each executive officer and each director; and
6. A copy of each executive officer's and each director's driver's license.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1602 recodified from R4-4-1602 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1603. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1603 recodified from R4-4-1603 (Supp. 95-

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- 1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

R20-4-1604. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1604 recodified from R4-4-1604 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

ARTICLE 17. ARIZONA INTERSTATE BANK AND SAVINGS AND LOAN ASSOCIATION ACT**R20-4-1701. Definitions**

In addition to the definitions provided in A.R.S. § 6-321, the following terms apply to this Article unless the context otherwise requires:

“Applicant” means an out-of-state financial institution that intends to acquire control of an in-state financial institution.

“Director” has the meaning stated in A.R.S. § 6-101(7).

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1701 recodified from R4-4-1701 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1702. Notice to the Director of Intent to Acquire Control of an In-state Financial Institution; Surrender of an Acquired Financial Institution’s Charter

- A. An applicant shall give written notice of an acquisition to the Director in the form of a courtesy copy of its federal application. The acquiring entity shall ensure that the notice is delivered to the Director not less than ten days before the effective date of the acquisition. No other application is required under the provisions of A.R.S. Title 6, Chapter 2, Article 7, the Arizona Interstate Bank and Savings and Loan Association Act. The Director may impose conditions on an acquisition under the authority of A.R.S. §§ 6-324 and 6-328.
- B. An acquired in-state financial institution shall surrender, by delivery to the Director, all permits and certificates issued by the Director within ten days after the effective date of the acquisition unless the acquired institution intends to continue operating, after the acquisition, as a stand-alone subsidiary under the authority of its existing Arizona banking permit.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1702 recodified from R4-4-1702 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1703. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1703 recodified from R4-4-1703 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1704. Public Notice

- A. An applicant shall transmit to the Director one copy of each notice and the publisher’s affidavit of publication required by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.
- B. An applicant shall provide the Director copies of any protests known to have been received by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1704 recodified from R4-4-1704 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1705. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1705 recodified from R4-4-1705 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1706. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1706 recodified from R4-4-1706 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

ARTICLE 18. MORTGAGE BANKERS**R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. § 6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant’s accounting and recordkeeping practices;
 2. The authority to examine a claimant’s books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant’s mortgage banking activities, mortgage lending activities, or both.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1802. Equivalent and Related Experience

- A. An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.

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1. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
2. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
5. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
6. Mortgage broker with license from another state, or responsible individual for the mortgage broker;
7. Attorney certified by any state as a real estate specialist.

B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).

1. Attorney without state bar certified real estate specialty...3:2
2. Paralegal with experience in real estate matters...3:2
3. Loan underwriter...3:2
4. Mortgage banker or mortgage broker from another state without license...3:2
5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
6. Escrow officer...3:2
7. Trust officer with a title company...3:2
8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
9. Title officer with a title company...3:1.5
10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
13. Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent at least five business days before the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-1806. Recordkeeping Requirements

A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:

1. Any approved computer or mechanical system back to a paper-based system; or
2. An approved mechanical system to a computer system; or
3. An approved computer system to a mechanical system.

B. In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:

1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;

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2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
 6. A file for each application for a mortgage banking loan or a mortgage loan containing:
 - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and;
 - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
 7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
 12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them;
 13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
 14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1807. Providing Copies of Records

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement;
4. The final truth-in-lending disclosure;
5. The note;
6. The executed deed of trust or mortgage; and
7. Each assignment of beneficial interest by the mortgage banker licensee.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1808. Authorization to Complete Blank Spaces

An authorization, under A.R.S. § 6-947, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1809. Determining Loan Amounts

The amount of a mortgage banking loan or a mortgage loan under A.R.S. § 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker or its agents.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1810. Delay or Cause Delay

A mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the mortgage banker.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1811. Impound Account

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed 1/6th of the estimated total annual payments from the impound account.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1813. Conversion to Mortgage Broker License

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal documents and renewal fees required by A.R.S. §§ 6-126 and 6-903 for mortgage brokers.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS**R20-4-1901. Exemption for an Institutional Investor**

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;
3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
5. The claimant makes only loans of more than \$250,000.

B. If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid, and that person shall not engage in any lending activity before obtaining a license.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

A. The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a "commercial mortgage loan," as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its commercial mortgage lending activities;
3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's commercial mortgage lending activities.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1903. Equivalent and Related Experience

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the

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three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Commercial mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 2. Mortgage broker with Arizona license, or Responsible Individual or branch manager for a licensee;
 3. Mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 4. Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;
 5. Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;
 6. Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;
 7. Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;
 8. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 9. Attorney certified by any state as a real estate specialist.
- B.** The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

A Person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One Person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1906. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent within five business days after the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1907. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose, and
 - j. Balance.

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6. A file for each application for a commercial mortgage loan containing:
- The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
 - The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
 - Correspondence sent, received, or both by the licensee;
 - Contract, agreement, and escrow instructions to or with any depository;
 - If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and
 - Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee.
7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
8. Copies of governmental or regulatory reviews;
9. If the licensee is a not a natural person, a file containing:
- Organizational documents for the entity;
 - Minutes;
 - A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction.
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action.
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
- The date a licensee receives a written cancellation notice from the applicant; or
 - The date a licensee mails written notice to an applicant that an application has been denied; or
 - The date of a licensee's internal memorandum closing a loan file.
- E. A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1908. Impound Accounts**
The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a Cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1909. Authorization to Complete Blank Spaces**
An authorization, under A.R.S. § 6-984, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:
- Specifically identify the document and the blank spaces to be completed;
 - Be in writing, dated, and signed by the authorizing party, and
 - Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1910. Delay or Cause Delay**
A commercial mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner**
A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Historical Note

New Section adopted by final rulemaking at 5 A.A.R.

2094, effective June 10, 1999 (Supp. 99-2).

Department of Insurance and Financial Institutions

Title 20. Commerce, Financial Institutions, and Insurance

Chapter 4. Department of Insurance and Financial Institutions –

Financial Institutions

Article 9. Mortgage Brokers

Authorizing Statute

6-123. Deputy director; powers

In addition to the other powers, express or implied, the deputy director may:

1. Exercise all powers that are necessary for the administration and enforcement of the laws and rules relating to financial institutions and enterprises.
2. In accordance with title 41, chapter 6, adopt rules that are necessary or appropriate to administer, enforce and accomplish the purposes of this title and adopt rules and issue orders that limit transactions between financial institutions or enterprises and the directors, officers or employees of the financial institutions or enterprises.
3. Require appropriate records, documents, information and reports from any financial institution or enterprise.
4. Submit to the department of public safety, or the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor, the name and fingerprints of any applicant, licensee, active manager or responsible individual or the name and fingerprints of any organizer, director or officer of any corporate applicant or licensee for:
 - (a) A banking permit.
 - (b) Permission to organize a savings and loan association or credit union.
 - (c) Any license.
 - (d) Any certificate.
 - (e) Authority to engage in interstate banking and branching in this state.

The department of public safety shall report the criminal record, if any, of such applicant, licensee or organizer, director or officer of such corporate applicant or licensee within ninety days after receiving the deputy director's request.

5. Employ appraisers to appraise any property that is owned or held as security by any financial institution or enterprise. The reasonable expenses and compensation of such appraisers shall be paid by the financial institution or enterprise.

6. Hold membership in, pay dues to and attend the convention of the national and regional organizations of state officials occupying like offices or performing similar functions.

7. Cooperate with other regulatory agencies and professional associations to promote the efficient, safe and sound operation and regulation of interstate banking and branching activities, including the formulation of interstate examination policies and procedures and the drafting of model rules and agreements.

8. Participate in the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116), or its successor, and use the system for all aspects of licensure pursuant to this title, title 32, chapter 9 and title 44, chapter 2.1. The deputy director may allow the system to collect licensing fees on behalf of the deputy director, to collect a processing fee for the services of the system directly from each applicant for a license or licensee and to process and maintain records on behalf of the deputy director, including information collected pursuant to this section and section 6-123.01. This paragraph does not affect the records disclosure requirements and limitations prescribed in section 6-129.01.

Implementing Statutes

6-126. Application fees for financial institutions and enterprises

A. The following nonrefundable fees are payable to the department with the filing of the following:

1. To apply for a banking permit, \$1,000.
2. To apply for an amendment to a banking or savings and loan association permit, \$1,000.
3. To establish each banking branch office, \$750.
4. To move a banking office to other than an established office of a bank, \$1,000.
5. To apply for a savings and loan association permit, \$5,000.
6. To establish each savings and loan association branch office, \$1,500.
7. To move an office of a savings and loan association to other than an established office, \$1,000.
8. To organize and establish a credit union, \$100.
9. To establish each credit union branch or to move a credit union office to other than an established office of a credit union, \$250.
10. To organize and establish any other financial institutions for which an application or investigation fee is not otherwise provided by law, \$1,000.
11. To acquire control of a financial institution other than a consumer lender, \$5,000.
12. To apply for a trust company license, \$1,000.
13. To apply for a commercial mortgage banker, mortgage banker, escrow agent or consumer lender license, \$1,000.
14. To apply for a mortgage broker, commercial mortgage broker, sales finance company or debt management company license, \$500.
15. To apply for a collection agency license, \$1,500.
16. To apply for a branch office of an escrow agent, consumer lender, commercial mortgage banker, mortgage banker or trust company, \$500.

17. To apply for a branch office of a mortgage broker, commercial mortgage broker, debt management company or sales finance company, \$250.
18. To apply for approval for the merger or consolidation of two or more financial institutions, \$5,000 per institution.
19. To apply for approval to convert from a national bank or federal savings and loan charter to a state chartered institution, \$1,000.
20. To apply for approval to convert from a federal credit union to a state chartered credit union, \$500.
21. To apply for approval to merge or consolidate two or more credit unions, \$500 per credit union.
22. To change the licensee name on a financial institution or enterprise license, except for a loan originator or appraiser license, not more than \$250.
23. To apply for a license pursuant to chapter 12, article 1 of this title, \$1,500 plus \$25 for each branch office and authorized delegate to a maximum of \$4,500.
24. To acquire control of a person that is licensed pursuant to chapter 12, article 1 of this title or a controlling person pursuant to chapter 12 of this title, \$2,500.
25. To receive the following publications:
 - (a) Quarterly bank and savings and loan statement of condition, not more than \$10 per copy.
 - (b) Monthly summary of actions report, not more than \$5 per copy.
 - (c) A list of licensees, a monthly pending actions report and all other in-house prepared reports or listings made available to the public, not more than \$1 per page.
26. To apply for a loan originator license, an amount to be determined by the deputy director.
27. To apply for a loan originator license transfer, an amount to be determined by the deputy director.
28. To apply for a conversion from a mortgage banker license to a mortgage broker license, an amount to be determined by the deputy director.
29. For a premium finance company, \$300 plus \$300 for each branch office.
30. For an advance fee loan broker, \$50.

B. On application for a license or permit for an enterprise or consumer lender, the applicant shall pay the first year's annual assessment listed in subsection D of this section, prorated according to the number of quarters remaining until the date of the next annual assessment or renewal. If the result of the application ends in a denial, the department shall refund the prorated annual assessment that the applicant paid. Annual renewal fees are nonrefundable.

C. On issuance of a license or permit for a financial institution, the department shall collect the first year's annual assessment or renewal fee for the financial institution, except for a consumer lender that paid on application, prorated according to the number of quarters remaining until the date of the next annual assessment or renewal.

D. The following annual assessments and renewal fees shall be paid each year:

1. For an escrow agent or trust company, \$1,000 plus \$250 for each branch office.
2. For a debt management company or sales finance company, \$500 plus \$200 for each branch office.
3. For a collection agency, \$600.
4. For an inactive mortgage broker or commercial mortgage broker, \$250.
5. For a mortgage banker that negotiates or closes in the aggregate one hundred loans or less in the immediately preceding calendar year, \$750, and for a mortgage banker that negotiates or closes in the aggregate over one hundred loans in the immediately preceding calendar year, \$1,250. In addition, a mortgage banker shall pay \$250 for each branch office.
6. For a commercial mortgage banker, \$1,250. In addition, a commercial mortgage banker shall pay \$250 for each branch office.
7. For a mortgage broker or commercial mortgage broker that negotiates or closes in the aggregate fifty loans or less in the immediately preceding calendar year, \$250 and for a mortgage broker or commercial mortgage broker that negotiates or closes in the aggregate more than fifty loans in the immediately preceding calendar year, \$500. In addition, a mortgage broker or commercial mortgage broker shall pay \$200 for each branch office.
8. For a consumer lender, \$1,000 plus \$200 for each branch office.
9. For a licensee pursuant to chapter 12, article 1 of this title, \$500 plus \$25 for each branch office and each authorized delegate to a maximum of \$2,500.
10. For a loan originator, an amount to be determined by the deputy director.
11. For a loan originator change to inactive status, an amount to be determined by the deputy director.

12. For a premium finance company, \$300 plus \$300 for each branch office.
13. For an advance fee loan broker, \$25.

6-901. Definitions

In this article, unless the context otherwise requires:

1. "Affiliate" means an entity which directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the entity specified.
2. "Commercial mortgage broker" means a person who for compensation or in the expectation of compensation either directly or indirectly makes, negotiates or offers to make or negotiate a commercial mortgage loan.
3. "Commercial mortgage loan" means a loan that is directly or indirectly secured by a mortgage or deed of trust or any lien interest on commercial property and that is created with the consent of the owner of the commercial property.
4. "Commercial property" means real property that is not a residential dwelling of one to four units.
5. "Compensation" means anything of value or any benefit, including points, commissions, bonuses, referral fees, loan origination fees and other similar fees but excluding periodic interest resulting from the application of the note rate of interest to the outstanding principal balance remaining unpaid from time to time.
6. "Continuing education unit" means a fifty minute period of time in a continuing education course that relates to the mortgage industry or to mortgage transactions, including courses taken to maintain recognized industry designations.
7. "Generally accepted accounting principles" means United States generally accepted accounting principles issued by the financial accounting standards board or the international financial reporting standards issued by the international accounting standards board.
8. "Investor" means a person who lends or invests money in mortgage loans.
9. "License" means a license issued under this article.
10. "Licensee" means a person licensed under this article.
11. "Loan originator" has the same meaning prescribed in section 6-991.
12. "Mortgage broker" means a person who is not exempt under section 6-902 and who for compensation or in the expectation of compensation either directly or indirectly makes, negotiates or offers to make or negotiate a mortgage loan.

13. "Mortgage loan" means a loan secured by a mortgage or deed of trust or any lien interest on real estate located in this state created with the consent of the owner of the real estate.

14. "Mortgage loan closing" means the day by which all documents relating to the mortgage loan have been executed and recorded and all monies have been accounted for under the terms of the escrow instructions.

15. "Residential mortgage loan" means a mortgage loan that has security in the form of a residential dwelling of one to four units.

6-902. Exemptions

A. This article does not apply to:

1. A person who does business under any other law of this state, or law of any other state while regulated by a state agency of such other state or the United States, relating to banks, savings banks, trust companies, savings and loan associations, profit sharing and pension trusts, credit unions, insurance companies or consumer lenders, or receivership, including directly or indirectly making, negotiating or offering to make or negotiate a mortgage loan if the mortgage transactions are regulated by the other law or are under the jurisdiction of a court. Subsidiaries and service corporations of these institutions shall not be exempt and shall be subject to the provisions of this article unless preempted by federal law.

2. A person who makes a mortgage loan:

(a) With his own monies.

(b) For his own investment.

(c) Without intent to resell.

(d) And is not engaged in the business of making mortgage loans.

3. A person who funds a mortgage loan which has been originated and processed by a licensee, by a mortgage banker licensed in this state or by a person exempt under paragraph 1 of this subsection and who meets all of the following:

(a) Does not maintain a place of business in this state in connection with funding mortgage loans.

(b) Does not directly or indirectly solicit borrowers in this state for the purpose of making mortgage loans.

(c) Does not participate in the negotiation of mortgage loans.

4. A person who, as seller of real property, receives one or more mortgages or deeds of trust as security for a purchase money obligation.

5. A person who is licensed to practice law in this state, but is not actively and principally engaged in the business of negotiating mortgage loans, if this person renders services in the course of his practice as an attorney at law.

6. A person who receives a mortgage or deed of trust on real property as security for an obligation payable on an installment or deferred payment basis and arising out of materials furnished or services rendered in the improvement of that real property or any lien created without the consent of the owner of the real property.

7. A person who is licensed pursuant to article 2 or 3 of this chapter.

8. An agency of any state or of the United States.

9. A nonprofit federally tax exempt corporation certified by the United States small business administration and organized to promote economic development within this state whose primary activity consists of providing financing for business expansion.

10. An institutional investor as defined in section 6-971 unless the institutional investor makes a mortgage loan other than a commercial mortgage loan as defined in section 6-971.

B. For the purposes of:

1. Subsection A, paragraph 3 of this section, "originate" includes loans closed in a name other than that of the licensee, a mortgage banker licensed in this state or exempt person only if the person in whose name the loan is closed meets the other requirements of subsection A, paragraph 3 of this section.

2. Subsection A, paragraph 3, subdivision (c) of this section, "negotiation of mortgage loans" does not include setting the terms under which a person may buy a mortgage loan originated by a licensee or a person exempt under subsection A, paragraph 1 of this section.

6-902.01. Exemption; responsible individual; fees; revocation; rules

A. A parent company may apply for and be granted a certificate of exemption on behalf of an entity that allows a responsible individual, as prescribed in section 6-903, subsection H, to reside out of state if the responsible individual meets the following criteria:

1. Is a natural person.

2. Meets all of the requirements pursuant to this article.

3. Receives notification from the parent company that the parent company was granted a certificate of exemption by the director.

B. The parent company must apply on behalf of the entity and submit an attestation form as prescribed by the director that the parent company meets all of the following requirements:

1. Maintains a physical presence in this state.
 2. Does not have any disciplinary actions by the department.
 3. Has a class of securities registered with the United States securities and exchange commission.
- C. The applicant shall pay all applicable fees as prescribed in rule.
- D. The director may revoke the certificate if the director finds either of the following:
1. The interests of the consumer are not met.
 2. The requirements of the responsible individual prescribed by this section are not met.
- E. The duration of the certificate of exemption is continuous during the license period unless the certificate of exemption is revoked pursuant to this section.
- F. If the director denies the application for or revokes a certificate of exemption, the director shall issue an order outlining the findings of fact, conclusions of law and reasons for the denial or revocation. The applicant has a right to a hearing pursuant to title 41, chapter 6, article 10.
- G. The director may prescribe rules to carry out this section.

6-903. Licensing of mortgage brokers required; qualifications; application; bond; fees; renewal

- A. A person shall not act as a mortgage broker if the person is not licensed under this article. A person who brokers only commercial mortgage loans shall obtain either a mortgage broker license or a commercial mortgage broker license. A person who brokers residential mortgage loans shall obtain a mortgage broker license.
- B. The deputy director shall not grant a mortgage broker's license or a commercial mortgage broker's license to a person, other than a natural person, that is not registered to do business in this state on the date of granting the license.
- C. An applicant for an original mortgage broker's license shall:
1. Have not less than three years' experience as a mortgage broker or loan originator or equivalent lending experience in a related business during the five years immediately preceding the time of application.
 2. Have satisfactorily completed a course of study approved by the deputy director during the three years immediately preceding the time of application.
 3. Have passed a mortgage broker's test pursuant to section 6-908.
- D. An applicant for an original commercial mortgage broker's license shall:

1. Have not less than three years' experience in the commercial mortgage broker business or equivalent lending experience in a related business during the five years immediately preceding the time of application.

2. Have made in the past or intend to make or negotiate or offer to make or negotiate commercial mortgage loans.

3. Provide the deputy director with the following:

(a) A balance sheet prepared within the immediately preceding six months and certified by the licensee. The deputy director may require a more recent balance sheet.

(b) If the applicant has begun operations, a statement of operations and retained earnings and a statement of changes in financial position.

(c) Notes to the financial statement if applicable.

E. Notwithstanding subsection D, paragraph 3 of this section, commercial mortgage broker licensees and commercial mortgage broker license applicants whose own resources are derived exclusively from correspondent contracts with institutional investors shall provide the deputy director with a current financial statement or that of its parent company prepared according to generally accepted accounting principles, including:

1. A balance sheet prepared within the immediately preceding six months and certified by the licensee. The deputy director may require a more recent balance sheet.

2. If the applicant has begun operations, a statement of operations and retained earnings and a statement of changes in financial position.

3. Notes to the financial statement if applicable.

F. A person shall apply for a license or for a renewal of a license in writing on the forms, in the manner and accompanied by the information prescribed by the deputy director. The deputy director may require additional information on the experience, background and competency of the applicant and any responsible individual designated by the applicant. If the applicant is a person other than a natural person, the deputy director may require information as to the competency of any officer, director, shareholder or other interested party of the association, corporation or group.

G. The nonrefundable application fee and annual renewal fee are as prescribed in section 6-126. The nonrefundable application fee shall accompany each application for an original license only. The deputy director shall deposit, pursuant to sections 35-146 and 35-147, the monies in the state general fund.

H. If a licensee is a person other than a natural person, the license issued to it entitles all officers, directors, members, partners, trustees and employees of the licensed corporation, partnership,

association or trust to engage in the mortgage business if one officer, director, member, partner, employee or trustee of the person or an employee of an affiliated entity or the parent company of the licensee is designated in the license as the individual responsible for the person under this article. If a licensee is a natural person, the license entitles all employees of the licensee to engage in the mortgage business. If the natural person is not a resident of this state, an employee of the licensee shall be designated in the license as the individual responsible for the licensee under this article. For the purposes of this subsection, an employee does not include an independent contractor. The responsible individual shall be a resident of this state unless the director grants an exemption pursuant to section 6-902.01, shall be in active management of the activities of the licensee governed by this article and shall meet the qualifications set forth in subsection C or D of this section for a licensee.

I. A licensee shall notify the deputy director that its responsible individual will cease to be in active management of the activities of the licensee within ten days after learning that fact. The licensee has ninety days after the notification is received by the deputy director within which to replace the responsible individual with a qualified replacement and to so notify the deputy director. If the license is not placed under active management of a qualified responsible individual and if notice is not given to the deputy director within the ninety-day period, the license of the licensee expires.

J. Every person licensed as a mortgage broker or a commercial mortgage broker shall deposit with the deputy director, before doing business as a mortgage broker or a commercial mortgage broker, a bond executed by the licensee as principal and a surety company authorized to do business in this state as surety. The bond shall be conditioned on the faithful compliance of the licensee, including the licensee's directors, officers, members, partners, trustees and employees, with this article. The bond is payable to any person injured by the wrongful act, default, fraud or misrepresentation of the licensee or the licensee's employees and to this state for the benefit of the person injured. Only one bond is required for any person, firm, association or corporation irrespective of the number of officers, directors, members, partners or trustees who are employed by or are members of such firm, association or corporation. A suit may not be commenced on the bond after the expiration of one year following the commission of the act on which the suit is based, except that claims for fraud or mistake are limited to the limitation period provided in section 12-543, paragraph 3. If an injured person commences an action for a judgment to collect from the bond, the injured person shall notify the deputy director of the action in writing at the time of the commencement of the action and shall provide copies of all documents relating to the action to the deputy director on request.

K. The bond required by this section is \$10,000 for licensees whose investors are limited solely to institutional investors and \$15,000 for licensees whose investors include any noninstitutional investors.

L. For the purposes of subsection K of this section:

1. "Institutional investor" means a state or national bank, a state or federal savings and loan association, a state or federal savings bank, a state or federal credit union, a federal government

agency or instrumentality, a quasi-federal government agency, a financial enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or an insurance company.

2. "Investor" means any person who directly or indirectly provides to a mortgage broker funds that are, or are intended to be, used in making a loan and any person who purchases a loan or any interest in a loan from a mortgage broker or in a transaction that has been directly or indirectly arranged or negotiated by a mortgage broker.

M. Notwithstanding section 35-155, in lieu of the bond described in this section, an applicant for a license or a licensee may deposit with the deputy director a deposit in the form of cash or alternatives to cash in the same amount as the bond required under subsection J of this section. The deputy director may accept any of the following as an alternative to cash:

1. Certificates of deposits or investment certificates that are payable or assigned to the state treasurer, issued by banks or savings banks doing business in this state and fully insured by the federal deposit insurance corporation or any successor institution.

2. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by a savings and loan association doing business in this state and fully insured by the federal deposit insurance corporation or any successor institution.

3. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by a credit union doing business in this state and fully insured by the national credit union administration or any successor institution.

N. The deputy director shall deposit the cash or alternatives to cash received under this section with the state treasurer. The state treasurer shall hold the cash or alternatives to cash in the name of this state to guarantee the faithful performance of all legal obligations of the person required to post bond pursuant to this section. The person is entitled to receive any accrued interest earned from the alternatives to cash. The state treasurer may impose a fee to reimburse the state treasurer for administrative expenses. The fee shall not exceed \$10 for each cash or alternatives to cash deposit and shall be paid by the applicant or licensee. The state treasurer may prescribe rules relating to the terms and conditions of each type of security provided by this section.

O. In addition to such other terms and conditions as the deputy director prescribes by rule or order, the principal amount of the deposit shall be released only on written authorization of the deputy director or on the order of a court of competent jurisdiction. The principal amount of the deposit shall not be released before the expiration of three years from the first to occur of any of the following:

1. The date of substitution of a bond for a cash alternative.

2. The surrender of the license.

3. The revocation of the license.

4. The expiration of the license.

P. A licensee or an employee of the licensee shall not advertise for or solicit mortgage business in any manner without using the license name, or other assumed name or trade name that is submitted to the department pursuant to section 6-117, and the license number. If a license is issued in the name of a natural person, the advertising or solicitation may not imply the license is in the name of another person or entity. For the purposes of this subsection, advertise does not include business cards, radio and television advertising directed at national or regional markets and promotional items except if those items contain rates or terms on which a mortgage loan may be obtained.

Q. A licensee shall not employ any person unless the licensee:

1. Conducts a reasonable investigation of the background, honesty, truthfulness, integrity and competency of the employee before hiring.

2. Keeps a record of the investigation for not less than two years after termination.

R. A license is not transferable or assignable and control of a licensee may not be acquired through a stock purchase or other device without the prior written consent of the deputy director. Written consent shall not be given if the deputy director finds that any of the grounds for denial, revocation or suspension of a license as set forth in section 6-905 are applicable to the acquiring person. For the purposes of this subsection, "control" means the power to vote more than twenty percent of outstanding voting shares of a licensed corporation, partnership, association or trust.

S. The licensee is liable for any damage caused by any of the licensee's employees while acting as an employee of the licensee.

T. A licensee shall comply with the requirements of section 6-114 relating to balloon payments.

U. The examination and course of study requirements of this section shall be waived by the deputy director for any person applying for a license who, within the six months immediately before submitting the application, has been a licensee or a responsible person pursuant to this chapter.

V. If the applicant for renewal of a mortgage broker license is a natural person, the applicant shall have satisfactorily completed twelve continuing education units by a continuing education provider approved by the deputy director before submitting the renewal application. If the applicant is other than a natural person, the designated responsible individual shall have satisfactorily completed twelve continuing education units by a continuing education provider approved by the deputy director before submitting the renewal application. An applicant for renewal of a commercial mortgage broker license is not subject to the continuing education requirements prescribed by this article.

W. A licensee who employs a loan originator shall comply with section 6-991.03.

6-904. Issuance of license; renewal; inactive status; branch office license; application; fee

A. The deputy director, on determining that the applicant is qualified and has paid the fees, shall issue a mortgage broker's license or a commercial mortgage broker's license to the applicant which is evidenced by a continuous certificate. The deputy director shall grant or deny a license within one hundred twenty days after receipt of the completed application and fees. An applicant who has been denied a license may not reapply for such a license before one year from the date of the previous application.

B. For licenses approved on or before September 30, 2008, a licensee shall pay the renewal fee on or before September 30, 2008 and on or before December 31 for subsequent years beginning on or before December 31, 2009. Licenses not renewed by September 30, 2008 are suspended, and the licensee shall not act as a mortgage broker or a commercial mortgage broker until the license is renewed or a new license is issued pursuant to this article. A person may renew a suspended license by paying the renewal fee plus \$25 for each day after September 30, 2008 that a license renewal fee is not received by the deputy director and making application for renewal as prescribed by the deputy director. Licenses which are not renewed by October 31, 2008 expire. A license shall not be granted to the holder of an expired license except as provided in this article for the issuance of an original license.

C. For licenses approved on or before September 30, 2008, a licensee may request inactive status on or before September 30, 2008 for the following license year, and the license shall be placed on inactive status after payment to the deputy director of the inactive status renewal fee prescribed in section 6-126 and the surrender of the license to the deputy director. During inactive status, an inactive licensee is not required to maintain a bond and shall not act as a mortgage broker or a commercial mortgage broker. A licensee may not be on inactive status for more than two consecutive years, nor for more than four years in any ten-year period. The license is deemed expired on violation of any of the limitations of this subsection.

D. For licenses approved after or renewed on September 30, 2008, a licensee shall pay the renewal fee on or before December 31, 2009 and on or before December 31 of each subsequent year. Licenses not renewed by December 31 are suspended, and the licensee shall not act as a mortgage broker or a commercial mortgage broker until the license is renewed or a new license is issued pursuant to this article. A person may renew a suspended license by paying the renewal fee plus \$25 for each day after December 31 that a license renewal fee is not received by the deputy director and applying for renewal as prescribed by the deputy director. A license that is not renewed by January 31 expires. A license shall not be granted to the holder of an expired license except as provided in this article for the issuance of an original license.

E. For licenses approved after or renewed on September 30, 2008, beginning in 2009 and each subsequent year, a licensee may request inactive status for the following license year if the licensee makes the request on or before December 31. The license shall be placed on inactive status after the licensee pays to the deputy director the inactive status renewal fee prescribed in section 6-126 and surrenders the license to the deputy director. During inactive status, an inactive licensee is not required to maintain a bond and shall not act as a mortgage broker or a commercial mortgage broker. A licensee may not be on inactive status for more than two

consecutive years or for more than four years in any ten-year period. The license expires on violation of this subsection.

F. An inactive licensee may return to active status notwithstanding the requirements of section 6-903, subsections C and D by making a written request to the deputy director for reactivation and paying the prorated portion of the annual assessment that would have been charged to the licensee. The licensee shall also provide the deputy director with proof that the licensee meets all of the other requirements for acting as a mortgage broker or a commercial mortgage broker, including required bond coverage or the deposit of a cash alternative.

G. A licensee shall prominently display the mortgage broker license or commercial mortgage broker license in the office of the mortgage broker or commercial mortgage broker.

H. Every licensed mortgage broker and licensed commercial mortgage broker shall designate and maintain a principal place of business in this state for the transaction of business. The license shall specify the address of the licensee's principal place of business. If a licensee wishes to maintain one or more locations in addition to a principal place of business, the licensee shall first obtain a branch office license from the deputy director and designate a person for each branch office to oversee the operations of that office. The licensee shall submit a fee as set forth in section 6-126 for each branch office license. If the deputy director determines that the applicant is qualified, the deputy director shall issue a branch office license indicating the address of the branch office. The licensee shall conspicuously display the branch office license in the branch office. If the address of the principal place of business or of any branch office is changed, the licensee shall immediately notify the deputy director of the change and the deputy director shall endorse the change of address on the license for a fee as prescribed in section 6-126.

6-906. Required accounting practices and records; escrow of monies; disclosure

A. Every mortgage broker shall keep and maintain at all times correct and complete records as prescribed by the deputy director that will enable the deputy director to determine whether the licensee is conducting the licensee's business in accordance with this article. A mortgage broker shall make records available to the deputy director in this state not more than three business days after demand and provide for the acceptance of collect calls or provide a toll-free telephone number to borrowers to obtain information from the records if the licensed place of business in this state cannot readily provide the information requested by the borrowers. Every mortgage broker shall maintain original documents or clearly legible copies of all mortgage loan transactions for not less than five years after the date of the mortgage loan closing.

B. Every mortgage broker shall observe generally accepted accounting principles and practices.

C. A mortgage broker shall immediately deposit all monies received by the mortgage broker in an escrow account with an escrow agent licensed pursuant to chapter 7 of this title. Withdrawals shall only be disbursed according to the terms of the escrow instructions. The escrow agent shall not be the mortgage broker. A mortgage broker, however, may accept an appraisal fee, which the mortgage broker shall only use to obtain an appraisal, a credit investigation fee and a fee in connection with an application for a mortgage loan. The mortgage broker shall not commingle

the appraisal fee or credit investigation fee with other monies of the mortgage broker. A mortgage broker shall not accept any monies or documents in connection with an application for a mortgage loan in an amount of \$200,000 or less, except as provided in this section and pursuant to a written agreement. The parties shall sign the written agreement and the agreement shall contain terms pertaining to the disposition of the monies and documents, whether the loan is finally consummated or not, the term for which the agreement is to remain in force before return of the monies and documents for nonperformance can be required and an itemized list of all estimated costs to the borrower of obtaining the mortgage loan, including all costs charged by third parties. The licensee shall preserve all agreements between the parties involved in the transaction and all contracts, agreements and escrow instructions to or with the depository. All documents provided by the borrower or at the expense of the borrower to the mortgage broker, including any appraisals, are the property of the borrower and, at the borrower's request, shall be returned to the borrower or transferred to any person designated by the borrower without further expense to the borrower if the loan is not consummated, provided that any such document is not prohibited by law from being transferred or returned.

D. Before a mortgage loan closing on residential real property designed principally for the occupancy of from one to four families, a licensee shall fully comply, to the extent applicable, with the real estate lending disclosure requirements of title I of the consumer credit protection act (15 United States Code sections 1601 through 1666j), the real estate settlement procedures act (12 United States Code sections 2601 through 2617) and the regulations promulgated under those acts.

6-907. Required disclosure to investors

A. Before payment of any money by an investor in connection with a mortgage loan, a licensee shall provide to an investor that is not a financial institution, state or national bank, state or federal savings and loan association, state or federal savings bank, state or federal credit union, financial enterprise, licensed real estate broker or salesman, profit sharing or pension trust or insurance company:

1. An opinion from an independent source stating the value of the property subject to the mortgage loan being made or sold. The opinion shall state the value of the property as it exists on the date of the opinion.

2. A copy of the preliminary title report that states the condition of title and discloses any encumbrances, assessments and liens of record on the property securing the mortgage loan being made or sold.

3. A disclosure statement that includes the following information:

(a) The name and address of the fee owner of the property securing the mortgage loan being made or sold.

(b) Information relative to the ability of the borrower to meet the obligations of the mortgage loan.

(c) A legal description or address of the property securing the mortgage loan being made or sold.

(d) The existence of any improvements on the property or any utilities on or adjacent to the property that will serve the property.

(e) The terms and conditions of the mortgage loan being made or sold, including the principal balance owed and the status of principal and interest payments thereon.

(f) The terms and conditions of all liens on the property securing the mortgage loan being made or sold.

(g) A statement as to whether the mortgage broker is acting as principal or agent in the transaction.

(h) Any additional information prescribed by the deputy director.

B. After using the licensee's best efforts to verify all of the information required by this section, the licensee shall sign the statement attesting to the validity of the information to the best of the licensee's knowledge and belief. The licensee shall maintain a record of acknowledgment from the lender of the receipt of this information for not less than two years from the date of the mortgage loan closing.

6-908. Testing committee; testing of applicants; approval by deputy director; definition

A. The deputy director shall establish a testing committee to create, periodically update and establish standards for passing a test for mortgage brokers. The committee shall consist of five members appointed by the deputy director once every two years. Four of the members shall be licensees appointed from nominations submitted by licensees and one of the members shall be an employee of the department. Licensees who serve as members of the committee shall serve without expense to this state. The test is subject to the approval of the deputy director.

B. Each applicant for an original license, before issuance of the license, shall personally take and pass the written test given under the supervision of the department. The test must reasonably examine the applicant's knowledge of:

1. The obligations between principal and agent, the applicable canons of business ethics, the provisions of this article and the rules adopted under this article.

2. The arithmetical computations common to mortgage brokerage.

3. The principles of real estate lending.

4. The general purposes and legal effect of mortgages, deeds of trust and security agreements.

C. The department shall administer the test to applicants for licenses not less than once every six months. The deputy director may contract for the testing of applicants. The department or the

department's contractor shall reasonably prescribe the time, place and conduct of testing and collect a fee for administration of the test to be assessed to all persons taking the test. The fee is \$50 per testing. If the deputy director contracts for the testing of applicants, the testing fee owed pursuant to this section is payable by the applicant directly to the contractor. The deputy director may allow a contractor to charge a reasonable testing fee that is more than the fee prescribed in this subsection. An applicant may not take the test more than four times within a twelve-month period.

D. All tests shall be given, conducted and graded in a fair and impartial manner and without unfair discrimination between individuals tested. The committee shall inform the applicant of the result of the test within thirty days.

E. For testing purposes, the department shall prepare a handbook for mortgage brokers and distribute it to all applicants for a fee of not to exceed the actual cost of producing and distributing the handbook.

F. For the purposes of this section "applicant" means a person who has submitted a completed application in the form prescribed by law, accompanied by a letter of inquiry to a surety company authorized to do business in this state regarding the procurement of a bond pursuant to section 6-903, to be issued on completion of all requirements for the granting of a license.

6-909. Prohibited acts

A. Except for employment verifications, verifications of mortgages and loans, and deposit or account verifications, a person, in connection with or incidental to the making of any mortgage loan, shall not induce, require or permit any document to be signed by a party to the transaction if such document contains any blank spaces to be filled in after it has been signed, except that the party may specifically authorize the licensee or the escrow agent handling the transaction, in writing, to complete certain blank spaces.

B. A person is not entitled to receive compensation in connection with arranging for or negotiating a mortgage loan if such person is not licensed pursuant to this article. A mortgage broker shall not pay compensation to, contract with or employ as an independent contractor a person who is acting as a mortgage broker or mortgage banker but who is not licensed under this chapter.

C. A person engaged in the mortgage business shall not knowingly advertise, display, distribute, broadcast or televise, or cause or permit to be advertised, displayed, distributed, broadcast or televised, in any manner whatever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for a mortgage loan. The charges or rates of charge, if stated, shall be set forth in such manner as to prevent misunderstanding by prospective borrowers.

D. A mortgage broker shall not request or require a person seeking a mortgage loan on real property designed principally for the occupancy of from one to four families in an amount of two

hundred thousand dollars or less to enter into an agreement that prohibits the person from seeking the loan from another source.

E. A mortgage broker, except in good faith, shall not delay or cause delay in the closing of a loan that results in increased costs to a borrower.

F. A mortgage broker shall not record or cause to be recorded any document that would give rise to liability under section 33-420.

G. A mortgage broker shall not, for compensation, either directly or indirectly make or negotiate or offer to make or negotiate a loan that is either:

1. Less than five thousand dollars.

2. Not secured by a mortgage or deed of trust or other lien interest in real property.

H. A person who is employed by a licensee to act in the capacity of a mortgage broker shall not be concurrently employed by any other licensee to act as a mortgage broker, except with the prior written approval of all the concurrently employing licensees.

I. A mortgage broker shall not collect compensation for rendering services as a real estate broker or real estate salesman unless both of the following apply:

1. The mortgage broker is licensed pursuant to title 32, chapter 20.

2. The mortgage broker has disclosed to the person from whom the compensation is collected that the mortgage broker is receiving compensation both for mortgage broker services, if applicable, and for real estate broker or real estate salesman services.

J. A licensee shall not accept any assignment of the borrower's wages or salary in connection with activities governed by this article.

K. A mortgage broker shall not receive or disburse monies in servicing or arranging a mortgage loan except as provided in section 6-906, subsection C.

L. A mortgage broker shall not make a false promise or misrepresentation or conceal an essential or material fact in the course of the mortgage broker business.

M. A mortgage broker shall not fail to truthfully account for the monies belonging to a party to a mortgage loan transaction or fail to disburse monies in accordance with his agreements.

N. A mortgage broker shall not engage in illegal or improper business practices.

O. A mortgage broker shall not record a mortgage or deed of trust if monies are not available for the immediate disbursement to the mortgagor unless, before that recording, the mortgage broker

informs the mortgagor in writing of a definite date by which payment shall be made and obtains the mortgagor's written permission for the delay.

P. A mortgage broker shall not require a person seeking a loan secured by real property to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.

Q. A mortgage broker must reasonably supervise the activities of a loan originator who is licensed pursuant to article 4 of this chapter and who is employed by the mortgage broker.

6-912. Certificate of exemption

A. A person who is exempt from licensure pursuant to this article and articles 2 and 3 of this chapter as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry may file a written application with the department for a certificate of exemption for the following purposes:

1. Registering with the department except that the registration shall not affect the exempt status of the applicant.
2. Sponsoring one or more mortgage loan originators.
3. Fulfilling any reporting requirements.
4. Reasonably supervising the activities of a mortgage loan originator who is licensed pursuant to article 4 of this chapter and who is employed by or under exclusive contract with the applicant.

B. A person shall apply for a certificate of exemption or renewal of a certificate of exemption in writing on the forms, in the manner and accompanied by the information prescribed by the deputy director. The deputy director may require additional information on the experience, background and competency of the applicant and the responsible individual designated by the applicant.

C. The department may charge a fee for processing the original or renewal application for a certificate of exemption and for other costs incurred by the department.

D. An exempt person shall notify the deputy director that the person has designated a responsible individual to actively manage the activities of the mortgage loan originator licensees. The responsible individual may be located in this state or in the state where the primary business of the bank is conducted and shall have at least three years of experience in the business of making mortgage loans or equivalent experience in a related business. The responsible individual may supervise one or more licensed mortgage loan originators in this state.

E. Within ten days after learning that a responsible individual will cease managing the licensees' activities, an exempt person must notify the deputy director. Within ninety days after the notification is received by the deputy director, the exempt person must replace the responsible

individual with a person who meets the qualifications prescribed by subsection D of this section and must notify the deputy director of the replacement. A certificate of exemption expires if either of the following occurs:

1. The exempt person is not placed under active management of a qualified responsible individual.
2. The exempt person does not provide notice of replacement of the responsible individual to the deputy director as prescribed by this section.

F. After reviewing the application for a certificate of exemption and after verifying the submitted information, the department shall issue the certificate of exemption.

G. An exempt person who sponsors a loan originator on an exclusive contract shall comply with section 6-991.03.

H. The deputy director may deny a certificate of exemption to a person or suspend or revoke a certificate of exemption if the deputy director finds that an applicant or certificate holder has done any of the following:

1. Violated any applicable law, rule or order.
2. Refused or failed to furnish, within a reasonable time, any information or make any report that may be required by the deputy director.
3. Had a final judgment entered against the applicant or certificate holder in a civil action on grounds of fraud, deceit or misrepresentation and the conduct on which the judgment is based indicates that it would be contrary to the interest of the public to allow the applicant or certificate holder to manage a loan originator.
4. Had an order entered against the applicant or certificate holder involving fraud, deceit or misrepresentation by an administrative agency of this state, the federal government or any other state or territory of the United States and the facts relating to the order indicate that it would be contrary to the interest of the public to allow the applicant or certificate holder to manage a loan originator.
5. Made a material misstatement or suppressed or withheld information on the application for a certificate of exemption or any document required to be filed with the deputy director.

I. If a person to whom a certificate of exemption is issued or who has applied for a certificate of exemption under this article is indicted or informed against for forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or a like offense, and a certified copy of the indictment or information or other proper evidence of the indictment or information is filed with the deputy director, the deputy director may suspend the certificate of exemption issued to the exempt person or refuse to grant a certificate of exemption to an applicant pending trial on the indictment or information.

J. Every person to whom a certification of exemption is issued pursuant to this section shall deposit with the deputy director, before doing business as a registered exempt person, a bond executed by the registered exempt person as principal and a surety company authorized to do business in this state as surety. The bond shall be conditioned on the faithful compliance of the registered exempt person, including the registered exempt person's directors, officers, members, partners, trustees and employees, with this article. The bond is payable to any person injured by the wrongful act, default, fraud or misrepresentation of the registered exempt person, or the registered exempt person's directors, officers, members, partners, trustees and employees and to this state for the benefit of the person injured. Only one bond is required for any person, firm, association or corporation irrespective of the number of officers, directors, members, partners or trustees who are employed by or are members of such firm, association or corporation. A suit may not be commenced on the bond after the expiration of one year following the commission of the act on which the suit is based, except that claims for fraud or mistake are limited to the limitation provided in section 12-543, paragraph 3. If an injured person commences an action for a judgment to collect from the bond, the injured person shall notify the deputy director of the action in writing at the time of the commencement of the action and shall provide copies of all documents relating to the action to the deputy director on request. The bond required by this section is \$200,000.

6-913. Conversion to commercial mortgage broker license

Notwithstanding section 6-903, a person who holds a mortgage broker license may convert it to a commercial mortgage broker license by applying in a manner prescribed by the deputy director by rule. The approval of the conversion is at the discretion of the deputy director.

D-7.

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

Title 20, Chapter 4

Amend: R20-4-1301; R20-4-1302; R20-4-1303; R20-4-1304; R20-4-1305



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 4

Amend: R20-4-1301, R20-4-1302, R20-4-1303, R20-4-1304, R20-4-1305

Summary:

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend five (5) rules in Title 20, Chapter 4, Article 13 regarding Loan Originators. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase..

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department indicates the rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and correct some statutory references. The Department states that the compliance costs incurred by Loan Originators are minimal and are not expected to impact revenue or payroll expenditures. The Department says the rules augment the statutory sections regulating licensees of the Department with a Loan Originator license pursuant to A.R.S. §§ 6-991 through 6-991.22.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Loan Originators.

6. **What are the economic impacts on stakeholders?**

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. In addition, no political subdivisions of this state are directly affected by the implementation and enforcement of the proposed rulemaking.

The Department states that no additional costs are anticipated to be imposed on Loan Originators. The Department is not proposing any new fees. The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department does not anticipate any impact on public employment in the Department.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The Department indicates that the costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoptions of these rules.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates that there were no changes between the proposed rules and the rules before the Council.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Department indicates it did not receive any public comments regarding this rulemaking

9. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

The Department indicates that the rules do not require a permit or a license. The Department does note that Loan Originators do require a license under the requirements in A.R.S. § 6-991.03.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Department indicates there are some corresponding federal law concerning mortgage brokers but that the rules are not more stringent than those corresponding federal laws.

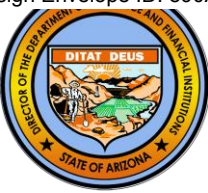
- For R20-4-1302 (Course of Study to Qualify for Licensure)
 - For Subsections (A) and (B)(2): The Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. §§ 5101 through 5117);
- For Subsections (C)(1) and (D)(1):
 - Federal law and regulation, including the Real Estate Settlement Procedures Act (“RESPA”), the Truth in Lending Act (“TILA”), federal

11. Conclusion

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend five (5) rules in Title 20, Chapter 4, Article 13 regarding Loan Originators. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020.

The Department is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.



Arizona Department of Insurance and Financial Institutions
100 N 15th Avenue, Suite 261, Phoenix, Arizona 85007
(602) 364-3100 | difi.az.gov

Katie Hobbs
Governor

Barbara D. Richardson
Director

March 18, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Ave., Suite 305
Phoenix, AZ 85007

RE: Arizona Department of Insurance and Financial Institutions
Financial Institutions Division
Article 13 Notice of Final Rulemaking

Dear Chairperson Klein:

Please find enclosed the Notice of Final Rulemaking for Article 13 (Loan Originators) being submitted by the Arizona Department of Insurance and Financial Institutions, Financial Institutions Division ("Department").

Pursuant to A.A.C. R1-6-201(A)(1), the Department responds as follows:

- a. The close of record date for the Notice of Proposed Rulemaking was January 19, 2025.
- b. This rulemaking does not relate to a Five-Year Review Report.
- c. The rulemaking does not establish a new fee.
- d. The rulemaking does not contain a fee increase.
- e. The rulemaking does not request an immediate effective date under A.R.S. § 41-1032.
- f. The Department certifies that the preamble discloses a reference to any study relevant to the rule that it reviewed and either did or did not rely on in its evaluation of or justification for the rulemaking. The Department did not review or rely on any study relevant to the rulemaking.
- g. No additional full-time employees are necessary to implement and enforce the rules. Consequently, no notification has been made to the Joint Legislative Budget Committee.
- h. The following documents are also submitted to the Council with this cover letter:
 - i. The Notice of Final Rulemaking;
 - ii. An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;

Arizona Department of Insurance and Financial Institutions

- iii. The general and specific statutes authorizing the rulemaking; and
- iv. Permission from the Governor's Office to submit this Notice of Final Rulemaking required by A.R.S. § 41-1039(B).

By this submission, the Department is requesting approval of this rulemaking from the Council.

For questions about this rulemaking, please contact Mary Kosinski at (602) 364-3476 or mary.kosinski@difi.az.gov.

Sincerely,

Barbara D. Richardson

Barbara D. Richardson
Director

NOTICE OF FINAL RULEMAKING

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
– FINANCIAL INSTITUTIONS**

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

March 17, 2025

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

| | |
|------------|-------|
| R20-4-1301 | Amend |
| R20-4-1302 | Amend |
| R20-4-1303 | Amend |
| R20-4-1304 | Amend |
| R20-4-1305 | Amend |

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

Authorizing statute: A.R.S. § A.R.S. § 6-123(2)

Implementing statutes: A.R.S. §§ 6-126, 6-991.01, 6-991.02, 6-991.03, 6-991.04, and
6-991.07

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A).

a. If the agency selected a date earlier than the 60-day effective date as specified in

A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R 3837, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-277

Notice of Proposed Rulemaking: 30 A.A.R. 3821, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-272

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

Name: Mary E. Kosinski
Title: Asst. Regulatory Legal Affairs Officer
Address: Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, Arizona 85007-2630
Tel: (602)364-3476
Email: mary.kosinski@difi.az.gov
Website: <https://difi.az.gov>

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

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 13 – Loan

Originators. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency. As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 13 was in 2011. The Department is also correcting Federal statutory cites. This rulemaking does not relate to a Five-Year Review Report.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-991 through 6-991.22.

This rulemaking amends Article 13 (Loan Originators) as follows:

- R20-4-1301 (Scope of Article) will be amended to add clarifying language.
- R20-4-1302 (Course of Study to Qualify for Licensure) will be amended to correct statutory references, to replace “Superintendent” with “Director,” and to remove unnecessary capitalization.
- R20-4-1303 (Financial Responsibility) will be amended to replace “Superintendent” with “Director,” and to update statutory references.
- R20-4-1304 (Fees) will be amended to correct statutory references and to add clarifying language.
- R20-4-1305 (Practice and Procedure) will be amended to replace “Superintendent” with “Director.”

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

Not applicable

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

Pursuant to A.R.S. § 41-1055(A)(1):

The rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and to correct some statutory references.

Pursuant to A.R.S. § 41-1055(A)(2):

The compliance costs incurred by Loan Originators are minimal and not expected to impact revenues or payroll expenditures.

Pursuant to A.R.S. § 41-1055(A)(3):

An economic, small business and consumer impact summary accompanies the submission of the Final Rulemaking to the Governor's Regulatory Review Council.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Department has made a change to R20-4-1304(1) to correct the statutory reference from A.R.S. § 6-126(3), which was incorrect in the Notice of Proposed Rulemaking, to A.R.S. § 6-126(26).

The Department has made a change to R20-4-1304(3) to correct the statutory reference in the original code subsection from A.R.S. § 6-126(C)(12), which does not exist in the statute, to A.R.S. § 6-126(D)(10).

The Department has made a change to R20-4-1304(4) to correct the statutory reference in the original code subsection from A.R.S. § 6-126(A)(34), which does not exist in the statute, to A.R.S. § 6-126(A)(27).

The Department does not consider these substantive changes within the meaning of A.R.S. § 41-1025(B) because 1) persons affected by the rule would have understood the reference to the fee statute (A.R.S. § 6-126); 2) the subject matter is the same (a fee); and 3) the effects should be

minimal because the fee statute was cited correctly, only the subsection was cited incorrectly.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

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

Not applicable

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

The rules do not require a permit and do not use a general permit. A.R.S. § 6-991.03 requires a Loan Originator to obtain a traditional license before engaging in the business of a Loan Originator.

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

A number of federal laws are applicable to the subject of the rules.

For Article 13. Loan Originators, the following federal laws are applicable:

R20-4-1302. Course of Study to Qualify for Licensure (the rule is not more stringent than the federal laws)

Subsections (A) and (B)(2): The Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. §§ 5101 through 5117);

Subsections (C)(1) and (D)(1): Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA").

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

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The Department previously adopted Article 13 as an emergency rule, effective April 27, 2010 (16 A.A.R. 839, May 21, 2010). The Department renewed Article 13 as an emergency rule, effective October 24, 2010 (16 A.A.R. 2165, November 12, 2010). The emergency rule expired on April 21, 2011.

The Department adopted the current Article 13 effective April 22, 2011 (16 A.A.R. 2401, December 10, 2010).

16. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS –
FINANCIAL INSTITUTIONS
ARTICLE 13. LOAN ORIGINATORS

Section

R20-6-1301. Scope of Article

R20-6-1302. Course of Study to Qualify for Licensure

R20-6-1303. Financial Responsibility

R20-6-1304. Fees

R20-6-1305. Practice and Procedure

ARTICLE 13. LOAN ORIGINATORS

R20-4-1301. Scope of Article

This Article applies to:

- ~~1. All loan originating activities of any person licensed under Arizona law as a loan originator,~~
~~and~~
- ~~2. The conduct of any applicant for or holder of a loan originator license.~~

R20-4-1302. Course of Study to Qualify for Licensure

- A.** The ~~Superintendent~~ Director shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensing System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (~~P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116~~). (12 U.S.C. §§ 5101 through 5117).
- B.** An applicant for a loan originator license shall satisfactorily complete a course of study by:
1. Attending at least 20 hours of instruction, and
 2. Receiving a passing grade of not less than ~~75 percent~~ 75% correct answers on ~~both the national and Arizona state~~ exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for

Mortgage Licensing Act of 2008 (~~P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116~~); (12 U.S.C. §§ 5101 through 5117).

- C.** A pre-licensure course of study shall include 20 hours of instruction in the following areas:
1. Federal law and regulation, including the Real Estate Settlement Procedures Act (“RESPA”), the Truth in Lending Act (“TILA”), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act (“ECOA”) and the Fair Credit Reporting Act (“FCRA”): ~~Three~~ three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: ~~Three~~ three hours;
 3. Non-traditional mortgage product lending standards: ~~Two~~ two hours;
 4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: ~~Four~~ four hours; and
 5. The remaining eight hours should be comprised of instruction in:
 - a. The obligations between principal and agent;
 - b. The statutory and regulatory laws governing loan originators;
 - c. Arithmetical computations common to mortgage lending;
 - d. Principles of real estate lending;
 - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
 - f. The terms and conditions of conforming and non-conforming residential mortgages;
 - g. Real estate appraisal; and
 - h. The principles of appraisal independence.
- D.** A continuing education course of study shall include eight hours of instruction each year in the following areas:
1. Federal law and regulation, including the Real Estate Settlement Procedures Act (“RESPA”), the Truth in Lending Act (“TILA”), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act (“ECOA”) and the Fair Credit Reporting Act (“FCRA”): ~~Three~~ three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: ~~Two~~ two hours;
 3. Non-traditional mortgage product lending standards: ~~Two~~ two hours; and

4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: ~~One~~ one hour.

R20-4-1303. Financial Responsibility

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the ~~Superintendent~~ Director a bond as specified by ~~A.R.S. § 6-991.03(B)(4)~~ A.R.S. § 6-991.03(B)(6) and paying to the ~~Superintendent,~~ Director, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to ~~A.R.S. § 6-991.03(B)(6);~~ A.R.S. § 6-991.03(B)(8); or
2. Depositing with the ~~Superintendent~~ Director a bond as specified by ~~A.R.S. § 6-991.03(B)(4)~~ A.R.S. § 6-991.03(B)(6) and depositing with the ~~Superintendent~~ Director a bond as specified by ~~A.R.S. § 6-991.03(B)(6);~~ A.R.S. § 6-991.03(B)(8).

R20-4-1304. Fees

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to ~~A.R.S. § 6-126(A)(33);~~ A.R.S. § 6-126(A)(26); \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to ~~A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G)~~ A.R.S. § 6-126(D)(10); \$150,
4. Transfer license to a new employer fee pursuant to ~~A.R.S. § 6-126(A)(34)~~ A.R.S. § 6-126(A)(27): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

R20-4-1305. Practice and Procedure

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the ~~Superintendent~~ Director) for challenging information the ~~Superintendent~~ Director enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

A.R.S. § 41-1055(B) Economic, Small Business, And Consumer Impact Statement
Title 20. Commerce, Financial Institutions, and Insurance
Chapter 4. Department of Insurance and Financial Institutions –
Financial Institutions

A.R.S. § 41-1055(B)(1): An identification of the proposed rulemaking.

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 13 – Loan Originators. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency.

As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 13 was in 2011. The Department is also correcting Federal statutory cites.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-991 through 6-991.22.

This rulemaking amends Article 13 (Loan Originators) as follows:

- R20-4-1301 (Scope of Article) will be amended to add clarifying language.
- R20-4-1302 (Course of Study to Qualify for Licensure) will be amended to correct statutory references, to replace “Superintendent” with “Director,” and to remove unnecessary capitalization.
- R20-4-1303 (Financial Responsibility) will be amended to replace “Superintendent” with “Director,” and to update statutory references.
- R20-4-1304 (Fees) will be amended to correct statutory references and to add clarifying language.

- R20-4-1305 (Practice and Procedure) will be amended to replace “Superintendent” with “Director.”

This rulemaking does not relate to a Five-Year Review Report.

Questions about this Economic Impact Statement may be directed to: Mary E. Kosinski (mary.kosinski@difi.az.gov).

A.R.S. § 41-1055(B)(2): An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

The rules augment the statutory sections regulating licensees of the Department with a Loan Originator license pursuant to A.R.S. §§ 6-991 through 6-991.22.

A.R.S. § 41-1055(B)(3): A cost benefit analysis of the following:

- (a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.**

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. No new full-time employees will be necessary to implement and enforce the proposed rule changes.

- (b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.**

No political subdivision of this state is directly affected by the implementation and enforcement of the proposed rulemaking.

- (c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or**

payroll expenditures of employers who are subject to the proposed rulemaking.

No additional costs are anticipated to be imposed upon Loan Originators. The Department is not proposing any new fees.

A.R.S. § 41-1055(B)(4): A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department does not anticipate any impact on public employment in the Department.

A.R.S. § 41-1055(B)(5): A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking.

Many of the Loan Originators regulated by the Department would qualify as small businesses within the meaning of A.R.S. § 41-1001(23). However, the Department does not track the number of employees or annual receipts of a loan originator and cannot identify loan originators that qualify as small businesses.

(b) The administrative and other costs required for compliance with the proposed rulemaking.

The Department did not receive any information from licensees on administrative or other costs required for compliance with the proposed rulemaking. The Department does not anticipate that any costs will be required for compliance with the proposed rulemaking. No new fees have been added to Article 13 and no additional reporting or other duties have been imposed on loan originators by the rulemaking.

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The Department does not believe that any of the methods listed at A.R.S. § 41-1035 are useful to reduce the impact of the rulemaking on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoption of these rules.

A.R.S. § 41-1055(B)(6): A statement of the probable effect on state revenues.

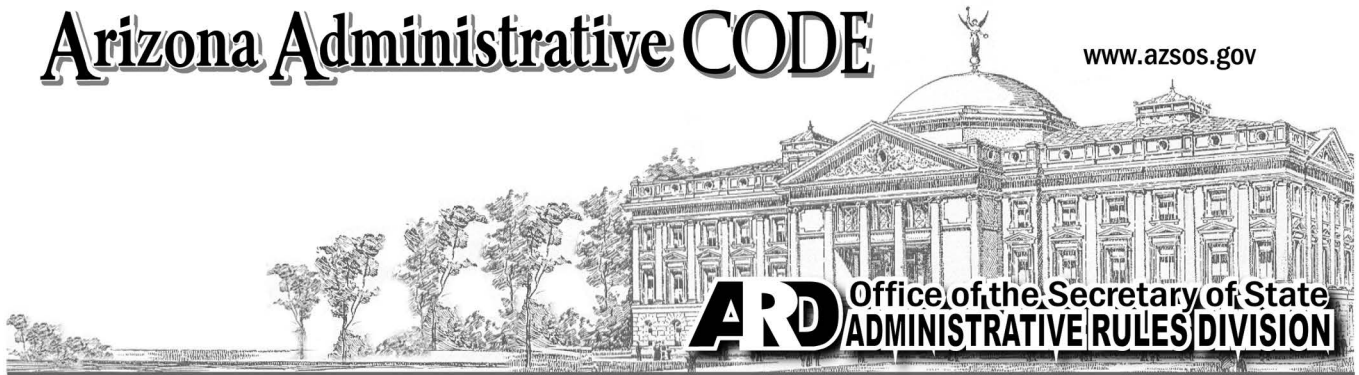
No impact on state revenues is anticipated.

A.R.S. § 41-1055(B)(7): A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Loan Originators.

A.R.S. § 41-1055(B)(8): A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

The rule is not based on any data.



20 A.A.C. 04

Supp. 24-1

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

At the request of the Department a correction has been made to Section R20-4-1220 (Supp. 24-1).

No other changes have been made to this Chapter since Supp. 23-3.

Questions about these rules? Contact:

Department: Department of Insurance and Financial Institutions
Address: 100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
[Website:](https://difi.az.gov) <https://difi.az.gov>
Name: Mary E. Kosinski
Telephone: (602) 364-3476
[Email:](mailto:mary.kosinski@difi.az.gov) mary.kosinski@difi.az.gov

The release of this Chapter in Supp. 24-1 replaces Supp. 23-3, 1-49 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Authority: A.R.S. § 20-124

Supp. 24-1

Editor's Note: The name of the Arizona Department of Financial Institutions was changed to the Department of Insurance and Financial Institutions under Laws 2019, Ch. 252, effective July 1, 2020 (Supp. 22-2).

Editor's Note: The Banking Department's name was changed to the Arizona Department of Financial Institutions under the authority of A.R.S. § 6-110, originally enacted as Laws 2004, Ch. 188, effective January 1, 2006 (Supp. 06-1).

Editor's Note: Title 20, formerly Commerce, Banking, and Insurance, is now Commerce, Financial Institutions, and Insurance. This change became effective when the Banking Department changed its name to the Department of Financial Institutions, effective January 1, 2006 (Supp. 06-1).

20 A.A.C. 4, consisting of R20-4-101 through R20-4-106, R20-4-201 through R20-4-215, R20-4-301 through R20-4-331, R20-4-401 through R20-4-402, R20-4-501 through R20-4-536, R20-4-601 through R20-4-620, R20-4-701 through R20-4-707, R20-4-801 through R20-4-816, R20-4-901 through R20-4-924, R20-4-1001, R20-4-1101 through R20-4-1102, R20-4-1201 through R20-4-1220, R20-4-1401 through R20-4-1410, R20-4-1501 through R20-4-1530, R20-4-1601 through R20-4-1604, and R20-4-1701 through R20-4-1706, recodified from 4 A.A.C. 4, consisting of R4-4-101 through R4-4-106, R4-4-201 through R4-4-215, R4-4-301 through R4-4-331, R4-4-401 through R4-4-402, R4-4-501 through R4-4-536, R4-4-601 through R4-4-620, R4-4-701 through R4-4-707, R4-4-801 through R4-4-816, R4-4-901 through R4-4-924, R4-4-1001, R4-4-1101 through R4-4-1102, R4-4-1201 through R4-4-1220, R4-4-1401 through R4-4-1410, R4-4-1501 through R4-4-1530, R4-4-1601 through R4-4-1604, and R4-4-1701 through R4-4-1706, pursuant to R1-1-102 (Supp. 95-1).

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Article 1, consisting of Sections R4-4-101 through R4-4-104, repealed effective August 16, 1991 (Supp. 91-3).

Table with 2 columns: Section and Description. Includes R20-4-101 Scope of Article, R20-4-102 Definitions, R20-4-103 Fingerprints, R20-4-104 Acceptance of Other Forms, R20-4-105 Claims Against a Deposit in Place of Bond, R20-4-106 Bankruptcy, R20-4-107 Licensing Time-frames, and Table A. Licensing Time-frames.

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Table with 2 columns: Section and Page Number. Includes R20-4-212 Repealed (11), R20-4-213 Repealed (12), R20-4-214 Preservation of Records (12), R20-4-215 Trust Business (16).

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Table with 2 columns: Section and Page Number. Lists various sections from R20-4-301 to R20-4-328, many marked as Repealed or Expired.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

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Former Article 6, consisting of Section R4-4-601, repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).

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Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).

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ARTICLE 1. GENERAL**R20-4-101. Scope of Article**

The rules in this Article apply to all activities of the Superintendent and to the interpretation of all Arizona statutes and rules administered by the Superintendent.

Historical Note

Former Rule 1. Former R4-4-101 repealed, new R4-4-101 adopted effective August 16, 1991 (Supp. 91-3).
R20-4-101 recodified from R4-4-101 (Supp. 95-1).

R20-4-102. Definitions

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
 - a. Is knowledgeable about the licensee's Arizona activities;
 - b. Supervises compliance with:
 - i. The laws enforced by the Department of Financial Institutions as they relate to the licensee, and
 - ii. Other applicable laws and rules; and
 - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation:
 - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
 - b. Out-of-pocket expenses paid to independent third parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
 - c. Insurance commissions;
 - d. Contingent or additional interest, including interest based on net operating income; or
 - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans," means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903, 6-944, or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases are used in A.R.S. §§ 6-901, 6-941, or 6-971, mean:
 - a. Providing consulting or advisory services in connection with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage loan transaction;
 - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services directly contacts any potential borrowers; or
 - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
 - b. Providing assistance in preparing an application for a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction, regardless of whether the person providing assistance directly contacts any potential investor or lender; and
 - c. Processing a loan; but
 - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do not include:
 - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction;
 - ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, mortgage banking loan, or commercial mortgage banking loan already funded;
 - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
 - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modifica-

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- tion, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
12. "Electronic record" has the meaning stated at A.R.S. § 44-7002(7).
13. "Employee" means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
- The person is entitled to payment, or is paid, by the licensee;
 - The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
 - The licensee has the right to hire and fire the employee and the employee's assistants;
 - The licensee directs the methods and procedures for performing the employee's job;
 - The licensee supervises the employee's business conduct and the employee's compliance with applicable laws and rules; and
 - The rights and duties under subsections (13)(a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
14. "Engaged in the business of making mortgage loans," as that phrase is used in A.R.S. § 6-902, and "engaged in the business of making mortgage loans or mortgage banking loans," as that phrase is used in A.R.S. § 6-942, mean the direct or indirect making of a total of more than five mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not "engaged in the business of making mortgage loans or mortgage banking loans" if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
15. "Exclusive contract," as that term is used in A.R.S. §§ 6-912 and 6-991.02, means a written agreement in which a loan originator agrees to perform services as a loan originator subject to supervision and control by a person holding a certificate of exemption issued under A.R.S. § 6-912 on an exclusive basis. The agreement provides that the loan originator is expressly prohibited from performing loan origination or modification services for any other person during the time the agreement is in effect.
16. "Generally accepted accounting principles" has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
17. "Holds out to the public," as used in this Section's definition of "branch office," means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. "Holds out to the public" includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. "Holds out to the public" does not include a clearly identified home or mobile telephone number on a business card or stationery.
18. "Loan," as that term is used in A.R.S. §§ 6-126(C)(6) and (8), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
19. "Loan Processing" means obtaining a loan application's supporting documents for use in underwriting.
20. "Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
21. "Property insurance," as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
22. "Reasonable investigation of the background," as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
- Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
 - Obtains a completed Employment Eligibility Verification (Form I-9);
 - Obtains a completed and signed employment application;
 - Obtains a signed statement attesting to all of an applicant's felony convictions, including detailed information regarding each conviction;
 - Consults with the applicant's most recent or next most recent employer, if any;
 - Inquiries regarding the applicant's qualifications and competence for the position;
 - If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
 - Investigates further if any information received in the above inquiries raises questions as to the applicant's honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two attempts to contact a person, including at least one written inquiry.
23. "Record" has the meaning stated at A.R.S. § 44-7002(13).
24. "Registered to do business in this state" means:
- If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
 - If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
 - If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
 - If an estate, it acts through a personal representative duly appointed by this state's Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
 - If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 - All the current amendments, or

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A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;

- f. If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
 - g. If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State's office under A.R.S. Title 29;
 - h. If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
 - i. The entity is exempt from registration.
25. "Registered Exempt Person" means a person who is exempt from licensure pursuant to A.R.S. § 6-912 and A.R.S. Title 6, Chapter 9, Articles 1, 2 and 3 as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry and holds a certificate of exemption.
26. "Resident of this state" means a natural person domiciled in Arizona.
27. "Responsible individual" or "responsible person", as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a. Lives in Arizona during the entire period of designation as the responsible individual on a license;
 - b. Is in active management of a licensee's affairs;
 - c. Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
 - d. Is an officer, director, member, partner, employee, or trustee of a licensed entity.

Historical Note

Former Rule 2. Former R4-4-102 repealed, new R4-4-102 adopted effective August 16, 1991 (Supp. 91-3). R20-4-102 recodified from R4-4-102 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 668, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-103. Fingerprints

- A. A licensee or applicant shall deliver fingerprints requested or required by the Superintendent on fingerprint cards provided by the Superintendent.
- B. A licensee or applicant shall bear any costs incurred in obtaining or submitting fingerprints.
- C. A licensee or applicant shall arrange to have fingerprints taken, signed, and dated by:
 - 1. A municipal police department,
 - 2. A local sheriff's office, or
 - 3. Another law enforcement authority recognized by the Superintendent.

Historical Note

Former Rule 3. Former R4-4-103 repealed, new R4-4-103 adopted effective August 16, 1991 (Supp. 91-3). R20-4-103 recodified from R4-4-103 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective

November 14, 2000 (Supp. 00-4).

R20-4-104. Acceptance of Other Forms

If another entity's applications and forms provide all the information required by Arizona law, the Superintendent has the discretion to accept them, even if another provision of this Chapter requires use of a specific Department of Financial Institutions form. The Superintendent's exercise of the discretion to accept alternative forms does not limit the Superintendent's power to require additional information necessary to complete an application or other form.

Historical Note

Former Rule 4. Former R4-4-104 repealed, new R4-4-104 adopted effective August 16, 1991 (Supp. 91-3). R20-4-104 recodified from R4-4-104 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-105. Claims Against a Deposit in Place of Bond

- A. As used in this Section:
 - 1. "Deposit" means cash or alternatives to cash deposited by a licensee with the Superintendent in place of a bond.
 - 2. "Depositor" means licensee or an employee of the licensee who makes a deposit with the Superintendent.
 - 3. "Verified claim" means a claim filed with the Superintendent under subsection (B).
 - 4. "Award" means an amount of money granted under subsection (F).
- B. A person may file a claim against a deposit by delivering documentation of the claim to the Superintendent. The claim shall be based on a final judgment in favor of the claimant, entered by a court of competent jurisdiction. To support a claim, the judgment shall be:
 - 1. Against a depositor;
 - 2. For injury caused by the depositor's wrongful act, default, fraud, or misrepresentation committed in the course of the depositor's licensed business activity; and
 - 3. Documented by:
 - a. A certified copy of the complaint in the action;
 - b. A certified copy of the judgment in the action;
 - c. A statement that execution of the judgment has not been stayed, or an explanation of the terms and reason for any stay;
 - d. A statement of any amounts recovered on the judgment; and
 - e. A sworn and notarized statement that the claim is true and correct to the best of the claimant's knowledge and belief.
- C. A claimant shall file a claim with the Superintendent, and all required supporting documentation, not more than six months after entry of the judgment asserted in the claim. However, if execution of the asserted judgment is stayed during the first six months after its entry, the claimant may file a verified claim only during the six months after the stay is lifted. The Department shall process a timely-filed verified claim as a request for hearing under R20-4-1208.
- D. The claimant shall notify the depositor of the filing of a verified claim under this Section, and make the depositor a party to all proceedings on the claim. To do so, the claimant shall send the depositor a copy of all documents filed under subsection (B). The claimant shall make this delivery no more than 10 days after the original filing with the Superintendent under subsection (B). The Department considers a proceeding on a verified claim to be a contested case, governed by the provisions of 20 A.A.C. 4, Article 12.

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- E.** The Superintendent shall, after a hearing, deny a verified claim if the hearing produces evidence of any of the following circumstances:
1. The judgment is not for an injury caused by the depositor and described in subsection (B)(2);
 2. The judgment was awarded by default, stipulation, or consent, and no showing is made in the hearing of an injury caused by the depositor and described in subsection (B)(2);
 3. The judgment's execution has been stayed for any reason;
 4. The judgment was procured through fraud or collusion;
 5. The judgment has been satisfied from other sources; or
 6. The action that produced the judgment was barred by the applicable statute of limitations at the time it was commenced.
- F.** If the Superintendent grants a verified claim, the Superintendent shall do so in the amount of the compensatory damages awarded against the depositor in the judgment, exclusive of:
1. Attorney's fees, and
 2. Amounts previously paid on the judgment.
- G.** A person injured by a depositor shall give the Superintendent written notice at the time of filing a civil action if the claims alleged could be made as a verified claim under this Section. The written notice shall include a statement of the amount of compensatory damages sought against the depositor. The injured person shall provide further information about the civil action to the Superintendent upon request.
- H.** If the Superintendent grants a verified claim under subsection (F), the Superintendent shall authorize the State Treasurer, in writing, to release the deposit to the claimant in the amount stated in subsection (F) if the Superintendent has not received notice of another pending civil action under subsection (G).
- I.** If given notice under subsection (G), the Superintendent shall determine whether the deposit is sufficient to satisfy all claims under subsection (F). The Superintendent shall determine award amounts for each claim of which the Superintendent has notice, and authorize payment, as follows:
1. If the deposit is sufficient to satisfy all claims under subsection (F), the Superintendent shall authorize its release as described in subsection (H).
 2. If the deposit is not sufficient to satisfy all claims under subsection (F), the Superintendent shall calculate the award on each claim as follows:
 - a. Each granted claim shall receive a pro rata share of the total deposit.
 - b. Each pro rata share shall be a dollar amount calculated by multiplying the total deposit by a fraction.
 - i. The numerator of the fraction is the amount of the Superintendent's award for the verified claim.
 - ii. The denominator of the fraction is the sum of the amount of the Superintendent's award for the verified claim plus the total compensatory damages sought in all other civil actions against the same depositor disclosed to the Superintendent under subsection (G).
 - c. The Superintendent shall authorize the State Treasurer to release the pro rata portion of the deposit calculated for each verified claim.
- J.** A depositor or former licensee may request return of its deposit if it substitutes a bond for the deposit, or if its license is surrendered, revoked, or expired, and if all statutory conditions for release of the deposit have been satisfied. The Superintendent shall not release any part of a deposit to a depositor or former licensee until the Superintendent determines whether there are any awards on verified claims unsatisfied because of an apportionment under subsection (I). The Superintendent shall use the deposit amount to pay any unsatisfied portion of those awards. If the deposit amount is not sufficient to pay in full all unsatisfied awards, the Superintendent shall pay the remaining amount of the deposit to claimants in the ratio their awards bear to the total of all awards granted against the deposit.
- K.** The court supervising a licensee in receivership may order the release of a deposit to persons injured by conduct described in subsection (B). In that event, the receiver shall deliver a certified copy of the court's order to the Superintendent. The copy may be uncertified if the receiver is the Superintendent or any other officer or agency of the state of Arizona. The Superintendent shall then authorize the State Treasurer, in writing, to release the deposit to the receiver. The receiver shall distribute the deposit as ordered by the receivership court, rather than under this Section.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-105 recodified from R4-4-105 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-106. Bankruptcy

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents' filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief,
2. Schedule of assets and liabilities,
3. Statement of financial affairs,
4. List of creditors, and
5. Plan of reorganization.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-106 recodified from R4-4-106 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-107. Licensing Time-frames

- A.** As used in this Section, "application" means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B.** The time-frames in Table A apply solely to applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application by the Department.
1. Within the administrative completeness review time-frame in Table A, the Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall specify the missing information or component.
 2. An applicant whose application is incomplete shall supply the missing information within 60 days after the date

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of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completion of an application. The administrative completeness review time-frame stops running on the postmark date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department shall reject the application and close the file. An applicant may reapply.

3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual

agreement under A.R.S. § 41-1075. If the Department denies an application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.

5. The Department shall calculate time limits prescribed in this Section under R2-19-107.
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

Historical Note

Adopted effective September 9, 1998 (Supp. 98-3).
Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

Table A. Licensing Time-frames

| No. | License Type | Legal Authority | Administrative Completeness Review (Days) | Substantive Review (Days) | Overall Time-Frame (Days) |
|-----|---|-----------------------------------|---|---------------------------|---------------------------|
| 1 | Bank | A.R.S. § 6-203, et seq. | | | |
| | Initial Application | R20-4-211 | 45 | 45 | 90 |
| 2 | Bank Trust Dept. | A.R.S. § 6-381 | | | |
| | Initial Application | A.R.S. § 6-203, A.R.S. § 6-204(C) | 45 | 45 | 90 |
| 3 | Savings & Loan | A.R.S. § 6-401, et seq. | | | |
| | Initial Application | A.R.S. § 6-408, R20-4-327 | 75 | 75 | 150 |
| 4 | Credit Union | A.R.S. § 6-501, et seq. | | | |
| | Initial Application | A.R.S. § 6-506(A) | 60 | 60 | 120 |
| 5 | Trust Company | A.R.S. § 6-851, et seq. | | | |
| | Initial Application | A.R.S. § 6-854(A) | 75 | 75 | 150 |
| 6 | Consumer Lender | A.R.S. § 6-601, et seq. | | | |
| | Initial Application | A.R.S. § 6-603(C) | 60 | 60 | 120 |
| 7 | Debt Management | A.R.S. § 6-701, et seq. | | | |
| | Initial Application | A.R.S. § 6-704(A), R20-4-602(A) | 30 | 30 | 60 |
| 8 | Escrow Agent | A.R.S. § 6-801, et seq. | | | |
| | Initial Application | A.R.S. § 6-814 | 60 | 60 | 120 |
| 9 | Mortgage Broker or Commercial Mortgage Broker | A.R.S. § 6-901, et seq. | | | |
| | Initial Application | A.R.S. § 6-903(C) & (D) | 60 | 60 | 120 |
| 10 | Mortgage Banker | A.R.S. § 6-941, et seq. | | | |
| | Initial Application | A.R.S. § 6-943(D) | 60 | 60 | 120 |
| 11 | Commercial Mortgage Banker | A.R.S. § 6-971, et seq. | | | |
| | Initial Application | A.R.S. § 6-974(A) | 60 | 60 | 120 |
| 12 | Acquisition of Control of Financial Institution | R20-4-1602, R20-4-1702 | | | |

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| | | | | | |
|-----------|--------------------------|------------------------------|----|----|-----|
| | Initial Application | A.R.S. 6-1104 | 30 | 30 | 60 |
| 13 | Money Transmitter | A.R.S. § 6-1201, et seq. | | | |
| | Initial Application | A.R.S. § 6-1204(A) | 60 | 60 | 120 |
| 14 | Advance Fee Loan Broker | A.R.S. § 6-1301, et seq. | | | |
| | Initial Application | A.R.S. § 6-1303(A) | 30 | 30 | 60 |
| 15 | Premium Finance Co. | A.R.S. § 6-1401, et seq. | | | |
| | Initial Application | A.R.S. § 6-1402(C) | 60 | 60 | 120 |
| 16 | Collection Agency | A.R.S. § 32-1001, et seq. | | | |
| | Initial Application | A.R.S. § 32-1021, R20-4-1502 | 30 | 15 | 45 |
| 17 | Motor Vehicle Dealer | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 18 | Sales Finance Co. | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 19 | Certificate of Exemption | A.R.S. § 6-912 | | | |
| | Initial Application | A.R.S. § 6-912(B) | 45 | 45 | 90 |
| 20 | Loan Originators | A.R.S. § 6-991, et seq. | | | |
| | Initial Application | A.R.S. § 6-991.04(A) | 60 | 60 | 120 |

Historical Note

Table A adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 2. BANK ORGANIZATION AND REGULATION

R20-4-201. Articles of Incorporation

A licensee shall deliver to the Director a copy of each amendment to the licensee’s articles of incorporation within 30 days after the amendment is filed with the Arizona Corporation Commission. Before delivery to the Director, an officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 1. R20-4-201 recodified from R4-4-201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-202. Bylaws

A licensee shall deliver to the Director a copy of each amendment to the licensee’s bylaws within 30 days after the amendment is adopted. An officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 2. R20-4-202 recodified from R4-4-202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-203. Repealed

Historical Note

Former Rule 3; Amended subsection (C) effective Sep-

tember 4, 1981 (Supp. 81-5). R20-4-203 recodified from R4-4-203 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-204. Repealed

Historical Note

Former Rule 4. R20-4-204 recodified from R4-4-204 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-205. Repealed

Historical Note

Former Rule 5. R20-4-205 recodified from R4-4-205 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-206. Bankers Blanket Bond Coverage - A.R.S. § 6-188

- A. Each bank shall carry at least the following basic blanket bond coverage listed in Table B.
- B. Each bank shall supplement the bankers blanket bond coverage with at least a \$2,000,000 excess fidelity bond.

Historical Note

Former Rule 6. R20-4-206 recodified from R4-4-206 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Table B. Basic Blanket Bond Coverage

| Banks with Deposits of: | | Amounts: |
|-------------------------|---------------|-----------|
| Less than \$25,000,000 | | \$300,000 |
| 25,000,000 | to 35,000,000 | 350,000 |

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| | | | |
|---------------------|----|----------------|------------|
| 35,000,000 | to | 50,000,000 | 450,000 |
| 50,000,000 | to | 75,000,000 | 550,000 |
| 75,000,000 | to | 100,000,000 | 700,000 |
| 100,000,000 | to | 150,000,000 | 850,000 |
| 150,000,000 | to | 250,000,000 | 1,200,000 |
| 250,000,000 | to | 500,000,000 | 1,700,000 |
| 500,000,000 | to | 1,000,000,000 | 2,500,000 |
| 1,000,000,000 | to | 2,000,000,000 | 4,000,000 |
| 2,000,000,000 | to | 5,000,000,000 | 6,000,000 |
| 5,000,000,000 | to | 20,000,000,000 | 9,000,000 |
| Over 20,000,000,000 | | | 10,000,000 |

Historical Note

Table B removed from R20-4-206(A) to conform with the codification scheme of this Chapter and amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-207. Capital Obligations

- A. An applicant for a Director’s order of approval to issue a capital obligation shall submit the following documents to the Director and shall not issue any capital obligation before the Director issues the order of approval. The required documents are:
 - 1. A certified copy of the resolution adopted by the Board of Directors, or a certified copy of the unanimous written consent of the Board of Directors, authorizing the sale of the capital obligation;
 - 2. A copy of the agreement underlying the capital obligation;
 - 3. A copy of the note or debenture intended to represent the capital obligation; and
 - 4. A copy of the prospectus, if any, proposed for use in the sale of the capital obligation.
- B. Each document evidencing a capital obligation shall:
 - 1. Bear on its face, in bold face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.
 - 2. Have a maturity provision that either:
 - a. Gives the obligation a maturity of at least five years, or
 - b. In the case of an obligation or issue that provides for scheduled repayments of principal, gives an average maturity of at least five years. The restriction on maturity stated in this subsection does not apply to any obligation that otherwise meets all the requirements of this Section if the Director determines that exigent circumstances require the issuance of the obligation without regard to any restriction on maturity. The provisions of this subsection do not apply to mandatory convertible debt obligations or issues.
 - 3. State expressly on its face that the obligation:
 - a. Is subordinated and junior in right of payment to the issuing bank’s obligations to its depositors and to the bank’s other obligations to its general and secured creditors, and
 - b. Is ineligible as collateral for a loan by the issuing bank, except as provided in A.R.S. § 6-354.
 - 4. Be unsecured.
 - 5. State expressly on its face that the issuing bank may not retire any part of its capital obligation without the Director’s prior written order of approval, and the prior written consent of the Federal Deposit Insurance Corporation.

- 6. Include, if the obligation is issued to a depository institution, a specific waiver of the right of offset by the lending depository institution.
 - 7. State that, in the event of liquidation, all depositors and other creditors of the bank are to be paid in full before any payment of principal or interest is made on a capital obligation.
- C. No payment shall be made under an optional right of payment reserved to the bank without the separate authorization of the Director. The Director may grant that authority in the initial order of approval or in a later order of approval.

Historical Note

Former Rule 7. R20-4-207 recodified from R4-4-207 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 2155, effective May 4, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-208. Repealed

Historical Note

Former Rule 8. R20-4-208 recodified from R4-4-208 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-209. Notice of Permanent Closing of Banking Office

A bank may close fewer than all of its banking offices. Before closing any office, a bank shall deliver a letter to the Director specifying the banking office it plans to close and the closing date. The bank shall ensure that the Director receives the letter at least 10 days before the closing date. Closing the banking office shall terminate the bank’s authority to maintain that banking office on the date of the actual closure.

Historical Note

Former Rule 9. R20-4-209 recodified from R4-4-209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5388, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-210. Repealed

Historical Note

Former Rule 10. R20-4-210 recodified from R4-4-210 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-211. Application for a Banking Permit

- A. Before an application is filed, the representatives of the potential applicant shall meet with the Director to discuss capitalization, location, and management of the proposed bank.
- B. After the meeting required by subsection (A), persons who wish to proceed with the application process shall submit an application in the form the Director prescribes. The applicant shall support the application with sufficient information to enable the Director to make a determination.

Historical Note

Former Rule 11. R20-4-211 recodified from R4-4-211 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-212. Repealed

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Historical Note

Former Rule 12. Amended effective September 4, 1981 (Supp. 81-4). R20-4-212 recodified from R4-4-212 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-213. Repealed

Historical Note

Former Rule 13. Repealed effective September 13, 1981 (Supp. 81-5). R20-4-213 recodified from R4-4-213 (Supp. 95-1).

R20-4-214. Preservation of Records

- A. Every bank shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. Copies complying with this subsection, when satisfactorily identified, have the same evidentiary status as an original. A bank may keep its records as electronic records if the bank can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A bank shall keep its corporate and business records for the period required by this Section. These periods are measured from the date of the last entry or final action date. A bank shall have and comply with its own record retention schedule that is consistent with this Section. A bank may comply with this Section by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this Section. This Section does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required in subsection (D).
- C. Beginning on the effective date of this Section, corporate and business records of a bank operating in the state of Arizona are classified, and their retention periods are prescribed, according to the schedule in subsection (D). Retention periods are listed in subsection (D) using the notations, acronyms, and abbreviations listed in subsections (C)(1) through (20).
 - 1. A numerical designation refers to a period of years unless a shorter period of time is specified in the schedule.
 - 2. "AC" means after closure.
 - 3. "ACH" means automated clearing house.
 - 4. "AE" means after expiration.
 - 5. "ALC" means after last contact.
 - 6. "AP" means after paid.
 - 7. "ATD" means after termination date.
 - 8. "CTR" means a cash transaction report required by the Federal Bank Secrecy Act.
 - 9. "FDIC" means the Federal Deposit Insurance Corporation.
 - 10. "FHA" means the Federal Housing Administration.
 - 11. "FHLMC" means the Federal Home Loan Mortgage Corporation.
 - 12. "FNMA" means the Federal National Mortgage Association.
 - 13. "GNMA" means the Government National Mortgage Association.
 - 14. "IRS" means the United States Department of the Treasury's Internal Revenue Service.
 - 15. "M" means months.
 - 16. "P" means the bank shall keep the record permanently.
 - 17. "PMI" means private mortgage insurance.

- 18. "SAR" means a suspicious activity report required by the Federal Bank Secrecy Act.
- 19. "TTL" means a treasury, tax, and loan account maintained by a bank.
- 20. "UCC" means the Uniform Commercial Code as it is in effect in Arizona.

D. Retention Schedule

- 1. Accounting and Auditing
 - a. Accrual and bond amortization 3
 - b. Audit report 6
 - c. Audit work papers 3
 - d. Bank call, income and dividend report 5
 - e. Bill, statement, or invoice – paid 7
 - f. Budget work papers 2
 - g. Collateral vault "in-and-out" ticket 1
 - h. Daily reserve computation 7
 - i. Earnings report 7
 - j. Expense voucher or invoice 7
 - k. Financial statement 7
 - l. Interoffice reconciliation 1
 - m. Interoffice transaction 1
 - n. Periodic statement for account owned by bank 2
 - o. Reconciliation of deposits – due to bank 2
 - p. Reconciliation register – due from bank 2
 - q. Return and cash item register 1
 - r. Service contract 2
 - s. Treasury tax and loan account 2
 - t. Unclaimed property record 5
- 2. Administration
 - a. Articles of incorporation or association, bylaws or other record of organization P
 - b. Bankers blanket bond-record showing compliance 5AE
 - c. Bank examiner's report 7
 - d. Capital note issuance and transfer record P
 - e. Depreciation record – office equipment 3
 - f. Dividend check and register 7
 - g. Dividend check – outstanding P
 - h. Expired policy insuring the bank 3 AE
 - i. FDIC assessment base, record 5
 - j. FDIC certificate P
 - k. Insurance policy number, record of premium paid and amount recovered 3 AE
 - l. Legal proceedings when completed 5
 - m. Minute book of:
 - i. Meetings of the board of directors P
 - ii. Meeting of committees of the board of directors P
 - iii. Shareholders' meetings P
 - n. Postage meter record book (from date of final entry) 1
 - o. Real estate documentation 5 ATD
 - p. Report to directors 3
 - q. Stock issuance and transfer record P
 - r. Required report to supervisory agency 3
 - s. Tax controversy or proceeding when completed 7
 - t. Tax record not material to any controversy 7
 - u. Voting list and proxies 3
- 3. Collections
 - a. Collection payment record 1
 - b. Collection receipt – carbon 1
 - c. Collection register 1
 - d. Coupon cash letter – outgoing 1
 - e. Coupon envelope 1
 - f. Customer file copy 1
 - g. Incoming collection letter 1
 - h. Incoming contract or note letter 1

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| | | | | | |
|----|--|-------|------|---|-------|
| 4. | Customer service | | c. | Draft – original | 7 |
| | a. Broker account holder – identification | 5 | d. | Draft register or copy | 1 AP |
| | b. Broker’s confirmation | 3 | e. | Duplicate check – information and documentation pertaining to issuance | 7 |
| | c. Broker’s invoice | 3 | f. | Reconciliation register | 1 |
| | d. Broker’s statement | 3 | 8. | Due to banks | |
| | e. E-Bond application | 2 | a. | Account opened and account closed – reports | 1 |
| | f. E-Bond sold or redeemed – record | 2 | b. | Advice – copy | 1 |
| | g. E-Bond transmittal letter | 2 | c. | Incoming cash letter memo for credit | 1 |
| | h. Lock box daily receipts | 1 | d. | Incoming cash letter for remittance | 1 |
| | i. Night depository agreement | 1 AC | e. | Reconciliation register (TTL) | 2 |
| | j. Night depository daily record | 1 | f. | Reconciliation verification | 1 |
| | k. Safekeeping record and receipt | 5 | g. | Resolution | 2 AC |
| | l. Securities buy order and sell order | 3 | h. | Signature card | 6 AC |
| 5. | Data processing (management information systems) | | i. | Trial balance (fiche) | 7 |
| | a. Back-up data (for reconstruction) daily, end of month, quarter, or year | 1 | j. | Undelivered statement, reconstruction available from bank records | 1 |
| | b. Disaster recovery program | P | k. | Undelivered statement, reconstruction not possible | 7 |
| | c. Film copy of every IRS financial reporting form | 6 | 9. | General | |
| | d. Program change | P | a. | Address change order | 1 |
| | e. System, program and procedure manual | P | b. | Affidavit from customer including affidavit of loss, forgery, or non-use of cashier’s check | 1 |
| 6. | Deposits | | c. | Writ of attachment or garnishment | 5 |
| | a. Account opened and account closed | 1 | d. | Attachment, release | 5 |
| | b. Certificate of deposit purchase record | 7 | e. | Armored car receipt | 1 |
| | c. Check paid, withdrawal slip, and other debits to account | 7 | f. | Check book order | 1 |
| | d. Club account check register | 1 | g. | Check book – receipt | 1 |
| | e. Club account coupon | 1 | h. | Court order memorandum record | 5 |
| | f. SAR – for suspicious transaction under \$10,000 | 5 | i. | Notice of Protest | 1 |
| | g. CTR – for transaction exceeding \$10,000 | 5 | j. | Vault record – opening and closing | 1 |
| | h. Customer authorization, resolution, and signature card | 6 AC | k. | Wire transfer debit entry and credit entry | 7 |
| | i. Deposit account record needed to reconstruct | 7 | 10. | General ledger | |
| | j. Deposit and other credits | 7 | a. | Daily statement of condition | 3 |
| | k. Dormant account – after closed or escheated | 7 ALC | b. | General journal – if byproduct of posting the general ledger | 3 |
| | l. Form 1096 and 1099 reports to IRS | 7 | c. | General journal – if used as book of original entry with description | 3 |
| | m. Individual retirement account record | 7 | d. | General ledger | 5 |
| | n. Interest check or other record of interest payment and reports | 7 | e. | General ledger ticket – debit and credit | 2 |
| | o. Internal management reports: | | 11. | International department | |
| | i. Large balance | 1 | a. | Broker account holder – identification | 5 |
| | ii. Overdraft | 1 | b. | Cable copy | 7 |
| | iii. Public funds | 1 | c. | Cable requisition | 7 |
| | iv. Service charges | 1 | d. | Collection paid | 1 |
| | v. Stop payment | 1 | e. | Correspondence | 2 |
| | vi. Uncollected funds | 1 | f. | Draft | 7 |
| | vii. Unposted item | 1 | g. | Foreign collection register | 6 |
| | viii. Zero balance | 1 | h. | Foreign draft application | 6 |
| | p. Ledger card | 5 AC | i. | Foreign draft – carbon | 2 ATD |
| | q. Power of attorney document | 7 ATD | j. | Foreign exchange remittance sheet or book | 6 |
| | r. Receipt for statement held at customer’s request | 1 | k. | Foreign financial account – record | 7 |
| | s. Record showing compliance with the following federal regulations. The state retention period applies unless, and until, it is preempted by federal law: | | l. | Foreign mail transfer application | 6 |
| | i. Regulation CC, Expedited Funds Availability Act | 2 | m. | Foreign mail transfer – carbon | 2 ATD |
| | ii. Regulation DD, Truth in Savings Act | 2 | n. | Foreign outstanding cash | 2 |
| | iii. Regulation E, Electronic Funds Transfer Act | 2 | o. | Foreign payment – incoming | 2 |
| | t. Returned statement and canceled checks | 6 | p. | Letter of credit application | 2 |
| | u. Statement | 6 | q. | Letter of credit ledger sheet | 7 |
| | v. Stop payment order | 6 AE | r. | Transfer outside of the United States in excess of \$10,000 – record | 5 |
| | w. Document used to request and receive Tax Identification Number | 6 | 12. | Investments | |
| | x. Transaction journal | 6 | a. | Bonds | |
| | y. Trial balance | 6 | i. | Amortization record | 6 |
| 7. | Due from banks | | ii. | Confirmation | 3 |
| | a. Advice from correspondent bank | 1 | iii. | Safekeeping receipt | 2 |
| | b. Bank statement | 1 | b. | Broker’s securities | |
| | | | i. | Broker’s invoice | 3 |
| | | | ii. | Broker’s statement | 3 |
| | | | iii. | Report of lost or stolen securities | 3 |
| | | | iv. | Safekeeping advice | 2 |
| | | | v. | Taxpayer identification number | 5 |

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| | | | |
|---|------|--|--------------|
| c. Commercial paper | | vi. Overdraft loan agreement | 6 |
| i. Broker's advice | 2 | vii. Promissory note and modification agreement – copy | 6 |
| ii. Purchase order | 2 | viii. Title documentation | 6 |
| iii. Remittance advice | 2 | ix. UCC filing – copy | 6 |
| d. Mortgage-backed securities | | d. Real estate loans | |
| i. Buy-and-sell agreement | 3 | i. Assignment of escrow | 6 |
| ii. Commitment letter | 7 | ii. Assumption | 6 |
| iii. FHLMC and FNMA loan file | 7 | iii. Commitment letter | 6 |
| iv. GNMA certificate | 7 | iv. Copy of deed of trust or mortgage note, as it may have been modified | 6 |
| v. Interest accrual record | 7 | v. Escrow analysis record | 6 |
| vi. Monthly remittance report | 7 | vi. Evidence of any FHA or PMI insurance required | 6 |
| 13. Loans. A bank shall keep each loan record listed for the period required by this subsection. These periods are measured from the date of final activity. A bank shall have and comply with its own record retention schedule that is consistent with this subsection. A bank may comply with this subsection by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this subsection. This subsection does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required by this subsection. | | vii. Hazard insurance | life of loan |
| a. All loans – general | | viii. Proof of insurance excluding hazard | 6 |
| i. Application for loan approval | 6 | ix. Sales contract | 6 |
| ii. Appraisal | 6 | x. Settlement sheet | 6 |
| iii. Borrower's financial statement | 6 | xi. Survey | 6 |
| iv. Charge-off record | 10 | xii. Title documentation | 6 |
| v. Charged off note | 10 | e. Construction loans. In addition to the documents specified in subsection (d), a bank shall keep a record for a construction loan as specified in this subsection: | |
| vi. Collateral file | 6 | i. Certificate of occupancy | 6 |
| vii. Correspondence | 6 | ii. Construction progress report | 6 |
| viii. Credit file- all documentation | 6 | iii. Contractor's cost breakdown | 6 |
| ix. Credit report | 6 | iv. Disbursement documentation | 6 |
| x. Daily proof and record | 6 | v. Inspection report | 6 |
| xi. Loan committee minutes | P | vi. Residential construction specifications and material list | 6 |
| xii. Miscellaneous loan reports including new loan journal, paid loan journal, past due report, and transaction journal as original entry | 6 | 14. Official checks and drafts | |
| xiii. Other documentation for reconstruction of loan | 2 | a. Affidavit, bond, indemnity agreement, other documentation supporting the issuance of a duplicate check or draft | 7 |
| b. Commercial loans | | b. Bank draft | 3 |
| i. Application for loan denied | 12 M | c. Cashier's check – canceled | 7 |
| ii. Bill of sale | 6 | d. Cashier's check register – copy | 7 |
| iii. Borrowing resolution | 3 | e. Expense check – canceled | 7 |
| iv. Business annual report (fiscal or year end) – after date of report | 3 | f. Expense check register – copy | 7 |
| v. Business cash-flow analysis report – after date of report | 3 | g. Expense voucher or invoice | 7 |
| vi. Business tax return – after date of return | 6 | h. Money order – bank or personal | 7 |
| vii. Commitment letter | 6 | i. Money order register – copy | 7 |
| viii. Copy of mortgage note or deed of trust | 6 | j. Official check outstanding | P |
| ix. Evidence of insurance | 6 | 15. Personnel Records | |
| x. Guaranty | 6 | a. Attendance record, and time card | 3 |
| xi. Letter of credit | 6 | b. Authorization for payroll deduction | 2 |
| xii. Participation agreement | 6 | c. Department of labor report | 5 |
| xiii. Promissory note | 6 | d. Disability record | 5 |
| xiv. Purchase and sale agreement | 6 | e. Employee record and personnel folder | 5 |
| xv. Security agreement | 6 | f. Employment application | 3 AT |
| xvi. Title documentation | 6 | g. Insurance record | 2 |
| xvii. UCC filing | 6 | h. Payroll check | 2 |
| c. Consumer loans | | i. Pension fund record | 10 |
| i. Application for loan denied, including adverse action notice | 25 M | j. Profit sharing fund record | 10 |
| ii. Collateral record | 6 | k. Rejected employee application | 2 |
| iii. Hazard insurance record | 6 | l. Salary ledger or electronic data processing printout | 4 |
| iv. Invoice | 6 | m. Salary receipt | 2 |
| v. Life and disability insurance record | 6 | n. W-3 reconciliation of income tax withheld from wages | 3 |
| | | o. W-4 withholding exemption certificate | 3 |
| | | p. Wage and tax statement record (W-2) | 7 |
| | | q. Wage differential documentation (Fair Labor Standards Act) | 3 |
| | | 16. Registered mail | |
| | | a. Marine insurance book | 3 |
| | | b. Record of incoming and outgoing registered mail | 1 |
| | | c. Return receipt card | 3 |

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CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

| | | | |
|--|------|---|------|
| 17. Safe deposit vault | | i. Accounting | 3 AC |
| a. Access ticket or card | 6 | ii. Decree | 3 AC |
| b. Court order and correspondence | 6 | iii. Receipt and release | 3 AC |
| c. Delivery of will, burial plot deed, insurance policy – receipt | 6 | b. Accounting – recorded | 3 AC |
| d. Forced entry record | 6 | c. Advice of payment – securities department regarding bond and coupon collection | 3 AC |
| e. Lease or contract – closed account | 2 AC | d. Appraisal | |
| f. Ledger record of account | 1 | i. Real property | 3 AC |
| g. Opened box contents – record and report | 7 | ii. Personal property | 3 AC |
| h. Rent receipt – copy | 1 | e. Asset delivery receipt | 3 AC |
| i. Sale to satisfy lien – record | 7 | f. Authorization | |
| j. Signature card, authorization, and resolution | 6 AC | i. By co-fiduciary | P |
| 18. Tellers | | ii. By consultant | P |
| a. Mail teller envelope | 3 M | g. Approval | 5 |
| b. Teller’s balancing recap or recap book | 1 | i. By co-fiduciary | P |
| c. Teller’s cash ticket – original and carbons | 1 | ii. By consultant | P |
| d. Teller’s cash shipment record | 1 | h. Broker’s statement | 7 |
| e. Teller’s exchange ticket | 1 | i. Buy and sell order | 7 |
| f. Teller’s machine tape | 1 | j. Cash documentation | |
| 19. Transit, proof, and clearing | | i. Customer cash and asset statement | 7 |
| a. ACH entry | 6 | ii. Cash and security journal | 7 |
| b. Advice of correction to deposit | 2 | iii. Cash trial balance | 1 |
| c. Clearinghouse settlement sheet – recapitulation of checks delivered to the clearinghouse or federal reserve | 2 | k. Common trust fund annual report | 10 |
| d. Record of items processed | 6 | l. Correspondence | |
| e. Proof machine tape or other record | 2 | i. Transfer letter | 3 AC |
| f. Receipt for transit letter | 1 | ii. Claim letter | 3 AC |
| g. Return item letter | 5 | m. Coupon collection letter | 7 |
| 20. Trust department administration | | n. Court accounting and petition | 7 |
| a. Appraisal of real or personal property held as a trust asset | 3 AC | o. Daily transaction journal | 6 M |
| b. Correspondence | 3 AC | p. Debits and credits – daily | 1 |
| c. Decree or receipt and release | 3 AC | q. Documentation necessary to support account decision | 3 AC |
| d. Fee record and supporting data | 3 AC | r. Tax Documentation | |
| e. Intermediate and final account | 3 AC | i. Federal estate tax return | 10 |
| f. Legal documentation including judgment, court order, and legal opinion | 3 AC | ii. State estate tax return | 10 |
| g. Paid bill | 3 AP | iii. Tax-related work papers | 10 |
| h. Real estate insurance policy | 1 AE | iv. Federal gift tax return | 10 |
| i. Real estate and mortgage document | 3 AC | s. Fee calculations and supporting data | 1 |
| j. Receipt for asset received or delivered | 3 AC | t. Income tax return | |
| k. Record of asset tax cost | 3 AC | i. Federal | 3 AC |
| l. Summary card, original instrument, agreement and amendment, and letters of appointment | 3 AC | ii. State | 3 AC |
| m. Synopsis sheet | 3 AC | u. Inventory | 3 AC |
| 21. Corporate trust | | v. Investment review and related material | 3 AC |
| a. Bond registration journal | 3 AC | w. Minutes | |
| b. Bond – canceled | 7 | i. Investment committee | P |
| c. Indemnity bond | P | ii. Trust committee | P |
| d. Certification | 2 | 23. Other personal trust records | |
| e. Coupon envelope | 6 M | a. Legal opinion | 3 AC |
| f. Coupon – canceled | 6 M | b. Correspondence related to legal opinion | 3 AC |
| g. Customer receipt | 7 | c. Paid bill | 7 |
| h. Dividend and coupon record | 3 AC | d. Review and recommendation | 3 AC |
| i. Dividend and interest disbursement check and list | 3 AC | e. Safekeeping record and receipt | 3 AC |
| j. General ledger ticket | 2 | f. Security ledger sheet | P |
| k. Legal paper | P | g. Trust check | 10 |
| l. Copy of canceled stock certificate, original returned to customer | 1 | h. Trust entry – original | 3 AC |
| m. Stock registration journal | 3 AC | i. Trust or agency agreement – original | 3 AC |
| n. Stock transfer memo | 1 | j. Vault withdrawal and deposit ticket | 7 |
| o. Stock transfer receipt | 1 | k. Will – certified copy | P |
| p. Tax return | 3 AC | l. Work papers supporting tax return | 7 |
| q. Transfer – supporting papers | 3 AC | 24. Trust Investments | |
| r. Transfer journal | 3 AC | a. Annual report | |
| s. Transfer tax waiver | 3 AC | i. Common trust fund | 10 |
| t. Trust ledger – corporate | 7 | ii. Pooled fund | 10 |
| 22. Personal trust | | b. Valuation | |
| a. Record of previously discharged fiduciary | | i. Common trust fund | 10 |
| | | ii. Pooled fund | 10 |
| | | c. Minutes | |
| | | i. Investment committee | P |
| | | ii. Administrative committee | P |
| | | d. Investment order and broker’s confirmation | 3 AC |
| | | e. Investment review and related material | 3 AC |

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- f. Correspondence 3 AC
- g. Summary of annual account activity 3 AC
- 25. Wire transfer
 - a. Incoming wire log 1
 - b. Outgoing wire log 1
 - c. Transmission record 7
 - d. Wire transfer request 7

Historical Note

Former Rule 14. R20-4-214 recodified from R4-4-214 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4142, effective September 12, 2001 (Supp. 01-3). Missing notation in subsection (D)(1)(j) corrected as proposed at 7 A.A.R. 2491 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-215. Trust Business

Each bank authorized to conduct trust business under their banking permit shall comply with the applicable requirements of R20-4-808 through R20-4-816.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-215 recodified from R4-4-215 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

ARTICLE 3. EXPIRED

R20-4-301. Expired

Historical Note

Former Rule 1. R20-4-301 recodified from R4-4-301 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-302. Repealed

Historical Note

Former Rule 2; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-302 recodified from R4-4-302 (Supp. 95-1).

R20-4-303. Expired

Historical Note

Former Rule 3. R20-4-303 recodified from R4-4-303 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-304. Expired

Historical Note

Former Rule 4. R20-4-304 recodified from R4-4-304 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-305. Repealed

Historical Note

Former Rule 5. R20-4-305 recodified from R4-4-305 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-306. Repealed

Historical Note

Former Rule 6. R20-4-306 recodified from R4-4-306 (Supp. 95-1). Repealed effective September 19, 1996

(Supp. 96-3).

R20-4-307. Repealed

Historical Note

Former Rule 7. R20-4-307 recodified from R4-4-307 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-308. Repealed

Historical Note

Former Rule 8. R20-4-308 recodified from R4-4-308 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-309. Expired

Historical Note

Former Rule 9. R20-4-309 recodified from R4-4-309 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-310. Reserved

R20-4-311. Repealed

Historical Note

Former Rule 11; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-311 recodified from R4-4-311 (Supp. 95-1).

R20-4-312. Repealed

Historical Note

Former Rule 12. R20-4-312 recodified from R4-4-312 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-313. Reserved

R20-4-314. Repealed

Historical Note

Former Rule 14. R20-4-314 recodified from R4-4-314 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-315. Repealed

Historical Note

Former Rule 15. R20-4-315 recodified from R4-4-315 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-316. Repealed

Historical Note

Former Rule 16. R20-4-316 recodified from R4-4-316 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-317. Repealed

Historical Note

Former Rule 17; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-317 recodified from R4-4-317 (Supp. 95-1).

R20-4-318. Expired

Historical Note

Former Rule 18. R20-4-318 recodified from R4-4-318 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J)

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at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-319. Repealed**Historical Note**

Former Rule 19. R20-4-319 recodified from R4-4-319 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-320. Repealed**Historical Note**

Former Rule 20. R20-4-320 recodified from R4-4-320 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-321. Repealed**Historical Note**

Former Rule 21. R20-4-321 recodified from R4-4-321 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-322. Repealed**Historical Note**

Former Rule 22; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-322 recodified from R4-4-322 (Supp. 95-1).

R20-4-323. Repealed**Historical Note**

Former Rule 23. R20-4-323 recodified from R4-4-323 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-324. Expired**Historical Note**

Former Rule 24. R20-4-324 recodified from R4-4-324 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-325. Expired**Historical Note**

Former Rule 25. R20-4-325 recodified from R4-4-325 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-326. Expired**Historical Note**

Former Rule 26. R20-4-326 recodified from R4-4-326 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-327. Expired**Historical Note**

Former Rule 27. R20-4-327 recodified from R4-4-327 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-328. Expired**Historical Note**

Former Rule 28. R20-4-328 recodified from R4-4-328 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-329. Repealed**Historical Note**

Former Rule 29. R20-4-329 recodified from R4-4-329 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-330. Expired**Historical Note**

Original Rule. R20-4-330 recodified from R4-4-330 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-331. Repealed**Historical Note**

Original Rule. R20-4-331 recodified from R4-4-331 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

ARTICLE 4. CREDIT UNIONS**R20-4-401. Fidelity Bond Coverage**

- A. A credit union shall have a fidelity bond in the form and in the amount required to maintain federal insurance on its accounts.
- B. A fidelity bond purchased by a credit union to comply with this Section shall include faithful-performance-of-duty coverage.
- C. A credit union shall purchase its fidelity bond from an insurer that holds a certificate of authority from the Director to transact surety business in Arizona.

Historical Note

Former Rule 1. R20-4-401 recodified from R4-4-401 (Supp. 95-1). Amended effective April 21, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 2229, effective May 3, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-402. Repealed**Historical Note**

Former Rule 2. R20-4-402 recodified from R4-4-402 (Supp. 95-1). Repealed effective April 21, 1995 (Supp. 95-2).

ARTICLE 5. CONSUMER LENDERS**R20-4-501. Repealed****Historical Note**

Former Rule 1. R20-4-501 recodified from R4-4-501 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-502. Repealed**Historical Note**

Former Rule 2. R20-4-502 recodified from R4-4-502 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-503. Adjustments in Precomputed Charges

A licensee shall adjust the total precomputed charges if the first installment period is more or less than one month in duration. The licensee's records shall reflect the adjustment's collection in one of three ways.

1. In the first installment payment,
2. Amortized over the life of the contract, or
3. As part of the final payment.

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Historical Note

Former Rule 3. R20-4-503 recodified from R4-4-503 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-504. Repealed**Historical Note**

Former Rule 4. R20-4-504 recodified from R4-4-504 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-505. Repealed**Historical Note**

Former Rule 5. R20-4-505 recodified from R4-4-505 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-506. Repealed**Historical Note**

Former Rule 6. R20-4-506 recodified from R4-4-506 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-507. Repealed**Historical Note**

Former Rule 7. R20-4-507 recodified from R4-4-507 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-508. Cut-off Date for Computing Refunds upon Early Repayment in Full

If a borrower repays a loan before the due date of the final installment, the licensee shall calculate any refund or credit due on the precomputed loan using the following rules:

1. A licensee shall credit any full repayment, made on or before the 15th day following an installment date, as if received on the last previous installment date.
2. A licensee shall credit any full repayment, made on or after the 16th day following an installment date, as if received on the next installment date.

Historical Note

Former Rule 8. R20-4-508 recodified from R4-4-508 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-509. Repealed**Historical Note**

Former Rule 9. R20-4-509 recodified from R4-4-509 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-510. Repealed**Historical Note**

Former Rule 10. R20-4-510 recodified from R4-4-510 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-511. Repealed**Historical Note**

Former Rule 11. R20-4-511 recodified from R4-4-511

(Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-512. Reserved**R20-4-513. Repealed****Historical Note**

Former Rule 13. R20-4-513 recodified from R4-4-513 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-514. Repealed**Historical Note**

Former Rule 14. R20-4-514 recodified from R4-4-514 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-515. Repealed**Historical Note**

Former Rule 15. R20-4-515 recodified from R4-4-515 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-516. Repealed**Historical Note**

Former Rule 16. R20-4-516 recodified from R4-4-516 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-517. Repealed**Historical Note**

Former Rule 17. R20-4-517 recodified from R4-4-517 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-518. Deferral Fee

- A. A licensee may collect a deferral fee at the time it agrees to a deferment or at any time after the assessment of a deferral fee. If a licensee receives a payment after it agrees to a deferment, it may apply the payment first to the deferral fee. Any remainder of the payment shall be applied to the balance of the loan.
- B. If a licensee receives a payment that is large enough to pay in full a delinquent installment and all allowable delinquency fees, the licensee shall apply the payment first to the delinquent installment and fees. The licensee shall not show the paid installment as deferred, and shall not collect a deferral fee.

Historical Note

Former Rule 18. R20-4-518 recodified from R4-4-518 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-519. Deferral Statement

A licensee shall give the borrower a statement at the time it agrees to a deferment and shall retain a copy of the statement in the borrower's credit file. The statement shall contain the following information:

1. The amount of the deferral fee,
2. The date of the borrower's next scheduled payment,
3. The amount of the borrower's next scheduled payment, and
4. The extended maturity date of the loan.

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Historical Note

Former Rule 19. R20-4-519 recodified from R4-4-519 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-520. Repealed**Historical Note**

Former Rule 20. R20-4-520 recodified from R4-4-520 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-521. Repealed**Historical Note**

Former Rule 21. R20-4-521 recodified from R4-4-521 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-522. Repealed**Historical Note**

Former Rule 22. R20-4-522 recodified from R4-4-522 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-523. Repealed**Historical Note**

Former Rule 23. R20-4-523 recodified from R4-4-523 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-524. Books, Accounts, and Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A licensee authorized under A.R.S. Title 6, Chapter 5 shall:
1. Keep its books, accounts, and records of operations separate from the books, accounts, and records of its other business activities; and
 2. In addition to any statutory requirements, the books, accounts, and records of operations shall include the following:
 - a. A file containing a record of all legal actions brought during the fiscal year which the licensee shall keep until the Department conducts its examination of the licensee;
 - b. An itemized record of disbursement of the proceeds of each loan which shall also include, if the licensee makes precomputed loans, the amount of refund on each loan that is renewed or refinanced;
 - c. A record of the receipt of all allowable fees;
 - d. A record for each borrower and each loan that contains documentary evidence of filing or recording each instrument of record for the loan; and
 - e. A record of the borrower's voluntary election to purchase any insurance in connection with a loan if that insurance is sold by the licensee.

Historical Note

Former Rule 24. R20-4-524 recodified from R4-4-524 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (Sep-

tember 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-525. Repealed**Historical Note**

Former Rule 25. R20-4-525 recodified from R4-4-525 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-526. Repealed**Historical Note**

Former Rule 26. R20-4-526 recodified from R4-4-526 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-527. Repealed**Historical Note**

Former Rule 27. R20-4-527 recodified from R4-4-527 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-528. Repealed**Historical Note**

Former Rule 28. R20-4-528 recodified from R4-4-528 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-529. Repealed**Historical Note**

Former Rule 29. R20-4-529 recodified from R4-4-529 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-530. Repealed**Historical Note**

Former Rule 30. R20-4-530 recodified from R4-4-530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-531. Repealed**Historical Note**

Former Rule 31. R20-4-531 recodified from R4-4-531 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-532. Repealed**Historical Note**

Former Rule 32. R20-4-532 recodified from R4-4-532 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-533. Reserved**R20-4-534. Insurance**

- A. A licensee shall obtain written evidence of the borrower's voluntary election to purchase insurance in connection with a loan if the licensee's sale of insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE INSURANCE IN THE AMOUNT OF \$ _____.

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I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

- B.** A licensee shall obtain written evidence of the borrower's voluntary election to purchase property insurance in connection with a loan if the licensee's sale of property insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE PROPERTY INSURANCE IN THE AMOUNT OF

\$ _____.

I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

I ATTEST THAT THE VALUE OF MY PROPERTY INSURED IN CONNECTION WITH THIS LOAN IS THE SUM OF

\$ _____.

Historical Note

Former Rule 34. R20-4-534 recodified from R4-4-534 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-535. Reserved

R20-4-536. Repealed

Historical Note

Former Rule 36. R20-4-536 recodified from R4-4-536 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

ARTICLE 6. DEBT MANAGEMENT COMPANIES

Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).

Former Article 6 consisting of Section R4-4-601 repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).

R20-4-601. Repealed

Historical Note

Former Rule 1; Former Section R4-4-601 repealed, new Section R4-4-601 adopted effective October 26, 1978 (Supp. 78-5). R20-4-601 recodified from R4-4-601 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-602. Applications

- A.** An applicant for a debt management company license shall send the Department an application on the form required by the Director. If the Director determines that a credit report is required as authorized under A.R.S. § 6-704(A), the applicant shall order a credit report from a credit reporting agency disclosing the credit history of the applicant's principals or managing agents and submit the credit report to the Department. A complete application shall include the credit report required by this Section and all of the following:
1. The surety bond required by A.R.S. § 6-704(B);

2. Fidelity bonds if required by the Director under A.R.S. § 6-704(D);
3. The nonrefundable application fee specified in A.R.S. § 6-126(A)(14);
4. An original license fee described in A.R.S. §§ 6-126(B), 6-126(D)(2), and 6-706;
5. A sample of the contract intended to be used by the applicant required by A.R.S. § 6-704(E);
6. Current financial statements as described in R20-4-604(A)(5);
7. A copy of the current articles of incorporation, by-laws, partnership agreement or other organizing documents used to form the applicant business entity;
8. The name and address information required under A.R.S. § 6-704(A); and
9. A background check, on the form required by the Department, for each of the applicant's principals, principal officers, trustees, partners, and managing agents.

- B.** A debt management company applying to operate a branch office or use an agency shall send the Department an application on the form required by the Director.

- C.** A debt management company applying to renew a license shall deliver, on or before June 15 of each year, an application to the Department on the form required by the Director. A debt management company shall apply separately to renew each authorized business location. With each application for renewal, a debt management company shall include the renewal fee described in A.R.S. § 6-706 and specified in A.R.S. § 6-126(D)(2).

- D.** The Department may require additional information the Director considers necessary in connection with an application under this Section.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-602 recodified from R4-4-602 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-603. Reports

- A.** Each debt management company and each nonprofit corporation or association exempt from licensure under A.R.S. § 6-702(4) and (5), shall send the Department an annual report of its business and operations for each place of business during the previous year beginning July 1 and ending June 30, using the form required by the Director. A debt management company shall deliver its report to the Department on or before August 15.
- B.** Each debt management company shall notify the Department of any change in its ownership or in the names of its officers, directors, trustees, partners, or managing agents within 30 days of the change.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-603 recodified from R4-4-603 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-604. Records

- A.** A debt management company shall keep books, accounts, and records adequate to provide a clear and readily understandable

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record of all its business activity. A debt management company may keep its books, accounts, and records as electronic records if the debt management company can generate all information and documentation required by this Section in the timeframe set by the Department for examination or other purposes. A debt management company's books, accounts, and records shall include:

1. A file for each account containing:
 - a. A copy of all correspondence concerning the account;
 - b. Evidence of the notice given to creditors of the debt management contract;
 - c. A subsidiary ledger disclosing all financial transactions concerning the account;
 - d. A copy of each written statement of account given to the debtor;
 - e. The original budget analysis required under R20-4-607; and
 - f. The original contract between the debt management company and the debtor, including all amendments.
 2. A trust account general ledger, which is kept current daily, which reflects each deposit to and disbursement from the trust account.
 3. Each reconciliation of the debt management company's trust account, prepared at least once a month.
 4. A general ledger, kept current monthly, which reflects each financial transaction by the debt management company except those recorded in its trust account general ledger.
 5. A financial statement produced in accordance with generally accepted accounting principles at least once every three months, or more frequently if directed by the Director, which reflects the financial condition of the debt management company. The financial statement shall include:
 - a. A balance sheet,
 - b. A statement of income and retained earnings,
 - c. A statement of changes in financial condition, and
 - d. Appropriate footnotes that either:
 - i. Explain entries in the documents listed in subsections (A)(5)(a), (b), and (c);
 - ii. Contain material information not required or not reportable in documents listed in subsections (A)(5)(a), (b), or (c); or
 - iii. Contain other disclosures required by generally accepted accounting principles.
 6. A record of all litigation naming the debt management company as a party including:
 - a. For pending litigation:
 - i. A copy of the complaint;
 - ii. A copy of any answer filed by the debt management company in response to the complaint; and
 - iii. A copy of any motion filed by the debt management company; and
 - b. For any litigation that is no longer pending, a copy of any judgment showing the settlement date, dismissal, or other final order disposing of the litigation.
- B.** All records required under this Section may be maintained at the debt management company's office in Arizona. A debt management company may keep its records outside this state if it:
1. Makes the records available to the Director, for examination or other purposes, in this state not more than three business days after demand; and
 2. Allows its debtor customers to call toll free to obtain information from the records that are not available from the debt management company's office in Arizona.
- C.** Each debt management company shall preserve its books, accounts, and records for the period required by A.R.S. §§ 6-709(J) and 6-710(1).

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-604 recodified from R4-4-604 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-605. Reserved

R20-4-606. Reserved

R20-4-607. Budget Analysis

- A.** A debt management company shall not accept an account unless it first concludes that the debtor can reasonably meet the payments agreed upon by the debt management company and the debtor. The debt management company's conclusion shall be supported by a written budget analysis kept in the company's records.
- B.** The written budget analysis shall either be part of an application form or a separate document. The debtor shall date and sign the written budget analysis before the debt management company draws any conclusions from the budget analysis.
- C.** The budget analysis shall disclose the disposable income available for payment to the debt management company after the debtor pays their reasonable and necessary living expenses including taxes, insurance, child support, alimony, and residential rent or mortgage payments.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-607 recodified from R4-4-607 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-608. Reserved

R20-4-609. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-609 recodified from R4-4-609 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-610. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-610 recodified from R4-4-610 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-611. Advertising

- A.** A debt management company shall not use advertising, communication, or sales material that contains:
1. A false, misleading, or deceptive statement about the debt management company's services or charges. A statement is a violation of this Section if the person making the

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statement does not state a material fact necessary to make the statement true, in light of the circumstances under which it is made;

- 2. A claim, direct or implied, that the debt management company consolidates debts or makes loans; or
- 3. A schedule of payments in any form.

B. A debt management company’s advertising, communication, and sales material shall contain the following legend, conspicuously displayed in at least 12 point type and in bold print: “NOT A LOAN COMPANY.”

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-611 recodified from R4-4-611 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-612. Solvency and Minimum Liquid Assets

- A.** A debt management company shall not operate if it is insolvent. For purposes of this Section “insolvent” has the same meaning as in A.R.S. § 47-1201(23).
- B.** To determine compliance with A.R.S. § 6-709(A), a debt management company’s liquid assets include funds held in its trust account. Liquid assets do not include goodwill and other intangible assets. A debt management company’s total liquid assets shall exceed by \$2,500.00 the total of all its current business liabilities together with all balances held for debtors as reflected in the company’s subsidiary ledgers.
- C.** Except as otherwise provided by this Section, or in a specific ruling by the Director, a debt management company shall use generally accepted accounting principles to compute assets and liabilities.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-612 recodified from R4-4-612 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

- R20-4-613. Reserved**
- R20-4-614. Reserved**
- R20-4-615. Reserved**
- R20-4-616. Reserved**
- R20-4-617. Reserved**
- R20-4-618. Reserved**
- R20-4-619. Reserved**
- R20-4-620. Repealed**

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-620 recodified from R4-4-620 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2).

ARTICLE 7. ESCROW AGENTS

R20-4-701. Change in Location of Business

An escrow agent shall submit to the Director notice of any change in the location of the escrow agent’s business. The escrow agent

shall ensure that the Director receives the notice at least five days before the escrow agent conducts business at the new location. The escrow agent shall remit the fee required by A.R.S. § 6-126(A), to the Director with the notice of the location change.

Historical Note

Former Rule 1. R20-4-701 recodified from R4-4-701 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-702. Account Practices and Records

An escrow agent shall maintain records to enable the Director to reconstruct the details of each escrow transaction. The records shall include the following:

- 1. The seller’s name and address;
- 2. The buyer’s name and address;
- 3. The lender’s name and address, if any;
- 4. The borrower’s name and address, if any;
- 5. The real estate agent’s name and address, if any;
- 6. Complete escrow instructions;
- 7. Records and supporting documentation for each receipt and disbursement made through the escrow; and
- 8. A copy of the escrow settlement.

Historical Note

Former Rule 2. R20-4-702 recodified from R4-4-702 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-703. Preservation of Records

An escrow agent shall preserve the records, books, and accounts pertaining to each escrow transaction for at least three years following the final settlement date of the transaction. An escrow agent may keep its records as electronic records if the escrow agent can generate all information and copies of documents required by A.R.S. § 6-831 within the timeframe set by the Department for examination or other purposes.

Historical Note

Former Rule 3. R20-4-703 recodified from R4-4-703 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-704. Subsidiary Account Records

An escrow agent shall maintain subsidiary account records that identify the funds deposited in each escrow account. The total of all credit balances in the subsidiary accounts shall always equal the balance of the general ledger control account.

Historical Note

Former Rule 4. R20-4-704 recodified from R4-4-704 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-705. Reserved

R20-4-706. Repealed

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Historical Note

Former Rule 6. R20-4-706 recodified from R4-4-706 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4).

R20-4-707. Expired**Historical Note**

Adopted effective June 25, 1993 (Supp. 93-2). R20-4-707 recodified from R4-4-707 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 411, effective September 30, 2014 (Supp. 15-1).

R20-4-708. Financial Condition and Resources

The Director shall consider the following criteria in evaluating an escrow agent's, other escrow agent's, or applicant's financial condition and resources under A.R.S. § 6-817:

1. Amount of positive net worth,
2. Amount of tangible net worth,
3. Amount of liquid assets,
4. Amount of cash provided by operations,
5. Ratio of debt to net worth,
6. Owner's personal financial resources,
7. Outside resources available,
8. Profitability,
9. Projected operating results,
10. Status as agent for a title insurance company, and
11. Sources of new business.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 8. TRUST COMPANIES**R20-4-801. Definitions**

In addition to the definitions provided in A.R.S. § 6-851, the following terms apply to this Article unless the context otherwise requires:

"Account" means the trust, estate, or other fiduciary relationship established with a trust department or trust company.

"Affiliate" has the meaning stated at A.R.S. § 6-801.

"Director" has the meaning stated at A.R.S. § 20-102.

"Governing instrument" means a document, and all its operative amendments, that:

- Creates a trust and regulates the trustee's conduct,
- Creates an agency relationship between a trust department or trust company and a client, or
- Otherwise evidences a fiduciary relationship between a trust department or trust company and a client.

"Investment responsibility" means full and unrestricted discretion to invest trust funds without direction from anyone as to any matter, including the terms of the trade or the identity of the broker.

"Person" has the meaning stated at A.R.S. § 20-105.

"Trust asset" means any property or property right held by a trust department or trust company for the benefit of another.

"Trust department" means a permittee under both A.R.S. § 6-201 et seq. and Article 2 of this Chapter that possesses a banking permit authorizing it to engage in trust business.

"Trust funds" means any money held by a trust department or trust company for the benefit of another.

"Trustor" means a person who creates or funds a trust, or both.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-801 recodified from R4-4-801 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-802. Reserved**R20-4-803. Reserved****R20-4-804. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-804 recodified from R4-4-804 (Supp. 95-1). Repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

R20-4-805. Reports

- A. Within 90 days following each December 31, each trust department and trust company shall file an annual report of trust assets with the Director on the form prescribed by the Director. The annual report shall include the current market value of all trust assets held by the trust department or trust company as of December 31. The report shall also identify and briefly describe all transactions conducted in the report period that are regulated by subsections R20-4-812(E) through (G).
- B. Each trust company shall deliver a copy of its annual report and certificate of disclosure to the Director within 10 days of filing the report and certificate at the Arizona Corporation Commission. A report or certificate covered by this subsection is one filed under the authority of A.R.S. §§ 10-202 or 10-1622. A copy delivered to the Director, as required in this subsection, shall be date-stamped by the Arizona Corporation Commission to confirm the actual filing date.
- C. Each trust company shall notify the Director of any change in the directors or officers of the company within 10 days of the change. Any trust company with more than 25 officers may, after obtaining the Director's written approval, limit the officers covered by this subsection to those with substantial involvement in the trust company's corporate operations or in the trust company's trust business in this state.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-805 recodified from R4-4-805 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-806. Records

- A. Every trust company shall keep its records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. A trust company may keep its records as electronic records if the trust company can generate all information and copies required by

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this Section within the timeframe set by the Department for examination or other purposes.

- B.** A trust department or trust company shall keep books, accounts, and records adequate to provide clear and readily understandable evidence of all business conducted by the trust department or trust company, including the following:
1. A file for each account that includes:
 - a. The governing instrument,
 - b. All contracts and other legal documents,
 - c. Copies of all correspondence,
 - d. Accounting records disclosing all the financial transactions, and
 - e. A listing of all the account's assets and liabilities.
 2. An investment file for each account that includes:
 - a. All original documentary evidence of the account's assets; or
 - b. Copies of the original documentary evidence of the account's assets, together with written evidence of custody or receipt of the originals by an authorized holder; and
 - c. A record of the initial and annual investment reviews for the account.
 3. The corporate general ledger kept current on a daily basis. This record shall identify and segregate all financial transactions conducted by the trust department or trust company for itself, distinguishing them from those relating to the trust department's or trust company's trust business;
 4. Unaudited financial statements. A trust department or trust company shall produce these statements quarterly or more frequently when required by the Director. The financial statements shall include at least:
 - a. A balance sheet; and
 - b. A statement of income, expenses, and retained earnings.
 5. Adequate records of all pending litigation that names the trust department or trust company as a party.
- C.** A trust department shall keep its fiduciary records separate and distinct from the trust department's corporate records.
- D.** A trust department or trust company shall keep records described in subsections (B)(1) and (2) for at least three years after closing an account. If litigation occurs concerning a particular account, the trust department or trust company shall keep that account's records, described in subsections (B)(1) and (2), for three years after the litigation is resolved.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-806 recodified from R4-4-806 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-807. Unsafe or Unsound Condition

For purposes of A.R.S. §§ 6-863 and 6-865, a trust company conducts business in an unsafe manner or its affairs are in an unsound condition if it:

1. Violates any fiduciary duty or obligation, including those listed in Sections R20-4-809 through R20-4-815;
2. Violates any state or federal requirement for operating or maintaining trusts, common trust funds, or other accounts;

3. Violates any applicable federal or state law or regulation regarding corporations or securities;
4. Employs an officer or director who violates a corporate fiduciary duty;
5. Is insolvent; or
6. Engages in any conduct that the Director determines constitutes an unsafe or unsound business practice jeopardizing the trust company's financial condition or the interests of a stockholder, creditor, trustor, beneficiary, or trust company's principal.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-807 recodified from R4-4-807 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-808. Administration of Fiduciary Powers

- A.** The board of directors and the officers share responsibility for the exercise of fiduciary powers by a trust department or trust company. The board of directors is responsible for determining policy; investing and disposing of trust assets; and directing and reviewing the actions of all directors, officers, and committees of the board that exercise fiduciary powers. The board of directors may delegate the necessary power and authority to perform the trust department's or trust company's duties as a fiduciary to selected directors, officers, employees, or committees of the board if the delegation is consistent with the corporate charter. The minutes of the board's meetings shall duly reflect all those delegations.
- B.** A trust department or trust company shall not accept a new account without first obtaining the board's approval, or that of the directors, officers, or committees that the board may have authorized to approve new accounts. The trust department or trust company shall keep a written record of each new account approval and of the closing of each account. The trust department or trust company shall conduct an asset review within 60 days after it accepts each new account if it has investment responsibility for that account. The trust department's or trust company's board shall ensure that an annual review of account assets is conducted for each account in which the trust department or trust company has investment responsibility, to determine whether to retain or dispose of the assets.
- C.** A trust department or trust company exercising fiduciary powers shall use independent legal counsel admitted to practice in Arizona to advise and inform the trust department or trust company on fiduciary matters and all other legal issues presented to the trust department or trust company by the conduct of its trust business.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-808 recodified from R4-4-808 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-809. Fiduciary Duties

A trust department or trust company shall perform all fiduciary duties imposed upon it by law, including the following:

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1. Administer accounts strictly according to the governing instrument and solely in the account beneficiary's interests;
2. Use reasonable care and skill to make the account productive;
3. Provide complete and accurate information about the nature and amount of assets held to each account's beneficiary or principal and permit the beneficiary, principal, or any person duly authorized by the beneficiary or principal to inspect the account's records at any time during normal business hours. The information provided in compliance with this subsection shall be delivered at least quarterly, unless:
 - a. The trust department or trust company and its account's beneficiary, principal, or authorized person agree otherwise in writing;
 - b. The governing instrument provides otherwise; or
 - c. A different frequency is established by a lawful course of dealing before the effective date of this Section; and
4. Comply with all lawful provisions of the governing instrument.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-809 recodified from R4-4-809 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-810. Funds Awaiting Investment or Distribution

- A. Trust funds held by a trust department or trust company awaiting investment or distribution shall not remain uninvested or undistributed any longer than is reasonable for the account's proper management.
- B. A trust department or trust company may keep trust funds in deposit accounts maintained by the trust department or trust company unless prohibited by law or by the governing instrument. The trust department or trust company shall set aside collateral security for all deposited trust funds under a third party's control. The collateral shall be the following types of securities, in any combination:
 1. Direct obligations of the United States or any agency, department, division, or administration of the federal government;
 2. Any other obligations fully guaranteed by the United States government as to principal and interest;
 3. Obligations of a Federal Reserve Bank;
 4. Obligations of any state, political subdivision of a state, or public authority organized under the laws of a state; or
 5. Readily marketable securities that either:
 - a. Qualify as investment securities under the Investment Securities regulations of the Comptroller of the Currency, 12 CFR, Chapter 1, Part 1; or
 - b. Satisfy state pledging requirements under A.R.S. § 6-245(C).
- C. The securities set aside under subsection (B) shall, at all times, have a market value no less than the amount of trust funds deposited. No collateral security is required to the extent the Federal Deposit Insurance Corporation, or its successor, insures the deposited trust funds.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-810 recodified from R4-4-810 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-811. Investment of Trust Funds

- A. A trust department or trust company shall invest trust funds according to:
 1. The governing instrument; and
 2. All applicable laws, including A.R.S. §§ 6-862, 14-7402, and 14-7501 through 14-7512
- B. A trust department or trust company shall make any collective investment of trust funds exclusively under the terms of R20-4-815.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-811 recodified from R4-4-811 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-812. Self-dealing

- A. A trust department or trust company shall not invest trust funds in the following types of property unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its own securities;
 2. Other types of property acquired from the trust department or trust company;
 3. Property acquired from the trust department's or trust company's directors, officers, or employees;
 4. Property acquired from the trust department's or trust company's affiliates;
 5. Property acquired from its affiliates' directors, officers, or employees; or
 6. Property acquired from other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- B. A trust department or trust company may use trust funds to purchase its own securities, or its affiliates' securities:
 1. If the trust department or trust company has authority under subsection (A), and
 2. If those securities are offered pro rata to all stockholders of the trust department or trust company.
- C. A trust department or trust company shall not sell or loan trust property to itself, or to the following types of persons, unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its directors, officers, or employees;
 2. Its affiliates;
 3. Its affiliates' directors, officers, or employees; or
 4. Other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.

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- D.** However, a trust department or trust company may sell or loan trust property to persons prohibited by subsection (C) if either:
1. Its counsel has advised in writing that, by holding certain property, the trust department or trust company has incurred a contingent or potential liability for breach of fiduciary duty; and
 - a. The proposed sale or loan avoids the contingent or potential liability;
 - b. Its board of directors authorizes the sale or loan by an action duly noted in the trust department's or trust company's minutes;
 - c. Its board of directors' action expressly authorizes reimbursement to the affected account; and
 - d. The affected account is reimbursed, in cash, at no loss to that account; or
 2. The Director requires or approves, in writing, the sale or loan to otherwise prohibited parties.
- E.** A trust department or trust company may sell trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- F.** A trust department or trust company may loan trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- G.** A trust department or trust company may make a loan to a trust account, taking trust assets of the borrowing account as security for repayment, if:
1. The transaction is fair to the borrowing account; and
 2. The transaction is not prohibited by the governing instrument, applicable state or federal law, or court order.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-812 recodified from R4-4-812 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-813. Custody of Investments

- A.** A trust department or trust company shall keep each account's investments separate from its own assets. A trust department or trust company shall place each account's assets in the joint control of at least two officers or employees of the trust department or trust company designated in writing for that purpose by:
1. The trust department's or trust company's board of directors, or
 2. One or more officers authorized by the trust department's or trust company's board of directors to make the designation.
- B.** A trust department or trust company shall either:
1. Keep each account's investments separate from all other accounts' investments, except as provided in R20-4-815; or
 2. Adequately identify each account's property in the trust department's or trust company's records.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-813 recodified from R4-4-813 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000

(Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-814. Compensation

- A.** A trust department or trust company acting as a fiduciary may charge a reasonable fee for its services. The trust department or trust company shall receive the fee allowed by the court when it is acting under a court appointment. Any agreement as to fees in the governing instrument shall control the fee unless contrary to law, regulation, or court order.
- B.** A trust department or trust company shall not permit any of its officers or employees to take any compensation for acting as a co-fiduciary with the trust department or trust company in the administration of an account.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-814 recodified from R4-4-814 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-815. Collective Investments

- A.** All collective investments made by a trust department or trust company shall be in a common trust fund established under A.R.S. § 6-871 and maintained by the trust department or trust company exclusively for the collective investment and reinvestment of funds contributed by the trust department or trust company acting as a fiduciary. A trust department or trust company shall not establish a common trust fund unless it first:
1. Prepares a written plan regarding the common trust fund; and
 2. Obtains its board of directors' approval of the plan, evidenced by a duly adopted resolution or the board's unanimous written consent.
- B.** The plan shall describe the common trust fund's operational details, including a description of:
1. The trust department's or trust company's investment powers and investment policy over all funds deposited in the common trust fund,
 2. The manner for allocating the common trust fund's income and losses,
 3. The criteria for admission to or withdrawal from participating in the common trust fund, and
 4. The method for valuing assets in the common trust fund and the frequency of valuation.
- C.** A trust department or trust company shall advise all persons having an interest in its common trust fund of the existence of the plan described in subsection (B), and shall provide a copy of the plan upon request.
- D.** The annual report required under R20-4-805(A) shall include all common trust funds operated by the trust department or trust company.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-815 recodified from R4-4-815 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by

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final rulemaking at 29 A.A.R. 1952 (September 1, 2023),
effective October 8, 2023 (Supp. 23-3).

R20-4-816. Termination of Trust or Fiduciary Powers and Duties

- A.** Any trust department that wants to surrender its trust powers shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust department has no remaining fiduciary duties, the Director shall notify the trust department that it no longer has authority to exercise trust powers.
- B.** Any trust company that wants to surrender its certificate of authority to conduct trust business and wind up its affairs shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. Upon receipt of the resolution or consent, the Director shall cancel the trust company's certificate of authority, and the trust company shall not accept new trust accounts.
- C.** After winding up its affairs, any trust company that wants to surrender its rights and obligations as a fiduciary and remove itself from the Director's supervision shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust company has no further fiduciary duties, the Director shall notify the trust company that it no longer has authority to exercise fiduciary powers.
- D.** Any trust department or trust company that surrenders its powers, rights, obligations, or certificate under this Section or that has them canceled, suspended, or revoked shall continue to be regulated under A.R.S. § 6-864 and this Article until it winds up its affairs. No action under this Section impairs any liability or cause of action, existing or incurred, against any trust department or trust company or its stockholders, directors, or officers.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-816 recodified from R4-4-816 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Appendix A. Repealed**Historical Note**

Appendix A repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

Appendix B. Repealed**Historical Note**

Appendix B repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

ARTICLE 9. MORTGAGE BROKERS**R20-4-901. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-901 recodified from R4-4-901 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-902. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-902 recodified from R4-4-902 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A.** The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices;
 2. The authority to examine a claimant's books and records relating to its mortgage lending activities; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's mortgage lending activities.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-903 recodified from R4-4-903 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-904. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-904 recodified from R4-4-904 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-905. Repealed**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-905 recodified from R4-4-905 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-906. Equivalent and Related Experience

- A.** An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;

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- 6. Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;
- 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
 - 1. Attorney without state bar certified real estate specialty...3:2
 - 2. Paralegal with experience in real estate matters...3:2
 - 3. Loan underwriter...3:2
 - 4. Mortgage broker or mortgage banker from another state without license...3:2
 - 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 - 6. Escrow officer...3:2
 - 7. Trust officer with a title company...3:2
 - 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 - 9. Title officer with a title company...3:1.5
 - 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 - 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 - 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 - 13. Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 - 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-906 recodified from R4-4-906 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-907. Course of Study

- A.** A course of study shall be satisfactorily completed if the applicant has:
 - 1. Attended at least 24 hours of class, and
 - 2. Received a passing grade on the final exam.
- B.** A course of study shall meet all the following requirements:
 - 1. The following items shall be submitted by the school to the Superintendent on an annual basis:

- a. Course materials;
- b. Class content outlines on a session-by-session basis; and
- c. Sample final exam.
- 2. The following subjects shall be taught:
 - a. Mortgage, deed of trust, and security agreement law;
 - b. Negotiable instrument law;
 - c. Mortgage broker law;
 - d. Escrow agent law;
 - e. Recordkeeping requirements of R20-4-917;
 - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
 - g. Ethics;
 - h. Principal and agent law;
 - i. Arithmetical computations common to mortgage brokerage;
 - j. Real estate lending principles;
 - k. Real estate law;
 - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 through 1666j; and
 - m. Securities law.
- 3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.

- C.** The Superintendent shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The Superintendent may audit a course of study at any time. If the Superintendent finds that a course of study is unsatisfactory, or if the Superintendent has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the Superintendent may withhold or suspend approval.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-907 recodified from R4-4-907 (Supp. 95-1).

R20-4-908. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-908 recodified from R4-4-908 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-909. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-909 recodified from R4-4-909 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-910. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-910 recodified from R4-4-910 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-911. Qualified Replacement Responsible Individual

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed

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the course of study required by A.R.S. § 6-903(B)(2) or passed the mortgage broker examination required by A.R.S. § 6-903(B)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in A.R.S. § 6-903(F), but otherwise meets the requirements of A.R.S. § 6-903(B), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the Superintendent grants additional time to the licensee for good cause shown.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-911 recodified from R4-4-911 (Supp. 95-1).

R20-4-912. Restrictions on the Term of a Cash Alternative

If an applicant or a licensee elects to place with the Superintendent a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of A.R.S. § 6-903(J), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-912 recodified from R4-4-912 (Supp. 95-1).

R20-4-913. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-913 recodified from R4-4-913 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-914. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-914 recodified from R4-4-914 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-915 recodified from R4-4-915 (Supp. 95-1).

R20-4-916. Notification of Change of Address

If the address of the principal place of business or of any branch office is changed, the licensee shall notify the Superintendent of the change within five business days after the occurrence of the change of location. Together with such notice, the licensee shall provide to the Department the license for the office changing addresses

together with the fee required by A.R.S. § 6-126 for changing the address of an office. A copy of such license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-916 recodified from R4-4-916 (Supp. 95-1).

R20-4-917. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system;
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied, etc.); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose, including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose, including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;

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- h. Date disbursed;
- i. Disbursement's payee and purpose; and
- j. Balance;
6. A file for each application for a mortgage loan containing:
- a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement, and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
 - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
 - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
8. Copies of governmental or regulatory compliance reviews;
9. If the licensee is not a natural person, a file containing:
- a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter.
- A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E. A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-917 recodified from R4-4-917 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-918. Repealed**
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-918 recodified from R4-4-918 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-919. Deposit of Monies Received by a Mortgage Broker**
- All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be so deposited by 5:00 p.m. on the next business day after receipt of the funds.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-919 recodified from R4-4-919 (Supp. 95-1).
- R20-4-920. Requirements for the Testing Committee**
- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the Superintendent no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the Superintendent shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the Superintendent does not find at least four persons from the list to be acceptable, the Superintendent shall solicit additional nominees from licensees.
- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the Superintendent containing not less than two nominees for each vacancy. The Superintendent shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the Superintendent does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the Superintendent.

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- C. The Superintendent may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the Superintendent.
- E. The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-920 recodified from R4-4-920 (Supp. 95-1).

R20-4-921. Authorizations to Complete Blank Spaces

An authorization, under A.R.S. § 6-909, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-921 recodified from R4-4-921 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-922. Determining Loan Amounts

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be considered and not any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties or compensation retained by the mortgage broker or its agents.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-922 recodified from R4-4-922 (Supp. 95-1).

R20-4-923. Delay or Cause Delay

A mortgage broker shall not be deemed to have delayed or caused delay if such delay occurs due to events outside the control of the mortgage broker.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-923 recodified from R4-4-923 (Supp. 95-1).

R20-4-924. Receipt and Disbursement of Monies

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later

than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during any calendar year.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-924 recodified from R4-4-924 (Supp. 95-1).

R20-4-925. Waiver of Examination and Course of Study

The Superintendent's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-927. Conversion to Commercial Mortgage Broker License

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert his or her license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
 1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and
 2. The information and documents required by A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-928. Certificate of Exemption Application and Renewal

- A. Under A.R.S. § 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.
- B. A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and

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applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).

- C. In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).
- D. The following fees are payable to the Department:
1. To change the name of the federally chartered savings bank on a certificate of exemption: \$250.00.
 2. To change the responsible individual for the exempt entity: \$250.00.
 3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.
 4. To change the address of the federally chartered savings bank on a certificate of exemption: \$50.00.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 10. SAFE DEPOSIT AND SAFEKEEPING CODE**R20-4-1001. Notice of Change of Location of Safe Deposit Repository**

- A. A corporation or association that moves a repository shall give written notice of the location change to the Director and to its customers.
1. A corporation or association shall provide notice of the location change to the Director by mailing the notice required under this subsection by first class mail no less than 30 days before the scheduled moving date. The corporation or association shall include a copy of the notice to customers required under subsection (B).
 2. A corporation or association shall provide notice of the location change to its customers by:
 - a. Publishing notice of the change of location in:
 - i. An English language newspaper of general circulation in the county where the repository will be closed,
 - ii. In a weekly newspaper for two consecutive publications, or
 - iii. In a daily newspaper for three consecutive days; and
 - b. Publishing the notice no more than 90 days, and no less than 30 days, before the scheduled moving date.
- B. The corporation or association shall include all the following information in the notice:
1. The date the corporation or association intends to move the repository,
 2. The earliest date a customer can remove contents and transact other business related to the move,
 3. The latest date a customer can remove contents and transact other business related to the move,
 4. The street address of the repository to be closed, and
 5. The street address of the new repository.

Historical Note

Former Rule 1. R20-4-1001 recodified from R4-4-1001 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 5227, effective February 4, 2003 (Supp. 02-4). Preceding Historical Note entry corrected to read 2003 instead of 2002 (Supp. 03-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 11. PUBLIC DEPOSITORIES FOR PUBLIC MONIES**R20-4-1101. Capital Structure of Banks; Defined**

"Capital structure" as the term is applied to banks under Article 2.1, Chapter 2, Title 35, Arizona Revised Statutes, means the sum of the following reserves and capital accounts of the institution as stated in the institution's report of condition required by the supervisory banking authority for the year end next preceding the institution's bid for deposit:

1. Reserve for bad debt losses on loans,
2. Other reserves on loans,
3. Reserves on securities,
4. Capital notes and debentures,
5. Preferred stock – total par value,
6. Common stock – total par value,
7. Surplus,
8. Undivided profits, and
9. Reserve for contingencies and other capital reserves.

Historical Note

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1101 recodified from R4-4-1101 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1102. Expired**Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1102 recodified from R4-4-1102 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 382, effective February 5, 2020 (Supp. 20-1).

ARTICLE 12. RULES OF PRACTICE AND PROCEDURE BEFORE THE DIRECTOR**R20-4-1201. Scope of Article; Definitions**

- A. Scope. This Article, Title 6, Title 32, Chapters 9 and 36, and Title 44, Chapter 2.1 of the Arizona Revised Statutes govern administrative hearings before the Department. The Department shall use the authority of A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' procedural rules and this Article to govern the initiation and conduct of administrative hearings. In an administrative hearing, special procedural requirements in state statute or another Section in this Article shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' rules, or this Article. Except as otherwise provided in Section R20-4-1220 for rulemaking petitions, this Article does not apply to rulemaking or to investigative proceedings before the Director. Unless expressly applicable by rule or statute, the Arizona Rules of Civil Procedure do not apply to administrative hearings.

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- B.** In addition to the definitions provided in A.R.S. §§ 41-1001 and 41-1092, the following terms apply to this Article:

“Administrative Hearing” means an appealable agency action as defined by A.R.S. § 41-1092(3) or a contested case as defined by A.R.S. § 41-1001(5) subject to A.R.S. Title 41, Chapter 6, Article 10.

“Attorney General” means the Attorney General of Arizona, and the Attorney General’s assistants and special agents.

“Department” means the Arizona Department of Insurance and Financial Institutions – Financial Institutions Division.

“Director” has the meaning stated at A.R.S. § 20-102.

“Party” has the meaning prescribed at A.R.S. § 41-1001(16) and includes any person or entity subject to the jurisdiction of the Department under A.R.S. Title 6, Title 32 - Chapter 9, Title 32 - Chapter 36, and Title 44 - Chapter 2.1.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1201 recodified from R4-4-1201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1202. Appearance and Practice before the Director for Administrative Hearings

- A.** A party may appear on their own behalf or through counsel.
- B.** When an attorney other than the Attorney General appears or intends to appear before the Director or the Department, they shall promptly disclose their name and contact information and the name and contact information of the party on whose behalf they intend to appear.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1202 recodified from R4-4-1202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1203. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1203 recodified from R4-4-1203 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1204. Filing; Service

- A.** A document filed by a party with the Department is filed on the date it is received by the Department as established by the Department’s earliest stamped date on the face of the document or by some other method of affixing a received date by the Department.
- B.** If a party is represented by an attorney, service is effectuated by service upon the attorney unless additional service upon the represented party is required by an administrative law judge or the Department.
- C.** A document is served upon a party as provided for under A.R.S. § 41-1092.04 and Section R2-19-108. A party effectuating service is responsible for producing proof of service if requested by the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1204 recodified from R4-4-1204 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended to correct a typographical error in subsection (B) (Supp. 01-4). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1205. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1205 recodified from R4-4-1205 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1206. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1206 recodified from R4-4-1206 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1207. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1207 recodified from R4-4-1207 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1208. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1208 recodified from R4-4-1208 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1209. Answer to Notice of an Administrative Hearing

- A.** The Department may, in a notice of hearing, direct one or more parties to file a written answer to the allegations contained in the notice of hearing. Even if not directed to do so, any party to the proceeding may file an answer.
- B.** A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Department may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.
- C.** An answer filed under this Section shall briefly state the party’s position or defense to the proceeding and shall specifically admit or deny each of the allegations in the notice of hearing. An answering party who does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an allegation shall state that inability which shall have the effect of a denial. Any allegation not denied is admitted. A party who intends to deny only a part of an allegation, shall expressly admit as much of that allegation as is true and shall deny the remainder.
- D.** A party who fails to file an answer required by this Section within the time allowed is in default. The Director may resolve

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the proceeding against a defaulting party. In doing so, the Director may regard any allegations in the notice of hearing as admitted by the defaulting party.

- E. Defenses not raised in the answer are waived.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1209 recodified from R4-4-1209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1210. Stay Pending a Hearing

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Director stay an action or any part of an order that will become effective before a hearing. The Director may, in the Director's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Director grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1210 recodified from R4-4-1210 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1211. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1211 recodified from R4-4-1211 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1212. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1212 recodified from R4-4-1212 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1213. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1213 recodified from R4-4-1213 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1214. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1214 recodified from R4-4-1214 (Supp. 95-1). Section

repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1215. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1215 recodified from R4-4-1215 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1216. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1216 recodified from R4-4-1216 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1217. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1217 recodified from R4-4-1217 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1218. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1218 recodified from R4-4-1218 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1219. Request for Rehearing or Review

- A. Any party aggrieved by an administrative decision may file with the Director within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for the request.
- B. A party filing a motion under this Section may amend the motion at any time before a response to the motion is filed. An amended motion tolls the time for filing a response and the time for rendering a decision on the motion.
- C. A request for rehearing or review which is not timely filed is deemed waived for the purpose of judicial review.
- D. A motion for rehearing or review shall specify which of the grounds listed in subsection (G) it is based upon and shall set forth the specific facts and laws in support of the motion. A motion may cite relevant portions of testimony from the hearing if a transcript is provided with the motion and may cite hearing exhibits by reference to the exhibit number. The motion shall specify the relief sought by the request, such as a different finding of fact, conclusion of law or order and may seek multiple forms of relief in the alternative. When a motion for rehearing or review is based on an affidavit, the moving party shall attach the affidavit to the motion.
- E. A party may file a separate request for a stay of the Director's decision. Filing a stay request or a motion for rehearing or review does not stay an order filed by the Director. The Director may stay an order pending the resolution of a motion for rehearing or review.
- F. Each party served with a motion for rehearing or review shall be permitted to file a written response within 15 days after the motion has been filed. Affidavits may be attached to and filed with a response. A response may cite relevant portions of testimony from the hearing if a transcript is provided with the

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response and may cite hearing exhibits by reference to the exhibit number. The Director has the discretion to hear oral argument to consider a request for rehearing or review.

- G.** The Director may grant a motion for rehearing or review for any of the following causes:
1. Irregularity in the proceedings before the Department, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
 2. Misconduct by the Department, the administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary care;
 4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing; and
 7. The decision is not justified by the evidence or is contrary to law.
- H.** The Director may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (G). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.
- I.** The Director, within the time for filing a motion for rehearing, may without a motion for rehearing, order a rehearing for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.
- J.** The Director may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1219 recodified from R4-4-1219 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1220. Petition for Rulemaking Action

- A.** The following definitions apply in this Section.
1. "Petitioner" means a person who petitions the Department for Rulemaking action as authorized under A.R.S. § 41-1033(A).
 2. "Rule" has the meaning stated at A.R.S. § 41-1001 and is enforceable by the Department.
 3. "Rulemaking action" means the process for formulation and finalization of a new rule, or amendment or repeal of an existing rule.
 4. "Substantive Policy Statement" has the meaning stated at A.R.S. § 41-1001, is advisory only, and is not enforceable by the Department.
- B.** Any person may petition the Department under A.R.S. § 41-1033(A) to either:
1. Make, amend, or repeal a final Rule; or
 2. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule.
- C.** A person who files a petition pursuant to A.R.S. § 41-1033(A), shall include the following information in the petition:
1. The Petitioner's name and contact information;

2. The name and address of any organization the Petitioner represents;
 3. Whether the Petitioner is petitioning the Department to:
 - a. Make, amend, or repeal a final Rule; or
 - b. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule;
 4. A detailed explanation of Petitioner's basis for submitting the petition;
 5. If the Petitioner is petitioning the Department to make a Rule, the language of the proposed new Section and the specific authority for the requested Rulemaking action;
 6. If the Petitioner is petitioning the Department to amend an existing Rule, a citation to the existing Section to be amended, the language of the proposed Rule amendment, and the specific authority for the requested Rulemaking action;
 7. If the Petitioner is petitioning the Department to repeal an existing Rule, a citation to the existing Section or subsection to be repealed, and an explanation of why the Rule should be repealed including, if applicable, how the Rule does not meet the requirements of A.R.S. § 41-1030;
 8. If the Petitioner is petitioning the Department to review an existing agency practice that the Petitioner alleges to constitute a Rule, a description of the Department's practice, an explanation of how the Department's practice constitutes a Rule being enforced by the Department, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action;
 9. If the petitioner is petitioning the Department to review a Substantive Policy Statement that the Petitioner alleges to constitute a Rule, a citation to the Substantive Policy Statement, an explanation of how the Substantive Policy Statement is being enforced by the Department as a Rule, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action; and
 10. The petitioner's dated signature.
- D.** The petitioner may submit additional supporting information, including:
1. Statistical data; and
 2. A list of other persons and entities likely to be affected by the proposed Rulemaking action, with an explanation of the likely effects.
- E.** Within 60 days of the date the Department receives the petition, the Director shall send the petitioner a written decision indicating whether the Department is denying the petition or will initiate the requested Rulemaking action, with the reasons for the decision.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1220 recodified from R4-4-1220 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4). Subsections C(5) through (10), (D) and (E) omitted when codified in Supp. 22-4; the rule text has been published as promulgated at 28 A.A.R. 3620 (Supp. 24-1).

ARTICLE 13. LOAN ORIGINATORS**R20-4-1301. Scope of Article**

This Article applies to:

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1. All loan originating activities of any person licensed under Arizona law as a loan originator, and
2. The conduct of any applicant for a loan originator license.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1302. Course of Study to Qualify for Licensure

- A. The Superintendent shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensing System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- B. An applicant for a loan originator license shall satisfactorily complete a course of study by:
 1. Attending at least 20 hours of instruction, and
 2. Receiving a passing grade of not less than 75 percent correct answers on both the national and Arizona state exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- C. A pre-licensure course of study shall include 20 hours of instruction in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Three hours;
 3. Non-traditional mortgage product lending standards: Two hours;
 4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: Four hours;
 5. The remaining eight hours should be comprised of instruction in:
 - a. The obligations between principal and agent;
 - b. The statutory and regulatory laws governing loan originators;
 - c. Arithmetical computations common to mortgage lending;
 - d. Principles of real estate lending;
 - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
 - f. The terms and conditions of conforming and non-conforming residential mortgages;
 - g. Real estate appraisal; and
 - h. The principles of appraisal independence.
- D. A continuing education course of study shall include eight hours of instruction each year in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending

Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;

2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Two hours;
3. Non-traditional mortgage product lending standards: Two hours;
4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: One hour.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1303. Financial Responsibility

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and paying to the Superintendent, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to A.R.S. § 6-991.03(B)(6); or
2. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(6).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1304. Fees

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to A.R.S. § 6-126(A)(33): \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G): \$150,
4. Transfer license to new employer fee pursuant to A.R.S. § 6-126(A)(34): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

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Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1305. Practice and Procedure

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the Superintendent) for challenging information the Superintendent enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section repealed; new Section made by renewed emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

ARTICLE 14. INVESTIGATIONS**R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. "Examination" means reviewing an applicant's or licensee's operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. "Investigation" means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity's operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. "Licensee" means a financial institution or enterprise licensed with the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1401 repealed, new Section R4-4-1401 renumbered from R4-4-1402 and amended effective August 14, 1991 (Supp. 91-3). Amended effective August 14, 1991 (Supp. 91-3). R20-4-1401 recodified from R4-4-1401 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1402. Repealed**Historical Note**

Former Section R4-4-1402 renumbered to R4-4-1401, new Section R4-4-1402 adopted effective August 14, 1991 (Supp. 91-3). R20-4-1402 recodified from R4-4-1402 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4).

R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director's Subpoena Power

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General's office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1403 repealed, new Section R4-4-1403 renumbered from R4-4-1407 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1403 recodified from R4-4-1403 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1404. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1404 recodified from R4-4-1404 (Supp. 95-1).

R20-4-1405. Background Information

- A. In connection with an examination or investigation, the Director may investigate the following persons' background:
 1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
 2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).
- B. In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1405 repealed, new Section R4-4-1405 renumbered from R4-4-1409 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1405 recodified from R4-4-1405 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1406. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1406 recodified from R4-4-1406 (Supp. 95-1).

R20-4-1407. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1403 effective August 14, 1991

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(Supp. 91-3). R20-4-1407 recodified from R4-4-1407 (Supp. 95-1).

final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1408. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1408 recodified from R4-4-1408 (Supp. 95-1).

R20-4-1409. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Renumbered to R4-4-1405 effective August 14, 1991 (Supp. 91-3). R20-4-1409 recodified from R4-4-1409 (Supp. 95-1).

R20-4-1410. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1410 recodified from R4-4-1410 (Supp. 95-1).

ARTICLE 15. COLLECTION AGENCIES**R20-4-1501. Definitions**

In this Article, unless the context otherwise requires:

1. "Account" means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client's behalf.
2. "Active Manager" means the person who is in active management of the conduct of the collection agency's business, and who meets the qualifications listed in A.R.S. § 32-1023(A).
3. "Client" means a person who has hired a collection agency to collect a debt.
4. "Collection agency" has the meaning in A.R.S. § 32-1001(2).
5. "Contact" means to communicate with, and includes attempted communications.
6. "Credit bureau" or "credit reporting agency" means any person engaged exclusively in the business of gathering, recording, and disseminating information about the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension.
7. "Creditor" means a person who offers or extends credit creating a debt, or to whom a debt is owed. The term does not include a person that receives an assignment or transfer of a defaulted debt solely for use in collecting the debt for someone else.
8. "Debt" means a debtor's actual or claimed obligation to pay money, whether or not the obligation has been reduced to judgment.
9. "Debtor" means a person obligated to pay a debt. The term also means a person claimed to be obligated to pay a debt.
10. "Director" has the meaning stated at A.R.S. § 20-102.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1501 recodified from R4-4-1501 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by

R20-4-1502. Applications

- A. An applicant for a license shall complete and file an application, as required by the Department, by delivering the application to the Director, together with the following documents and payment:
 1. The bond required by A.R.S. § 32-1021;
 2. The nonrefundable investigation fee and original license fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126;
 3. A current financial statement in the form required by the Department;
 4. A certified copy of the current articles of incorporation, by-laws, partnership agreement, or other organizational documents under which the applicant proposes to conduct business; and
 5. A statement of personal history for each principal officer, partner, and manager of the applicant, in the form required by the Department.
- B. An out-of-state collection agency applying for a license under A.R.S. § 32-1024 shall complete and file the application required by subsection (A), together with a signed statement declaring that:
 1. The requirements for securing the out-of-state license were, when issued, substantially the same or equivalent to the requirements imposed under A.R.S. Title 32, Chapter 9, Article 2. The statement shall also contain a complete description of those requirements.
 2. The state issuing the out-of-state license extends reciprocity to Arizona licensees under similar circumstances. The statement shall also contain a complete description of the conditions for reciprocity in the other state.
- C. A licensee applying for license renewal shall complete and file an application, as required by the Department, by delivering the renewal application to the Director before January 1, together with the renewal fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126. An application for renewal shall also include a current financial statement in the form required by the Department.
- D. An applicant for a provisional license under A.R.S. § 32-1027 shall complete and file an application as required by the Department, by delivering the application to the Director within 30 days of the event justifying a provisional license. The applicant shall deliver the application together with each of the following:
 1. A bond that satisfies the requirements of A.R.S. § 32-1022;
 2. A current financial statement as required by the Department;
 3. A detailed description of the facts justifying the issuance of a provisional license; and
 4. Evidence that the licensee notified the Director as required by A.R.S. § 32-1023, in the event the licensee has terminated its active manager.
- E. An applicant for a provisional license shall, in each instance, be appropriate to the circumstances justifying the provisional license, as follows:
 1. A licensee's personal representative, or the personal representative's appointee, shall complete and file an application if the licensee, a natural person, has died;
 2. The surviving partners shall complete and file an application if the licensee, a partnership, has dissolved;

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3. A licensee shall complete and file an application if an active manager's employment was terminated.
 - F. An applicant for a provisional license shall clearly label the top of the first page with the heading "APPLICATION FOR PROVISIONAL LICENSE UNDER A.R.S. § 32-1027."
 - G. The Director may require additional information the Director considers necessary in connection with any application under this Section.
4. A trust general ledger reflecting all deposits to and payments from a trust account. A licensee shall post transactions to its trust general ledger at least every five business days. A licensee shall bring its trust general ledger current within 24 hours when requested by the Director.
 5. The licensee's trust account reconciliation, prepared at least once a month.
 6. Books, records, and files maintained so that the Director can easily conduct an unannounced spot check, as well as the examinations and investigations required by A.R.S. §§ 6-122 and 6-124.
 7. A copy of all pleadings in pending litigation that names the collection agency as a defendant.
 8. A record of fictitious names used by the agency's debt collectors as required by R20-4-1520.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1502 recodified from R4-4-1502 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1503. Reports

A collection agency shall notify the Director in writing of any change in the officers, directors, partners, or active manager of the collection agency not more than 10 days after the change. With the notice, the collection agency shall provide the Director with a Statement of Personal History for each new officer, director, partner, or active manager on a form obtained from the Department.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1503 recodified from R4-4-1503 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1504. Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. All licensees shall keep and maintain books, accounts, and records adequate to provide a clear and readily understandable record of all business conducted by the collection agency, including:
 1. Records or books of account listing all clients' accounts. Each account shall reflect its true condition at each calendar month's end, and shall include:
 - a. The client's name and address;
 - b. Each debtor's name worked for collection in that month;
 - c. The amount, description, and date of each debit and each credit to the account; and
 - d. The balance due to, or owing from, the client.
 2. A record and history of each debt for collection that clearly shows:
 - a. The debtor's name;
 - b. The debt's principal amount;
 - c. The interest charged or collected;
 - d. The amount, and description, of any other charges;
 - e. The amount, and date, of each payment received or collected; and
 - f. The current balance due on the debt.
 3. An original of each written contract between the licensee and a client, including any contract amendments.

- C. A person issuing a receipt for a collection agency shall sign the receipt using that person's true name. Each receipt shall also show the collection agency's name.
- D. A licensee shall maintain all records required under this Section and shall make them available for examination, investigation, or audit in Arizona within three working days after the Director demands the records.
- E. A licensee shall retain the records required by this Section for the following periods:
 1. A licensee shall retain all records described in subsections (B)(1), and (B)(3) through (8) for at least seven years following their creation.
 2. A licensee shall retain all records described in subsection (B)(2) for at least three years from an account's assignment to the licensee. If a licensee collects any money on an account, the licensee shall retain the records described in subsection (B)(2) for at least three years from the last collection date.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1504 recodified from R4-4-1504 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1505. Trust Account

- A. A licensee that maintains an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in Arizona. A licensee that does not maintain an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in the state where the licensee maintains its principal office. A licensee shall deposit all client funds before the close of its business on the third business day after the licensee receives the funds. Client funds shall remain on deposit as required by this Section until:
 1. Paid over to a client, or
 2. Otherwise paid as provided in this Section.
- B. A licensee shall pay funds from the trust account either:
 1. By prenumbered printed checks, or
 2. By electronic payment.
- C. A licensee shall deposit in its trust account only the funds it has collected for its client. A licensee, its officers, directors, partners, managers, members, or employees shall not commin-

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gle, or permit the commingling of, their own funds with client funds. This prohibition includes any funds that a licensee, or any officer, director, partner, manager, member, or employee claims an interest in if that interest arises outside the licensee's contract with a client.

- D.** A licensee shall keep unpaid client funds in its trust account. A licensee may maintain a separate trust account for dormant accounts into which the licensee deposits unpaid funds such as those of a client that cannot be located, or any trust account check issued to a client that is returned without being negotiated. As to all those unpaid funds, under A.R.S. § 44-307, a licensee shall file an abandoned property report at the Arizona Department of Revenue as and when required by law.
- E.** A licensee shall withdraw from its trust account all fees and commissions due the licensee under its contract with a client and deposit them directly into its own operating account.
- F.** A licensee shall not pay funds from its trust account except as:
1. Provided in this Section,
 2. Expressly authorized in its contract with a client, or
 3. Authorized in writing by the Director.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1505 recodified from R4-4-1505 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1506. Articles of Incorporation; Bylaws; Organizing Documents

- A.** A collection agency organized as a corporation shall file with the Director a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Director, an officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.
- B.** A collection agency organized as a corporation shall file with the Director a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C.** A collection agency not organized as a corporation shall file with the Director a copy of each amendment to its organizing documents within 10 days after the amendment is adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1506 recodified from R4-4-1506 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1507. Representations of Collection Agency's Identity

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency,

2. A collection agency shall not directly or indirectly claim to be a credit reporting agency or credit bureau if it is not,
3. A collection agency shall not directly or indirectly claim to be a law enforcement agency, and
4. A collection agency shall not directly or indirectly claim to be a law firm.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1507 recodified from R4-4-1507 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1508. Representations of the Law

A collection agency shall not:

1. Misrepresent the state of the law to a debtor;
2. Send a debtor written material that simulates legal process; or
3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1508 recodified from R4-4-1508 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required

- A.** A collection agency shall not threaten to collect, or attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B.** A collection agency shall not inform a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C.** A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D.** A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E.** A collection agency shall not file a lawsuit against a debtor unless the lawsuit is filed by an attorney who has no personal or financial interest in the collection agency filing the lawsuit against the debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1509 recodified from R4-4-1509 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1510. Representations as to Rights Waived or Rem-

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Remedies Available

- A.** A collection agency shall not inform a debtor that:
1. The debtor waives any legal right or legal defense by a failure to contact the collection agency, and
 2. The collection agency has the power or right to bypass the legal process.
- B.** A collection agency shall not misrepresent the remedies available to the collection agency.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1510 recodified from R4-4-1510 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1511. Prohibition of Harassment

- A.** A collection agency shall not use unauthorized or oppressive tactics designed to harass any person to pay a debt.
- B.** A collection agency shall not use written or oral communications that ridicule, disgrace, or humiliate any person, or tend to ridicule, disgrace, or humiliate any person.
- C.** A collection agency shall not state, imply, or tend to imply, in written or oral communications, that any person is guilty of fraud or any other crime.
- D.** A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.
- E.** A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1511 recodified from R4-4-1511 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1512. Contacts with Debtors and Others

- A.** A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.
- B.** A collection agency shall not threaten to or contact a third party, including a debtor's friend, relative, neighbor, or employer and:
1. Inform the third party of the debt;
 2. Ask the third party to pressure the debtor into paying the debt; or
 3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C.** Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1512 recodified from R4-4-1512 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1513. Cessation of Communication with the Debtor

- A.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through the debtor's lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.
- B.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or
 2. Wants the collection agency to stop all further communication with the debtor.
- C.** Despite the provisions of subsection (B), a collection agency may contact a debtor to inform the debtor that:
1. The collection agency has stopped trying to collect the debt, or
 2. The collection agency or the creditor may invoke specific remedies that are customarily used by the collection agency or the creditor.
- D.** The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1513 recodified from R4-4-1513 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1514. Disclosure of Information to Debtor

- A.** Within five days after the initial communication with the debtor, a collection agency shall obtain and be able to inform the debtor of:
1. The name of the creditor;
 2. The time and place of the creation of the debt;
 3. The merchandise, services, or other value provided in exchange for the debt; and
 4. The date when the account was turned over to the collection agency by the creditor.
- B.** A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection (A).
- C.** At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection (A).

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978

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(Supp. 78-6). R20-4-1514 recodified from R4-4-1514 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1515. Aiding and Abetting

A collection agency shall not help or encourage, directly or indirectly, any person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1515 recodified from R4-4-1515 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1516. Advertising

A collection agency shall not use any form of communication to state or imply that the collection agency is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1516 recodified from R4-4-1516 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1517. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1517 recodified from R4-4-1517 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2).

R20-4-1518. Agreements with Clients

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court, or to practice law in any other way, is void and prohibited by this Section. The records for an account shall separately state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,

3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1518 recodified from R4-4-1518 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1519. Licensee Names and Control

- A.** The Department shall not issue a license with a name that is:
1. Similar to, or that may be confused with, any federal, state, county, or municipal government function or agency;
 2. Descriptive of any business activity that the applicant does not actually conduct;
 3. The same as, or similar to, the name of any existing collection agency, or
 4. Otherwise deceptive or misleading.
- B.** The Department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the existing collection agency.
- C.** A collection agency shall not use a collection agency license to do business under more than one name. Each collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1519 recodified from R4-4-1519 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1520. Representations of Collection Agency Employees' Identity or Position

- A.** A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:
1. Misrepresent the person's true position with the collection agency;
 2. Claim to be, or imply that the person is, an attorney unless the person is licensed to practice law;
 3. Claim to be, or imply that the person is, a public official, peace officer, or any other type of public employee; or
 4. Claim to be, or imply that the person is, any other third party.
- B.** In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.
- C.** A collection agency shall keep a record of all fictitious names used by its debt collectors during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the Department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:
1. The true name of each debt collector that uses a fictitious name;

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2. Each fictitious name used by the debt collector, together with the dates when the name is used; and
3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1520 recodified from R4-4-1520 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1521. Duty of Investigation

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney upon request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

1. The debtor has been misidentified,
2. The debt has been paid,
3. The debt has been discharged in bankruptcy, or
4. Based on any other reasonable claim, the debt is not owed.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1521 recodified from R4-4-1521 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1522. Reserved**R20-4-1523. Reserved****R20-4-1524. Reserved****R20-4-1525. Reserved****R20-4-1526. Reserved****R20-4-1527. Reserved****R20-4-1528. Reserved****R20-4-1529. Reserved****R20-4-1530. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1530 recodified from R4-4-1530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4).

ARTICLE 16. ACQUIRING CONTROL OF FINANCIAL INSTITUTIONS**R20-4-1601. Definitions**

In addition to the definitions provided in A.R.S. § 6-141, the following terms apply to this Article unless the context otherwise requires:

“Acquiring party” means a person who intends to acquire control of a bank, trust company, savings and loan association, or controlling person under A.R.S. Title 6, Chapter 1, Article 4.

“Bank” has the meaning stated in A.R.S. § 6-101.

“Director” has the meaning stated in A.R.S. § 6-101(7).

“Savings and loan association” means a person required to possess a permit issued by the Director under A.R.S. Title 6, Chapter 3.

“Target company” means a bank, savings and loan association, trust company, or controlling person to be acquired by an acquiring party.

“Trust company” has the meaning stated in A.R.S. § 6-851.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1601 recodified from R4-4-1601 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1602. Application for Approval to Acquire Control of Financial Institution

A. An applicant seeking approval to acquire control of a bank, savings and loan association, or controlling person of a bank or savings and loan association, under A.R.S. Title 6, Chapter 1, Article 4, shall file with the Director copies of all application documents filed with federal regulatory agencies in connection with the planned acquisition of control.

B. As used in this subsection, “executive officer” includes the chairman of the board, president, each vice president, cashier, secretary, treasurer, and every other person who participates in major policymaking functions of the applicant. Under A.R.S. § 6-145(A), an applicant seeking approval to acquire control of a trust company or controlling person of a trust company, under A.R.S. Title 6, Chapter 1, Article 4 shall supply all information the Director requires under this subsection. The Director may require an applicant to supplement or amend its application based on issues raised by the initial submission. The initial application shall consist of the following items:

1. A copy of the signed purchase agreement;
2. The applicant's audited financial statement;
3. A personal history statement, on a form supplied by the Department, for each executive officer and each director of the acquiring party;
4. Each executive officer's and each director's personal financial statement;
5. A full set of fingerprints for each executive officer and each director; and
6. A copy of each executive officer's and each director's driver's license.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1602 recodified from R4-4-1602 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1603. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1603 recodified from R4-4-1603 (Supp. 95-

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- 1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

R20-4-1604. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1604 recodified from R4-4-1604 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

ARTICLE 17. ARIZONA INTERSTATE BANK AND SAVINGS AND LOAN ASSOCIATION ACT**R20-4-1701. Definitions**

In addition to the definitions provided in A.R.S. § 6-321, the following terms apply to this Article unless the context otherwise requires:

“Applicant” means an out-of-state financial institution that intends to acquire control of an in-state financial institution.

“Director” has the meaning stated in A.R.S. § 6-101(7).

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1701 recodified from R4-4-1701 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1702. Notice to the Director of Intent to Acquire Control of an In-state Financial Institution; Surrender of an Acquired Financial Institution’s Charter

- A. An applicant shall give written notice of an acquisition to the Director in the form of a courtesy copy of its federal application. The acquiring entity shall ensure that the notice is delivered to the Director not less than ten days before the effective date of the acquisition. No other application is required under the provisions of A.R.S. Title 6, Chapter 2, Article 7, the Arizona Interstate Bank and Savings and Loan Association Act. The Director may impose conditions on an acquisition under the authority of A.R.S. §§ 6-324 and 6-328.
- B. An acquired in-state financial institution shall surrender, by delivery to the Director, all permits and certificates issued by the Director within ten days after the effective date of the acquisition unless the acquired institution intends to continue operating, after the acquisition, as a stand-alone subsidiary under the authority of its existing Arizona banking permit.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1702 recodified from R4-4-1702 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1703. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1703 recodified from R4-4-1703 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1704. Public Notice

- A. An applicant shall transmit to the Director one copy of each notice and the publisher’s affidavit of publication required by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.
- B. An applicant shall provide the Director copies of any protests known to have been received by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1704 recodified from R4-4-1704 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1705. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1705 recodified from R4-4-1705 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1706. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1706 recodified from R4-4-1706 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

ARTICLE 18. MORTGAGE BANKERS**R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. § 6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant’s accounting and recordkeeping practices;
 2. The authority to examine a claimant’s books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant’s mortgage banking activities, mortgage lending activities, or both.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1802. Equivalent and Related Experience

- A. An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.

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1. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
2. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
5. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
6. Mortgage broker with license from another state, or responsible individual for the mortgage broker;
7. Attorney certified by any state as a real estate specialist.

B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).

1. Attorney without state bar certified real estate specialty...3:2
2. Paralegal with experience in real estate matters...3:2
3. Loan underwriter...3:2
4. Mortgage banker or mortgage broker from another state without license...3:2
5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
6. Escrow officer...3:2
7. Trust officer with a title company...3:2
8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
9. Title officer with a title company...3:1.5
10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
13. Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent at least five business days before the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-1806. Recordkeeping Requirements

A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:

1. Any approved computer or mechanical system back to a paper-based system; or
2. An approved mechanical system to a computer system; or
3. An approved computer system to a mechanical system.

B. In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:

1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;

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2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
 6. A file for each application for a mortgage banking loan or a mortgage loan containing:
 - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and;
 - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
 7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
 12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them;
 13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
 14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1807. Providing Copies of Records

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement;
4. The final truth-in-lending disclosure;
5. The note;
6. The executed deed of trust or mortgage; and
7. Each assignment of beneficial interest by the mortgage banker licensee.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1808. Authorization to Complete Blank Spaces

An authorization, under A.R.S. § 6-947, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1809. Determining Loan Amounts

The amount of a mortgage banking loan or a mortgage loan under A.R.S. § 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker or its agents.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1810. Delay or Cause Delay

A mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the mortgage banker.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1811. Impound Account

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed 1/6th of the estimated total annual payments from the impound account.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1813. Conversion to Mortgage Broker License

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal documents and renewal fees required by A.R.S. §§ 6-126 and 6-903 for mortgage brokers.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS**R20-4-1901. Exemption for an Institutional Investor**

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;
3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
5. The claimant makes only loans of more than \$250,000.

B. If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid, and that person shall not engage in any lending activity before obtaining a license.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

A. The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a "commercial mortgage loan," as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its commercial mortgage lending activities;
3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's commercial mortgage lending activities.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1903. Equivalent and Related Experience

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the

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three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Commercial mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 2. Mortgage broker with Arizona license, or Responsible Individual or branch manager for a licensee;
 3. Mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 4. Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;
 5. Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;
 6. Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;
 7. Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;
 8. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 9. Attorney certified by any state as a real estate specialist.
- B.** The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

A Person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One Person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1906. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent within five business days after the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1907. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose, and
 - j. Balance.

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6. A file for each application for a commercial mortgage loan containing:
- The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
 - The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
 - Correspondence sent, received, or both by the licensee;
 - Contract, agreement, and escrow instructions to or with any depository;
 - If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and
 - Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee.
7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
8. Copies of governmental or regulatory reviews;
9. If the licensee is a not a natural person, a file containing:
- Organizational documents for the entity;
 - Minutes;
 - A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction.
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action.
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
- The date a licensee receives a written cancellation notice from the applicant; or
 - The date a licensee mails written notice to an applicant that an application has been denied; or
 - The date of a licensee's internal memorandum closing a loan file.
- E. A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1908. Impound Accounts**
The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a Cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1909. Authorization to Complete Blank Spaces**
An authorization, under A.R.S. § 6-984, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:
- Specifically identify the document and the blank spaces to be completed;
 - Be in writing, dated, and signed by the authorizing party, and
 - Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1910. Delay or Cause Delay**
A commercial mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner**
A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Historical Note

New Section adopted by final rulemaking at 5 A.A.R.

2094, effective June 10, 1999 (Supp. 99-2).

Department of Insurance and Financial Institutions

Title 20. Commerce, Financial Institutions, and Insurance

Chapter 4. Department of Insurance and Financial Institutions –

Financial Institutions

Article 13. Loan Originators

Authorizing Statute

6-123. Deputy director; powers

In addition to the other powers, express or implied, the deputy director may:

1. Exercise all powers that are necessary for the administration and enforcement of the laws and rules relating to financial institutions and enterprises.
2. In accordance with title 41, chapter 6, adopt rules that are necessary or appropriate to administer, enforce and accomplish the purposes of this title and adopt rules and issue orders that limit transactions between financial institutions or enterprises and the directors, officers or employees of the financial institutions or enterprises.
3. Require appropriate records, documents, information and reports from any financial institution or enterprise.
4. Submit to the department of public safety, or the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor, the name and fingerprints of any applicant, licensee, active manager or responsible individual or the name and fingerprints of any organizer, director or officer of any corporate applicant or licensee for:
 - (a) A banking permit.
 - (b) Permission to organize a savings and loan association or credit union.
 - (c) Any license.
 - (d) Any certificate.
 - (e) Authority to engage in interstate banking and branching in this state.

The department of public safety shall report the criminal record, if any, of such applicant, licensee or organizer, director or officer of such corporate applicant or licensee within ninety days after receiving the deputy director's request.

5. Employ appraisers to appraise any property that is owned or held as security by any financial institution or enterprise. The reasonable expenses and compensation of such appraisers shall be paid by the financial institution or enterprise.

6. Hold membership in, pay dues to and attend the convention of the national and regional organizations of state officials occupying like offices or performing similar functions.

7. Cooperate with other regulatory agencies and professional associations to promote the efficient, safe and sound operation and regulation of interstate banking and branching activities, including the formulation of interstate examination policies and procedures and the drafting of model rules and agreements.

8. Participate in the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116), or its successor, and use the system for all aspects of licensure pursuant to this title, title 32, chapter 9 and title 44, chapter 2.1. The deputy director may allow the system to collect licensing fees on behalf of the deputy director, to collect a processing fee for the services of the system directly from each applicant for a license or licensee and to process and maintain records on behalf of the deputy director, including information collected pursuant to this section and section 6-123.01. This paragraph does not affect the records disclosure requirements and limitations prescribed in section 6-129.01.

Implementing Statutes

6-126. Application fees for financial institutions and enterprises

A. The following nonrefundable fees are payable to the department with the filing of the following:

1. To apply for a banking permit, \$1,000.
2. To apply for an amendment to a banking or savings and loan association permit, \$1,000.
3. To establish each banking branch office, \$750.
4. To move a banking office to other than an established office of a bank, \$1,000.
5. To apply for a savings and loan association permit, \$5,000.
6. To establish each savings and loan association branch office, \$1,500.
7. To move an office of a savings and loan association to other than an established office, \$1,000.
8. To organize and establish a credit union, \$100.
9. To establish each credit union branch or to move a credit union office to other than an established office of a credit union, \$250.
10. To organize and establish any other financial institutions for which an application or investigation fee is not otherwise provided by law, \$1,000.
11. To acquire control of a financial institution other than a consumer lender, \$5,000.
12. To apply for a trust company license, \$1,000.
13. To apply for a commercial mortgage banker, mortgage banker, escrow agent or consumer lender license, \$1,000.
14. To apply for a mortgage broker, commercial mortgage broker, sales finance company or debt management company license, \$500.
15. To apply for a collection agency license, \$1,500.
16. To apply for a branch office of an escrow agent, consumer lender, commercial mortgage banker, mortgage banker or trust company, \$500.

17. To apply for a branch office of a mortgage broker, commercial mortgage broker, debt management company or sales finance company, \$250.
18. To apply for approval for the merger or consolidation of two or more financial institutions, \$5,000 per institution.
19. To apply for approval to convert from a national bank or federal savings and loan charter to a state chartered institution, \$1,000.
20. To apply for approval to convert from a federal credit union to a state chartered credit union, \$500.
21. To apply for approval to merge or consolidate two or more credit unions, \$500 per credit union.
22. To change the licensee name on a financial institution or enterprise license, except for a loan originator or appraiser license, not more than \$250.
23. To apply for a license pursuant to chapter 12, article 1 of this title, \$1,500 plus \$25 for each branch office and authorized delegate to a maximum of \$4,500.
24. To acquire control of a person that is licensed pursuant to chapter 12, article 1 of this title or a controlling person pursuant to chapter 12 of this title, \$2,500.
25. To receive the following publications:
 - (a) Quarterly bank and savings and loan statement of condition, not more than \$10 per copy.
 - (b) Monthly summary of actions report, not more than \$5 per copy.
 - (c) A list of licensees, a monthly pending actions report and all other in-house prepared reports or listings made available to the public, not more than \$1 per page.
26. To apply for a loan originator license, an amount to be determined by the deputy director.
27. To apply for a loan originator license transfer, an amount to be determined by the deputy director.
28. To apply for a conversion from a mortgage banker license to a mortgage broker license, an amount to be determined by the deputy director.
29. For a premium finance company, \$300 plus \$300 for each branch office.
30. For an advance fee loan broker, \$50.

B. On application for a license or permit for an enterprise or consumer lender, the applicant shall pay the first year's annual assessment listed in subsection D of this section, prorated according to the number of quarters remaining until the date of the next annual assessment or renewal. If the result of the application ends in a denial, the department shall refund the prorated annual assessment that the applicant paid. Annual renewal fees are nonrefundable.

C. On issuance of a license or permit for a financial institution, the department shall collect the first year's annual assessment or renewal fee for the financial institution, except for a consumer lender that paid on application, prorated according to the number of quarters remaining until the date of the next annual assessment or renewal.

D. The following annual assessments and renewal fees shall be paid each year:

1. For an escrow agent or trust company, \$1,000 plus \$250 for each branch office.
2. For a debt management company or sales finance company, \$500 plus \$200 for each branch office.
3. For a collection agency, \$600.
4. For an inactive mortgage broker or commercial mortgage broker, \$250.
5. For a mortgage banker that negotiates or closes in the aggregate one hundred loans or less in the immediately preceding calendar year, \$750, and for a mortgage banker that negotiates or closes in the aggregate over one hundred loans in the immediately preceding calendar year, \$1,250. In addition, a mortgage banker shall pay \$250 for each branch office.
6. For a commercial mortgage banker, \$1,250. In addition, a commercial mortgage banker shall pay \$250 for each branch office.
7. For a mortgage broker or commercial mortgage broker that negotiates or closes in the aggregate fifty loans or less in the immediately preceding calendar year, \$250 and for a mortgage broker or commercial mortgage broker that negotiates or closes in the aggregate more than fifty loans in the immediately preceding calendar year, \$500. In addition, a mortgage broker or commercial mortgage broker shall pay \$200 for each branch office.
8. For a consumer lender, \$1,000 plus \$200 for each branch office.
9. For a licensee pursuant to chapter 12, article 1 of this title, \$500 plus \$25 for each branch office and each authorized delegate to a maximum of \$2,500.
10. For a loan originator, an amount to be determined by the deputy director.
11. For a loan originator change to inactive status, an amount to be determined by the deputy director.

12. For a premium finance company, \$300 plus \$300 for each branch office.
13. For an advance fee loan broker, \$25.

6-991.01. Exemptions

This article does not apply to:

1. Registered loan originators.
2. An individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.
3. A person who is a responsible individual as described in section 6-903, 6-943 or 6-973 and who does not act as a loan originator pursuant to article 1, 2 or 3 of this chapter.
4. An employee of a commercial mortgage banker licensed pursuant to article 3 of this chapter.
5. An employee of a person licensed pursuant to this chapter if the licensee affirms in writing to the deputy director that the licensee will not originate or negotiate a mortgage loan that has security in the form of a residential dwelling of one to four units.
6. A person who, as seller of real property, receives one or more mortgages or deeds of trust as security for a purchase money obligation.
7. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker or any other loan originator or by any agent of the lender, mortgage broker or other loan originator.
8. An individual who offers to negotiate terms of a residential mortgage loan with or on behalf of the individual's immediate family member and who does not otherwise engage in the business of a loan originator.
9. A manufactured home retailer and its employees if performing only clerical or support duties in connection with the sale or lease of a manufactured home and the manufactured home retailer and its employees receive no compensation or other gain from a mortgage banker or a mortgage broker for the performance of the clerical or support duties.
10. An individual who is employed by a residential mortgage loan servicer if the individual is involved solely in loss mitigation efforts, unless the United States department of housing and urban development determines that the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) requires the individual to be licensed as a mortgage loan originator. For the purposes of this paragraph, "loss mitigation efforts" means a residential mortgage loan borrower is in default or default is reasonably foreseeable and an individual works with the borrower on behalf of the residential

mortgage loan servicer to modify either temporarily or permanently the obligation or to otherwise mitigate loss on an existing residential mortgage loan.

11. An employee or the person who is the responsible individual of a financial institution who is licensed pursuant to article 1, 2 or 3 of this chapter if the responsible individual certifies in writing to the deputy director that the employee or the responsible individual, or both the employee and the responsible individual, will only originate commercial mortgage loans as defined in section 6-901.

6-991.02. Prohibited acts

A. A loan originator acting on the loan originator's own behalf shall not accept any monies or documents in connection with an application for a mortgage loan.

B. An individual is not entitled to receive compensation in connection with arranging for or negotiating a mortgage loan if the individual is not licensed pursuant to this chapter. An individual who is not specifically exempted from licensure pursuant to this article shall not engage in the business of a loan originator with respect to any dwelling in this state without first obtaining and maintaining annually a license pursuant to this article. Each licensed loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor.

C. A loan originator acting on the loan originator's own behalf shall not advertise, display, distribute, broadcast or televise, or cause or allow to be advertised, displayed, distributed, broadcast or televised, in any manner, any solicitation of mortgage business.

D. A loan originator shall not make, negotiate or offer to make or negotiate for compensation, either directly or indirectly, a loan that is either:

1. Less than the minimum amount that the loan originator's employer is allowed to make.

2. Not secured by a mortgage or deed of trust or other lien interest in real property unless employed by a consumer lender.

E. A loan originator who is employed by a mortgage broker or mortgage banker to act in the capacity of the mortgage broker or mortgage banker shall not be employed concurrently by any other mortgage broker or mortgage banker.

F. A loan originator shall not collect compensation for rendering services as a real estate broker or real estate salesperson licensed pursuant to title 32, chapter 20 unless both of the following apply:

1. The loan originator is licensed pursuant to title 32, chapter 20.

2. The employing mortgage broker or mortgage banker has disclosed to the person from whom the compensation is collected at the time a mortgage loan application is received that the loan originator is receiving compensation both for mortgage broker or mortgage banker services, if applicable, and for real estate broker or real estate salesperson services.

G. A loan originator shall not accept any assignment of the borrower's wages or salary in connection with activities governed by this article.

H. A loan originator shall not receive or disburse monies in servicing or arranging a mortgage loan.

I. A loan originator shall not make a false promise or misrepresentation or conceal an essential or material fact in the course of the mortgage broker or mortgage banker business.

J. A loan originator shall not fail to truthfully account for the monies belonging to a party to a mortgage loan transaction or fail to disburse monies in accordance with the employing mortgage broker or mortgage banker agreements.

K. A loan originator shall not engage in illegal or improper business practices.

L. A loan originator shall not require a person seeking a loan secured by real property to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.

M. A loan originator shall not originate a mortgage loan unless employed by a mortgage broker, mortgage banker or consumer lender or under an exclusive contract with an exempt person who is registered pursuant to section 6-912.

N. A loan originator shall not advertise for or solicit mortgage business in any manner without all of the following:

1. The employer's name, or other assumed name or trade name that is submitted to the department pursuant to section 6-117, and the employer's license number.

2. Approval of the employing mortgage broker, mortgage banker, consumer lender or registered exempt person.

3. The unique identifier the loan originator maintains with the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor.

O. On request, a loan originator shall make available to the deputy director the books and records relating to the loan originator's operations. The deputy director may have access to the books and records and interview the officers, principals, employees, independent contractors, agents and customers of the loan originator concerning their business. In connection with a request pursuant

to this subsection, a person may not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records or other information.

P. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless the loan processor or underwriter obtains and maintains a license pursuant to section 6-991.03. Each independent contractor loan processor or underwriter licensed as a loan originator must have and maintain a valid unique identifier.

Q. An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating that the individual can or will perform any of the activities of a loan originator.

6-991.03. Licensing; renewal; qualifications; application; fees

A. A natural person shall not act as a loan originator unless the person is licensed under this article.

B. The deputy director shall not grant a loan originator license to a person, other than a natural person. An applicant for an original loan originator's license shall have done all of the following:

1. Satisfactorily completed a course of study, including at least twenty hours of education, for loan originators approved by the deputy director during the three-year period immediately preceding the time of application. The twenty hours of education must include at least all of the following:

(a) Three hours of federal law.

(b) Three hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues.

(c) Two hours of training related to lending standards of the nontraditional mortgage product marketplace.

(d) Four hours of the laws of this state.

2. Completed late continuing education for the purposes of satisfying continuing education for the last year that the loan originator was in renewable status.

3. Passed a loan originator's examination pursuant to section 6-991.07. The applicant shall demonstrate knowledge and understanding of the following:

(a) Federal laws.

(b) Other applicable laws.

(c) Subjects described in section 6-991.07, subsection A.

4. Retaken the loan originator's examination if the licensed loan originator failed to maintain a valid license for a period of five years or longer, not including any time during which the applicant is a registered loan originator.
 5. Obtained a unique identifier through the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor.
 6. Deposited with the deputy director a bond executed by the applicant's employer or registered exempt person as principal and a surety company licensed to do business in this state as a surety pursuant to section 6-903, 6-912 or 6-943.
 7. Submitted fingerprints to the department for the purpose of a background investigation.
 8. Paid an amount to be determined by the deputy director for deposit in the mortgage recovery fund established pursuant to section 6-991.09 or deposited with the deputy director a bond executed by the applicant's employer or registered exempt person as principal and a surety company licensed or approved to do business in this state for the benefit of any person aggrieved by any act, representation, transaction or conduct of a licensed loan originator that violates this title or the rules adopted pursuant to this title. Notwithstanding section 6-903 or 6-943, the amount of the bond shall be in an amount of not less than \$200,000. Loan originators working under the employer or registered exempt person bond described in this paragraph do not have to contribute to the mortgage recovery fund.
- C. A person shall apply for a license or renewal of a license in writing in the manner prescribed by the deputy director and accompanied by the information prescribed by the deputy director.
- D. Before submitting a renewal application, an applicant for renewal of a loan originator license shall have satisfactorily completed eight approved continuing education units that include at least:
1. Three hours of federal law.
 2. Two hours of ethics, including instruction on fraud, consumer protection and fair lending issues.
 3. Two hours of training related to lending standards for the nontraditional mortgage product marketplace.
 4. One hour of the laws of this state.
- E. Education courses taken before licensure shall be reviewed and approved by the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor.

F. Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor. A licensed loan originator:

1. May only receive credit for a continuing education course in the year in which the course is taken.

2. May not take the same approved course in the same year or successive years to meet the annual requirements for continuing education.

G. The nonrefundable application fee shall accompany each application for an original loan originator license.

H. A license issued pursuant to this article is not transferable or assignable.

I. At the deputy director's discretion, application fees may be waived if the applicant is a housing counselor certified by the United States department of housing and urban development and employed by a nonprofit agency.

J. Each mortgage broker, mortgage banker or registered exempt person shall submit to the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor reports of condition that are in a form and that contain information required by the nationwide mortgage licensing system.

K. The deputy director shall establish a process for loan originators to challenge information that the deputy director enters into the nationwide mortgage licensing system and registry.

6-991.04. Issuance of license; notice from employing mortgage broker, mortgage banker or consumer lender or registered exempt person; renewal; inactive status; address change; fee

A. The deputy director, on determining that an applicant is qualified and has paid the required fees, shall issue a loan originator's license to the applicant evidenced by a continuous certificate. The deputy director shall grant or deny a license within one hundred twenty days after receiving the completed application and fees. An applicant who has been denied a license may not reapply for a license before one year after the date of the previous application.

B. On issuance of the license, the deputy director shall keep the loan originator's license until a mortgage broker or mortgage banker licensed pursuant to this chapter or a consumer lender employs the loan originator and the employer provides a written notice that the employer has hired the loan originator or until an exempt person who is registered pursuant to section 6-912 provides a written notice that the exempt person has engaged the loan originator on an exclusive contract with the exempt person. The employer shall provide the notice before the loan originator begins working for the employer. Exempt persons who are registered pursuant to section 6-912 shall provide the notice before the loan originator begins work under the exclusive contract with

the exempt person. The notice shall be from an officer or other person authorized by the employer or registered exempt person.

C. Licenses shall be issued for a one-year period.

D. A loan originator shall apply for renewal on forms prescribed by the deputy director. The application shall include original certificates evidencing the loan originator's successful completion of eight continuing education units during the preceding one-year period by a continuing education provider approved by the deputy director.

E. A loan originator shall pay the renewal fee every year on or before December 31. Licenses not renewed by December 31 are suspended, and the licensee shall not act as a loan originator until the license is renewed or a new license is issued pursuant to this article. A person may renew a suspended license by paying the renewal fee plus a dollar amount to be determined by the deputy director for each day after December 31 that a license renewal fee is not received by the deputy director.

F. Licenses that are not renewed by January 31 of each year expire. A license shall not be granted to the holder of an expired license except as provided in this article for the issuance of an original license.

G. From December 1 through December 31 of each renewal period, a licensee may request inactive status for the following license period. The license shall be placed on inactive status after the licensee pays to the deputy director the inactive status renewal fee and surrenders the license to the deputy director. During inactive status, an inactive licensee shall not act as a loan originator. The license expires if the licensee violates this subsection.

H. At renewal, an inactive licensee may return to active status by doing all of the following:

1. Providing the deputy director with evidence that the licensee has met the requirements of section 6-991.03, subsection B.

2. Making a written request to the deputy director for reactivation.

3. Paying the annual licensing fee.

4. Providing the deputy director with proof that the licensee meets all other requirements for acting as a loan originator.

I. The mortgage broker, mortgage banker, consumer lender or registered exempt person shall keep and maintain at the principal place of business in this state the loan originator's license during the loan originator's employment or exclusive contract term. A copy of the loan originator's license shall be available for public inspection during regular business hours.

J. A loan originator shall immediately notify the deputy director of a change in the loan originator's residence address. The deputy director shall endorse the change of address on the license for a fee to be determined by the deputy director.

K. Within five business days after any licensee's employment termination, the employing mortgage broker, mortgage banker, consumer lender or registered exempt person shall do both of the following:

1. Notify the deputy director of the licensee's termination.
2. Return the license to the deputy director.

L. An applicant for a loan originator license who is currently registered with the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor may be granted a temporary license for a period of not more than one hundred eighty days.

M. The deputy director shall establish a process for loan originators to challenge information that the deputy director enters into the nationwide mortgage licensing system and registry.

6-991.07. Examination; fee; definition

A. Each applicant for an original loan originator license, before issuance of the license, shall take and pass an examination that is developed or otherwise deemed acceptable by the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor and that is given under the supervision of the department or its designee. The examination must reasonably examine the applicant's knowledge of all of the following:

1. The obligations between principal and agent.
2. The applicable canons of business ethics.
3. The arithmetical computations common to mortgage brokerage.
4. The principles of real estate lending.
5. The general purposes and legal effect of mortgages, deeds of trust and security agreements.
6. The terms and conditions of conforming and nonconforming residential mortgage products.

B. The examination is subject to the deputy director's approval.

C. An applicant may take the examination three consecutive times with each consecutive taking occurring at least thirty days after the preceding examination. An applicant who fails the examination on three consecutive occasions must wait at least six months before taking the examination again.

D. All examinations shall be given, conducted and graded in a fair and impartial manner and without unfair discrimination between individuals examined. The department's designee shall inform the applicant of the result of the examination within thirty days after the examination.

E. The deputy director shall set the fee for each examination that is consistent with the requirements established by the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor. The deputy director may contract for the examination for the licensing of applicants. If the deputy director contracts for the examination, the fee for examination for licenses pursuant to this section is payable directly to the contractor by the applicant for examination.

F. For the purposes of this section, "applicant" means a person who has submitted a completed application in the form prescribed by the deputy director.

D-8.

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

Title 20, Chapter 4

Amend: R20-4-1801; R20-4-1802; R20-4-1803; R20-4-1804; R20-4-1805; R20-4-1806;
R20-4-1807; R20-4-1808; R20-4-1809; R20-4-1810; R20-4-1811; R20-4-1812;
R20-4-1813



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 4

Amend: R20-4-1801, R20-4-1802, R20-4-1803, R20-4-1804, R20-4-1805, R20-4-1806,
R20-4-1807, R20-4-1808, R20-4-1809, R20-4-1810, R20-4-1811, R20-4-1812,
R20-4-1813

Summary:

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend thirteen (13) rules in Title 20, Chapter 4, Article 18 regarding Mortgage Bankers. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020. The Department has also indicated that the amendments are needed to modernize the rules because they have not been updated since 2012. Outside of those general improvements, the Department specifically intends on doing the following:

- R20-4-1802(A)
 - The Department is amending the rules to modify the lending-related experience requirements for applicants. Specifically, the Department is modifying what is considered sufficient prior lending related experience for individuals. The length of time does not change only how previous occupations constitute experience.

The only change in existing experience requirements is that for an attorney to have adequate experience, they must be licensed in Arizona. The previous standard was an attorney licensed in any state and certified as a real estate specialist. Attorneys from other states can still count their experience in another state under subsection (B) of this rule. Additionally, the Department is adding four additional ways to acquire the necessary experience in subsections (A)(6)-(A)(9).

- R20-4-1802(B)
 - Subsection (B) allows for alternative types of experience not found in subsection (A), and allows for these alternative types of experience to count for 2 out of the three years, with at least one year of experience coming from the list in subsection (A). The Department is amending (B) to clarify that one must have a minimum of one year in a field found in (A). In addition, the Department is amending the rule to clarify what classifies as sufficient experience.
- R20-4-1806
 - The Department has indicated that this rule needs to be amended to allow for records to be kept electronically, along with removing the requirement that the Director (previously Superintendent) must specifically approve a licensee to maintain the record outside the state.
- R20-4-1807
 - The Department is amending the list of documents that a mortgage banker must provide a mortgage broker. The only additional requirement is providing the closing disclosure and adding the term if applicable to the HUD-1 settlement statement.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department indicates the rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and bring the rules more in line with current Federal requirements. The Department states that the compliance costs incurred by Mortgage Bankers are

minimal and are not expected to impact revenue or payroll expenditures. The Department says the rules augment the statutory sections regulating licensees of the Department with a Mortgage Banker license pursuant to A.R.S. §§ 6-941 through 6-949.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Mortgage Bankers.

6. **What are the economic impacts on stakeholders?**

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. In addition, no political subdivisions of this state are directly affected by the implementation and enforcement of the proposed rulemaking.

The Department states that no additional costs are anticipated to be imposed on Mortgage Bankers. The Department is not proposing any new fees and is, instead, eliminating a fee in Sections R20-4-1805. The Department indicates that licensees may be required to comply with additional reporting but the requirements are already in federal law.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The Department indicates that the costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoptions of these rules.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates that there were no changes between the proposed rules and the rules before the Council.

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it did not receive any public comments regarding this rulemaking

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

The Department indicates that the rules do not require a permit or a license. The Department does note that mortgage bankers do require a license under the requirements in A.R.S. § 6-943.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Department indicates there are some corresponding federal law concerning mortgage bankers but that the rules are not more stringent than those corresponding federal laws.

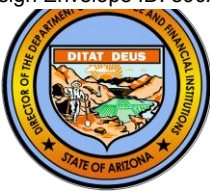
- For R20-4-1806(B)(6)(e) (Recording Requirements), The Consumer Credit Protection Act (15 U.S.C. §§ 1601 et seq.) disclosure requirements, the Real Estate Settlement Procedures Act (12 U.S.C. §§ 2601 through 2617) disclosure requirements, and the regulations promulgated thereunder, and the TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026).
- For R20-4-1807 (Providing Copies of Records), The HUD-1 settlement statement, and the final truth in lending disclosure.

11. Conclusion

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend thirteen (13) rules in Title 20, Chapter 4, Article 18 regarding Mortgage Bankers. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020. The Department is also proposing more substantive changes including; removing unnecessary fees related to change of addresses for licensed mortgage bankers, allowing parties to keep records electronically and out of state without Director approval, and clarifying the types of documents required for record keeping.

The Department is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.



Arizona Department of Insurance and Financial Institutions
100 N 15th Avenue, Suite 261, Phoenix, Arizona 85007
(602) 364-3100 | difi.az.gov

Katie Hobbs
Governor

Barbara D. Richardson
Director

March 18, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Ave., Suite 305
Phoenix, AZ 85007

RE: Arizona Department of Insurance and Financial Institutions
Financial Institutions Division
Article 18 Notice of Final Rulemaking

Dear Chairperson Klein:

Please find enclosed the Notice of Final Rulemaking for Article 18 (Mortgage Bankers) being submitted by the Arizona Department of Insurance and Financial Institutions, Financial Institutions Division ("Department").

Pursuant to A.A.C. R1-6-201(A)(1), the Department responds as follows:

- a. The close of record date for the Notice of Proposed Rulemaking was January 19, 2025.
- b. The changes proposed in this rulemaking relate to the Department's June, 2024 Five-Year Review Report for this Article.
- c. The rulemaking does not establish a new fee.
- d. The rulemaking does not contain a fee increase.
- e. The rulemaking does not request an immediate effective date under A.R.S. § 41-1032.
- f. The Department certifies that the preamble discloses a reference to any study relevant to the rule that it reviewed and either did or did not rely on in its evaluation of or justification for the rulemaking. The Department did not review or rely on any study relevant to the rulemaking.
- g. No additional full-time employees are necessary to implement and enforce the rules. Consequently, no notification has been made to the Joint Legislative Budget Committee.
- h. The following documents are also submitted to the Council with this cover letter:
 - i. The Notice of Final Rulemaking;
 - ii. An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;

Arizona Department of Insurance and Financial Institutions

- iii. The general and specific statutes authorizing the rulemaking; and
- iv. Permission from the Governor's Office to submit this Notice of Final Rulemaking required by A.R.S. § 41-1039(B).

By this submission, the Department is requesting approval of this rulemaking from the Council.

For questions about this rulemaking, please contact Mary Kosinski at (602) 364-3476 or mary.kosinski@difi.az.gov.

Sincerely,

Barbara D. Richardson

Barbara D. Richardson
Director

NOTICE OF FINAL RULEMAKING

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
– FINANCIAL INSTITUTIONS**

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

March 17, 2025

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

| | |
|------------|-------|
| R20-4-1801 | Amend |
| R20-4-1802 | Amend |
| R20-4-1803 | Amend |
| R20-4-1804 | Amend |
| R20-4-1805 | Amend |
| R20-4-1806 | Amend |
| R20-4-1807 | Amend |
| R20-4-1808 | Amend |
| R20-4-1809 | Amend |
| R20-4-1810 | Amend |
| R20-4-1811 | Amend |
| R20-4-1812 | Amend |
| R20-4-1813 | Amend |

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

Authorizing statute: A.R.S. § 6-123(2)

Implementing statutes: A.R.S. §§ 6-941, 6-942, 6-943, 6-944, 6-946, 6-947, and 6-949

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R 3838, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-278

Notice of Proposed Rulemaking: 30 A.A.R. 3824, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-273

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

Name: Mary E. Kosinski

Title: Asst. Regulatory Legal Affairs Officer

Address: Department of Insurance and Financial Institutions

100 N. 15th Ave., Suite 261

Phoenix, Arizona 85007-2630

Tel: (602)364-3476

Email: mary.kosinski@difi.az.gov

Website: <https://difi.az.gov>

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

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 18 – Mortgage Bankers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency. As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 18 was in 2012 (with most Sections last updated in 1999). The Department is also modifying and adding experience requirements, removing some fees, updating federal statutory cites, allowing the use of electronic recordkeeping, and adding to documentation requirements.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-941 through 6-949.

This rulemaking amends Article 18 (Mortgage Bankers) as follows:

- R20-4-1801 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to add clarifying language.
- R20-4-1802 (Equivalent and Related Experience) will be amended to add clarifying language to subsection (B), to modify and add to experience requirements and to impose a 1-Year requirement on the types of experience required in subsection (A) when an applicant is attempting to qualify under subsection (B).
- R20-4-1803 (Restrictions on the Term of a Cash Alternative to a Surety Bond) will be amended to replace “Superintendent” with “Director.”

- R20-4-1804 (Requirements for a Person Intended to Oversee a Branch Office) will be amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager.”
- R20-4-1805 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-944(D) and (E), and to remove the fee.
- R20-4-1806 (Recordkeeping Requirements) will be amended to allow records to be kept electronically, to add clarifying language, to add an additional document required to be kept in a mortgage banking loan file, to correct and update federal statutory cites, to remove Director’s approval to maintain records outside the State, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-1807 (Providing Copies of Records) will be amended to revise the list of documents a mortgage banker must provide to a mortgage broker.
- R20-4-1808 (Authorization to Complete Blank Spaces) will be amended to correct a statutory citation and punctuation.
- R20-4-1809 (Determining Loan Amounts) will be amended to add a “§” symbol and an Oxford comma for readability.
- R20-4-1810 (Delay or Cause Delay) will be amended to add clarifying language.
- R20-4-1811 (Impound Account) will be amended to conform to rule-writing standards.
- R20-4-1812 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.
- R20-4-1813 (Conversion to Mortgage Broker License) will be amended to clarify the order of submissions, and to correct a statutory citation.

The changes proposed in this rulemaking relate to the Department’s June, 2024 Five-Year Review Report for this Article.

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

Not applicable

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

Pursuant to A.R.S. § 41-1055(A)(1):

The rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, to modernize and clarify some of the Sections, and to bring the rules more in line with current Federal requirements.

Pursuant to A.R.S. § 41-1055(A)(2):

The compliance costs incurred by Mortgage Bankers are expected to be minimal and not expected to impact revenues or payroll expenditures.

Pursuant to A.R.S. § 41-1055(A)(3):

An economic, small business and consumer impact summary accompanies the submission of the Final Rulemaking to the Governor's Regulatory Review Council.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

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

Not applicable

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

The rules do not require a permit and do not use a general permit. A.R.S. § 6-943 requires a Mortgage Banker to obtain a traditional license before engaging in the business of a Mortgage Banker.

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

A number of federal laws are applicable to the subject of the rules.

For Article 18. Mortgage Bankers, the following federal laws are applicable:

R20-4-1806. Recordkeeping Requirements (the rule is not more stringent than the federal laws)

Subsection (B)(6)(e): The Consumer Credit Protection Act (15 U.S.C. §§ 1601 et seq.) disclosure requirements, the Real Estate Settlement Procedures Act (12 U.S.C. §§ 2601 through 2617) disclosure requirements, and the regulations promulgated thereunder, and the TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026).

R20-4-1807. Providing Copies of Records (the rule is not more stringent than the federal laws)

The HUD-1 settlement statement, and the final truth in lending disclosure.

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

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS –
FINANCIAL INSTITUTIONS
ARTICLE 18. MORTGAGE BANKERS

Section

R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

R20-4-1802. Equivalent and Related Experience

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

R20-4-1805. Notification of Change of Address

R20-4-1806. Recordkeeping Requirements

R20-4-1807. Providing Copies of Records

R20-4-1808. Authorization to Complete Blank Spaces

R20-4-1809. Determining Loan Amounts

R20-4-1810. Delay or Cause Delay

R20-4-1811. Impound Account

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

R20-4-1813. Conversion to Mortgage Broker License

ARTICLE 18. MORTGAGE BANKERS

R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. §

6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person, are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
3. The ability to place a claimant ~~in a~~ into receivership or conservatorship with regard to the claimant's mortgage banking activities, or mortgage lending activities, or both.

R20-4-1802. Equivalent and Related Experience

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Mortgage ~~banker with an Arizona license,~~ broker, responsible individual, or branch manager for a licensee;
2. Mortgage ~~broker with an Arizona license,~~ banker, responsible individual, or branch manager for a licensee;
3. Loan ~~officer~~ originator with responsibility primarily for loans secured by lien interests on real property;
4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
5. ~~Mortgage banker with license from another state, or responsible individual for the mortgage banker;~~
Attorney licensed in Arizona;
6. ~~Mortgage broker with license from another state, or responsible individual for the mortgage broker;~~
Manager or supervisor of loan originators;
7. ~~Attorney certified by any state as a real estate specialist.~~

Mortgage processor, mortgage underwriter, or mortgage quality control professional with responsibility primarily for loans secured by lien interests on real property;

8. Executive, supervisor, or policy maker involved in administering, or operating a mortgage-related business; or

9. Regulator, examiner, investigator, compliance expert, or auditor whose primary function is the review of mortgage companies, and their compliance processes whose experience is determined to be sufficient by the Department.

B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. ~~An applicant receives credit in only one area listed and for not more than three years' actual experience.~~ The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A). A minimum of one year of experience must be obtained from the types of work experience listed in subsection (A).

1. ~~Attorney without state bar certified real estate specialty~~ not licensed in Arizona but licensed in another U.S. state or territory...3:2
2. Paralegal with experience in real estate matters...3:2
3. ~~Loan underwriter~~ Mortgage broker or mortgage banker from another state without a license...3:2
4. ~~Mortgage banker or mortgage broker from another state without license~~ Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
5. ~~Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements~~ Escrow officer...3:2
6. ~~Escrow officer~~ Trust officer with a title company...3:2
7. ~~Trust officer with a title company...3:2~~ Title officer with a title company...3:1.5
8. ~~Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business~~ Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5

9. ~~Title officer with a title company...3:1.5~~ Loan originator with responsibility primarily for loans not secured by lien interests on real property...3:1
10. ~~Real estate broker, not qualified under subsection (B)(5)...3:1.5~~
11. ~~Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5~~
12. ~~Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5~~
13. ~~Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1~~
14. ~~Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1~~

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the ~~Superintendent~~ Director that is renewable or expires earlier than 12 months from the date of issuance.

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

~~A~~ The person designated as a branch office manager to oversee the operations of a branch office, as specified in A.R.S. § 6-944(E), shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law laws and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the ~~Superintendent~~ Director of the new address at least five business days before the address change. ~~With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.~~

R20-4-1806. Recordkeeping Requirements

~~A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the~~ A licensee may keep its records as electronic records ~~if the licensee can generate all information and complete and legible copies required by this Section in a timely manner within the timeframe set by the Department for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:~~

- ~~1. Any approved computer or mechanical system back to a paper-based system; or~~
- ~~2. An approved mechanical system to a computer system; or~~ or
- ~~3. An approved computer system to a mechanical system.~~

B. In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:

1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;

2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed; from trust account;
 - h. Date disbursed; from trust account;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
6. A file for each application for a mortgage banking loan or a mortgage loan containing:
 - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, closing disclosure, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;

- d. Contract, agreement and escrow instructions to or with any depository;
 - e. Documents showing compliance, to the extent applicable, with the Consumer Credit Protection Act's (~~15 U.S.C. §§ 1601 through 1666j~~) (15 U.S.C. §§ 1601 et seq.) disclosure requirements, ~~and~~ the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, and the regulations promulgated thereunder, such as copies of the loan estimates and closing disclosures required by the TILA-RESPA Integrated Disclosure Rule (12 CFR 1024 and 1026) to the extent applicable;
 - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents; ; and;
 - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, ~~such as~~ including a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
 12. If the ~~Superintendent has granted approval to maintain~~ licensee maintains records outside this state, the specific address where the records are kept, and a person's name to contact for them;

13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the ~~Superintendent~~ Director to conduct an examination; ~~and~~
14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

R20-4-1807. Providing Copies of Records

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement; if applicable;
4. ~~The final truth in lending disclosure;~~ The closing disclosure;
5. ~~The note;~~ The final truth in lending disclosure;
6. ~~The executed deed of trust or mortgage; and~~ The note;

7. ~~Each assignment of beneficial interest by the mortgage banker licensee.~~ The executed deed of trust or mortgage; and
8. Each assignment of beneficial interest by the mortgage banker licensee.

R20-4-1808. Authorization to Complete Blank Spaces

An authorization, under ~~A.R.S. § 6-947~~, A.R.S. § 6-947(A), allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, ~~and~~ ; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

R20-4-1809. Determining Loan Amounts

The amount of a mortgage banking loan or a mortgage loan under A.R.S. §§ 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker, or its agents.

R20-4-1810. Delay or Cause Delay

A mortgage banker does not delay or does not cause delay if the delay occurs due to events outside the control of the mortgage banker.

R20-4-1811. Impound Account

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed ~~1/6th~~ one-sixth of the estimated total annual payments from the impound account.

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

A person ~~that owns~~ owning 51% or more of a licensee's outstanding voting equity interests; ~~and that~~ who acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the ~~Superintendent.~~ Director. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the ~~Superintendent.~~ Director.

R20-4-1813. Conversion to Mortgage Broker License

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal ~~documents~~ fees and renewal ~~fees~~ documents required by ~~A.R.S. §§ 6-126 and 6-903~~ A.R.S. § 6-903 for mortgage brokers.

A.R.S. § 41-1055(B) Economic, Small Business, And Consumer Impact Statement
Title 20. Commerce, Financial Institutions, and Insurance
Chapter 4. Department of Insurance and Financial Institutions –
Financial Institutions

A.R.S. § 41-1055(B)(1): An identification of the proposed rulemaking.

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 18 – Mortgage Bankers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency.

As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 18 was in 2012 (with most Sections last updated in 1999). The Department is also modifying and adding experience requirements, removing some fees, updating federal statutory cites, allowing the use of electronic recordkeeping, and adding to documentation requirements.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-941 through 6-949.

This rulemaking amends Article 18 (Mortgage Bankers) as follows:

- R20-4-1801 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to add clarifying language.
- R20-4-1802 (Equivalent and Related Experience) will be amended to add clarifying language to subsection (B), to modify and add to experience requirements and to impose a 1-Year requirement on the types of experience

required in subsection (A) when an applicant is attempting to qualify under subsection (B).

- R20-4-1803 (Restrictions on the Term of a Cash Alternative to a Surety Bond) will be amended to replace “Superintendent” with “Director.”
- R20-4-1804 (Requirements for a Person Intended to Oversee a Branch Office) will be amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager.”
- R20-4-1805 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-944(D) and (E), and to remove the fee.
- R20-4-1806 (Recordkeeping Requirements) will be amended to allow records to be kept electronically, to add clarifying language, to add an additional document required to be kept in a mortgage banking loan file, to correct and update federal statutory cites, to remove Director’s approval to maintain records outside the State, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-1807 (Providing Copies of Records) will be amended to revise the list of documents a mortgage banker must provide to a mortgage broker.
- R20-4-1808 (Authorization to Complete Blank Spaces) will be amended to correct a statutory citation and punctuation.
- R20-4-1809 (Determining Loan Amounts) will be amended to add a “§” symbol and an Oxford comma for readability.
- R20-4-1810 (Delay or Cause Delay) will be amended to add clarifying language.
- R20-4-1811 (Impound Account) will be amended to conform to rule-writing standards.
- R20-4-1812 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.
- R20-4-1813 (Conversion to Mortgage Broker License) will be amended to clarify the order of submissions, and to correct a statutory citation.

This rulemaking addresses the changes suggested by the Department in its June, 2024 Five-Year Review Report.

Questions about this Economic Impact Statement may be directed to: Mary E. Kosinski (mary.kosinski@difi.az.gov).

A.R.S. § 41-1055(B)(2): An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

The rules augment the statutory sections regulating licensees of the Department with a Mortgage Banker license pursuant to A.R.S. §§ 6-941 through 6-949.

A.R.S. § 41-1055(B)(3): A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. No new full-time employees will be necessary to implement and enforce the proposed rule changes.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

No political subdivision of this state is directly affected by the implementation and enforcement of the proposed rulemaking.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking.

No additional costs are anticipated to be imposed upon Mortgage Bankers. The Department is not proposing any new fees and is, instead, eliminating a fee in Section R20-4-1805. Licensees may be required to comply with additional reporting but the requirements are already in Federal law.

A.R.S. § 41-1055(B)(4): A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department does not anticipate any impact on public employment in the Department.

A.R.S. § 41-1055(B)(5): A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking.

Some of the Mortgage Bankers regulated by the Department may qualify as small businesses within the meaning of A.R.S. § 41-1001(23). However, the Department does not track the number of employees or annual receipts of a mortgage banker and cannot identify specific mortgage bankers that qualify as small businesses.

(b) The administrative and other costs required for compliance with the proposed rulemaking.

The Department requested, but did not receive, any information from licensees on administrative or other costs required for compliance with the proposed rulemaking.

One Section of the rulemaking eliminate a fee (R20-4-1805). One Section allows a licensee to keep electronic records and records outside the state without first receiving the Director's approval (R20-4-1806). These changes should result in savings to licensees.

The additional record keeping requirements imposed in Section R20-4-1806 are already required by Federal law so should have no compliance impact.

Lastly, the addition of the requirement that an applicant for a license have at least one year of the type of experience listed in R20-4-1802(A) before augmenting it with the types of experience listed in subsection (B), should result in a minimal, if any cost, to an applicant.

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The Department does not believe that any of the methods listed at A.R.S. § 41-1035 are useful to reduce the impact of the rulemaking on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoption of these rules.

A.R.S. § 41-1055(B)(6): A statement of the probable effect on state revenues.

No impact on state revenues is anticipated.

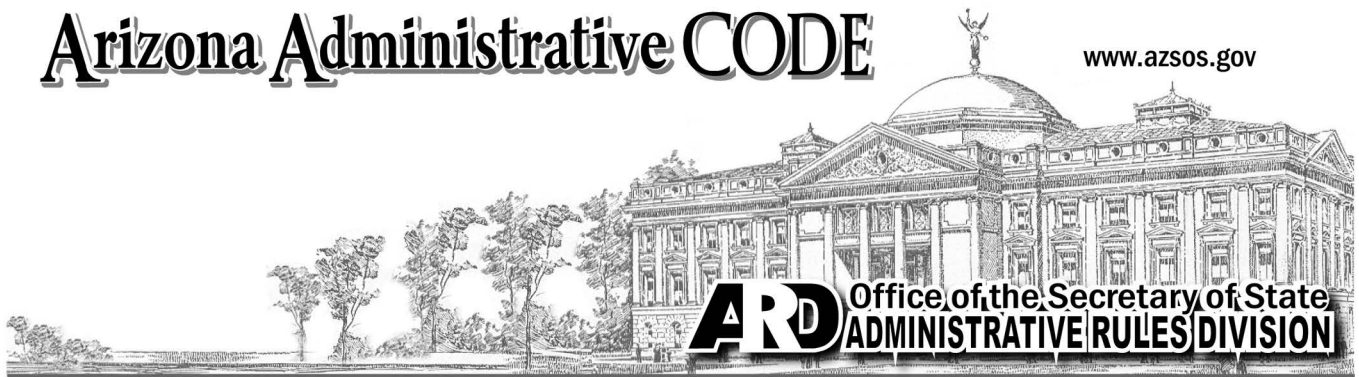
A.R.S. § 41-1055(B)(7): A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Mortgage Bankers.

A.R.S. § 41-1055(B)(8): A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable

data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

The rule is not based on any data.



20 A.A.C. 04

Supp. 24-1

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

At the request of the Department a correction has been made to Section R20-4-1220 (Supp. 24-1).

No other changes have been made to this Chapter since Supp. 23-3.

Questions about these rules? Contact:

Department: Department of Insurance and Financial Institutions
Address: 100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
Website: <https://difi.az.gov>
Name: Mary E. Kosinski
Telephone: (602) 364-3476
Email: mary.kosinski@difi.az.gov

The release of this Chapter in Supp. 24-1 replaces Supp. 23-3, 1-49 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Authority: A.R.S. § 20-124

Supp. 24-1

Editor's Note: The name of the Arizona Department of Financial Institutions was changed to the Department of Insurance and Financial Institutions under Laws 2019, Ch. 252, effective July 1, 2020 (Supp. 22-2).

Editor's Note: The Banking Department's name was changed to the Arizona Department of Financial Institutions under the authority of A.R.S. § 6-110, originally enacted as Laws 2004, Ch. 188, effective January 1, 2006 (Supp. 06-1).

Editor's Note: Title 20, formerly Commerce, Banking, and Insurance, is now Commerce, Financial Institutions, and Insurance. This change became effective when the Banking Department changed its name to the Department of Financial Institutions, effective January 1, 2006 (Supp. 06-1).

20 A.A.C. 4, consisting of R20-4-101 through R20-4-106, R20-4-201 through R20-4-215, R20-4-301 through R20-4-331, R20-4-401 through R20-4-402, R20-4-501 through R20-4-536, R20-4-601 through R20-4-620, R20-4-701 through R20-4-707, R20-4-801 through R20-4-816, R20-4-901 through R20-4-924, R20-4-1001, R20-4-1101 through R20-4-1102, R20-4-1201 through R20-4-1220, R20-4-1401 through R20-4-1410, R20-4-1501 through R20-4-1530, R20-4-1601 through R20-4-1604, and R20-4-1701 through R20-4-1706, recodified from 4 A.A.C. 4, consisting of R4-4-101 through R4-4-106, R4-4-201 through R4-4-215, R4-4-301 through R4-4-331, R4-4-401 through R4-4-402, R4-4-501 through R4-4-536, R4-4-601 through R4-4-620, R4-4-701 through R4-4-707, R4-4-801 through R4-4-816, R4-4-901 through R4-4-924, R4-4-1001, R4-4-1101 through R4-4-1102, R4-4-1201 through R4-4-1220, R4-4-1401 through R4-4-1410, R4-4-1501 through R4-4-1530, R4-4-1601 through R4-4-1604, and R4-4-1701 through R4-4-1706, pursuant to R1-1-102 (Supp. 95-1).

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Article 1, consisting of Sections R4-4-101 through R4-4-104, repealed effective August 16, 1991 (Supp. 91-3).

Table with 2 columns: Section and Description. Includes R20-4-101 Scope of Article, R20-4-102 Definitions, R20-4-103 Fingerprints, R20-4-104 Acceptance of Other Forms, R20-4-105 Claims Against a Deposit in Place of Bond, R20-4-106 Bankruptcy, R20-4-107 Licensing Time-frames, and Table A. Licensing Time-frames.

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Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency expired April 21, 2011; new Article consisting of Sections R20-4-1301 through R20-4-1305, made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).

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ARTICLE 1. GENERAL**R20-4-101. Scope of Article**

The rules in this Article apply to all activities of the Superintendent and to the interpretation of all Arizona statutes and rules administered by the Superintendent.

Historical Note

Former Rule 1. Former R4-4-101 repealed, new R4-4-101 adopted effective August 16, 1991 (Supp. 91-3).
R20-4-101 recodified from R4-4-101 (Supp. 95-1).

R20-4-102. Definitions

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
 - a. Is knowledgeable about the licensee's Arizona activities;
 - b. Supervises compliance with:
 - i. The laws enforced by the Department of Financial Institutions as they relate to the licensee, and
 - ii. Other applicable laws and rules; and
 - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation:
 - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
 - b. Out-of-pocket expenses paid to independent third parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
 - c. Insurance commissions;
 - d. Contingent or additional interest, including interest based on net operating income; or
 - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans," means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903, 6-944, or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases are used in A.R.S. §§ 6-901, 6-941, or 6-971, mean:
 - a. Providing consulting or advisory services in connection with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage loan transaction;
 - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services directly contacts any potential borrowers; or
 - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
 - b. Providing assistance in preparing an application for a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction, regardless of whether the person providing assistance directly contacts any potential investor or lender; and
 - c. Processing a loan; but
 - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do not include:
 - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction;
 - ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, mortgage banking loan, or commercial mortgage banking loan already funded;
 - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
 - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modifica-

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- tion, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
12. "Electronic record" has the meaning stated at A.R.S. § 44-7002(7).
13. "Employee" means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
- The person is entitled to payment, or is paid, by the licensee;
 - The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
 - The licensee has the right to hire and fire the employee and the employee's assistants;
 - The licensee directs the methods and procedures for performing the employee's job;
 - The licensee supervises the employee's business conduct and the employee's compliance with applicable laws and rules; and
 - The rights and duties under subsections (13)(a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
14. "Engaged in the business of making mortgage loans," as that phrase is used in A.R.S. § 6-902, and "engaged in the business of making mortgage loans or mortgage banking loans," as that phrase is used in A.R.S. § 6-942, mean the direct or indirect making of a total of more than five mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not "engaged in the business of making mortgage loans or mortgage banking loans" if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
15. "Exclusive contract," as that term is used in A.R.S. §§ 6-912 and 6-991.02, means a written agreement in which a loan originator agrees to perform services as a loan originator subject to supervision and control by a person holding a certificate of exemption issued under A.R.S. § 6-912 on an exclusive basis. The agreement provides that the loan originator is expressly prohibited from performing loan origination or modification services for any other person during the time the agreement is in effect.
16. "Generally accepted accounting principles" has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
17. "Holds out to the public," as used in this Section's definition of "branch office," means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. "Holds out to the public" includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. "Holds out to the public" does not include a clearly identified home or mobile telephone number on a business card or stationery.
18. "Loan," as that term is used in A.R.S. §§ 6-126(C)(6) and (8), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
19. "Loan Processing" means obtaining a loan application's supporting documents for use in underwriting.
20. "Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
21. "Property insurance," as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
22. "Reasonable investigation of the background," as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
- Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
 - Obtains a completed Employment Eligibility Verification (Form I-9);
 - Obtains a completed and signed employment application;
 - Obtains a signed statement attesting to all of an applicant's felony convictions, including detailed information regarding each conviction;
 - Consults with the applicant's most recent or next most recent employer, if any;
 - Inquiries regarding the applicant's qualifications and competence for the position;
 - If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
 - Investigates further if any information received in the above inquiries raises questions as to the applicant's honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two attempts to contact a person, including at least one written inquiry.
23. "Record" has the meaning stated at A.R.S. § 44-7002(13).
24. "Registered to do business in this state" means:
- If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
 - If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
 - If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
 - If an estate, it acts through a personal representative duly appointed by this state's Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
 - If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 - All the current amendments, or

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A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;

- f. If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
 - g. If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State's office under A.R.S. Title 29;
 - h. If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
 - i. The entity is exempt from registration.
25. "Registered Exempt Person" means a person who is exempt from licensure pursuant to A.R.S. § 6-912 and A.R.S. Title 6, Chapter 9, Articles 1, 2 and 3 as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry and holds a certificate of exemption.
26. "Resident of this state" means a natural person domiciled in Arizona.
27. "Responsible individual" or "responsible person", as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a. Lives in Arizona during the entire period of designation as the responsible individual on a license;
 - b. Is in active management of a licensee's affairs;
 - c. Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
 - d. Is an officer, director, member, partner, employee, or trustee of a licensed entity.

Historical Note

Former Rule 2. Former R4-4-102 repealed, new R4-4-102 adopted effective August 16, 1991 (Supp. 91-3). R20-4-102 recodified from R4-4-102 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 668, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-103. Fingerprints

- A. A licensee or applicant shall deliver fingerprints requested or required by the Superintendent on fingerprint cards provided by the Superintendent.
- B. A licensee or applicant shall bear any costs incurred in obtaining or submitting fingerprints.
- C. A licensee or applicant shall arrange to have fingerprints taken, signed, and dated by:
 - 1. A municipal police department,
 - 2. A local sheriff's office, or
 - 3. Another law enforcement authority recognized by the Superintendent.

Historical Note

Former Rule 3. Former R4-4-103 repealed, new R4-4-103 adopted effective August 16, 1991 (Supp. 91-3). R20-4-103 recodified from R4-4-103 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective

November 14, 2000 (Supp. 00-4).

R20-4-104. Acceptance of Other Forms

If another entity's applications and forms provide all the information required by Arizona law, the Superintendent has the discretion to accept them, even if another provision of this Chapter requires use of a specific Department of Financial Institutions form. The Superintendent's exercise of the discretion to accept alternative forms does not limit the Superintendent's power to require additional information necessary to complete an application or other form.

Historical Note

Former Rule 4. Former R4-4-104 repealed, new R4-4-104 adopted effective August 16, 1991 (Supp. 91-3). R20-4-104 recodified from R4-4-104 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-105. Claims Against a Deposit in Place of Bond

- A. As used in this Section:
 - 1. "Deposit" means cash or alternatives to cash deposited by a licensee with the Superintendent in place of a bond.
 - 2. "Depositor" means licensee or an employee of the licensee who makes a deposit with the Superintendent.
 - 3. "Verified claim" means a claim filed with the Superintendent under subsection (B).
 - 4. "Award" means an amount of money granted under subsection (F).
- B. A person may file a claim against a deposit by delivering documentation of the claim to the Superintendent. The claim shall be based on a final judgment in favor of the claimant, entered by a court of competent jurisdiction. To support a claim, the judgment shall be:
 - 1. Against a depositor;
 - 2. For injury caused by the depositor's wrongful act, default, fraud, or misrepresentation committed in the course of the depositor's licensed business activity; and
 - 3. Documented by:
 - a. A certified copy of the complaint in the action;
 - b. A certified copy of the judgment in the action;
 - c. A statement that execution of the judgment has not been stayed, or an explanation of the terms and reason for any stay;
 - d. A statement of any amounts recovered on the judgment; and
 - e. A sworn and notarized statement that the claim is true and correct to the best of the claimant's knowledge and belief.
- C. A claimant shall file a claim with the Superintendent, and all required supporting documentation, not more than six months after entry of the judgment asserted in the claim. However, if execution of the asserted judgment is stayed during the first six months after its entry, the claimant may file a verified claim only during the six months after the stay is lifted. The Department shall process a timely-filed verified claim as a request for hearing under R20-4-1208.
- D. The claimant shall notify the depositor of the filing of a verified claim under this Section, and make the depositor a party to all proceedings on the claim. To do so, the claimant shall send the depositor a copy of all documents filed under subsection (B). The claimant shall make this delivery no more than 10 days after the original filing with the Superintendent under subsection (B). The Department considers a proceeding on a verified claim to be a contested case, governed by the provisions of 20 A.A.C. 4, Article 12.

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- E. The Superintendent shall, after a hearing, deny a verified claim if the hearing produces evidence of any of the following circumstances:
1. The judgment is not for an injury caused by the depositor and described in subsection (B)(2);
 2. The judgment was awarded by default, stipulation, or consent, and no showing is made in the hearing of an injury caused by the depositor and described in subsection (B)(2);
 3. The judgment's execution has been stayed for any reason;
 4. The judgment was procured through fraud or collusion;
 5. The judgment has been satisfied from other sources; or
 6. The action that produced the judgment was barred by the applicable statute of limitations at the time it was commenced.
- F. If the Superintendent grants a verified claim, the Superintendent shall do so in the amount of the compensatory damages awarded against the depositor in the judgment, exclusive of:
1. Attorney's fees, and
 2. Amounts previously paid on the judgment.
- G. A person injured by a depositor shall give the Superintendent written notice at the time of filing a civil action if the claims alleged could be made as a verified claim under this Section. The written notice shall include a statement of the amount of compensatory damages sought against the depositor. The injured person shall provide further information about the civil action to the Superintendent upon request.
- H. If the Superintendent grants a verified claim under subsection (F), the Superintendent shall authorize the State Treasurer, in writing, to release the deposit to the claimant in the amount stated in subsection (F) if the Superintendent has not received notice of another pending civil action under subsection (G).
- I. If given notice under subsection (G), the Superintendent shall determine whether the deposit is sufficient to satisfy all claims under subsection (F). The Superintendent shall determine award amounts for each claim of which the Superintendent has notice, and authorize payment, as follows:
1. If the deposit is sufficient to satisfy all claims under subsection (F), the Superintendent shall authorize its release as described in subsection (H).
 2. If the deposit is not sufficient to satisfy all claims under subsection (F), the Superintendent shall calculate the award on each claim as follows:
 - a. Each granted claim shall receive a pro rata share of the total deposit.
 - b. Each pro rata share shall be a dollar amount calculated by multiplying the total deposit by a fraction.
 - i. The numerator of the fraction is the amount of the Superintendent's award for the verified claim.
 - ii. The denominator of the fraction is the sum of the amount of the Superintendent's award for the verified claim plus the total compensatory damages sought in all other civil actions against the same depositor disclosed to the Superintendent under subsection (G).
 - c. The Superintendent shall authorize the State Treasurer to release the pro rata portion of the deposit calculated for each verified claim.
- J. A depositor or former licensee may request return of its deposit if it substitutes a bond for the deposit, or if its license is surrendered, revoked, or expired, and if all statutory conditions for release of the deposit have been satisfied. The Superintendent shall not release any part of a deposit to a depositor or former licensee until the Superintendent determines whether there are any awards on verified claims unsatisfied because of an apportionment under subsection (I). The Superintendent shall use the deposit amount to pay any unsatisfied portion of those awards. If the deposit amount is not sufficient to pay in full all unsatisfied awards, the Superintendent shall pay the remaining amount of the deposit to claimants in the ratio their awards bear to the total of all awards granted against the deposit.
- K. The court supervising a licensee in receivership may order the release of a deposit to persons injured by conduct described in subsection (B). In that event, the receiver shall deliver a certified copy of the court's order to the Superintendent. The copy may be uncertified if the receiver is the Superintendent or any other officer or agency of the state of Arizona. The Superintendent shall then authorize the State Treasurer, in writing, to release the deposit to the receiver. The receiver shall distribute the deposit as ordered by the receivership court, rather than under this Section.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-105 recodified from R4-4-105 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-106. Bankruptcy

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents' filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief,
2. Schedule of assets and liabilities,
3. Statement of financial affairs,
4. List of creditors, and
5. Plan of reorganization.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-106 recodified from R4-4-106 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-107. Licensing Time-frames

- A. As used in this Section, "application" means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B. The time-frames in Table A apply solely to applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application by the Department.
1. Within the administrative completeness review time-frame in Table A, the Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall specify the missing information or component.
 2. An applicant whose application is incomplete shall supply the missing information within 60 days after the date

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of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completion of an application. The administrative completeness review time-frame stops running on the postmark date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department shall reject the application and close the file. An applicant may reapply.

3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual

agreement under A.R.S. § 41-1075. If the Department denies an application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.

5. The Department shall calculate time limits prescribed in this Section under R2-19-107.
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

Historical Note

Adopted effective September 9, 1998 (Supp. 98-3).
Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

Table A. Licensing Time-frames

| No. | License Type | Legal Authority | Administrative Completeness Review (Days) | Substantive Review (Days) | Overall Time-Frame (Days) |
|-----|---|-----------------------------------|---|---------------------------|---------------------------|
| 1 | Bank | A.R.S. § 6-203, et seq. | | | |
| | Initial Application | R20-4-211 | 45 | 45 | 90 |
| 2 | Bank Trust Dept. | A.R.S. § 6-381 | | | |
| | Initial Application | A.R.S. § 6-203, A.R.S. § 6-204(C) | 45 | 45 | 90 |
| 3 | Savings & Loan | A.R.S. § 6-401, et seq. | | | |
| | Initial Application | A.R.S. § 6-408, R20-4-327 | 75 | 75 | 150 |
| 4 | Credit Union | A.R.S. § 6-501, et seq. | | | |
| | Initial Application | A.R.S. § 6-506(A) | 60 | 60 | 120 |
| 5 | Trust Company | A.R.S. § 6-851, et seq. | | | |
| | Initial Application | A.R.S. § 6-854(A) | 75 | 75 | 150 |
| 6 | Consumer Lender | A.R.S. § 6-601, et seq. | | | |
| | Initial Application | A.R.S. § 6-603(C) | 60 | 60 | 120 |
| 7 | Debt Management | A.R.S. § 6-701, et seq. | | | |
| | Initial Application | A.R.S. § 6-704(A), R20-4-602(A) | 30 | 30 | 60 |
| 8 | Escrow Agent | A.R.S. § 6-801, et seq. | | | |
| | Initial Application | A.R.S. § 6-814 | 60 | 60 | 120 |
| 9 | Mortgage Broker or Commercial Mortgage Broker | A.R.S. § 6-901, et seq. | | | |
| | Initial Application | A.R.S. § 6-903(C) & (D) | 60 | 60 | 120 |
| 10 | Mortgage Banker | A.R.S. § 6-941, et seq. | | | |
| | Initial Application | A.R.S. § 6-943(D) | 60 | 60 | 120 |
| 11 | Commercial Mortgage Banker | A.R.S. § 6-971, et seq. | | | |
| | Initial Application | A.R.S. § 6-974(A) | 60 | 60 | 120 |
| 12 | Acquisition of Control of Financial Institution | R20-4-1602, R20-4-1702 | | | |

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| | | | | | |
|-----------|--------------------------|------------------------------|----|----|-----|
| | Initial Application | A.R.S. 6-1104 | 30 | 30 | 60 |
| 13 | Money Transmitter | A.R.S. § 6-1201, et seq. | | | |
| | Initial Application | A.R.S. § 6-1204(A) | 60 | 60 | 120 |
| 14 | Advance Fee Loan Broker | A.R.S. § 6-1301, et seq. | | | |
| | Initial Application | A.R.S. § 6-1303(A) | 30 | 30 | 60 |
| 15 | Premium Finance Co. | A.R.S. § 6-1401, et seq. | | | |
| | Initial Application | A.R.S. § 6-1402(C) | 60 | 60 | 120 |
| 16 | Collection Agency | A.R.S. § 32-1001, et seq. | | | |
| | Initial Application | A.R.S. § 32-1021, R20-4-1502 | 30 | 15 | 45 |
| 17 | Motor Vehicle Dealer | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 18 | Sales Finance Co. | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 19 | Certificate of Exemption | A.R.S. § 6-912 | | | |
| | Initial Application | A.R.S. § 6-912(B) | 45 | 45 | 90 |
| 20 | Loan Originators | A.R.S. § 6-991, et seq. | | | |
| | Initial Application | A.R.S. § 6-991.04(A) | 60 | 60 | 120 |

Historical Note

Table A adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 2. BANK ORGANIZATION AND REGULATION

R20-4-201. Articles of Incorporation

A licensee shall deliver to the Director a copy of each amendment to the licensee’s articles of incorporation within 30 days after the amendment is filed with the Arizona Corporation Commission. Before delivery to the Director, an officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 1. R20-4-201 recodified from R4-4-201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-202. Bylaws

A licensee shall deliver to the Director a copy of each amendment to the licensee’s bylaws within 30 days after the amendment is adopted. An officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 2. R20-4-202 recodified from R4-4-202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-203. Repealed

Historical Note

Former Rule 3; Amended subsection (C) effective Sep-

tember 4, 1981 (Supp. 81-5). R20-4-203 recodified from R4-4-203 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-204. Repealed

Historical Note

Former Rule 4. R20-4-204 recodified from R4-4-204 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-205. Repealed

Historical Note

Former Rule 5. R20-4-205 recodified from R4-4-205 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-206. Bankers Blanket Bond Coverage - A.R.S. § 6-188

- A. Each bank shall carry at least the following basic blanket bond coverage listed in Table B.
- B. Each bank shall supplement the bankers blanket bond coverage with at least a \$2,000,000 excess fidelity bond.

Historical Note

Former Rule 6. R20-4-206 recodified from R4-4-206 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Table B. Basic Blanket Bond Coverage

| Banks with Deposits of: | | Amounts: |
|-------------------------|---------------|-----------|
| Less than \$25,000,000 | | \$300,000 |
| 25,000,000 | to 35,000,000 | 350,000 |

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|---------------------|----|----------------|------------|
| 35,000,000 | to | 50,000,000 | 450,000 |
| 50,000,000 | to | 75,000,000 | 550,000 |
| 75,000,000 | to | 100,000,000 | 700,000 |
| 100,000,000 | to | 150,000,000 | 850,000 |
| 150,000,000 | to | 250,000,000 | 1,200,000 |
| 250,000,000 | to | 500,000,000 | 1,700,000 |
| 500,000,000 | to | 1,000,000,000 | 2,500,000 |
| 1,000,000,000 | to | 2,000,000,000 | 4,000,000 |
| 2,000,000,000 | to | 5,000,000,000 | 6,000,000 |
| 5,000,000,000 | to | 20,000,000,000 | 9,000,000 |
| Over 20,000,000,000 | | | 10,000,000 |

Historical Note

Table B removed from R20-4-206(A) to conform with the codification scheme of this Chapter and amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-207. Capital Obligations

- A. An applicant for a Director’s order of approval to issue a capital obligation shall submit the following documents to the Director and shall not issue any capital obligation before the Director issues the order of approval. The required documents are:
 - 1. A certified copy of the resolution adopted by the Board of Directors, or a certified copy of the unanimous written consent of the Board of Directors, authorizing the sale of the capital obligation;
 - 2. A copy of the agreement underlying the capital obligation;
 - 3. A copy of the note or debenture intended to represent the capital obligation; and
 - 4. A copy of the prospectus, if any, proposed for use in the sale of the capital obligation.
- B. Each document evidencing a capital obligation shall:
 - 1. Bear on its face, in bold face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.
 - 2. Have a maturity provision that either:
 - a. Gives the obligation a maturity of at least five years, or
 - b. In the case of an obligation or issue that provides for scheduled repayments of principal, gives an average maturity of at least five years. The restriction on maturity stated in this subsection does not apply to any obligation that otherwise meets all the requirements of this Section if the Director determines that exigent circumstances require the issuance of the obligation without regard to any restriction on maturity. The provisions of this subsection do not apply to mandatory convertible debt obligations or issues.
 - 3. State expressly on its face that the obligation:
 - a. Is subordinated and junior in right of payment to the issuing bank’s obligations to its depositors and to the bank’s other obligations to its general and secured creditors, and
 - b. Is ineligible as collateral for a loan by the issuing bank, except as provided in A.R.S. § 6-354.
 - 4. Be unsecured.
 - 5. State expressly on its face that the issuing bank may not retire any part of its capital obligation without the Director’s prior written order of approval, and the prior written consent of the Federal Deposit Insurance Corporation.

- 6. Include, if the obligation is issued to a depository institution, a specific waiver of the right of offset by the lending depository institution.
 - 7. State that, in the event of liquidation, all depositors and other creditors of the bank are to be paid in full before any payment of principal or interest is made on a capital obligation.
- C. No payment shall be made under an optional right of payment reserved to the bank without the separate authorization of the Director. The Director may grant that authority in the initial order of approval or in a later order of approval.

Historical Note

Former Rule 7. R20-4-207 recodified from R4-4-207 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 2155, effective May 4, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-208. Repealed

Historical Note

Former Rule 8. R20-4-208 recodified from R4-4-208 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-209. Notice of Permanent Closing of Banking Office

A bank may close fewer than all of its banking offices. Before closing any office, a bank shall deliver a letter to the Director specifying the banking office it plans to close and the closing date. The bank shall ensure that the Director receives the letter at least 10 days before the closing date. Closing the banking office shall terminate the bank’s authority to maintain that banking office on the date of the actual closure.

Historical Note

Former Rule 9. R20-4-209 recodified from R4-4-209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5388, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-210. Repealed

Historical Note

Former Rule 10. R20-4-210 recodified from R4-4-210 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-211. Application for a Banking Permit

- A. Before an application is filed, the representatives of the potential applicant shall meet with the Director to discuss capitalization, location, and management of the proposed bank.
- B. After the meeting required by subsection (A), persons who wish to proceed with the application process shall submit an application in the form the Director prescribes. The applicant shall support the application with sufficient information to enable the Director to make a determination.

Historical Note

Former Rule 11. R20-4-211 recodified from R4-4-211 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-212. Repealed

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Historical Note

Former Rule 12. Amended effective September 4, 1981 (Supp. 81-4). R20-4-212 recodified from R4-4-212 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-213. Repealed

Historical Note

Former Rule 13. Repealed effective September 13, 1981 (Supp. 81-5). R20-4-213 recodified from R4-4-213 (Supp. 95-1).

R20-4-214. Preservation of Records

- A. Every bank shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. Copies complying with this subsection, when satisfactorily identified, have the same evidentiary status as an original. A bank may keep its records as electronic records if the bank can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A bank shall keep its corporate and business records for the period required by this Section. These periods are measured from the date of the last entry or final action date. A bank shall have and comply with its own record retention schedule that is consistent with this Section. A bank may comply with this Section by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this Section. This Section does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required in subsection (D).
- C. Beginning on the effective date of this Section, corporate and business records of a bank operating in the state of Arizona are classified, and their retention periods are prescribed, according to the schedule in subsection (D). Retention periods are listed in subsection (D) using the notations, acronyms, and abbreviations listed in subsections (C)(1) through (20).
 - 1. A numerical designation refers to a period of years unless a shorter period of time is specified in the schedule.
 - 2. "AC" means after closure.
 - 3. "ACH" means automated clearing house.
 - 4. "AE" means after expiration.
 - 5. "ALC" means after last contact.
 - 6. "AP" means after paid.
 - 7. "ATD" means after termination date.
 - 8. "CTR" means a cash transaction report required by the Federal Bank Secrecy Act.
 - 9. "FDIC" means the Federal Deposit Insurance Corporation.
 - 10. "FHA" means the Federal Housing Administration.
 - 11. "FHLMC" means the Federal Home Loan Mortgage Corporation.
 - 12. "FNMA" means the Federal National Mortgage Association.
 - 13. "GNMA" means the Government National Mortgage Association.
 - 14. "IRS" means the United States Department of the Treasury's Internal Revenue Service.
 - 15. "M" means months.
 - 16. "P" means the bank shall keep the record permanently.
 - 17. "PMI" means private mortgage insurance.

- 18. "SAR" means a suspicious activity report required by the Federal Bank Secrecy Act.
- 19. "TTL" means a treasury, tax, and loan account maintained by a bank.
- 20. "UCC" means the Uniform Commercial Code as it is in effect in Arizona.

D. Retention Schedule

- 1. Accounting and Auditing
 - a. Accrual and bond amortization 3
 - b. Audit report 6
 - c. Audit work papers 3
 - d. Bank call, income and dividend report 5
 - e. Bill, statement, or invoice – paid 7
 - f. Budget work papers 2
 - g. Collateral vault "in-and-out" ticket 1
 - h. Daily reserve computation 7
 - i. Earnings report 7
 - j. Expense voucher or invoice 7
 - k. Financial statement 7
 - l. Interoffice reconciliation 1
 - m. Interoffice transaction 1
 - n. Periodic statement for account owned by bank 2
 - o. Reconciliation of deposits – due to bank 2
 - p. Reconciliation register – due from bank 2
 - q. Return and cash item register 1
 - r. Service contract 2
 - s. Treasury tax and loan account 2
 - t. Unclaimed property record 5
- 2. Administration
 - a. Articles of incorporation or association, bylaws or other record of organization P
 - b. Bankers blanket bond-record showing compliance 5AE
 - c. Bank examiner's report 7
 - d. Capital note issuance and transfer record P
 - e. Depreciation record – office equipment 3
 - f. Dividend check and register 7
 - g. Dividend check – outstanding P
 - h. Expired policy insuring the bank 3 AE
 - i. FDIC assessment base, record 5
 - j. FDIC certificate P
 - k. Insurance policy number, record of premium paid and amount recovered 3 AE
 - l. Legal proceedings when completed 5
 - m. Minute book of:
 - i. Meetings of the board of directors P
 - ii. Meeting of committees of the board of directors P
 - iii. Shareholders' meetings P
 - n. Postage meter record book (from date of final entry) 1
 - o. Real estate documentation 5 ATD
 - p. Report to directors 3
 - q. Stock issuance and transfer record P
 - r. Required report to supervisory agency 3
 - s. Tax controversy or proceeding when completed 7
 - t. Tax record not material to any controversy 7
 - u. Voting list and proxies 3
- 3. Collections
 - a. Collection payment record 1
 - b. Collection receipt – carbon 1
 - c. Collection register 1
 - d. Coupon cash letter – outgoing 1
 - e. Coupon envelope 1
 - f. Customer file copy 1
 - g. Incoming collection letter 1
 - h. Incoming contract or note letter 1

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|----|--|-------|------|---|-------|
| 4. | Customer service | | c. | Draft – original | 7 |
| | a. Broker account holder – identification | 5 | d. | Draft register or copy | 1 AP |
| | b. Broker’s confirmation | 3 | e. | Duplicate check – information and documentation pertaining to issuance | 7 |
| | c. Broker’s invoice | 3 | f. | Reconciliation register | 1 |
| | d. Broker’s statement | 3 | 8. | Due to banks | |
| | e. E-Bond application | 2 | a. | Account opened and account closed – reports | 1 |
| | f. E-Bond sold or redeemed – record | 2 | b. | Advice – copy | 1 |
| | g. E-Bond transmittal letter | 2 | c. | Incoming cash letter memo for credit | 1 |
| | h. Lock box daily receipts | 1 | d. | Incoming cash letter for remittance | 1 |
| | i. Night depository agreement | 1 AC | e. | Reconciliation register (TTL) | 2 |
| | j. Night depository daily record | 1 | f. | Reconciliation verification | 1 |
| | k. Safekeeping record and receipt | 5 | g. | Resolution | 2 AC |
| | l. Securities buy order and sell order | 3 | h. | Signature card | 6 AC |
| 5. | Data processing (management information systems) | | i. | Trial balance (fiche) | 7 |
| | a. Back-up data (for reconstruction) daily, end of month, quarter, or year | 1 | j. | Undelivered statement, reconstruction available from bank records | 1 |
| | b. Disaster recovery program | P | k. | Undelivered statement, reconstruction not possible | 7 |
| | c. Film copy of every IRS financial reporting form | 6 | 9. | General | |
| | d. Program change | P | a. | Address change order | 1 |
| | e. System, program and procedure manual | P | b. | Affidavit from customer including affidavit of loss, forgery, or non-use of cashier’s check | 1 |
| 6. | Deposits | | c. | Writ of attachment or garnishment | 5 |
| | a. Account opened and account closed | 1 | d. | Attachment, release | 5 |
| | b. Certificate of deposit purchase record | 7 | e. | Armored car receipt | 1 |
| | c. Check paid, withdrawal slip, and other debits to account | 7 | f. | Check book order | 1 |
| | d. Club account check register | 1 | g. | Check book – receipt | 1 |
| | e. Club account coupon | 1 | h. | Court order memorandum record | 5 |
| | f. SAR – for suspicious transaction under \$10,000 | 5 | i. | Notice of Protest | 1 |
| | g. CTR – for transaction exceeding \$10,000 | 5 | j. | Vault record – opening and closing | 1 |
| | h. Customer authorization, resolution, and signature card | 6 AC | k. | Wire transfer debit entry and credit entry | 7 |
| | i. Deposit account record needed to reconstruct | 7 | 10. | General ledger | |
| | j. Deposit and other credits | 7 | a. | Daily statement of condition | 3 |
| | k. Dormant account – after closed or escheated | 7 ALC | b. | General journal – if byproduct of posting the general ledger | 3 |
| | l. Form 1096 and 1099 reports to IRS | 7 | c. | General journal – if used as book of original entry with description | 3 |
| | m. Individual retirement account record | 7 | d. | General ledger | 5 |
| | n. Interest check or other record of interest payment and reports | 7 | e. | General ledger ticket – debit and credit | 2 |
| | o. Internal management reports: | | 11. | International department | |
| | i. Large balance | 1 | a. | Broker account holder – identification | 5 |
| | ii. Overdraft | 1 | b. | Cable copy | 7 |
| | iii. Public funds | 1 | c. | Cable requisition | 7 |
| | iv. Service charges | 1 | d. | Collection paid | 1 |
| | v. Stop payment | 1 | e. | Correspondence | 2 |
| | vi. Uncollected funds | 1 | f. | Draft | 7 |
| | vii. Unposted item | 1 | g. | Foreign collection register | 6 |
| | viii. Zero balance | 1 | h. | Foreign draft application | 6 |
| | p. Ledger card | 5 AC | i. | Foreign draft – carbon | 2 ATD |
| | q. Power of attorney document | 7 ATD | j. | Foreign exchange remittance sheet or book | 6 |
| | r. Receipt for statement held at customer’s request | 1 | k. | Foreign financial account – record | 7 |
| | s. Record showing compliance with the following federal regulations. The state retention period applies unless, and until, it is preempted by federal law: | | l. | Foreign mail transfer application | 6 |
| | i. Regulation CC, Expedited Funds Availability Act | 2 | m. | Foreign mail transfer – carbon | 2 ATD |
| | ii. Regulation DD, Truth in Savings Act | 2 | n. | Foreign outstanding cash | 2 |
| | iii. Regulation E, Electronic Funds Transfer Act | 2 | o. | Foreign payment – incoming | 2 |
| | t. Returned statement and canceled checks | 6 | p. | Letter of credit application | 2 |
| | u. Statement | 6 | q. | Letter of credit ledger sheet | 7 |
| | v. Stop payment order | 6 AE | r. | Transfer outside of the United States in excess of \$10,000 – record | 5 |
| | w. Document used to request and receive Tax Identification Number | 6 | 12. | Investments | |
| | x. Transaction journal | 6 | a. | Bonds | |
| | y. Trial balance | 6 | i. | Amortization record | 6 |
| 7. | Due from banks | | ii. | Confirmation | 3 |
| | a. Advice from correspondent bank | 1 | iii. | Safekeeping receipt | 2 |
| | b. Bank statement | 1 | b. | Broker’s securities | |
| | | | i. | Broker’s invoice | 3 |
| | | | ii. | Broker’s statement | 3 |
| | | | iii. | Report of lost or stolen securities | 3 |
| | | | iv. | Safekeeping advice | 2 |
| | | | v. | Taxpayer identification number | 5 |

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| c. Commercial paper | | vi. Overdraft loan agreement | 6 |
| i. Broker's advice | 2 | vii. Promissory note and modification agreement – copy | 6 |
| ii. Purchase order | 2 | viii. Title documentation | 6 |
| iii. Remittance advice | 2 | ix. UCC filing – copy | 6 |
| d. Mortgage-backed securities | | d. Real estate loans | |
| i. Buy-and-sell agreement | 3 | i. Assignment of escrow | 6 |
| ii. Commitment letter | 7 | ii. Assumption | 6 |
| iii. FHLMC and FNMA loan file | 7 | iii. Commitment letter | 6 |
| iv. GNMA certificate | 7 | iv. Copy of deed of trust or mortgage note, as it may have been modified | 6 |
| v. Interest accrual record | 7 | v. Escrow analysis record | 6 |
| vi. Monthly remittance report | 7 | vi. Evidence of any FHA or PMI insurance required | 6 |
| 13. Loans. A bank shall keep each loan record listed for the period required by this subsection. These periods are measured from the date of final activity. A bank shall have and comply with its own record retention schedule that is consistent with this subsection. A bank may comply with this subsection by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this subsection. This subsection does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required by this subsection. | | vii. Hazard insurance | life of loan |
| a. All loans – general | | viii. Proof of insurance excluding hazard | 6 |
| i. Application for loan approval | 6 | ix. Sales contract | 6 |
| ii. Appraisal | 6 | x. Settlement sheet | 6 |
| iii. Borrower's financial statement | 6 | xi. Survey | 6 |
| iv. Charge-off record | 10 | xii. Title documentation | 6 |
| v. Charged off note | 10 | e. Construction loans. In addition to the documents specified in subsection (d), a bank shall keep a record for a construction loan as specified in this subsection: | |
| vi. Collateral file | 6 | i. Certificate of occupancy | 6 |
| vii. Correspondence | 6 | ii. Construction progress report | 6 |
| viii. Credit file- all documentation | 6 | iii. Contractor's cost breakdown | 6 |
| ix. Credit report | 6 | iv. Disbursement documentation | 6 |
| x. Daily proof and record | 6 | v. Inspection report | 6 |
| xi. Loan committee minutes | P | vi. Residential construction specifications and material list | 6 |
| xii. Miscellaneous loan reports including new loan journal, paid loan journal, past due report, and transaction journal as original entry | 6 | 14. Official checks and drafts | |
| xiii. Other documentation for reconstruction of loan | 2 | a. Affidavit, bond, indemnity agreement, other documentation supporting the issuance of a duplicate check or draft | 7 |
| b. Commercial loans | | b. Bank draft | 3 |
| i. Application for loan denied | 12 M | c. Cashier's check – canceled | 7 |
| ii. Bill of sale | 6 | d. Cashier's check register – copy | 7 |
| iii. Borrowing resolution | 3 | e. Expense check – canceled | 7 |
| iv. Business annual report (fiscal or year end) – after date of report | 3 | f. Expense check register – copy | 7 |
| v. Business cash-flow analysis report – after date of report | 3 | g. Expense voucher or invoice | 7 |
| vi. Business tax return – after date of return | 6 | h. Money order – bank or personal | 7 |
| vii. Commitment letter | 6 | i. Money order register – copy | 7 |
| viii. Copy of mortgage note or deed of trust | 6 | j. Official check outstanding | P |
| ix. Evidence of insurance | 6 | 15. Personnel Records | |
| x. Guaranty | 6 | a. Attendance record, and time card | 3 |
| xi. Letter of credit | 6 | b. Authorization for payroll deduction | 2 |
| xii. Participation agreement | 6 | c. Department of labor report | 5 |
| xiii. Promissory note | 6 | d. Disability record | 5 |
| xiv. Purchase and sale agreement | 6 | e. Employee record and personnel folder | 5 |
| xv. Security agreement | 6 | f. Employment application | 3 AT |
| xvi. Title documentation | 6 | g. Insurance record | 2 |
| xvii. UCC filing | 6 | h. Payroll check | 2 |
| c. Consumer loans | | i. Pension fund record | 10 |
| i. Application for loan denied, including adverse action notice | 25 M | j. Profit sharing fund record | 10 |
| ii. Collateral record | 6 | k. Rejected employee application | 2 |
| iii. Hazard insurance record | 6 | l. Salary ledger or electronic data processing printout | 4 |
| iv. Invoice | 6 | m. Salary receipt | 2 |
| v. Life and disability insurance record | 6 | n. W-3 reconciliation of income tax withheld from wages | 3 |
| | | o. W-4 withholding exemption certificate | 3 |
| | | p. Wage and tax statement record (W-2) | 7 |
| | | q. Wage differential documentation (Fair Labor Standards Act) | 3 |
| | | 16. Registered mail | |
| | | a. Marine insurance book | 3 |
| | | b. Record of incoming and outgoing registered mail | 1 |
| | | c. Return receipt card | 3 |

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| | | | |
|--|------|---|------|
| 17. Safe deposit vault | | i. Accounting | 3 AC |
| a. Access ticket or card | 6 | ii. Decree | 3 AC |
| b. Court order and correspondence | 6 | iii. Receipt and release | 3 AC |
| c. Delivery of will, burial plot deed, insurance policy – receipt | 6 | b. Accounting – recorded | 3 AC |
| d. Forced entry record | 6 | c. Advice of payment – securities department regarding bond and coupon collection | 3 AC |
| e. Lease or contract – closed account | 2 AC | d. Appraisal | |
| f. Ledger record of account | 1 | i. Real property | 3 AC |
| g. Opened box contents – record and report | 7 | ii. Personal property | 3 AC |
| h. Rent receipt – copy | 1 | e. Asset delivery receipt | 3 AC |
| i. Sale to satisfy lien – record | 7 | f. Authorization | |
| j. Signature card, authorization, and resolution | 6 AC | i. By co-fiduciary | P |
| 18. Tellers | | ii. By consultant | P |
| a. Mail teller envelope | 3 M | g. Approval | 5 |
| b. Teller’s balancing recap or recap book | 1 | i. By co-fiduciary | P |
| c. Teller’s cash ticket – original and carbons | 1 | ii. By consultant | P |
| d. Teller’s cash shipment record | 1 | h. Broker’s statement | 7 |
| e. Teller’s exchange ticket | 1 | i. Buy and sell order | 7 |
| f. Teller’s machine tape | 1 | j. Cash documentation | |
| 19. Transit, proof, and clearing | | i. Customer cash and asset statement | 7 |
| a. ACH entry | 6 | ii. Cash and security journal | 7 |
| b. Advice of correction to deposit | 2 | iii. Cash trial balance | 1 |
| c. Clearinghouse settlement sheet – recapitulation of checks delivered to the clearinghouse or federal reserve | 2 | k. Common trust fund annual report | 10 |
| d. Record of items processed | 6 | l. Correspondence | |
| e. Proof machine tape or other record | 2 | i. Transfer letter | 3 AC |
| f. Receipt for transit letter | 1 | ii. Claim letter | 3 AC |
| g. Return item letter | 5 | m. Coupon collection letter | 7 |
| 20. Trust department administration | | n. Court accounting and petition | 7 |
| a. Appraisal of real or personal property held as a trust asset | 3 AC | o. Daily transaction journal | 6 M |
| b. Correspondence | 3 AC | p. Debits and credits – daily | 1 |
| c. Decree or receipt and release | 3 AC | q. Documentation necessary to support account decision | 3 AC |
| d. Fee record and supporting data | 3 AC | r. Tax Documentation | |
| e. Intermediate and final account | 3 AC | i. Federal estate tax return | 10 |
| f. Legal documentation including judgment, court order, and legal opinion | 3 AC | ii. State estate tax return | 10 |
| g. Paid bill | 3 AP | iii. Tax-related work papers | 10 |
| h. Real estate insurance policy | 1 AE | iv. Federal gift tax return | 10 |
| i. Real estate and mortgage document | 3 AC | s. Fee calculations and supporting data | 1 |
| j. Receipt for asset received or delivered | 3 AC | t. Income tax return | |
| k. Record of asset tax cost | 3 AC | i. Federal | 3 AC |
| l. Summary card, original instrument, agreement and amendment, and letters of appointment | 3 AC | ii. State | 3 AC |
| m. Synopsis sheet | 3 AC | u. Inventory | 3 AC |
| 21. Corporate trust | | v. Investment review and related material | 3 AC |
| a. Bond registration journal | 3 AC | w. Minutes | |
| b. Bond – canceled | 7 | i. Investment committee | P |
| c. Indemnity bond | P | ii. Trust committee | P |
| d. Certification | 2 | 23. Other personal trust records | |
| e. Coupon envelope | 6 M | a. Legal opinion | 3 AC |
| f. Coupon – canceled | 6 M | b. Correspondence related to legal opinion | 3 AC |
| g. Customer receipt | 7 | c. Paid bill | 7 |
| h. Dividend and coupon record | 3 AC | d. Review and recommendation | 3 AC |
| i. Dividend and interest disbursement check and list | 3 AC | e. Safekeeping record and receipt | 3 AC |
| j. General ledger ticket | 2 | f. Security ledger sheet | P |
| k. Legal paper | P | g. Trust check | 10 |
| l. Copy of canceled stock certificate, original returned to customer | 1 | h. Trust entry – original | 3 AC |
| m. Stock registration journal | 3 AC | i. Trust or agency agreement – original | 3 AC |
| n. Stock transfer memo | 1 | j. Vault withdrawal and deposit ticket | 7 |
| o. Stock transfer receipt | 1 | k. Will – certified copy | P |
| p. Tax return | 3 AC | l. Work papers supporting tax return | 7 |
| q. Transfer – supporting papers | 3 AC | 24. Trust Investments | |
| r. Transfer journal | 3 AC | a. Annual report | |
| s. Transfer tax waiver | 3 AC | i. Common trust fund | 10 |
| t. Trust ledger – corporate | 7 | ii. Pooled fund | 10 |
| 22. Personal trust | | b. Valuation | |
| a. Record of previously discharged fiduciary | | i. Common trust fund | 10 |
| | | ii. Pooled fund | 10 |
| | | c. Minutes | |
| | | i. Investment committee | P |
| | | ii. Administrative committee | P |
| | | d. Investment order and broker’s confirmation | 3 AC |
| | | e. Investment review and related material | 3 AC |

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- f. Correspondence 3 AC
- g. Summary of annual account activity 3 AC
- 25. Wire transfer
 - a. Incoming wire log 1
 - b. Outgoing wire log 1
 - c. Transmission record 7
 - d. Wire transfer request 7

Historical Note

Former Rule 14. R20-4-214 recodified from R4-4-214 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4142, effective September 12, 2001 (Supp. 01-3). Missing notation in subsection (D)(1)(j) corrected as proposed at 7 A.A.R. 2491 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-215. Trust Business

Each bank authorized to conduct trust business under their banking permit shall comply with the applicable requirements of R20-4-808 through R20-4-816.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-215 recodified from R4-4-215 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

ARTICLE 3. EXPIRED

R20-4-301. Expired

Historical Note

Former Rule 1. R20-4-301 recodified from R4-4-301 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-302. Repealed

Historical Note

Former Rule 2; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-302 recodified from R4-4-302 (Supp. 95-1).

R20-4-303. Expired

Historical Note

Former Rule 3. R20-4-303 recodified from R4-4-303 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-304. Expired

Historical Note

Former Rule 4. R20-4-304 recodified from R4-4-304 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-305. Repealed

Historical Note

Former Rule 5. R20-4-305 recodified from R4-4-305 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-306. Repealed

Historical Note

Former Rule 6. R20-4-306 recodified from R4-4-306 (Supp. 95-1). Repealed effective September 19, 1996

(Supp. 96-3).

R20-4-307. Repealed

Historical Note

Former Rule 7. R20-4-307 recodified from R4-4-307 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-308. Repealed

Historical Note

Former Rule 8. R20-4-308 recodified from R4-4-308 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-309. Expired

Historical Note

Former Rule 9. R20-4-309 recodified from R4-4-309 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-310. Reserved

R20-4-311. Repealed

Historical Note

Former Rule 11; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-311 recodified from R4-4-311 (Supp. 95-1).

R20-4-312. Repealed

Historical Note

Former Rule 12. R20-4-312 recodified from R4-4-312 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-313. Reserved

R20-4-314. Repealed

Historical Note

Former Rule 14. R20-4-314 recodified from R4-4-314 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-315. Repealed

Historical Note

Former Rule 15. R20-4-315 recodified from R4-4-315 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-316. Repealed

Historical Note

Former Rule 16. R20-4-316 recodified from R4-4-316 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-317. Repealed

Historical Note

Former Rule 17; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-317 recodified from R4-4-317 (Supp. 95-1).

R20-4-318. Expired

Historical Note

Former Rule 18. R20-4-318 recodified from R4-4-318 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J)

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at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-319. Repealed**Historical Note**

Former Rule 19. R20-4-319 recodified from R4-4-319 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-320. Repealed**Historical Note**

Former Rule 20. R20-4-320 recodified from R4-4-320 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-321. Repealed**Historical Note**

Former Rule 21. R20-4-321 recodified from R4-4-321 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-322. Repealed**Historical Note**

Former Rule 22; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-322 recodified from R4-4-322 (Supp. 95-1).

R20-4-323. Repealed**Historical Note**

Former Rule 23. R20-4-323 recodified from R4-4-323 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-324. Expired**Historical Note**

Former Rule 24. R20-4-324 recodified from R4-4-324 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-325. Expired**Historical Note**

Former Rule 25. R20-4-325 recodified from R4-4-325 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-326. Expired**Historical Note**

Former Rule 26. R20-4-326 recodified from R4-4-326 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-327. Expired**Historical Note**

Former Rule 27. R20-4-327 recodified from R4-4-327 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-328. Expired**Historical Note**

Former Rule 28. R20-4-328 recodified from R4-4-328 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-329. Repealed**Historical Note**

Former Rule 29. R20-4-329 recodified from R4-4-329 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-330. Expired**Historical Note**

Original Rule. R20-4-330 recodified from R4-4-330 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-331. Repealed**Historical Note**

Original Rule. R20-4-331 recodified from R4-4-331 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

ARTICLE 4. CREDIT UNIONS**R20-4-401. Fidelity Bond Coverage**

- A. A credit union shall have a fidelity bond in the form and in the amount required to maintain federal insurance on its accounts.
- B. A fidelity bond purchased by a credit union to comply with this Section shall include faithful-performance-of-duty coverage.
- C. A credit union shall purchase its fidelity bond from an insurer that holds a certificate of authority from the Director to transact surety business in Arizona.

Historical Note

Former Rule 1. R20-4-401 recodified from R4-4-401 (Supp. 95-1). Amended effective April 21, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 2229, effective May 3, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-402. Repealed**Historical Note**

Former Rule 2. R20-4-402 recodified from R4-4-402 (Supp. 95-1). Repealed effective April 21, 1995 (Supp. 95-2).

ARTICLE 5. CONSUMER LENDERS**R20-4-501. Repealed****Historical Note**

Former Rule 1. R20-4-501 recodified from R4-4-501 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-502. Repealed**Historical Note**

Former Rule 2. R20-4-502 recodified from R4-4-502 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-503. Adjustments in Precomputed Charges

A licensee shall adjust the total precomputed charges if the first installment period is more or less than one month in duration. The licensee's records shall reflect the adjustment's collection in one of three ways.

1. In the first installment payment,
2. Amortized over the life of the contract, or
3. As part of the final payment.

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Historical Note

Former Rule 3. R20-4-503 recodified from R4-4-503 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-504. Repealed**Historical Note**

Former Rule 4. R20-4-504 recodified from R4-4-504 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-505. Repealed**Historical Note**

Former Rule 5. R20-4-505 recodified from R4-4-505 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-506. Repealed**Historical Note**

Former Rule 6. R20-4-506 recodified from R4-4-506 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-507. Repealed**Historical Note**

Former Rule 7. R20-4-507 recodified from R4-4-507 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-508. Cut-off Date for Computing Refunds upon Early Repayment in Full

If a borrower repays a loan before the due date of the final installment, the licensee shall calculate any refund or credit due on the precomputed loan using the following rules:

1. A licensee shall credit any full repayment, made on or before the 15th day following an installment date, as if received on the last previous installment date.
2. A licensee shall credit any full repayment, made on or after the 16th day following an installment date, as if received on the next installment date.

Historical Note

Former Rule 8. R20-4-508 recodified from R4-4-508 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-509. Repealed**Historical Note**

Former Rule 9. R20-4-509 recodified from R4-4-509 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-510. Repealed**Historical Note**

Former Rule 10. R20-4-510 recodified from R4-4-510 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-511. Repealed**Historical Note**

Former Rule 11. R20-4-511 recodified from R4-4-511

(Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-512. Reserved**R20-4-513. Repealed****Historical Note**

Former Rule 13. R20-4-513 recodified from R4-4-513 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-514. Repealed**Historical Note**

Former Rule 14. R20-4-514 recodified from R4-4-514 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-515. Repealed**Historical Note**

Former Rule 15. R20-4-515 recodified from R4-4-515 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-516. Repealed**Historical Note**

Former Rule 16. R20-4-516 recodified from R4-4-516 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-517. Repealed**Historical Note**

Former Rule 17. R20-4-517 recodified from R4-4-517 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-518. Deferral Fee

- A. A licensee may collect a deferral fee at the time it agrees to a deferral or at any time after the assessment of a deferral fee. If a licensee receives a payment after it agrees to a deferral, it may apply the payment first to the deferral fee. Any remainder of the payment shall be applied to the balance of the loan.
- B. If a licensee receives a payment that is large enough to pay in full a delinquent installment and all allowable delinquency fees, the licensee shall apply the payment first to the delinquent installment and fees. The licensee shall not show the paid installment as deferred, and shall not collect a deferral fee.

Historical Note

Former Rule 18. R20-4-518 recodified from R4-4-518 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-519. Deferral Statement

A licensee shall give the borrower a statement at the time it agrees to a deferral and shall retain a copy of the statement in the borrower's credit file. The statement shall contain the following information:

1. The amount of the deferral fee,
2. The date of the borrower's next scheduled payment,
3. The amount of the borrower's next scheduled payment, and
4. The extended maturity date of the loan.

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Historical Note

Former Rule 19. R20-4-519 recodified from R4-4-519 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-520. Repealed**Historical Note**

Former Rule 20. R20-4-520 recodified from R4-4-520 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-521. Repealed**Historical Note**

Former Rule 21. R20-4-521 recodified from R4-4-521 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-522. Repealed**Historical Note**

Former Rule 22. R20-4-522 recodified from R4-4-522 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-523. Repealed**Historical Note**

Former Rule 23. R20-4-523 recodified from R4-4-523 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-524. Books, Accounts, and Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A licensee authorized under A.R.S. Title 6, Chapter 5 shall:
1. Keep its books, accounts, and records of operations separate from the books, accounts, and records of its other business activities; and
 2. In addition to any statutory requirements, the books, accounts, and records of operations shall include the following:
 - a. A file containing a record of all legal actions brought during the fiscal year which the licensee shall keep until the Department conducts its examination of the licensee;
 - b. An itemized record of disbursement of the proceeds of each loan which shall also include, if the licensee makes precomputed loans, the amount of refund on each loan that is renewed or refinanced;
 - c. A record of the receipt of all allowable fees;
 - d. A record for each borrower and each loan that contains documentary evidence of filing or recording each instrument of record for the loan; and
 - e. A record of the borrower's voluntary election to purchase any insurance in connection with a loan if that insurance is sold by the licensee.

Historical Note

Former Rule 24. R20-4-524 recodified from R4-4-524 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (Sep-

tember 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-525. Repealed**Historical Note**

Former Rule 25. R20-4-525 recodified from R4-4-525 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-526. Repealed**Historical Note**

Former Rule 26. R20-4-526 recodified from R4-4-526 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-527. Repealed**Historical Note**

Former Rule 27. R20-4-527 recodified from R4-4-527 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-528. Repealed**Historical Note**

Former Rule 28. R20-4-528 recodified from R4-4-528 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-529. Repealed**Historical Note**

Former Rule 29. R20-4-529 recodified from R4-4-529 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-530. Repealed**Historical Note**

Former Rule 30. R20-4-530 recodified from R4-4-530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-531. Repealed**Historical Note**

Former Rule 31. R20-4-531 recodified from R4-4-531 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-532. Repealed**Historical Note**

Former Rule 32. R20-4-532 recodified from R4-4-532 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-533. Reserved**R20-4-534. Insurance**

- A. A licensee shall obtain written evidence of the borrower's voluntary election to purchase insurance in connection with a loan if the licensee's sale of insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE INSURANCE IN THE AMOUNT OF \$ _____.

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I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

- B.** A licensee shall obtain written evidence of the borrower's voluntary election to purchase property insurance in connection with a loan if the licensee's sale of property insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE PROPERTY INSURANCE IN THE AMOUNT OF

\$ _____.

I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

I ATTEST THAT THE VALUE OF MY PROPERTY INSURED IN CONNECTION WITH THIS LOAN IS THE SUM OF

\$ _____.

Historical Note

Former Rule 34. R20-4-534 recodified from R4-4-534 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-535. Reserved

R20-4-536. Repealed

Historical Note

Former Rule 36. R20-4-536 recodified from R4-4-536 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

ARTICLE 6. DEBT MANAGEMENT COMPANIES

Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).

Former Article 6 consisting of Section R4-4-601 repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).

R20-4-601. Repealed

Historical Note

Former Rule 1; Former Section R4-4-601 repealed, new Section R4-4-601 adopted effective October 26, 1978 (Supp. 78-5). R20-4-601 recodified from R4-4-601 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-602. Applications

- A.** An applicant for a debt management company license shall send the Department an application on the form required by the Director. If the Director determines that a credit report is required as authorized under A.R.S. § 6-704(A), the applicant shall order a credit report from a credit reporting agency disclosing the credit history of the applicant's principals or managing agents and submit the credit report to the Department. A complete application shall include the credit report required by this Section and all of the following:
1. The surety bond required by A.R.S. § 6-704(B);

2. Fidelity bonds if required by the Director under A.R.S. § 6-704(D);
3. The nonrefundable application fee specified in A.R.S. § 6-126(A)(14);
4. An original license fee described in A.R.S. §§ 6-126(B), 6-126(D)(2), and 6-706;
5. A sample of the contract intended to be used by the applicant required by A.R.S. § 6-704(E);
6. Current financial statements as described in R20-4-604(A)(5);
7. A copy of the current articles of incorporation, by-laws, partnership agreement or other organizing documents used to form the applicant business entity;
8. The name and address information required under A.R.S. § 6-704(A); and
9. A background check, on the form required by the Department, for each of the applicant's principals, principal officers, trustees, partners, and managing agents.

- B.** A debt management company applying to operate a branch office or use an agency shall send the Department an application on the form required by the Director.

- C.** A debt management company applying to renew a license shall deliver, on or before June 15 of each year, an application to the Department on the form required by the Director. A debt management company shall apply separately to renew each authorized business location. With each application for renewal, a debt management company shall include the renewal fee described in A.R.S. § 6-706 and specified in A.R.S. § 6-126(D)(2).

- D.** The Department may require additional information the Director considers necessary in connection with an application under this Section.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-602 recodified from R4-4-602 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-603. Reports

- A.** Each debt management company and each nonprofit corporation or association exempt from licensure under A.R.S. § 6-702(4) and (5), shall send the Department an annual report of its business and operations for each place of business during the previous year beginning July 1 and ending June 30, using the form required by the Director. A debt management company shall deliver its report to the Department on or before August 15.
- B.** Each debt management company shall notify the Department of any change in its ownership or in the names of its officers, directors, trustees, partners, or managing agents within 30 days of the change.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-603 recodified from R4-4-603 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-604. Records

- A.** A debt management company shall keep books, accounts, and records adequate to provide a clear and readily understandable

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record of all its business activity. A debt management company may keep its books, accounts, and records as electronic records if the debt management company can generate all information and documentation required by this Section in the timeframe set by the Department for examination or other purposes. A debt management company's books, accounts, and records shall include:

1. A file for each account containing:
 - a. A copy of all correspondence concerning the account;
 - b. Evidence of the notice given to creditors of the debt management contract;
 - c. A subsidiary ledger disclosing all financial transactions concerning the account;
 - d. A copy of each written statement of account given to the debtor;
 - e. The original budget analysis required under R20-4-607; and
 - f. The original contract between the debt management company and the debtor, including all amendments.
 2. A trust account general ledger, which is kept current daily, which reflects each deposit to and disbursement from the trust account.
 3. Each reconciliation of the debt management company's trust account, prepared at least once a month.
 4. A general ledger, kept current monthly, which reflects each financial transaction by the debt management company except those recorded in its trust account general ledger.
 5. A financial statement produced in accordance with generally accepted accounting principles at least once every three months, or more frequently if directed by the Director, which reflects the financial condition of the debt management company. The financial statement shall include:
 - a. A balance sheet,
 - b. A statement of income and retained earnings,
 - c. A statement of changes in financial condition, and
 - d. Appropriate footnotes that either:
 - i. Explain entries in the documents listed in subsections (A)(5)(a), (b), and (c);
 - ii. Contain material information not required or not reportable in documents listed in subsections (A)(5)(a), (b), or (c); or
 - iii. Contain other disclosures required by generally accepted accounting principles.
 6. A record of all litigation naming the debt management company as a party including:
 - a. For pending litigation:
 - i. A copy of the complaint;
 - ii. A copy of any answer filed by the debt management company in response to the complaint; and
 - iii. A copy of any motion filed by the debt management company; and
 - b. For any litigation that is no longer pending, a copy of any judgment showing the settlement date, dismissal, or other final order disposing of the litigation.
- B.** All records required under this Section may be maintained at the debt management company's office in Arizona. A debt management company may keep its records outside this state if it:
1. Makes the records available to the Director, for examination or other purposes, in this state not more than three business days after demand; and
 2. Allows its debtor customers to call toll free to obtain information from the records that are not available from the debt management company's office in Arizona.
- C.** Each debt management company shall preserve its books, accounts, and records for the period required by A.R.S. §§ 6-709(J) and 6-710(1).

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-604 recodified from R4-4-604 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-605. Reserved

R20-4-606. Reserved

R20-4-607. Budget Analysis

- A.** A debt management company shall not accept an account unless it first concludes that the debtor can reasonably meet the payments agreed upon by the debt management company and the debtor. The debt management company's conclusion shall be supported by a written budget analysis kept in the company's records.
- B.** The written budget analysis shall either be part of an application form or a separate document. The debtor shall date and sign the written budget analysis before the debt management company draws any conclusions from the budget analysis.
- C.** The budget analysis shall disclose the disposable income available for payment to the debt management company after the debtor pays their reasonable and necessary living expenses including taxes, insurance, child support, alimony, and residential rent or mortgage payments.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-607 recodified from R4-4-607 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-608. Reserved

R20-4-609. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-609 recodified from R4-4-609 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-610. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-610 recodified from R4-4-610 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-611. Advertising

- A.** A debt management company shall not use advertising, communication, or sales material that contains:
1. A false, misleading, or deceptive statement about the debt management company's services or charges. A statement is a violation of this Section if the person making the

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statement does not state a material fact necessary to make the statement true, in light of the circumstances under which it is made;

- 2. A claim, direct or implied, that the debt management company consolidates debts or makes loans; or
- 3. A schedule of payments in any form.

B. A debt management company’s advertising, communication, and sales material shall contain the following legend, conspicuously displayed in at least 12 point type and in bold print: “NOT A LOAN COMPANY.”

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-611 recodified from R4-4-611 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-612. Solvency and Minimum Liquid Assets

- A.** A debt management company shall not operate if it is insolvent. For purposes of this Section “insolvent” has the same meaning as in A.R.S. § 47-1201(23).
- B.** To determine compliance with A.R.S. § 6-709(A), a debt management company’s liquid assets include funds held in its trust account. Liquid assets do not include goodwill and other intangible assets. A debt management company’s total liquid assets shall exceed by \$2,500.00 the total of all its current business liabilities together with all balances held for debtors as reflected in the company’s subsidiary ledgers.
- C.** Except as otherwise provided by this Section, or in a specific ruling by the Director, a debt management company shall use generally accepted accounting principles to compute assets and liabilities.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-612 recodified from R4-4-612 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

- R20-4-613. Reserved**
- R20-4-614. Reserved**
- R20-4-615. Reserved**
- R20-4-616. Reserved**
- R20-4-617. Reserved**
- R20-4-618. Reserved**
- R20-4-619. Reserved**
- R20-4-620. Repealed**

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-620 recodified from R4-4-620 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2).

ARTICLE 7. ESCROW AGENTS

R20-4-701. Change in Location of Business

An escrow agent shall submit to the Director notice of any change in the location of the escrow agent’s business. The escrow agent

shall ensure that the Director receives the notice at least five days before the escrow agent conducts business at the new location. The escrow agent shall remit the fee required by A.R.S. § 6-126(A), to the Director with the notice of the location change.

Historical Note

Former Rule 1. R20-4-701 recodified from R4-4-701 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-702. Account Practices and Records

An escrow agent shall maintain records to enable the Director to reconstruct the details of each escrow transaction. The records shall include the following:

- 1. The seller’s name and address;
- 2. The buyer’s name and address;
- 3. The lender’s name and address, if any;
- 4. The borrower’s name and address, if any;
- 5. The real estate agent’s name and address, if any;
- 6. Complete escrow instructions;
- 7. Records and supporting documentation for each receipt and disbursement made through the escrow; and
- 8. A copy of the escrow settlement.

Historical Note

Former Rule 2. R20-4-702 recodified from R4-4-702 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-703. Preservation of Records

An escrow agent shall preserve the records, books, and accounts pertaining to each escrow transaction for at least three years following the final settlement date of the transaction. An escrow agent may keep its records as electronic records if the escrow agent can generate all information and copies of documents required by A.R.S. § 6-831 within the timeframe set by the Department for examination or other purposes.

Historical Note

Former Rule 3. R20-4-703 recodified from R4-4-703 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-704. Subsidiary Account Records

An escrow agent shall maintain subsidiary account records that identify the funds deposited in each escrow account. The total of all credit balances in the subsidiary accounts shall always equal the balance of the general ledger control account.

Historical Note

Former Rule 4. R20-4-704 recodified from R4-4-704 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-705. Reserved

R20-4-706. Repealed

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Historical Note

Former Rule 6. R20-4-706 recodified from R4-4-706 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4).

R20-4-707. Expired**Historical Note**

Adopted effective June 25, 1993 (Supp. 93-2). R20-4-707 recodified from R4-4-707 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 411, effective September 30, 2014 (Supp. 15-1).

R20-4-708. Financial Condition and Resources

The Director shall consider the following criteria in evaluating an escrow agent's, other escrow agent's, or applicant's financial condition and resources under A.R.S. § 6-817:

1. Amount of positive net worth,
2. Amount of tangible net worth,
3. Amount of liquid assets,
4. Amount of cash provided by operations,
5. Ratio of debt to net worth,
6. Owner's personal financial resources,
7. Outside resources available,
8. Profitability,
9. Projected operating results,
10. Status as agent for a title insurance company, and
11. Sources of new business.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 8. TRUST COMPANIES**R20-4-801. Definitions**

In addition to the definitions provided in A.R.S. § 6-851, the following terms apply to this Article unless the context otherwise requires:

"Account" means the trust, estate, or other fiduciary relationship established with a trust department or trust company.

"Affiliate" has the meaning stated at A.R.S. § 6-801.

"Director" has the meaning stated at A.R.S. § 20-102.

"Governing instrument" means a document, and all its operative amendments, that:

- Creates a trust and regulates the trustee's conduct,
- Creates an agency relationship between a trust department or trust company and a client, or
- Otherwise evidences a fiduciary relationship between a trust department or trust company and a client.

"Investment responsibility" means full and unrestricted discretion to invest trust funds without direction from anyone as to any matter, including the terms of the trade or the identity of the broker.

"Person" has the meaning stated at A.R.S. § 20-105.

"Trust asset" means any property or property right held by a trust department or trust company for the benefit of another.

"Trust department" means a permittee under both A.R.S. § 6-201 et seq. and Article 2 of this Chapter that possesses a banking permit authorizing it to engage in trust business.

"Trust funds" means any money held by a trust department or trust company for the benefit of another.

"Trustor" means a person who creates or funds a trust, or both.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-801 recodified from R4-4-801 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-802. Reserved**R20-4-803. Reserved****R20-4-804. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-804 recodified from R4-4-804 (Supp. 95-1). Repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

R20-4-805. Reports

- A. Within 90 days following each December 31, each trust department and trust company shall file an annual report of trust assets with the Director on the form prescribed by the Director. The annual report shall include the current market value of all trust assets held by the trust department or trust company as of December 31. The report shall also identify and briefly describe all transactions conducted in the report period that are regulated by subsections R20-4-812(E) through (G).
- B. Each trust company shall deliver a copy of its annual report and certificate of disclosure to the Director within 10 days of filing the report and certificate at the Arizona Corporation Commission. A report or certificate covered by this subsection is one filed under the authority of A.R.S. §§ 10-202 or 10-1622. A copy delivered to the Director, as required in this subsection, shall be date-stamped by the Arizona Corporation Commission to confirm the actual filing date.
- C. Each trust company shall notify the Director of any change in the directors or officers of the company within 10 days of the change. Any trust company with more than 25 officers may, after obtaining the Director's written approval, limit the officers covered by this subsection to those with substantial involvement in the trust company's corporate operations or in the trust company's trust business in this state.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-805 recodified from R4-4-805 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-806. Records

- A. Every trust company shall keep its records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. A trust company may keep its records as electronic records if the trust company can generate all information and copies required by

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this Section within the timeframe set by the Department for examination or other purposes.

- B.** A trust department or trust company shall keep books, accounts, and records adequate to provide clear and readily understandable evidence of all business conducted by the trust department or trust company, including the following:
1. A file for each account that includes:
 - a. The governing instrument,
 - b. All contracts and other legal documents,
 - c. Copies of all correspondence,
 - d. Accounting records disclosing all the financial transactions, and
 - e. A listing of all the account's assets and liabilities.
 2. An investment file for each account that includes:
 - a. All original documentary evidence of the account's assets; or
 - b. Copies of the original documentary evidence of the account's assets, together with written evidence of custody or receipt of the originals by an authorized holder; and
 - c. A record of the initial and annual investment reviews for the account.
 3. The corporate general ledger kept current on a daily basis. This record shall identify and segregate all financial transactions conducted by the trust department or trust company for itself, distinguishing them from those relating to the trust department's or trust company's trust business;
 4. Unaudited financial statements. A trust department or trust company shall produce these statements quarterly or more frequently when required by the Director. The financial statements shall include at least:
 - a. A balance sheet; and
 - b. A statement of income, expenses, and retained earnings.
 5. Adequate records of all pending litigation that names the trust department or trust company as a party.
- C.** A trust department shall keep its fiduciary records separate and distinct from the trust department's corporate records.
- D.** A trust department or trust company shall keep records described in subsections (B)(1) and (2) for at least three years after closing an account. If litigation occurs concerning a particular account, the trust department or trust company shall keep that account's records, described in subsections (B)(1) and (2), for three years after the litigation is resolved.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-806 recodified from R4-4-806 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-807. Unsafe or Unsound Condition

For purposes of A.R.S. §§ 6-863 and 6-865, a trust company conducts business in an unsafe manner or its affairs are in an unsound condition if it:

1. Violates any fiduciary duty or obligation, including those listed in Sections R20-4-809 through R20-4-815;
2. Violates any state or federal requirement for operating or maintaining trusts, common trust funds, or other accounts;

3. Violates any applicable federal or state law or regulation regarding corporations or securities;
4. Employs an officer or director who violates a corporate fiduciary duty;
5. Is insolvent; or
6. Engages in any conduct that the Director determines constitutes an unsafe or unsound business practice jeopardizing the trust company's financial condition or the interests of a stockholder, creditor, trustor, beneficiary, or trust company's principal.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-807 recodified from R4-4-807 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-808. Administration of Fiduciary Powers

- A.** The board of directors and the officers share responsibility for the exercise of fiduciary powers by a trust department or trust company. The board of directors is responsible for determining policy; investing and disposing of trust assets; and directing and reviewing the actions of all directors, officers, and committees of the board that exercise fiduciary powers. The board of directors may delegate the necessary power and authority to perform the trust department's or trust company's duties as a fiduciary to selected directors, officers, employees, or committees of the board if the delegation is consistent with the corporate charter. The minutes of the board's meetings shall duly reflect all those delegations.
- B.** A trust department or trust company shall not accept a new account without first obtaining the board's approval, or that of the directors, officers, or committees that the board may have authorized to approve new accounts. The trust department or trust company shall keep a written record of each new account approval and of the closing of each account. The trust department or trust company shall conduct an asset review within 60 days after it accepts each new account if it has investment responsibility for that account. The trust department's or trust company's board shall ensure that an annual review of account assets is conducted for each account in which the trust department or trust company has investment responsibility, to determine whether to retain or dispose of the assets.
- C.** A trust department or trust company exercising fiduciary powers shall use independent legal counsel admitted to practice in Arizona to advise and inform the trust department or trust company on fiduciary matters and all other legal issues presented to the trust department or trust company by the conduct of its trust business.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-808 recodified from R4-4-808 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-809. Fiduciary Duties

A trust department or trust company shall perform all fiduciary duties imposed upon it by law, including the following:

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1. Administer accounts strictly according to the governing instrument and solely in the account beneficiary's interests;
2. Use reasonable care and skill to make the account productive;
3. Provide complete and accurate information about the nature and amount of assets held to each account's beneficiary or principal and permit the beneficiary, principal, or any person duly authorized by the beneficiary or principal to inspect the account's records at any time during normal business hours. The information provided in compliance with this subsection shall be delivered at least quarterly, unless:
 - a. The trust department or trust company and its account's beneficiary, principal, or authorized person agree otherwise in writing;
 - b. The governing instrument provides otherwise; or
 - c. A different frequency is established by a lawful course of dealing before the effective date of this Section; and
4. Comply with all lawful provisions of the governing instrument.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-809 recodified from R4-4-809 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-810. Funds Awaiting Investment or Distribution

- A. Trust funds held by a trust department or trust company awaiting investment or distribution shall not remain uninvested or undistributed any longer than is reasonable for the account's proper management.
- B. A trust department or trust company may keep trust funds in deposit accounts maintained by the trust department or trust company unless prohibited by law or by the governing instrument. The trust department or trust company shall set aside collateral security for all deposited trust funds under a third party's control. The collateral shall be the following types of securities, in any combination:
 1. Direct obligations of the United States or any agency, department, division, or administration of the federal government;
 2. Any other obligations fully guaranteed by the United States government as to principal and interest;
 3. Obligations of a Federal Reserve Bank;
 4. Obligations of any state, political subdivision of a state, or public authority organized under the laws of a state; or
 5. Readily marketable securities that either:
 - a. Qualify as investment securities under the Investment Securities regulations of the Comptroller of the Currency, 12 CFR, Chapter 1, Part 1; or
 - b. Satisfy state pledging requirements under A.R.S. § 6-245(C).
- C. The securities set aside under subsection (B) shall, at all times, have a market value no less than the amount of trust funds deposited. No collateral security is required to the extent the Federal Deposit Insurance Corporation, or its successor, insures the deposited trust funds.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-810 recodified from R4-4-810 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-811. Investment of Trust Funds

- A. A trust department or trust company shall invest trust funds according to:
 1. The governing instrument; and
 2. All applicable laws, including A.R.S. §§ 6-862, 14-7402, and 14-7501 through 14-7512
- B. A trust department or trust company shall make any collective investment of trust funds exclusively under the terms of R20-4-815.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-811 recodified from R4-4-811 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-812. Self-dealing

- A. A trust department or trust company shall not invest trust funds in the following types of property unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its own securities;
 2. Other types of property acquired from the trust department or trust company;
 3. Property acquired from the trust department's or trust company's directors, officers, or employees;
 4. Property acquired from the trust department's or trust company's affiliates;
 5. Property acquired from its affiliates' directors, officers, or employees; or
 6. Property acquired from other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- B. A trust department or trust company may use trust funds to purchase its own securities, or its affiliates' securities:
 1. If the trust department or trust company has authority under subsection (A), and
 2. If those securities are offered pro rata to all stockholders of the trust department or trust company.
- C. A trust department or trust company shall not sell or loan trust property to itself, or to the following types of persons, unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its directors, officers, or employees;
 2. Its affiliates;
 3. Its affiliates' directors, officers, or employees; or
 4. Other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.

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- D.** However, a trust department or trust company may sell or loan trust property to persons prohibited by subsection (C) if either:
1. Its counsel has advised in writing that, by holding certain property, the trust department or trust company has incurred a contingent or potential liability for breach of fiduciary duty; and
 - a. The proposed sale or loan avoids the contingent or potential liability;
 - b. Its board of directors authorizes the sale or loan by an action duly noted in the trust department's or trust company's minutes;
 - c. Its board of directors' action expressly authorizes reimbursement to the affected account; and
 - d. The affected account is reimbursed, in cash, at no loss to that account; or
 2. The Director requires or approves, in writing, the sale or loan to otherwise prohibited parties.
- E.** A trust department or trust company may sell trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- F.** A trust department or trust company may loan trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- G.** A trust department or trust company may make a loan to a trust account, taking trust assets of the borrowing account as security for repayment, if:
1. The transaction is fair to the borrowing account; and
 2. The transaction is not prohibited by the governing instrument, applicable state or federal law, or court order.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-812 recodified from R4-4-812 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-813. Custody of Investments

- A.** A trust department or trust company shall keep each account's investments separate from its own assets. A trust department or trust company shall place each account's assets in the joint control of at least two officers or employees of the trust department or trust company designated in writing for that purpose by:
1. The trust department's or trust company's board of directors, or
 2. One or more officers authorized by the trust department's or trust company's board of directors to make the designation.
- B.** A trust department or trust company shall either:
1. Keep each account's investments separate from all other accounts' investments, except as provided in R20-4-815; or
 2. Adequately identify each account's property in the trust department's or trust company's records.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-813 recodified from R4-4-813 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000

(Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-814. Compensation

- A.** A trust department or trust company acting as a fiduciary may charge a reasonable fee for its services. The trust department or trust company shall receive the fee allowed by the court when it is acting under a court appointment. Any agreement as to fees in the governing instrument shall control the fee unless contrary to law, regulation, or court order.
- B.** A trust department or trust company shall not permit any of its officers or employees to take any compensation for acting as a co-fiduciary with the trust department or trust company in the administration of an account.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-814 recodified from R4-4-814 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-815. Collective Investments

- A.** All collective investments made by a trust department or trust company shall be in a common trust fund established under A.R.S. § 6-871 and maintained by the trust department or trust company exclusively for the collective investment and reinvestment of funds contributed by the trust department or trust company acting as a fiduciary. A trust department or trust company shall not establish a common trust fund unless it first:
1. Prepares a written plan regarding the common trust fund; and
 2. Obtains its board of directors' approval of the plan, evidenced by a duly adopted resolution or the board's unanimous written consent.
- B.** The plan shall describe the common trust fund's operational details, including a description of:
1. The trust department's or trust company's investment powers and investment policy over all funds deposited in the common trust fund,
 2. The manner for allocating the common trust fund's income and losses,
 3. The criteria for admission to or withdrawal from participating in the common trust fund, and
 4. The method for valuing assets in the common trust fund and the frequency of valuation.
- C.** A trust department or trust company shall advise all persons having an interest in its common trust fund of the existence of the plan described in subsection (B), and shall provide a copy of the plan upon request.
- D.** The annual report required under R20-4-805(A) shall include all common trust funds operated by the trust department or trust company.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-815 recodified from R4-4-815 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by

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final rulemaking at 29 A.A.R. 1952 (September 1, 2023),
effective October 8, 2023 (Supp. 23-3).

R20-4-816. Termination of Trust or Fiduciary Powers and Duties

- A.** Any trust department that wants to surrender its trust powers shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust department has no remaining fiduciary duties, the Director shall notify the trust department that it no longer has authority to exercise trust powers.
- B.** Any trust company that wants to surrender its certificate of authority to conduct trust business and wind up its affairs shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. Upon receipt of the resolution or consent, the Director shall cancel the trust company's certificate of authority, and the trust company shall not accept new trust accounts.
- C.** After winding up its affairs, any trust company that wants to surrender its rights and obligations as a fiduciary and remove itself from the Director's supervision shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust company has no further fiduciary duties, the Director shall notify the trust company that it no longer has authority to exercise fiduciary powers.
- D.** Any trust department or trust company that surrenders its powers, rights, obligations, or certificate under this Section or that has them canceled, suspended, or revoked shall continue to be regulated under A.R.S. § 6-864 and this Article until it winds up its affairs. No action under this Section impairs any liability or cause of action, existing or incurred, against any trust department or trust company or its stockholders, directors, or officers.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-816 recodified from R4-4-816 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Appendix A. Repealed**Historical Note**

Appendix A repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

Appendix B. Repealed**Historical Note**

Appendix B repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

ARTICLE 9. MORTGAGE BROKERS**R20-4-901. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-901 recodified from R4-4-901 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-902. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-902 recodified from R4-4-902 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A.** The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices;
 2. The authority to examine a claimant's books and records relating to its mortgage lending activities; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's mortgage lending activities.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-903 recodified from R4-4-903 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-904. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-904 recodified from R4-4-904 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-905. Repealed**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-905 recodified from R4-4-905 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-906. Equivalent and Related Experience

- A.** An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;

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- 6. Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;
- 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
 - 1. Attorney without state bar certified real estate specialty...3:2
 - 2. Paralegal with experience in real estate matters...3:2
 - 3. Loan underwriter...3:2
 - 4. Mortgage broker or mortgage banker from another state without license...3:2
 - 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 - 6. Escrow officer...3:2
 - 7. Trust officer with a title company...3:2
 - 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 - 9. Title officer with a title company...3:1.5
 - 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 - 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 - 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 - 13. Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 - 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-906 recodified from R4-4-906 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-907. Course of Study

- A.** A course of study shall be satisfactorily completed if the applicant has:
 - 1. Attended at least 24 hours of class, and
 - 2. Received a passing grade on the final exam.
- B.** A course of study shall meet all the following requirements:
 - 1. The following items shall be submitted by the school to the Superintendent on an annual basis:

- a. Course materials;
- b. Class content outlines on a session-by-session basis; and
- c. Sample final exam.
- 2. The following subjects shall be taught:
 - a. Mortgage, deed of trust, and security agreement law;
 - b. Negotiable instrument law;
 - c. Mortgage broker law;
 - d. Escrow agent law;
 - e. Recordkeeping requirements of R20-4-917;
 - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
 - g. Ethics;
 - h. Principal and agent law;
 - i. Arithmetical computations common to mortgage brokerage;
 - j. Real estate lending principles;
 - k. Real estate law;
 - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 through 1666j; and
 - m. Securities law.
- 3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.

- C.** The Superintendent shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The Superintendent may audit a course of study at any time. If the Superintendent finds that a course of study is unsatisfactory, or if the Superintendent has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the Superintendent may withhold or suspend approval.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-907 recodified from R4-4-907 (Supp. 95-1).

R20-4-908. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-908 recodified from R4-4-908 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-909. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-909 recodified from R4-4-909 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-910. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-910 recodified from R4-4-910 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-911. Qualified Replacement Responsible Individual

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed

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the course of study required by A.R.S. § 6-903(B)(2) or passed the mortgage broker examination required by A.R.S. § 6-903(B)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in A.R.S. § 6-903(F), but otherwise meets the requirements of A.R.S. § 6-903(B), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the Superintendent grants additional time to the licensee for good cause shown.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-911 recodified from R4-4-911 (Supp. 95-1).

R20-4-912. Restrictions on the Term of a Cash Alternative

If an applicant or a licensee elects to place with the Superintendent a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of A.R.S. § 6-903(J), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-912 recodified from R4-4-912 (Supp. 95-1).

R20-4-913. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-913 recodified from R4-4-913 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-914. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-914 recodified from R4-4-914 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-915 recodified from R4-4-915 (Supp. 95-1).

R20-4-916. Notification of Change of Address

If the address of the principal place of business or of any branch office is changed, the licensee shall notify the Superintendent of the change within five business days after the occurrence of the change of location. Together with such notice, the licensee shall provide to the Department the license for the office changing addresses

together with the fee required by A.R.S. § 6-126 for changing the address of an office. A copy of such license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-916 recodified from R4-4-916 (Supp. 95-1).

R20-4-917. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system;
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied, etc.); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose, including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose, including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;

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- h. Date disbursed;
- i. Disbursement's payee and purpose; and
- j. Balance;
6. A file for each application for a mortgage loan containing:
- a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement, and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
 - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
 - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
8. Copies of governmental or regulatory compliance reviews;
9. If the licensee is not a natural person, a file containing:
- a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter.
- A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E. A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-917 recodified from R4-4-917 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-918. Repealed**
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-918 recodified from R4-4-918 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-919. Deposit of Monies Received by a Mortgage Broker**
- All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be so deposited by 5:00 p.m. on the next business day after receipt of the funds.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-919 recodified from R4-4-919 (Supp. 95-1).
- R20-4-920. Requirements for the Testing Committee**
- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the Superintendent no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the Superintendent shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the Superintendent does not find at least four persons from the list to be acceptable, the Superintendent shall solicit additional nominees from licensees.
- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the Superintendent containing not less than two nominees for each vacancy. The Superintendent shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the Superintendent does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the Superintendent.

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- C. The Superintendent may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the Superintendent.
- E. The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-920 recodified from R4-4-920 (Supp. 95-1).

R20-4-921. Authorizations to Complete Blank Spaces

An authorization, under A.R.S. § 6-909, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-921 recodified from R4-4-921 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-922. Determining Loan Amounts

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be considered and not any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties or compensation retained by the mortgage broker or its agents.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-922 recodified from R4-4-922 (Supp. 95-1).

R20-4-923. Delay or Cause Delay

A mortgage broker shall not be deemed to have delayed or caused delay if such delay occurs due to events outside the control of the mortgage broker.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-923 recodified from R4-4-923 (Supp. 95-1).

R20-4-924. Receipt and Disbursement of Monies

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later

than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during any calendar year.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-924 recodified from R4-4-924 (Supp. 95-1).

R20-4-925. Waiver of Examination and Course of Study

The Superintendent's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-927. Conversion to Commercial Mortgage Broker License

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert his or her license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
 1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and
 2. The information and documents required by A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-928. Certificate of Exemption Application and Renewal

- A. Under A.R.S. § 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.
- B. A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and

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applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).

- C. In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).
- D. The following fees are payable to the Department:
1. To change the name of the federally chartered savings bank on a certificate of exemption: \$250.00.
 2. To change the responsible individual for the exempt entity: \$250.00.
 3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.
 4. To change the address of the federally chartered savings bank on a certificate of exemption: \$50.00.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 10. SAFE DEPOSIT AND SAFEKEEPING CODE**R20-4-1001. Notice of Change of Location of Safe Deposit Repository**

- A. A corporation or association that moves a repository shall give written notice of the location change to the Director and to its customers.
1. A corporation or association shall provide notice of the location change to the Director by mailing the notice required under this subsection by first class mail no less than 30 days before the scheduled moving date. The corporation or association shall include a copy of the notice to customers required under subsection (B).
 2. A corporation or association shall provide notice of the location change to its customers by:
 - a. Publishing notice of the change of location in:
 - i. An English language newspaper of general circulation in the county where the repository will be closed,
 - ii. In a weekly newspaper for two consecutive publications, or
 - iii. In a daily newspaper for three consecutive days; and
 - b. Publishing the notice no more than 90 days, and no less than 30 days, before the scheduled moving date.
- B. The corporation or association shall include all the following information in the notice:
1. The date the corporation or association intends to move the repository,
 2. The earliest date a customer can remove contents and transact other business related to the move,
 3. The latest date a customer can remove contents and transact other business related to the move,
 4. The street address of the repository to be closed, and
 5. The street address of the new repository.

Historical Note

Former Rule 1. R20-4-1001 recodified from R4-4-1001 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 5227, effective February 4, 2003 (Supp. 02-4). Preceding Historical Note entry corrected to read 2003 instead of 2002 (Supp. 03-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 11. PUBLIC DEPOSITORIES FOR PUBLIC MONIES**R20-4-1101. Capital Structure of Banks; Defined**

"Capital structure" as the term is applied to banks under Article 2.1, Chapter 2, Title 35, Arizona Revised Statutes, means the sum of the following reserves and capital accounts of the institution as stated in the institution's report of condition required by the supervisory banking authority for the year end next preceding the institution's bid for deposit:

1. Reserve for bad debt losses on loans,
2. Other reserves on loans,
3. Reserves on securities,
4. Capital notes and debentures,
5. Preferred stock – total par value,
6. Common stock – total par value,
7. Surplus,
8. Undivided profits, and
9. Reserve for contingencies and other capital reserves.

Historical Note

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1101 recodified from R4-4-1101 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1102. Expired**Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1102 recodified from R4-4-1102 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 382, effective February 5, 2020 (Supp. 20-1).

ARTICLE 12. RULES OF PRACTICE AND PROCEDURE BEFORE THE DIRECTOR**R20-4-1201. Scope of Article; Definitions**

- A. Scope. This Article, Title 6, Title 32, Chapters 9 and 36, and Title 44, Chapter 2.1 of the Arizona Revised Statutes govern administrative hearings before the Department. The Department shall use the authority of A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' procedural rules and this Article to govern the initiation and conduct of administrative hearings. In an administrative hearing, special procedural requirements in state statute or another Section in this Article shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' rules, or this Article. Except as otherwise provided in Section R20-4-1220 for rulemaking petitions, this Article does not apply to rulemaking or to investigative proceedings before the Director. Unless expressly applicable by rule or statute, the Arizona Rules of Civil Procedure do not apply to administrative hearings.

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- B.** In addition to the definitions provided in A.R.S. §§ 41-1001 and 41-1092, the following terms apply to this Article:

“Administrative Hearing” means an appealable agency action as defined by A.R.S. § 41-1092(3) or a contested case as defined by A.R.S. § 41-1001(5) subject to A.R.S. Title 41, Chapter 6, Article 10.

“Attorney General” means the Attorney General of Arizona, and the Attorney General’s assistants and special agents.

“Department” means the Arizona Department of Insurance and Financial Institutions – Financial Institutions Division.

“Director” has the meaning stated at A.R.S. § 20-102.

“Party” has the meaning prescribed at A.R.S. § 41-1001(16) and includes any person or entity subject to the jurisdiction of the Department under A.R.S. Title 6, Title 32 - Chapter 9, Title 32 - Chapter 36, and Title 44 - Chapter 2.1.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1201 recodified from R4-4-1201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1202. Appearance and Practice before the Director for Administrative Hearings

- A.** A party may appear on their own behalf or through counsel.
- B.** When an attorney other than the Attorney General appears or intends to appear before the Director or the Department, they shall promptly disclose their name and contact information and the name and contact information of the party on whose behalf they intend to appear.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1202 recodified from R4-4-1202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1203. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1203 recodified from R4-4-1203 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1204. Filing; Service

- A.** A document filed by a party with the Department is filed on the date it is received by the Department as established by the Department’s earliest stamped date on the face of the document or by some other method of affixing a received date by the Department.
- B.** If a party is represented by an attorney, service is effectuated by service upon the attorney unless additional service upon the represented party is required by an administrative law judge or the Department.
- C.** A document is served upon a party as provided for under A.R.S. § 41-1092.04 and Section R2-19-108. A party effectuating service is responsible for producing proof of service if requested by the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1204 recodified from R4-4-1204 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended to correct a typographical error in subsection (B) (Supp. 01-4). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1205. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1205 recodified from R4-4-1205 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1206. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1206 recodified from R4-4-1206 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1207. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1207 recodified from R4-4-1207 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1208. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1208 recodified from R4-4-1208 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1209. Answer to Notice of an Administrative Hearing

- A.** The Department may, in a notice of hearing, direct one or more parties to file a written answer to the allegations contained in the notice of hearing. Even if not directed to do so, any party to the proceeding may file an answer.
- B.** A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Department may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.
- C.** An answer filed under this Section shall briefly state the party’s position or defense to the proceeding and shall specifically admit or deny each of the allegations in the notice of hearing. An answering party who does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an allegation shall state that inability which shall have the effect of a denial. Any allegation not denied is admitted. A party who intends to deny only a part of an allegation, shall expressly admit as much of that allegation as is true and shall deny the remainder.
- D.** A party who fails to file an answer required by this Section within the time allowed is in default. The Director may resolve

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the proceeding against a defaulting party. In doing so, the Director may regard any allegations in the notice of hearing as admitted by the defaulting party.

E. Defenses not raised in the answer are waived.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1209 recodified from R4-4-1209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1210. Stay Pending a Hearing

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Director stay an action or any part of an order that will become effective before a hearing. The Director may, in the Director's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Director grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1210 recodified from R4-4-1210 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1211. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1211 recodified from R4-4-1211 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1212. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1212 recodified from R4-4-1212 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1213. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1213 recodified from R4-4-1213 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1214. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1214 recodified from R4-4-1214 (Supp. 95-1). Section

repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1215. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1215 recodified from R4-4-1215 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1216. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1216 recodified from R4-4-1216 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1217. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1217 recodified from R4-4-1217 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1218. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1218 recodified from R4-4-1218 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1219. Request for Rehearing or Review

- A. Any party aggrieved by an administrative decision may file with the Director within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for the request.
- B. A party filing a motion under this Section may amend the motion at any time before a response to the motion is filed. An amended motion tolls the time for filing a response and the time for rendering a decision on the motion.
- C. A request for rehearing or review which is not timely filed is deemed waived for the purpose of judicial review.
- D. A motion for rehearing or review shall specify which of the grounds listed in subsection (G) it is based upon and shall set forth the specific facts and laws in support of the motion. A motion may cite relevant portions of testimony from the hearing if a transcript is provided with the motion and may cite hearing exhibits by reference to the exhibit number. The motion shall specify the relief sought by the request, such as a different finding of fact, conclusion of law or order and may seek multiple forms of relief in the alternative. When a motion for rehearing or review is based on an affidavit, the moving party shall attach the affidavit to the motion.
- E. A party may file a separate request for a stay of the Director's decision. Filing a stay request or a motion for rehearing or review does not stay an order filed by the Director. The Director may stay an order pending the resolution of a motion for rehearing or review.
- F. Each party served with a motion for rehearing or review shall be permitted to file a written response within 15 days after the motion has been filed. Affidavits may be attached to and filed with a response. A response may cite relevant portions of testimony from the hearing if a transcript is provided with the

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response and may cite hearing exhibits by reference to the exhibit number. The Director has the discretion to hear oral argument to consider a request for rehearing or review.

- G.** The Director may grant a motion for rehearing or review for any of the following causes:
1. Irregularity in the proceedings before the Department, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
 2. Misconduct by the Department, the administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary care;
 4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing; and
 7. The decision is not justified by the evidence or is contrary to law.
- H.** The Director may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (G). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.
- I.** The Director, within the time for filing a motion for rehearing, may without a motion for rehearing, order a rehearing for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.
- J.** The Director may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1219 recodified from R4-4-1219 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1220. Petition for Rulemaking Action

- A.** The following definitions apply in this Section.
1. "Petitioner" means a person who petitions the Department for Rulemaking action as authorized under A.R.S. § 41-1033(A).
 2. "Rule" has the meaning stated at A.R.S. § 41-1001 and is enforceable by the Department.
 3. "Rulemaking action" means the process for formulation and finalization of a new rule, or amendment or repeal of an existing rule.
 4. "Substantive Policy Statement" has the meaning stated at A.R.S. § 41-1001, is advisory only, and is not enforceable by the Department.
- B.** Any person may petition the Department under A.R.S. § 41-1033(A) to either:
1. Make, amend, or repeal a final Rule; or
 2. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule.
- C.** A person who files a petition pursuant to A.R.S. § 41-1033(A), shall include the following information in the petition:
1. The Petitioner's name and contact information;

2. The name and address of any organization the Petitioner represents;
 3. Whether the Petitioner is petitioning the Department to:
 - a. Make, amend, or repeal a final Rule; or
 - b. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule;
 4. A detailed explanation of Petitioner's basis for submitting the petition;
 5. If the Petitioner is petitioning the Department to make a Rule, the language of the proposed new Section and the specific authority for the requested Rulemaking action;
 6. If the Petitioner is petitioning the Department to amend an existing Rule, a citation to the existing Section to be amended, the language of the proposed Rule amendment, and the specific authority for the requested Rulemaking action;
 7. If the Petitioner is petitioning the Department to repeal an existing Rule, a citation to the existing Section or subsection to be repealed, and an explanation of why the Rule should be repealed including, if applicable, how the Rule does not meet the requirements of A.R.S. § 41-1030;
 8. If the Petitioner is petitioning the Department to review an existing agency practice that the Petitioner alleges to constitute a Rule, a description of the Department's practice, an explanation of how the Department's practice constitutes a Rule being enforced by the Department, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action;
 9. If the petitioner is petitioning the Department to review a Substantive Policy Statement that the Petitioner alleges to constitute a Rule, a citation to the Substantive Policy Statement, an explanation of how the Substantive Policy Statement is being enforced by the Department as a Rule, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action; and
 10. The petitioner's dated signature.
- D.** The petitioner may submit additional supporting information, including:
1. Statistical data; and
 2. A list of other persons and entities likely to be affected by the proposed Rulemaking action, with an explanation of the likely effects.
- E.** Within 60 days of the date the Department receives the petition, the Director shall send the petitioner a written decision indicating whether the Department is denying the petition or will initiate the requested Rulemaking action, with the reasons for the decision.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1220 recodified from R4-4-1220 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4). Subsections C(5) through (10), (D) and (E) omitted when codified in Supp. 22-4; the rule text has been published as promulgated at 28 A.A.R. 3620 (Supp. 24-1).

ARTICLE 13. LOAN ORIGINATORS**R20-4-1301. Scope of Article**

This Article applies to:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

1. All loan originating activities of any person licensed under Arizona law as a loan originator, and
2. The conduct of any applicant for a loan originator license.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1302. Course of Study to Qualify for Licensure

- A. The Superintendent shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensure System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensure Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- B. An applicant for a loan originator license shall satisfactorily complete a course of study by:
 1. Attending at least 20 hours of instruction, and
 2. Receiving a passing grade of not less than 75 percent correct answers on both the national and Arizona state exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for Mortgage Licensure Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- C. A pre-licensure course of study shall include 20 hours of instruction in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Three hours;
 3. Non-traditional mortgage product lending standards: Two hours;
 4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: Four hours;
 5. The remaining eight hours should be comprised of instruction in:
 - a. The obligations between principal and agent;
 - b. The statutory and regulatory laws governing loan originators;
 - c. Arithmetical computations common to mortgage lending;
 - d. Principles of real estate lending;
 - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
 - f. The terms and conditions of conforming and non-conforming residential mortgages;
 - g. Real estate appraisal; and
 - h. The principles of appraisal independence.
- D. A continuing education course of study shall include eight hours of instruction each year in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending

Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;

2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Two hours;
3. Non-traditional mortgage product lending standards: Two hours;
4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: One hour.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1303. Financial Responsibility

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and paying to the Superintendent, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to A.R.S. § 6-991.03(B)(6); or
2. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(6).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1304. Fees

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to A.R.S. § 6-126(A)(33): \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G): \$150,
4. Transfer license to new employer fee pursuant to A.R.S. § 6-126(A)(34): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

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Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1305. Practice and Procedure

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the Superintendent) for challenging information the Superintendent enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section repealed; new Section made by renewed emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

ARTICLE 14. INVESTIGATIONS**R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. "Examination" means reviewing an applicant's or licensee's operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. "Investigation" means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity's operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. "Licensee" means a financial institution or enterprise licensed with the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1401 repealed, new Section R4-4-1401 renumbered from R4-4-1402 and amended effective August 14, 1991 (Supp. 91-3). Amended effective August 14, 1991 (Supp. 91-3). R20-4-1401 recodified from R4-4-1401 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1402. Repealed**Historical Note**

Former Section R4-4-1402 renumbered to R4-4-1401, new Section R4-4-1402 adopted effective August 14, 1991 (Supp. 91-3). R20-4-1402 recodified from R4-4-1402 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4).

R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director's Subpoena Power

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General's office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1403 repealed, new Section R4-4-1403 renumbered from R4-4-1407 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1403 recodified from R4-4-1403 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1404. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1404 recodified from R4-4-1404 (Supp. 95-1).

R20-4-1405. Background Information

- A. In connection with an examination or investigation, the Director may investigate the following persons' background:
1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
 2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).
- B. In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1405 repealed, new Section R4-4-1405 renumbered from R4-4-1409 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1405 recodified from R4-4-1405 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1406. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1406 recodified from R4-4-1406 (Supp. 95-1).

R20-4-1407. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1403 effective August 14, 1991

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(Supp. 91-3). R20-4-1407 recodified from R4-4-1407 (Supp. 95-1).

final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1408. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1408 recodified from R4-4-1408 (Supp. 95-1).

R20-4-1409. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Renumbered to R4-4-1405 effective August 14, 1991 (Supp. 91-3). R20-4-1409 recodified from R4-4-1409 (Supp. 95-1).

R20-4-1410. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).
Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1410 recodified from R4-4-1410 (Supp. 95-1).

ARTICLE 15. COLLECTION AGENCIES**R20-4-1501. Definitions**

In this Article, unless the context otherwise requires:

1. "Account" means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client's behalf.
2. "Active Manager" means the person who is in active management of the conduct of the collection agency's business, and who meets the qualifications listed in A.R.S. § 32-1023(A).
3. "Client" means a person who has hired a collection agency to collect a debt.
4. "Collection agency" has the meaning in A.R.S. § 32-1001(2).
5. "Contact" means to communicate with, and includes attempted communications.
6. "Credit bureau" or "credit reporting agency" means any person engaged exclusively in the business of gathering, recording, and disseminating information about the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension.
7. "Creditor" means a person who offers or extends credit creating a debt, or to whom a debt is owed. The term does not include a person that receives an assignment or transfer of a defaulted debt solely for use in collecting the debt for someone else.
8. "Debt" means a debtor's actual or claimed obligation to pay money, whether or not the obligation has been reduced to judgment.
9. "Debtor" means a person obligated to pay a debt. The term also means a person claimed to be obligated to pay a debt.
10. "Director" has the meaning stated at A.R.S. § 20-102.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1501 recodified from R4-4-1501 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by

R20-4-1502. Applications

- A. An applicant for a license shall complete and file an application, as required by the Department, by delivering the application to the Director, together with the following documents and payment:
 1. The bond required by A.R.S. § 32-1021;
 2. The nonrefundable investigation fee and original license fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126;
 3. A current financial statement in the form required by the Department;
 4. A certified copy of the current articles of incorporation, by-laws, partnership agreement, or other organizational documents under which the applicant proposes to conduct business; and
 5. A statement of personal history for each principal officer, partner, and manager of the applicant, in the form required by the Department.
- B. An out-of-state collection agency applying for a license under A.R.S. § 32-1024 shall complete and file the application required by subsection (A), together with a signed statement declaring that:
 1. The requirements for securing the out-of-state license were, when issued, substantially the same or equivalent to the requirements imposed under A.R.S. Title 32, Chapter 9, Article 2. The statement shall also contain a complete description of those requirements.
 2. The state issuing the out-of-state license extends reciprocity to Arizona licensees under similar circumstances. The statement shall also contain a complete description of the conditions for reciprocity in the other state.
- C. A licensee applying for license renewal shall complete and file an application, as required by the Department, by delivering the renewal application to the Director before January 1, together with the renewal fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126. An application for renewal shall also include a current financial statement in the form required by the Department.
- D. An applicant for a provisional license under A.R.S. § 32-1027 shall complete and file an application as required by the Department, by delivering the application to the Director within 30 days of the event justifying a provisional license. The applicant shall deliver the application together with each of the following:
 1. A bond that satisfies the requirements of A.R.S. § 32-1022;
 2. A current financial statement as required by the Department;
 3. A detailed description of the facts justifying the issuance of a provisional license; and
 4. Evidence that the licensee notified the Director as required by A.R.S. § 32-1023, in the event the licensee has terminated its active manager.
- E. An applicant for a provisional license shall, in each instance, be appropriate to the circumstances justifying the provisional license, as follows:
 1. A licensee's personal representative, or the personal representative's appointee, shall complete and file an application if the licensee, a natural person, has died;
 2. The surviving partners shall complete and file an application if the licensee, a partnership, has dissolved;

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3. A licensee shall complete and file an application if an active manager's employment was terminated.
 - F. An applicant for a provisional license shall clearly label the top of the first page with the heading "APPLICATION FOR PROVISIONAL LICENSE UNDER A.R.S. § 32-1027."
 - G. The Director may require additional information the Director considers necessary in connection with any application under this Section.
4. A trust general ledger reflecting all deposits to and payments from a trust account. A licensee shall post transactions to its trust general ledger at least every five business days. A licensee shall bring its trust general ledger current within 24 hours when requested by the Director.
 5. The licensee's trust account reconciliation, prepared at least once a month.
 6. Books, records, and files maintained so that the Director can easily conduct an unannounced spot check, as well as the examinations and investigations required by A.R.S. §§ 6-122 and 6-124.
 7. A copy of all pleadings in pending litigation that names the collection agency as a defendant.
 8. A record of fictitious names used by the agency's debt collectors as required by R20-4-1520.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1502 recodified from R4-4-1502 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1503. Reports

A collection agency shall notify the Director in writing of any change in the officers, directors, partners, or active manager of the collection agency not more than 10 days after the change. With the notice, the collection agency shall provide the Director with a Statement of Personal History for each new officer, director, partner, or active manager on a form obtained from the Department.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1503 recodified from R4-4-1503 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1504. Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. All licensees shall keep and maintain books, accounts, and records adequate to provide a clear and readily understandable record of all business conducted by the collection agency, including:
 1. Records or books of account listing all clients' accounts. Each account shall reflect its true condition at each calendar month's end, and shall include:
 - a. The client's name and address;
 - b. Each debtor's name worked for collection in that month;
 - c. The amount, description, and date of each debit and each credit to the account; and
 - d. The balance due to, or owing from, the client.
 2. A record and history of each debt for collection that clearly shows:
 - a. The debtor's name;
 - b. The debt's principal amount;
 - c. The interest charged or collected;
 - d. The amount, and description, of any other charges;
 - e. The amount, and date, of each payment received or collected; and
 - f. The current balance due on the debt.
 3. An original of each written contract between the licensee and a client, including any contract amendments.

- C. A person issuing a receipt for a collection agency shall sign the receipt using that person's true name. Each receipt shall also show the collection agency's name.
- D. A licensee shall maintain all records required under this Section and shall make them available for examination, investigation, or audit in Arizona within three working days after the Director demands the records.
- E. A licensee shall retain the records required by this Section for the following periods:
 1. A licensee shall retain all records described in subsections (B)(1), and (B)(3) through (8) for at least seven years following their creation.
 2. A licensee shall retain all records described in subsection (B)(2) for at least three years from an account's assignment to the licensee. If a licensee collects any money on an account, the licensee shall retain the records described in subsection (B)(2) for at least three years from the last collection date.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1504 recodified from R4-4-1504 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1505. Trust Account

- A. A licensee that maintains an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in Arizona. A licensee that does not maintain an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in the state where the licensee maintains its principal office. A licensee shall deposit all client funds before the close of its business on the third business day after the licensee receives the funds. Client funds shall remain on deposit as required by this Section until:
 1. Paid over to a client, or
 2. Otherwise paid as provided in this Section.
- B. A licensee shall pay funds from the trust account either:
 1. By prenumbered printed checks, or
 2. By electronic payment.
- C. A licensee shall deposit in its trust account only the funds it has collected for its client. A licensee, its officers, directors, partners, managers, members, or employees shall not commin-

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gle, or permit the commingling of, their own funds with client funds. This prohibition includes any funds that a licensee, or any officer, director, partner, manager, member, or employee claims an interest in if that interest arises outside the licensee's contract with a client.

- D. A licensee shall keep unpaid client funds in its trust account. A licensee may maintain a separate trust account for dormant accounts into which the licensee deposits unpaid funds such as those of a client that cannot be located, or any trust account check issued to a client that is returned without being negotiated. As to all those unpaid funds, under A.R.S. § 44-307, a licensee shall file an abandoned property report at the Arizona Department of Revenue as and when required by law.
- E. A licensee shall withdraw from its trust account all fees and commissions due the licensee under its contract with a client and deposit them directly into its own operating account.
- F. A licensee shall not pay funds from its trust account except as:
 1. Provided in this Section,
 2. Expressly authorized in its contract with a client, or
 3. Authorized in writing by the Director.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1505 recodified from R4-4-1505 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1506. Articles of Incorporation; Bylaws; Organizing Documents

- A. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Director, an officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.
- B. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C. A collection agency not organized as a corporation shall file with the Director a copy of each amendment to its organizing documents within 10 days after the amendment is adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1506 recodified from R4-4-1506 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1507. Representations of Collection Agency's Identity

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency,

2. A collection agency shall not directly or indirectly claim to be a credit reporting agency or credit bureau if it is not,
3. A collection agency shall not directly or indirectly claim to be a law enforcement agency, and
4. A collection agency shall not directly or indirectly claim to be a law firm.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1507 recodified from R4-4-1507 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1508. Representations of the Law

A collection agency shall not:

1. Misrepresent the state of the law to a debtor;
2. Send a debtor written material that simulates legal process; or
3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1508 recodified from R4-4-1508 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required

- A. A collection agency shall not threaten to collect, or attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B. A collection agency shall not inform a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C. A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D. A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E. A collection agency shall not file a lawsuit against a debtor unless the lawsuit is filed by an attorney who has no personal or financial interest in the collection agency filing the lawsuit against the debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1509 recodified from R4-4-1509 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1510. Representations as to Rights Waived or Rem-

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Remedies Available

- A.** A collection agency shall not inform a debtor that:
1. The debtor waives any legal right or legal defense by a failure to contact the collection agency, and
 2. The collection agency has the power or right to bypass the legal process.
- B.** A collection agency shall not misrepresent the remedies available to the collection agency.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1510 recodified from R4-4-1510 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1511. Prohibition of Harassment

- A.** A collection agency shall not use unauthorized or oppressive tactics designed to harass any person to pay a debt.
- B.** A collection agency shall not use written or oral communications that ridicule, disgrace, or humiliate any person, or tend to ridicule, disgrace, or humiliate any person.
- C.** A collection agency shall not state, imply, or tend to imply, in written or oral communications, that any person is guilty of fraud or any other crime.
- D.** A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.
- E.** A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1511 recodified from R4-4-1511 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1512. Contacts with Debtors and Others

- A.** A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.
- B.** A collection agency shall not threaten to or contact a third party, including a debtor's friend, relative, neighbor, or employer and:
1. Inform the third party of the debt;
 2. Ask the third party to pressure the debtor into paying the debt; or
 3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C.** Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1512 recodified from R4-4-1512 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1513. Cessation of Communication with the Debtor

- A.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through the debtor's lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.
- B.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or
 2. Wants the collection agency to stop all further communication with the debtor.
- C.** Despite the provisions of subsection (B), a collection agency may contact a debtor to inform the debtor that:
1. The collection agency has stopped trying to collect the debt, or
 2. The collection agency or the creditor may invoke specific remedies that are customarily used by the collection agency or the creditor.
- D.** The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1513 recodified from R4-4-1513 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1514. Disclosure of Information to Debtor

- A.** Within five days after the initial communication with the debtor, a collection agency shall obtain and be able to inform the debtor of:
1. The name of the creditor;
 2. The time and place of the creation of the debt;
 3. The merchandise, services, or other value provided in exchange for the debt; and
 4. The date when the account was turned over to the collection agency by the creditor.
- B.** A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection (A).
- C.** At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection (A).

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978

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(Supp. 78-6). R20-4-1514 recodified from R4-4-1514 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1515. Aiding and Abetting

A collection agency shall not help or encourage, directly or indirectly, any person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1515 recodified from R4-4-1515 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1516. Advertising

A collection agency shall not use any form of communication to state or imply that the collection agency is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1516 recodified from R4-4-1516 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1517. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1517 recodified from R4-4-1517 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2).

R20-4-1518. Agreements with Clients

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court, or to practice law in any other way, is void and prohibited by this Section. The records for an account shall separately state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,

3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1518 recodified from R4-4-1518 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1519. Licensee Names and Control

- A.** The Department shall not issue a license with a name that is:
1. Similar to, or that may be confused with, any federal, state, county, or municipal government function or agency;
 2. Descriptive of any business activity that the applicant does not actually conduct;
 3. The same as, or similar to, the name of any existing collection agency, or
 4. Otherwise deceptive or misleading.
- B.** The Department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the existing collection agency.
- C.** A collection agency shall not use a collection agency license to do business under more than one name. Each collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1519 recodified from R4-4-1519 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1520. Representations of Collection Agency Employees' Identity or Position

- A.** A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:
1. Misrepresent the person's true position with the collection agency;
 2. Claim to be, or imply that the person is, an attorney unless the person is licensed to practice law;
 3. Claim to be, or imply that the person is, a public official, peace officer, or any other type of public employee; or
 4. Claim to be, or imply that the person is, any other third party.
- B.** In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.
- C.** A collection agency shall keep a record of all fictitious names used by its debt collectors during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the Department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:
1. The true name of each debt collector that uses a fictitious name;

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2. Each fictitious name used by the debt collector, together with the dates when the name is used; and
3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1520 recodified from R4-4-1520 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1521. Duty of Investigation

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney upon request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

1. The debtor has been misidentified,
2. The debt has been paid,
3. The debt has been discharged in bankruptcy, or
4. Based on any other reasonable claim, the debt is not owed.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1521 recodified from R4-4-1521 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1522. Reserved**R20-4-1523. Reserved****R20-4-1524. Reserved****R20-4-1525. Reserved****R20-4-1526. Reserved****R20-4-1527. Reserved****R20-4-1528. Reserved****R20-4-1529. Reserved****R20-4-1530. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1530 recodified from R4-4-1530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4).

ARTICLE 16. ACQUIRING CONTROL OF FINANCIAL INSTITUTIONS**R20-4-1601. Definitions**

In addition to the definitions provided in A.R.S. § 6-141, the following terms apply to this Article unless the context otherwise requires:

“Acquiring party” means a person who intends to acquire control of a bank, trust company, savings and loan association, or controlling person under A.R.S. Title 6, Chapter 1, Article 4.

“Bank” has the meaning stated in A.R.S. § 6-101.

“Director” has the meaning stated in A.R.S. § 6-101(7).

“Savings and loan association” means a person required to possess a permit issued by the Director under A.R.S. Title 6, Chapter 3.

“Target company” means a bank, savings and loan association, trust company, or controlling person to be acquired by an acquiring party.

“Trust company” has the meaning stated in A.R.S. § 6-851.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1601 recodified from R4-4-1601 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1602. Application for Approval to Acquire Control of Financial Institution

A. An applicant seeking approval to acquire control of a bank, savings and loan association, or controlling person of a bank or savings and loan association, under A.R.S. Title 6, Chapter 1, Article 4, shall file with the Director copies of all application documents filed with federal regulatory agencies in connection with the planned acquisition of control.

B. As used in this subsection, “executive officer” includes the chairman of the board, president, each vice president, cashier, secretary, treasurer, and every other person who participates in major policymaking functions of the applicant. Under A.R.S. § 6-145(A), an applicant seeking approval to acquire control of a trust company or controlling person of a trust company, under A.R.S. Title 6, Chapter 1, Article 4 shall supply all information the Director requires under this subsection. The Director may require an applicant to supplement or amend its application based on issues raised by the initial submission. The initial application shall consist of the following items:

1. A copy of the signed purchase agreement;
2. The applicant's audited financial statement;
3. A personal history statement, on a form supplied by the Department, for each executive officer and each director of the acquiring party;
4. Each executive officer's and each director's personal financial statement;
5. A full set of fingerprints for each executive officer and each director; and
6. A copy of each executive officer's and each director's driver's license.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1602 recodified from R4-4-1602 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1603. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1603 recodified from R4-4-1603 (Supp. 95-

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- 1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

R20-4-1604. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1604 recodified from R4-4-1604 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

ARTICLE 17. ARIZONA INTERSTATE BANK AND SAVINGS AND LOAN ASSOCIATION ACT**R20-4-1701. Definitions**

In addition to the definitions provided in A.R.S. § 6-321, the following terms apply to this Article unless the context otherwise requires:

“Applicant” means an out-of-state financial institution that intends to acquire control of an in-state financial institution.

“Director” has the meaning stated in A.R.S. § 6-101(7).

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1701 recodified from R4-4-1701 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1702. Notice to the Director of Intent to Acquire Control of an In-state Financial Institution; Surrender of an Acquired Financial Institution’s Charter

- A. An applicant shall give written notice of an acquisition to the Director in the form of a courtesy copy of its federal application. The acquiring entity shall ensure that the notice is delivered to the Director not less than ten days before the effective date of the acquisition. No other application is required under the provisions of A.R.S. Title 6, Chapter 2, Article 7, the Arizona Interstate Bank and Savings and Loan Association Act. The Director may impose conditions on an acquisition under the authority of A.R.S. §§ 6-324 and 6-328.
- B. An acquired in-state financial institution shall surrender, by delivery to the Director, all permits and certificates issued by the Director within ten days after the effective date of the acquisition unless the acquired institution intends to continue operating, after the acquisition, as a stand-alone subsidiary under the authority of its existing Arizona banking permit.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1702 recodified from R4-4-1702 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1703. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1703 recodified from R4-4-1703 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1704. Public Notice

- A. An applicant shall transmit to the Director one copy of each notice and the publisher’s affidavit of publication required by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.
- B. An applicant shall provide the Director copies of any protests known to have been received by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1704 recodified from R4-4-1704 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1705. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1705 recodified from R4-4-1705 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1706. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1706 recodified from R4-4-1706 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

ARTICLE 18. MORTGAGE BANKERS**R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. § 6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant’s accounting and recordkeeping practices;
 2. The authority to examine a claimant’s books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant’s mortgage banking activities, mortgage lending activities, or both.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1802. Equivalent and Related Experience

- A. An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.

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1. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 6. Mortgage broker with license from another state, or responsible individual for the mortgage broker;
 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
1. Attorney without state bar certified real estate specialty...3:2
 2. Paralegal with experience in real estate matters...3:2
 3. Loan underwriter...3:2
 4. Mortgage banker or mortgage broker from another state without license...3:2
 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 6. Escrow officer...3:2
 7. Trust officer with a title company...3:2
 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 9. Title officer with a title company...3:1.5
 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 13. Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent at least five business days before the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-1806. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;

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2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
 6. A file for each application for a mortgage banking loan or a mortgage loan containing:
 - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and;
 - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
 7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
 12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them;
 13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
 14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1807. Providing Copies of Records

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement;
4. The final truth-in-lending disclosure;
5. The note;
6. The executed deed of trust or mortgage; and
7. Each assignment of beneficial interest by the mortgage banker licensee.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1808. Authorization to Complete Blank Spaces

An authorization, under A.R.S. § 6-947, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1809. Determining Loan Amounts

The amount of a mortgage banking loan or a mortgage loan under A.R.S. § 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker or its agents.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1810. Delay or Cause Delay

A mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the mortgage banker.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1811. Impound Account

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed 1/6th of the estimated total annual payments from the impound account.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1813. Conversion to Mortgage Broker License

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal documents and renewal fees required by A.R.S. §§ 6-126 and 6-903 for mortgage brokers.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS**R20-4-1901. Exemption for an Institutional Investor**

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;
3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
5. The claimant makes only loans of more than \$250,000.

B. If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid, and that person shall not engage in any lending activity before obtaining a license.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

A. The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a "commercial mortgage loan," as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its commercial mortgage lending activities;
3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's commercial mortgage lending activities.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1903. Equivalent and Related Experience

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the

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three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Commercial mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 2. Mortgage broker with Arizona license, or Responsible Individual or branch manager for a licensee;
 3. Mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 4. Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;
 5. Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;
 6. Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;
 7. Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;
 8. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 9. Attorney certified by any state as a real estate specialist.
- B.** The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

A Person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One Person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1906. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent within five business days after the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1907. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose, and
 - j. Balance.

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6. A file for each application for a commercial mortgage loan containing:
- The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
 - The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
 - Correspondence sent, received, or both by the licensee;
 - Contract, agreement, and escrow instructions to or with any depository;
 - If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and
 - Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee.
7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
8. Copies of governmental or regulatory reviews;
9. If the licensee is a not a natural person, a file containing:
- Organizational documents for the entity;
 - Minutes;
 - A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction.
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action.
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
- The date a licensee receives a written cancellation notice from the applicant; or
 - The date a licensee mails written notice to an applicant that an application has been denied; or
 - The date of a licensee's internal memorandum closing a loan file.
- E. A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1908. Impound Accounts**
The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a Cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1909. Authorization to Complete Blank Spaces**
An authorization, under A.R.S. § 6-984, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:
- Specifically identify the document and the blank spaces to be completed;
 - Be in writing, dated, and signed by the authorizing party, and
 - Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1910. Delay or Cause Delay**
A commercial mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner**
A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R.

2094, effective June 10, 1999 (Supp. 99-2).

Department of Insurance and Financial Institutions

Title 20. Commerce, Financial Institutions, and Insurance

Chapter 4. Department of Insurance and Financial Institutions –

Financial Institutions

Article 18. Mortgage Bankers

Authorizing Statute

6-123. Deputy director; powers

In addition to the other powers, express or implied, the deputy director may:

1. Exercise all powers that are necessary for the administration and enforcement of the laws and rules relating to financial institutions and enterprises.
2. In accordance with title 41, chapter 6, adopt rules that are necessary or appropriate to administer, enforce and accomplish the purposes of this title and adopt rules and issue orders that limit transactions between financial institutions or enterprises and the directors, officers or employees of the financial institutions or enterprises.
3. Require appropriate records, documents, information and reports from any financial institution or enterprise.
4. Submit to the department of public safety, or the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor, the name and fingerprints of any applicant, licensee, active manager or responsible individual or the name and fingerprints of any organizer, director or officer of any corporate applicant or licensee for:
 - (a) A banking permit.
 - (b) Permission to organize a savings and loan association or credit union.
 - (c) Any license.
 - (d) Any certificate.
 - (e) Authority to engage in interstate banking and branching in this state.

The department of public safety shall report the criminal record, if any, of such applicant, licensee or organizer, director or officer of such corporate applicant or licensee within ninety days after receiving the deputy director's request.

5. Employ appraisers to appraise any property that is owned or held as security by any financial institution or enterprise. The reasonable expenses and compensation of such appraisers shall be paid by the financial institution or enterprise.

6. Hold membership in, pay dues to and attend the convention of the national and regional organizations of state officials occupying like offices or performing similar functions.

7. Cooperate with other regulatory agencies and professional associations to promote the efficient, safe and sound operation and regulation of interstate banking and branching activities, including the formulation of interstate examination policies and procedures and the drafting of model rules and agreements.

8. Participate in the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116), or its successor, and use the system for all aspects of licensure pursuant to this title, title 32, chapter 9 and title 44, chapter 2.1. The deputy director may allow the system to collect licensing fees on behalf of the deputy director, to collect a processing fee for the services of the system directly from each applicant for a license or licensee and to process and maintain records on behalf of the deputy director, including information collected pursuant to this section and section 6-123.01. This paragraph does not affect the records disclosure requirements and limitations prescribed in section 6-129.01.

Implementing Statutes

6-941. Definitions

In this article, unless the context otherwise requires:

1. "Affiliate" means an entity which directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the entity specified.
2. "Compensation" means anything of value or any benefit including points, commissions, bonuses, referral fees, loan origination fees and other similar fees but excluding periodic interest resulting from the application of the note rate of interest to the outstanding principal balance remaining unpaid from time to time.
3. "Generally accepted accounting principles" means United States generally accepted accounting principles issued by the financial accounting standards board or the international financial reporting standards issued by the international accounting standards board.
4. "License" means a license issued under this article.
5. "Licensee" means a person licensed under this article.
6. "Mortgage banker" means a person who is not exempt under section 6-942 and who for compensation or in the expectation of compensation either directly or indirectly makes, negotiates or offers to make or negotiate a mortgage banking loan or a mortgage loan.
7. "Mortgage banking loan" means a loan which is funded exclusively from the mortgage banker's own resources, which is directly or indirectly secured by a mortgage or deed of trust or any lien interest on real estate located in this state and which is created with the consent of the owner of the real property. For the purposes of this paragraph, "own resources" means any of the following:
 - (a) Cash, corporate capital, warehouse credit lines at commercial banks, savings banks or savings and loan associations or other sources that are liability items on the mortgage banker's financial statements for which its assets are pledged.
 - (b) Correspondent contracts between the mortgage banker and a bank, savings bank, trust company, savings and loan association, credit union, profit sharing or pension trust, consumer lender or insurance company.
 - (c) The mortgage banker's affiliates' cash, corporate capital, warehouse credit lines at commercial banks or other sources that are liability items on the affiliates' financial statements for which the affiliates' assets are pledged.

8. "Mortgage banking loan closing" means the day by which all documents relating to the mortgage banking loan or mortgage loan have been executed and recorded and all monies have been accounted for.

9. "Mortgage loan" means any loan, other than a mortgage banking loan, secured by a mortgage or deed of trust or any lien interest on real estate located in this state and created with the consent of the owner of the real estate.

6-942. Exemptions

A. This article does not apply to:

1. A person who does business under any other law of this state, or any other state while regulated by a state agency of such other state, or of the United States, relating to banks, savings banks, trust companies, savings and loan associations, profit sharing and pension trusts, credit unions, insurance companies or consumer lenders, or receiverships, including directly or indirectly making, negotiating or offering to make or negotiate a mortgage banking loan or a mortgage loan if the mortgage transactions are regulated by the other law or are under the jurisdiction of a court.

2. A person who makes a mortgage banking loan or a mortgage loan:

(a) With his own monies.

(b) For his own investment.

(c) Without intent to resell.

(d) And is not engaged in the business of making mortgage loans or mortgage banking loans.

3. A person who funds a mortgage loan or mortgage banking loan which has been originated and processed by a licensee, by a mortgage broker licensed in this state or by a person exempt under paragraph 1 of this subsection and who meets all of the following:

(a) Does not maintain a place of business in this state in connection with funding mortgage loans or mortgage banking loans.

(b) Does not directly or indirectly solicit borrowers in this state for the purpose of making mortgage loans.

(c) Does not participate in the negotiation of mortgage loans.

4. A person who, as seller of real property, receives one or more mortgages or deeds of trust as security for a purchase money obligation.

5. A person who is licensed to practice law in this state, but is not actively and principally engaged in the business of negotiating mortgage banking loans or mortgage loans, if this person renders services in the course of his practice as an attorney at law.

6. A person who receives a mortgage or deed of trust on real property as security for an obligation payable on an installment or deferred payment basis and arising out of materials furnished or services rendered in the improvement of that real property or any lien created without the consent of the owner of such real property.

7. A person who is licensed pursuant to article 1 or 3 of this chapter.

8. An agency of any state or of the United States.

9. A nonprofit federally tax exempt corporation certified by the United States small business administration and organized to promote economic development within this state whose primary activity consists of providing financing for business expansion.

10. An institutional investor as defined in section 6-971 unless the institutional investor makes either:

(a) A mortgage loan other than a commercial mortgage loan as defined in section 6-971.

(b) A mortgage banking loan other than a commercial mortgage loan as defined in section 6-971.

B. Subsidiaries and service corporations of institutions exempt under subsection A, paragraph 1 of this section shall not be exempt and shall be subject to the provisions of this article unless preempted by federal law.

C. For the purposes of:

1. Subsection A, paragraph 3 of this section, "originate" includes loans closed in a name other than that of the licensee, a mortgage broker licensed in this state or exempt person only if the person in whose name the loan is closed meets the other requirements of subsection A, paragraph 3 of this section.

2. Subsection A, paragraph 3, subdivision (c) of this section, negotiation of mortgage loans does not include setting the terms under which a person may buy a mortgage loan originated by a licensee or a person exempt under subsection A, paragraph 1 of this section.

6-943. Licensing of mortgage bankers required; qualifications; application; bond; fees; renewal

A. A person shall not act as a mortgage banker if the person is not licensed under this article.

B. The deputy director shall not grant a mortgage banker's license to a person, other than a natural person, who is not registered to do business in this state on the date of application for a license. The deputy director shall not issue a mortgage banker's license or a renewal of a license

to an applicant unless the applicant meets all of the requirements prescribed in subsection C of this section. The deputy director shall determine whether the applicant meets the requirements based on the application and evidence presented at a hearing, if any, or any other evidence that the deputy director may have regarding qualifications of the applicant.

C. In order to qualify for a mortgage banker license or a renewal of a license, an applicant shall:

1. Have not fewer than three years' experience in the business of making mortgage banking loans or equivalent lending experience in a related business. If the applicant is a person other than a natural person, the responsible individual shall meet this requirement.

2. Have engaged or intend to engage in the business of making mortgage loans or mortgage banking loans.

3. Either:

(a) Be authorized to do business with any of the following:

(i) The federal housing administration.

(ii) The United States department of veterans affairs.

(iii) The federal national mortgage association.

(iv) The federal home loan mortgage corporation.

(b) Notwithstanding paragraph 5 of this subsection, at all times have and maintain a net worth of not less than \$100,000.

4. Provide the deputy director with a current audited financial statement, or that of its parent company, that is prepared by an independent certified public accountant in accordance with generally accepted accounting principles and that includes:

(a) The certified public accountant's opinion as to the fairness of the presentation in conformity with generally accepted accounting principles.

(b) A balance sheet prepared within the previous six months and certified by the licensee. The deputy director may require a more recent balance sheet.

(c) A statement of operations and retained earnings and a statement of changes in financial position if the applicant has commenced operations.

(d) Notes to the financial statement, if applicable.

5. At all times have and maintain a net worth of not less than \$100,000.

D. A person shall apply for a license or for a renewal of a license in writing on the forms, in the manner and accompanied by the information prescribed by the deputy director, including the requirements prescribed in subsection C of this section. The deputy director may require additional information on the experience, background and competency of the applicant and any responsible individual designated by the applicant. If the applicant is a person other than a natural person, the deputy director may require information as to the competency of any officer, director, shareholder, member, partner, trustee, employee or other interested party of the association, corporation or group.

E. The nonrefundable application fee and annual renewal fee are as prescribed in section 6-126. The nonrefundable application fee shall accompany each application for an original license only.

F. If a licensee is a person other than a natural person, the license issued to it entitles all officers, directors, members, partners, trustees and employees of the licensed corporation, partnership, association or trust to engage in the mortgage banking business if one officer, director, member, partner, employee or trustee of the person is designated in the license as the individual responsible for the person under this article. If a licensee is a natural person, the license entitles all employees of the licensee to engage in the mortgage banking business. If the natural person is not a resident of this state, an employee of the licensee shall be designated in the license as the individual responsible for the licensee under this article. For the purposes of this article, an employee does not include an independent contractor. For the purposes of this article, the responsible individual shall be a resident of this state, shall be in active management of the activities of the licensee governed by this article and shall have not less than three years' experience in the business of making mortgage banking loans or equivalent experience in a related business.

G. A licensee shall notify the deputy director that its responsible individual will cease to be in active management of the licensee within ten days after learning that fact. Not more than ninety days after the deputy director receives the notice, the licensee shall place itself under the active management of a qualified responsible person and notify the deputy director. If the licensee is not placed under active management of a qualified responsible individual and if notice is not received by the deputy director within the ninety-day period, the license of the licensee expires.

H. Every person licensed as a mortgage banker shall deposit with the deputy director, before doing business as a mortgage banker, a bond executed by the licensee as principal and a surety company authorized to do business in this state as surety. The bond shall be conditioned on the faithful compliance of the licensee, including the licensee's directors, officers, members, partners, trustees and employees, with this article. Only one bond is required for a person, firm, association or corporation irrespective of the number of officers, directors, members, partners or trustees who are employed by or are members of the firm, association or corporation. The bond is payable to any person injured by the wrongful act, default, fraud or misrepresentation of the licensee and to this state for the benefit of any injured person. The coverage shall be maintained in the minimum amount prescribed in this subsection, computed on a base consisting of the total assets of the licensee plus the unpaid balance of loans it has contracted to service for others as of the end of the licensee's fiscal year.

Base Minimum Bond

Not over \$1,000,000 \$25,000 for the first \$500,000 plus

\$5,000 for each \$100,000 or fraction

thereof over \$500,000

\$1,000,001 to \$10,000,000 \$50,000 plus \$5,000 for each \$1,800,000

or fraction thereof over \$1,000,000

\$10,000,001 to \$100,000,000 \$75,000 plus \$5,000 for each \$18,000,000

or fraction thereof over \$10,000,000

\$100,000,001 and over \$100,000

A suit may not be commenced on the bond after the expiration of one year following the commission of the act on which the suit is based, except that claims for fraud or mistake are limited to the limitation period provided in section 12-543, paragraph 3. If any injured person commences an action for a judgment to collect on the bond, the injured person shall notify the deputy director of the action in writing at the time of the commencement of the action and shall provide copies of all documents relating to the action to the deputy director on request.

I. Notwithstanding subsection H of this section, the bond required is \$25,000 for licensees whose investors are limited solely to institutional investors.

J. For the purposes of subsection I of this section:

1. "Institutional investor" means a state or national bank, a state or federal savings and loan association, a state or federal savings bank, a state or federal credit union, a federal government agency or instrumentality, a quasi-federal government agency, a financial enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust, or an insurance company.

2. "Investor" means any person who directly or indirectly provides to a mortgage banker funds that are, or are intended to be, used in the making of a loan, and any person who purchases a loan, or any interest therein, from a mortgage banker or in a transaction that has been directly or indirectly arranged or negotiated by a mortgage banker.

K. Notwithstanding section 35-155, in lieu of the bond described in this section, an applicant for a license or a licensee may deposit with the deputy director a deposit in the form of cash or alternatives to cash in the amount prescribed in subsection H or I of this section, as applicable. The deputy director may accept any of the following as an alternative to cash:

1. Certificates of deposit or investment certificates that are payable or assigned to the state treasurer, issued by banks or savings banks doing business in this state and fully insured by the federal deposit insurance corporation or any successor institution.

2. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by a savings and loan association doing business in this state and fully insured by the federal deposit insurance corporation or any successor institution.

3. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by a credit union doing business in this state and fully insured by the national credit union administration or any successor institution.

L. The deputy director shall deposit the cash or alternatives to cash received under this section with the state treasurer. The state treasurer shall hold the cash or alternatives to cash in the name of this state to guarantee the faithful performance of all legal obligations of the person required to post bond pursuant to this section. The person is entitled to receive any accrued interest earned from the alternatives to cash. The state treasurer may impose a fee to reimburse the state treasurer for administrative expenses. The fee shall not exceed \$10 for each cash or alternatives to cash deposit and shall be paid by the applicant or licensee. The state treasurer may prescribe rules relating to the terms and conditions of each type of security provided by this section.

M. In addition to such other terms and conditions as the deputy director prescribes by rule or order, the principal amount of the deposit shall be released only on written authorization of the deputy director or on the order of a court of competent jurisdiction. The principal amount of the deposit shall not be released before the expiration of three years from the first to occur of any of the following:

1. The date of substitution of a bond for a cash alternative.
2. The surrender of the license.
3. The revocation of the license.
4. The expiration of the license.

N. A licensee or an employee of the licensee shall not advertise for or solicit mortgage banking business in any manner without using the license name, or other assumed name or trade name that is submitted to the department pursuant to section 6-117, and the license number. If a license is issued in the name of a natural person, the advertising or solicitation may not imply that the license is in the name of another person or entity. For the purposes of this subsection, advertise does not include business cards, radio and television advertising directed at national or regional markets and promotional items except if those items contain rates or terms on which a mortgage loan or mortgage banking loan may be obtained.

O. A licensee shall not employ any person unless the licensee:

1. Conducts a reasonable investigation of the background, honesty, truthfulness, integrity and competency of the employee before hiring.

2. Keeps a record of the investigation for not less than two years after termination.

P. The licensee is liable for any damage caused by any of the licensee's employees while engaged in the business of making mortgage loans or mortgage banking loans.

Q. A licensee shall comply with the requirements of section 6-114 relating to balloon payments.

R. Notwithstanding subsection C, paragraph 4 of this section, licensees and applicants whose own resources are derived exclusively from correspondent contracts between mortgage bankers and banks, savings banks, trust companies, savings and loan associations, credit unions, profit sharing or pension trusts, consumer lenders or insurance companies shall provide the deputy director with a current financial statement, or that of its parent company, that is prepared in accordance with generally accepted accounting principles and that includes:

1. A balance sheet prepared within the previous six months and certified by the licensee. The deputy director may require a more recent balance sheet.

2. A statement of operations and retained earnings and a statement of changes in financial position if the applicant has commenced operations.

3. Notes to the financial statement if applicable.

S. In addition to the grounds specified in section 6-945, subsection A, failure of a licensee to operate the business of making mortgage loans or mortgage banking loans for a continuous period of twelve months or more shall constitute grounds for revocation of such a license. The deputy director, on good cause shown, may extend the time for operating such a business for a single fixed period, which shall not exceed twelve months.

T. If the applicant for renewal of a mortgage banker license is a natural person, the applicant shall have satisfactorily completed twelve continuing education units by a continuing education provider approved by the deputy director before submitting the renewal application. If the applicant is other than a natural person, the designated responsible individual shall have satisfactorily completed twelve continuing education units by a continuing education provider approved by the deputy director before submitting the renewal application.

U. A licensee who employs a loan originator shall comply with section 6-991.03.

6-944. Issuance of license; renewal; branch office license; application; fee

A. If the deputy director determines that the applicant has met the requirements set forth in section 6-943, subsection C, is qualified and has paid the fees, the deputy director shall issue a mortgage banker's license to the applicant evidenced by a continuous certificate. The license is not transferable or assignable. An applicant who has been denied a license may not reapply for

such a license before one year from the date of the previous application. A person may not acquire control of a licensee through a stock purchase or other device without the prior written consent of the deputy director. Written consent shall not be given if the deputy director finds that any of the grounds for denial, revocation or suspension of a license as set forth in section 6-945 are applicable to the acquiring person. For the purposes of this subsection, "control" means the power to vote more than twenty percent of outstanding voting shares of a licensed corporation, partnership, association or trust.

B. For licenses approved on or before March 31, 2009, a licensee shall make an application and pay the renewal fee set forth in section 6-126 on or before March 31, 2009 but not sooner than February 1, 2009 and on or before December 31 for subsequent years beginning in 2009. Licenses not renewed by March 31, 2009 are suspended, and the licensee shall not act as a mortgage banker until the license is renewed or a new license is issued pursuant to this article. A person may renew a suspended license by paying the renewal fee plus \$25 for each day after March 31, 2009 that a license renewal fee is not received by the department and making application for renewal as prescribed by the deputy director. Licenses which are not renewed by April 30, 2009 expire. A license shall not be granted to the holder of an expired license except as provided in this article for the issuance of an original license.

C. For licenses approved after or renewed on March 31, 2009, a licensee shall pay the renewal fee on or before December 31, beginning in 2009. Licenses not renewed by December 31 are suspended, and the licensee shall not act as a mortgage banker until the license is renewed or a new license is issued pursuant to this article. A person may renew a suspended license by paying the renewal fee plus \$25 for each day after December 31 that a license renewal fee is not received by the deputy director and applying for renewal as prescribed by the deputy director. Licenses that are not renewed by January 31 expire. A license shall not be granted to the holder of an expired license except as provided in this article for the issuance of an original license.

D. A licensee shall prominently display the mortgage banker license in the office of the mortgage banker.

E. Every licensed mortgage banker shall designate and maintain a principal place of business in this state for the transaction of business. The license shall specify the address of the principal place of business. If a licensee wishes to maintain one or more locations in addition to a principal place of business, the licensee shall first obtain a branch office license from the deputy director and designate a person for each branch office to oversee the operations of that office. The licensee shall submit a fee as prescribed in section 6-126 for each branch office license. If the deputy director determines that the applicant is qualified, the deputy director shall issue a branch office license indicating the address of the branch office. The licensee shall conspicuously display the branch office license in the branch office. If the address of the principal place of business or of any branch office is changed, the licensee shall notify the deputy director before the change and the deputy director shall endorse the change of address on the license for a fee as prescribed in section 6-126.

[6-946. Required accounting practices and records; refundable deposits; periodic impoundment payments; disclosure](#)

A. Every mortgage banker shall keep and maintain at all times correct and complete records clearly reflecting the financial condition of the business as prescribed by the deputy director that will enable the deputy director to determine whether the licensee is conducting the licensee's business in accordance with this article. A mortgage banker shall make records available to the deputy director in this state not more than three business days after demand and provide for the acceptance of collect calls or provide a toll-free telephone number to borrowers to obtain information from the records if the licensed places of business in this state cannot readily provide the information requested by the borrowers. Every mortgage banker shall maintain original documents, or clearly legible copies, of all mortgage banking loan transactions and mortgage loan transactions, unless the mortgage banking loan or mortgage loan is paid in full or the mortgage banking loan or mortgage loan and its servicing are sold, for not less than two years after the date of the mortgage banking loan closing or the date of the last disbursement of monies by the licensee, whichever occurs last. A licensee that uses a computer or mechanical recordkeeping system is not required to keep a written copy of the records if the licensee is able to generate all information required by this section in a timely manner for examination or for other purposes.

B. Every mortgage banker shall observe generally accepted accounting principles and practices.

C. If a mortgage banker requires an advance or fee to be paid in connection with an application for a mortgage banking loan or mortgage loan, there shall be a written agreement. The parties shall sign the written agreement, and the agreement shall contain terms pertaining to the payment of the fee or disposition of the advance or fee, whether the loan is finally consummated or not, and the term for which the agreement is to remain in force before return of the advance or fee for nonperformance can be required. Advances or fees shall be immediately deposited in a trust account in a bank, savings bank or savings and loan association that is fully insured by the federal deposit insurance corporation or any successor agency and shall not be commingled with other monies. The trust account shall designate the licensee as trustee and shall provide for withdrawal of the monies without previous notice. Withdrawals shall only be disbursed according to the terms of the agreement. A licensee who receives advances or fees shall preserve and on request make available to the deputy director all deposits, withdrawal receipts and statements of account rendered by the bank or savings and loan association. The licensee shall further preserve all agreements between the parties involved in the transaction and all contracts, agreements and instructions to or with the depository and shall keep an accurate accounting of each separate bank account in which the trust funds have been deposited. If the loan is declined by or on behalf of the lender or cancelled by the applicant, all documents provided by or at the expense of the applicant, including any appraisal, are the property of the applicant. At the applicant's discretion, said documents shall be returned or transferred to any financial institution or enterprise so designated without additional consideration except for fees for which the applicant has previously contracted, provided that any such document is not prohibited by law from being transferred or returned.

D. If periodic payments are to be collected from the mortgagor to provide for payments by the mortgagee of taxes, assessments, insurance premiums, ground rents or other current charges against the real estate security, the estimated payment amount stated to the mortgagor by the mortgage banker shall be such that the total of these payments collected for each category during

the tax or other period will approximate the actual tax or other payment when due. All such periodic payments of taxes, assessments, insurance premiums, ground rents and other current charges shall be accounted for annually to the borrower and, to the extent monies have been collected for payment, shall be paid promptly by the mortgage banker.

E. Before a mortgage banking loan closing on residential real property designed principally for the occupancy of from one to four families, a licensee shall fully comply, to the extent they apply, with the real estate lending disclosure requirements of title I of the consumer credit protection act (15 United States Code sections 1601 through 1666j), the real estate settlement procedures act (12 United States Code sections 2601 through 2617) and the regulations promulgated under those acts.

6-947. Prohibited acts

A. Except for employment verifications and deposit or account verifications, a person in connection with or incidental to the making of any mortgage banking loan or mortgage loan shall not induce, require or permit any document to be signed by a party to the transaction if the document contains any blank spaces to be filled in after it has been signed, except that the party may specifically authorize the licensee or the escrow agent handling the transaction, in writing, to complete blank spaces in certain documents.

B. A person is not entitled to receive compensation in connection with arranging for or negotiating a mortgage banking loan or mortgage loan if the person is not licensed pursuant to this article. A mortgage banker shall not pay compensation to, contract with or employ as an independent contractor a person who is acting as a mortgage broker or mortgage banker but who is not licensed under this chapter.

C. A mortgage banker may not commingle monies of borrowers or monies held for the benefit of borrowers with monies of the mortgage banker.

D. A person engaged in the mortgage banking business shall not knowingly advertise, display, distribute, broadcast or televise, or cause or permit to be advertised, displayed, distributed, broadcast or televised, in any manner whatever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for a mortgage banking loan or mortgage loan. The charges or rates of charge, if stated, shall be set forth in a clear and concise manner.

E. A mortgage banker shall not request or require a person seeking a mortgage banking loan or mortgage loan, on real property designed principally for the occupancy of from one to four families, in an amount of two hundred thousand dollars or less to enter into an agreement which prohibits the person from seeking the loan from another source.

F. A mortgage banker shall not, except in good faith, delay or cause delay in the closing of a loan that results in increased costs to a borrower.

G. A mortgage banker shall not record or cause to be recorded any document which would give rise to liability under section 33-420.

H. A person who is employed by a licensee to act in the capacity of a mortgage banker shall not be concurrently employed by any other licensee to act in the capacity of a mortgage banker, except with the prior written approval of all such concurrently employing licensees.

I. A mortgage banker shall not collect compensation for rendering services as a real estate broker or real estate salesman unless both of the following apply:

1. The mortgage banker is licensed pursuant to title 32, chapter 20.

2. The mortgage banker has disclosed to the person from whom the compensation is collected that the mortgage banker is receiving compensation both for mortgage banker services, if applicable, and for real estate broker or real estate salesman services.

J. A licensee shall not accept any assignment of the borrower's wages or salary in connection with activities governed by this article.

K. A mortgage banker shall not, for compensation, either directly or indirectly make or negotiate or offer to make or negotiate a loan of money in an amount of ten thousand dollars or less that is not secured by a mortgage or deed of trust or other lien interest in real property.

L. A mortgage banker shall not make a false promise or misrepresentation or conceal an essential or material fact in the course of the mortgage banker business.

M. A mortgage banker shall not fail to truthfully account for the monies belonging to a party to a mortgage loan or mortgage banking loan transaction or fail to disburse monies in accordance with his agreements.

N. A mortgage banker shall not record a mortgage or deed of trust if monies are not available for the immediate disbursement to the mortgagor unless, before that recording, the mortgage banker informs the mortgagor in writing of a definite date by which payment shall be made and obtains the mortgagor's written permission for the delay.

O. A mortgage banker shall not require a person seeking a loan secured by real property to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.

P. A mortgage banker must reasonably supervise the activities of a loan originator who is licensed pursuant to article 4 of this chapter and who is employed by the mortgage banker.

6-949. Conversion to mortgage broker license

Notwithstanding any other law, a licensee who funds in the aggregate one hundred fifty or fewer loans in the immediately preceding calendar year may apply at the time of license renewal to the

department for a conversion to a mortgage broker license issued pursuant to article 1 of this chapter. The conversion application shall be in a manner prescribed by the deputy director by rule. The approval of the conversion is at the discretion of the deputy director.

D-9.

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

Title 20, Chapter 4

Amend: R20-4-1901; R20-4-1902; R20-4-1903; R20-4-1904; R20-4-1905; R20-4-1906;
R20-4-1907; R20-4-1908; R20-4-1909; R20-4-1910; R20-4-1911



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 4

Amend: R20-4-1901, R20-4-1902, R20-4-1903, R20-4-1904, R20-4-1905, R20-4-1906,
R20-4-1907, R20-4-1908, R20-4-1909, R20-4-1910, R20-4-1911

Summary:

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend eleven (11) rules in Title 20, Chapter 4, Article 19 regarding Commercial Mortgage Bankers. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020. The Department has also indicated that the amendments are needed to modernize the rules because they have not been updated since 1999. Outside of those general improvements, the Department specifically intends on doing the following:

- R20-4-1903
 - The Department is amending the rules to modify the experience requirements for applicants. Specifically, the Department is modifying what is considered sufficient prior experience for individuals. The length of time does not change only how previous occupations constitute experience. The only change in experience is that for an attorney to have adequate experience, they must be licensed in Arizona.

The previous standard was an attorney licensed in another state and certified as a real estate specialist. The Department is adding four additional ways to acquire the necessary experience in subsections (A)(8)-(A)(11).

- R20-4-1906
 - The Department has indicated they are amending this rule to remove the fee associated with changing the address of the licensee's place of business or location of a branch office. The fee is being removed because A.R.S. § 6-126 was amended and no longer authorizes the Department to charge this fee.
- R20-4-1907
 - The Department has indicated that this rule needs to be amended to allow for records to be kept electronically, along with removing the requirement that the Director (previously Superintendent) must specifically approve a licensee to maintain the record outside the state.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase. The rulemaking does remove fees associated with changing the address of a principal place of business or location of a branch office. The fee is being removed because the Department no longer has the statutory authority to charge a fee.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department indicates the rulemaking is not designed to change any conduct. Instead, it is necessary to reflect the new structure of the Department, and to modernize and clarify some of the Sections. The Department states that the compliance costs incurred by Commercial Mortgage Bankers are minimal and are not expected to impact revenue or payroll expenditures. The Department says the rules augment the statutory sections regulating licensees of the Department with a Commercial Mortgage Banker license pursuant to A.R.S. §§ 6-971 through 6-985.

5. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Department believes that the current rulemaking offers the least intrusive and least

costly alternative method to achieve the purpose of the proposed rulemaking, which is to update the rules governing Commercial Mortgage Bankers.

6. What are the economic impacts on stakeholders?

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. In addition, no political subdivisions of this state are directly affected by the implementation and enforcement of the proposed rulemaking.

The Department states that no additional costs are anticipated to be imposed on Commercial Mortgage Bankers. The Department is not proposing any new fees and is, instead, eliminating a fee in Section R20-4-1906.

The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department states, it does not anticipate any impact on public employment in the Department. The Department does not expect any appreciable increase in either cost of benefits to private persons and consumers created by this rulemaking. The Department indicates that the costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoptions of these rules.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Department indicates that there were no changes between the proposed rules and the rules before the Council.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Department indicates it did not receive any public comments regarding this rulemaking

9. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

The Department indicates that the rules do not require a permit or a license. The Department does note that commercial mortgage bankers do require a license under the requirements in A.R.S. § 6-973.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

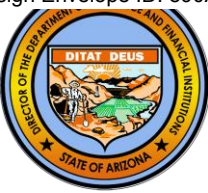
The Department indicates there are no corresponding federal laws.

11. Conclusion

This regular rulemaking from the Department of Insurance and Financial Institutions (Department) seeks to amend eleven (11) rules in Title 20, Chapter 4, Article 19 regarding Commercial Mortgage Bankers. The amendments are intended to improve clarity and effectiveness of the rules by amending statutory references and replacing the term Superintendent with Director to comply with statutory changes as a result of the combination of the Department of Insurance and the Department of Financial Institutions in 2020. The Department additionally proposes more substantive changes including; what constitutes acceptable previous experience for a commercial mortgage banker applicant, removing a fee associated with a change of address of a licensee's principal place of business, or location of a branch office, and to allow for parties to keep records electronically and out of state without Director approval

The Department is seeking the standard 60-day delayed effective date pursuant to A.R.S. § 41-1032(A).

Council staff recommends approval of this rulemaking.



Arizona Department of Insurance and Financial Institutions
100 N 15th Avenue, Suite 261, Phoenix, Arizona 85007
(602) 364-3100 | difi.az.gov

Katie Hobbs
Governor

Barbara D. Richardson
Director

March 18, 2025

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Ave., Suite 305
Phoenix, AZ 85007

RE: Arizona Department of Insurance and Financial Institutions
Financial Institutions Division
Article 19 Notice of Final Rulemaking

Dear Chairperson Klein:

Please find enclosed the Notice of Final Rulemaking for Article 19 (Commercial Mortgage Bankers) being submitted by the Arizona Department of Insurance and Financial Institutions, Financial Institutions Division ("Department").

Pursuant to A.A.C. R1-6-201(A)(1), the Department responds as follows:

- a. The close of record date for the Notice of Proposed Rulemaking was January 19, 2025.
- b. The changes proposed in this rulemaking relate to the Department's June, 2024 Five-Year Review Report for this Article.
- c. The rulemaking does not establish a new fee.
- d. The rulemaking does not contain a fee increase.
- e. The rulemaking does not request an immediate effective date under A.R.S. § 41-1032.
- f. The Department certifies that the preamble discloses a reference to any study relevant to the rule that it reviewed and either did or did not rely on in its evaluation of or justification for the rulemaking. The Department did not review or rely on any study relevant to the rulemaking.
- g. No additional full-time employees are necessary to implement and enforce the rules. Consequently, no notification has been made to the Joint Legislative Budget Committee.
- h. The following documents are also submitted to the Council with this cover letter:
 - i. The Notice of Final Rulemaking;
 - ii. An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;

Arizona Department of Insurance and Financial Institutions

- iii. The general and specific statutes authorizing the rulemaking; and
- iv. Permission from the Governor's Office to submit this Notice of Final Rulemaking required by A.R.S. § 41-1039(B).

By this submission, the Department is requesting approval of this rulemaking from the Council.

For questions about this rulemaking, please contact Mary Kosinski at (602) 364-3476 or mary.kosinski@difi.az.gov.

Sincerely,

Barbara D. Richardson

Barbara D. Richardson
Director

NOTICE OF FINAL RULEMAKING

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
– FINANCIAL INSTITUTIONS**

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

March 17, 2025

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

| | |
|------------|-------|
| R20-4-1901 | Amend |
| R20-4-1902 | Amend |
| R20-4-1903 | Amend |
| R20-4-1904 | Amend |
| R20-4-1905 | Amend |
| R20-4-1906 | Amend |
| R20-4-1907 | Amend |
| R20-4-1908 | Amend |
| R20-4-1909 | Amend |
| R20-4-1910 | Amend |
| R20-4-1911 | Amend |

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

Authorizing statute: A.R.S. § 6-123(2)

Implementing statutes: A.R.S. §§ 6-971, 6-972, 6-973, 6-975, 6-977, 6-976, 6-978, 6-979,
6-983, and 6-984

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A).

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R 3839, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-279

Notice of Proposed Rulemaking: 30 A.A.R. 3830, Issue Date: December 20, 2024, Issue Number: 51, File number: R24-274

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

Name: Mary E. Kosinski
Title: Asst. Regulatory Legal Affairs Officer
Address: Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, Arizona 85007-2630
Tel: (602)364-3476
Email: mary.kosinski@difi.az.gov
Website: <https://difi.az.gov>

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

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 19 – Commercial Mortgage Bankers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency.

As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 19 was in 1999. The Department is also modifying and adding experience requirements, removing a fee, correcting statutory citations, and allowing the use of electronic recordkeeping.

The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-971 through 6-985.

This rulemaking amends Article 19 (Commercial Mortgage Bankers) as follows:

- R20-4-1901 (Exemption for an Institutional Investor) will be amended to correct punctuation.
- R20-4-1902 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to correct punctuation, and to add clarifying language.
- R20-4-1903 (Equivalent and Related Experience) will be amended to modify and add to experience requirements, and to correct for passive voice.
- R20-4-1904 (Restrictions on the Term of a Cash Alternative to a Surety Bond) will be amended to replace “Superintendent” with “Director.”
- R20-4-1905 (Requirements for a Person Intended to Oversee a Branch Office) will be

amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager,” and to correct unnecessary capitalization.

- R20-4-1906 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-979(C) and (D), and to remove the fee.
- R20-4-1907 (Recordkeeping Requirements) will be amended to allow records to be kept electronically and outside the state without first obtaining the Director’s approval, to add clarifying language, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-1908 (Impound Accounts) will be amended to remove unnecessary capitalization.
- R20-4-1909 (Authorization to Complete Blank Spaces) will be amended to correct a statutory citation.
- R20-4-1910 (Delay or Cause Delay) will be amended to add clarifying language.
- R20-4-1911 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.

The changes proposed in this rulemaking relate to the Department’s June, 2024 Five-Year Review Report for this Article.

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

Not applicable

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

Not applicable

10. A summary of the economic, small business, and consumer impact:

Pursuant to A.R.S. § 41-1055(A)(1):

The rulemaking is not designed to change any conduct. Instead, it is necessary to reflect

the new structure of the Department, and to modernize and clarify some of the Sections.

Pursuant to A.R.S. § 41-1055(A)(2):

The compliance costs incurred by Commercial Mortgage Bankers are expected to be minimal and not expected to impact revenues or payroll expenditures.

Pursuant to A.R.S. § 41-1055(A)(3):

An economic, small business and consumer impact summary accompanies the submission of the Final Rulemaking to the Governor's Regulatory Review Council.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

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

Not applicable

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

The rules do not require a permit and do not use a general permit. A.R.S. § 6-973 requires a Commercial Mortgage Banker to obtain a traditional license before engaging in the business of a Commercial Mortgage Banker.

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

No federal law is applicable to the subject of the rules.

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

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS –
FINANCIAL INSTITUTIONS

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS

Section

R20-4-1901. Exemption for an Institutional Investor

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

R20-4-1903. Equivalent and Related Experience

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

R20-4-1906. Notification of Change of Address

R20-4-1907. Recordkeeping Requirements

R20-4-1908. Impound Accounts

R20-4-1909. Authorization to Complete Blank Spaces

R20-4-1910. Delay or Cause Delay

R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS

R20-4-1901. Exemption for an Institutional Investor

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates, or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;

3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
 4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
 5. The claimant makes only loans of more than \$250,000.
- B.** If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid; and that person shall not engage in any lending activity before obtaining a license.

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A.** The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a “commercial mortgage loan,” as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person, are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant’s accounting and recordkeeping practices; ,
 2. The authority to examine a claimant’s books and records relating to its commercial mortgage lending activities; , and
 3. The ability to place a claimant ~~in a~~ into receivership or conservatorship with regard to the claimant’s commercial mortgage lending activities.

R20-4-1903. Equivalent and Related Experience

- A.** An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. ~~Commercial mortgage banker with an Arizona license, or Responsible Individual Mortgage broker, responsible individual,~~ or branch manager for a licensee;
 2. ~~Mortgage broker with Arizona license, or Responsible Individual Mortgage banker, responsible individual,~~ or branch manager for a licensee;

3. ~~Mortgage banker with an Arizona license, or Responsible Individual~~
Commercial mortgage broker, or responsible individual, or branch manager for a licensee;
4. ~~Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;~~
Commercial mortgage banker, or responsible individual, or branch manager for a licensee;
5. ~~Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;~~
Loan originator with responsibility primarily for loans secured by lien interests on commercial real property;
6. ~~Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;~~
Lender's branch manager with responsibility primarily for loans secured by lien interests on commercial real property;
7. ~~Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;~~
Attorney licensed in Arizona;
8. ~~Mortgage banker with license from another state, or responsible individual for the mortgage banker;~~
Manager or supervisor of loan originators;
9. ~~Attorney certified by any state as a real estate specialist.~~
Mortgage processor, mortgage underwriter, or mortgage quality control professional with responsibility primarily for loans secured by lien interests on real property;
10. Executive, supervisor, or policymaker involved in administering, or operating a mortgage-related business; or
11. Regulator, examiner, investigator, compliance expert, or auditor whose primary function is the review of mortgage companies, and their compliance processes whose experience is determined to be sufficient by the Department.

B. ~~The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis. The Department will review and evaluate the experience of an applicant with insufficient actual experience of the types listed in subsection (A) on a case by case basis.~~
The Department will review and evaluate the experience of an applicant with insufficient actual experience of the types listed in subsection (A) on a case by case basis.

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the ~~Superintendent~~ Director that is renewable or expires earlier than 12 months from the date of issuance.

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

~~A Person~~ The person designated as a branch office manager to oversee the operations of a branch office, as specified in A.R.S. § 6-979(B), shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable ~~law~~ laws and rules, and have sufficient authority to ensure such compliance. One ~~Person~~ person may oversee more than one branch.

R20-4-1906. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall immediately notify the Director of Superintendent ~~within five business days~~ after the address change. ~~With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address.~~ A copy of the license shall continue to be displayed at the place of business until a new license is issued.

R20-4-1907. Recordkeeping Requirements

- A. ~~The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the~~ A licensee may keep its records as electronic records if the licensee can generate all information and complete and legible copies required by this Section ~~in a timely manner~~ within the timeframe set by the Department for examination or other purposes. ~~A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:~~
- ~~1. Any approved computer or mechanical system back to a paper-based system; 2. or~~

~~2. An approved mechanical system to a computer system; or, or~~

~~3. An approved computer system to a mechanical system.~~

B. In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:

1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;
2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices; ;
5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;

- e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed; from trust account;
 - h. Date disbursed; from trust account;
 - i. Disbursement's payee and purpose, and
 - j. Balance; ;
6. A file for each application for a commercial mortgage loan containing:
- a. The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement, and escrow instructions to or with any depository;
 - e. If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, ~~and~~ ; and
 - f. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee; ;
7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
8. Copies of governmental or regulatory reviews;
9. If the licensee is a not a natural person, a file containing:
- a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, ~~such as~~ including a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction; ;

11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action; ;
 12. If the ~~Superintendent has granted approval to maintain~~ licensee maintains records outside this state, the specific address where the records are kept, and a person's name to contact for them; ;
 13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the ~~Superintendent~~ Director to conduct an examination; ; and
 14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from the applicant; ~~or~~ ,
 2. The date a licensee mails written notice to an applicant that an application has been denied; ~~or~~ ,
or
 3. The date of a licensee's internal memorandum closing a loan file.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

R20-4-1908. Impound Accounts

The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a ~~Cushion~~, cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.

R20-4-1909. Authorization to Complete Blank Spaces

An authorization, under ~~A.R.S. § 6-984~~, A.R.S. § 6-984(A), allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing party, ~~and~~ ; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

R20-4-1910. Delay or Cause Delay

A commercial mortgage banker does not delay or does not cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.

R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner

A person ~~that owns~~ owning 51% or more of a licensee's outstanding voting equity interests, ~~and that~~ who acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the ~~Superintendent~~. Director. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the ~~Superintendent~~. Director.

A.R.S. § 41-1055(B) Economic, Small Business, And Consumer Impact Statement
Title 20. Commerce, Financial Institutions, and Insurance
Chapter 4. Department of Insurance and Financial Institutions –
Financial Institutions

A.R.S. § 41-1055(B)(1): An identification of the proposed rulemaking.

The Arizona Department of Insurance and Financial Institutions – Financial Institutions Division (“Department”) is proposing changes to A.A.C. Title 20, Chapter 4, Article 19 – Commercial Mortgage Bankers. The changes the Department is proposing will reflect the structural change to the former Department of Financial Institutions which merged with the Department of Insurance to form the Department of Insurance and Financial Institutions (the “new agency”), on July 1, 2020. The former Department of Financial Institutions became a division of the new agency.

As a result of the merger, the new agency made statutory changes to eliminate the position of Superintendent. Instead, the Director of the new agency assumed those duties. This structural change necessitated replacing references to “Superintendent” with “Director” throughout the Article.

When reviewing the rules in the Article, the Department also endeavored to modernize the current rules since the most recent rulemaking for Article 19 was in 1999. The Department is also modifying and adding experience requirements, removing a fee, correcting statutory citations, and allowing the use of electronic recordkeeping. The rules augment the correlating statutory sections regulating these entities found at Title 6, A.R.S. §§ 6-971 through 6-985.

This rulemaking amends Article 19 (Commercial Mortgage Bankers) as follows:

- R20-4-1901 (Exemption for an Institutional Investor) will be amended to correct punctuation.
- R20-4-1902 (Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States) will be amended to correct punctuation, and to add clarifying language.
- R20-4-1903 (Equivalent and Related Experience) will be amended to modify and add to experience requirements, and to correct for passive voice.

- R20-4-1904 (Restrictions on the Term of a Cash Alternative to a Surety Bond) will be amended to replace “Superintendent” with “Director.”
- R20-4-1905 (Requirements for a Person Intended to Oversee a Branch Office) will be amended to clarify that a person intended to oversee a branch office as referenced in the statute is a “branch office manager,” and to correct unnecessary capitalization.
- R20-4-1906 (Notification of Change of Address) will be amended to comport with the language of A.R.S. § 6-979(C) and (D), and to remove the fee.
- R20-4-1907 (Recordkeeping Requirements) will be amended to allow records to be kept electronically, to add clarifying language, to replace “Superintendent” with “Director,” and to correct punctuation.
- R20-4-1908 (Impound Accounts) will be amended to remove unnecessary capitalization.
- R20-4-1909 (Authorization to Complete Blank Spaces) will be amended to correct a statutory citation.
- R20-4-1910 (Delay or Cause Delay) will be amended to add clarifying language.
- R20-4-1911 (Acquisition of Additional Interest in Licensee by Majority Owner) will be amended to replace “Superintendent” with “Director,” and to add clarifying language.

This rulemaking addresses the changes suggested by the Department in its June, 2024 Five-Year Review Report.

Questions about this Economic Impact Statement may be directed to: Mary E. Kosinski (mary.kosinski@difi.az.gov).

A.R.S. § 41-1055(B)(2): An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

The rules augment the statutory sections regulating licensees of the Department with a Commercial Mortgage Banker license pursuant to A.R.S. §§ 6-971 through 6-985.

A.R.S. § 41-1055(B)(3): A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.

The Department does not anticipate any costs or benefits in implementing and enforcing the proposed rulemaking. No new full-time employees will be necessary to implement and enforce the proposed rule changes.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

No political subdivision of this state is directly affected by the implementation and enforcement of the proposed rulemaking.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking.

No additional costs are anticipated to be imposed upon Commercial Mortgage Bankers. The Department is not proposing any new fees and is, instead, eliminating a fee in Section R20-4-1906.

A.R.S. § 41-1055(B)(4): A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

The Department does not anticipate any impact on the private employment of licensees. Likewise, the Department does not anticipate any impact on public employment in the Department.

A.R.S. § 41-1055(B)(5): A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking.

Some of the Commercial Mortgage Bankers regulated by the Department may qualify as small businesses within the meaning of A.R.S. § 41-1001(23). However, the Department does not track the number of employees or annual receipts of a mortgage banker and cannot identify specific mortgage bankers that qualify as small businesses.

(b) The administrative and other costs required for compliance with the proposed rulemaking.

The Department did not receive any information from licensees on administrative or other costs required for compliance with the proposed rulemaking. The Department does not anticipate that any costs will be required for compliance with the proposed rulemaking.

One Section (R20-4-1906) removes a fee, One Section (R20-4-1907) allows a licensee to keep electronic records and records outside the state without first receiving the Director's approval. These changes should result in savings to licensees.

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The Department does not believe that any of the methods listed at A.R.S. § 41-1035 are useful to reduce the impact of the rulemaking on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Department does not expect any appreciable increase in either costs or benefits to private persons and consumers created by this rulemaking. The costs and benefits to private persons and consumers are expected to be the same as those identified during the original adoption of these rules.

A.R.S. § 41-1055(B)(6): A statement of the probable effect on state revenues.

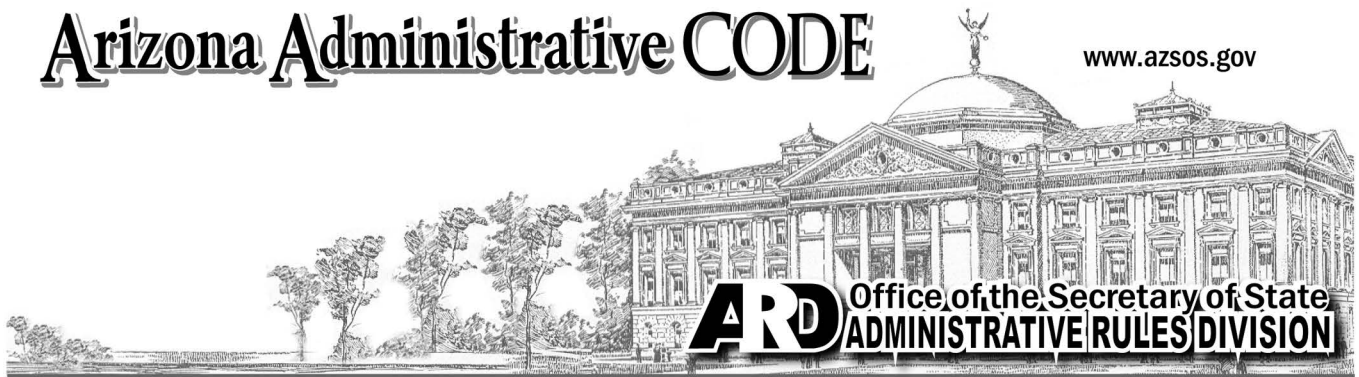
No impact on state revenues is anticipated.

A.R.S. § 41-1055(B)(7): A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The Department believes that the current rulemaking offers the least intrusive and least costly alternative method to achieve the purpose of the proposed rulemaking which is to update the rules governing Commercial Mortgage Bankers.

A.R.S. § 41-1055(B)(8): A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

The rule is not based on any data.



20 A.A.C. 04

Supp. 24-1

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

At the request of the Department a correction has been made to Section R20-4-1220 (Supp. 24-1).

No other changes have been made to this Chapter since Supp. 23-3.

Questions about these rules? Contact:

Department: Department of Insurance and Financial Institutions
Address: 100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
Website: <https://difi.az.gov>
Name: Mary E. Kosinski
Telephone: (602) 364-3476
Email: mary.kosinski@difi.az.gov

The release of this Chapter in Supp. 24-1 replaces Supp. 23-3, 1-49 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

Authority: A.R.S. § 20-124

Supp. 24-1

Editor's Note: The name of the Arizona Department of Financial Institutions was changed to the Department of Insurance and Financial Institutions under Laws 2019, Ch. 252, effective July 1, 2020 (Supp. 22-2).

Editor's Note: The Banking Department's name was changed to the Arizona Department of Financial Institutions under the authority of A.R.S. § 6-110, originally enacted as Laws 2004, Ch. 188, effective January 1, 2006 (Supp. 06-1).

Editor's Note: Title 20, formerly Commerce, Banking, and Insurance, is now Commerce, Financial Institutions, and Insurance. This change became effective when the Banking Department changed its name to the Department of Financial Institutions, effective January 1, 2006 (Supp. 06-1).

20 A.A.C. 4, consisting of R20-4-101 through R20-4-106, R20-4-201 through R20-4-215, R20-4-301 through R20-4-331, R20-4-401 through R20-4-402, R20-4-501 through R20-4-536, R20-4-601 through R20-4-620, R20-4-701 through R20-4-707, R20-4-801 through R20-4-816, R20-4-901 through R20-4-924, R20-4-1001, R20-4-1101 through R20-4-1102, R20-4-1201 through R20-4-1220, R20-4-1401 through R20-4-1410, R20-4-1501 through R20-4-1530, R20-4-1601 through R20-4-1604, and R20-4-1701 through R20-4-1706, recodified from 4 A.A.C. 4, consisting of R4-4-101 through R4-4-106, R4-4-201 through R4-4-215, R4-4-301 through R4-4-331, R4-4-401 through R4-4-402, R4-4-501 through R4-4-536, R4-4-601 through R4-4-620, R4-4-701 through R4-4-707, R4-4-801 through R4-4-816, R4-4-901 through R4-4-924, R4-4-1001, R4-4-1101 through R4-4-1102, R4-4-1201 through R4-4-1220, R4-4-1401 through R4-4-1410, R4-4-1501 through R4-4-1530, R4-4-1601 through R4-4-1604, and R4-4-1701 through R4-4-1706, pursuant to R1-1-102 (Supp. 95-1).

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Article 1, consisting of Sections R4-4-101 through R4-4-106 adopted effective August 16, 1991 (Supp. 91-3).

Article 1, consisting of Sections R4-4-101 through R4-4-104, repealed effective August 16, 1991 (Supp. 91-3).

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TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency expired April 21, 2011; new Article consisting of Sections R20-4-1301 through R20-4-1305, made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).

Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).

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TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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ARTICLE 1. GENERAL**R20-4-101. Scope of Article**

The rules in this Article apply to all activities of the Superintendent and to the interpretation of all Arizona statutes and rules administered by the Superintendent.

Historical Note

Former Rule 1. Former R4-4-101 repealed, new R4-4-101 adopted effective August 16, 1991 (Supp. 91-3).
R20-4-101 recodified from R4-4-101 (Supp. 95-1).

R20-4-102. Definitions

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
 - a. Is knowledgeable about the licensee's Arizona activities;
 - b. Supervises compliance with:
 - i. The laws enforced by the Department of Financial Institutions as they relate to the licensee, and
 - ii. Other applicable laws and rules; and
 - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation:
 - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
 - b. Out-of-pocket expenses paid to independent third parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
 - c. Insurance commissions;
 - d. Contingent or additional interest, including interest based on net operating income; or
 - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans," means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903, 6-944, or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases are used in A.R.S. §§ 6-901, 6-941, or 6-971, mean:
 - a. Providing consulting or advisory services in connection with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage loan transaction;
 - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services directly contacts any potential borrowers; or
 - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
 - b. Providing assistance in preparing an application for a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction, regardless of whether the person providing assistance directly contacts any potential investor or lender; and
 - c. Processing a loan; but
 - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do not include:
 - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction;
 - ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, mortgage banking loan, or commercial mortgage banking loan already funded;
 - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
 - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modifica-

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- tion, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
12. "Electronic record" has the meaning stated at A.R.S. § 44-7002(7).
13. "Employee" means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
- The person is entitled to payment, or is paid, by the licensee;
 - The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
 - The licensee has the right to hire and fire the employee and the employee's assistants;
 - The licensee directs the methods and procedures for performing the employee's job;
 - The licensee supervises the employee's business conduct and the employee's compliance with applicable laws and rules; and
 - The rights and duties under subsections (13)(a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
14. "Engaged in the business of making mortgage loans," as that phrase is used in A.R.S. § 6-902, and "engaged in the business of making mortgage loans or mortgage banking loans," as that phrase is used in A.R.S. § 6-942, mean the direct or indirect making of a total of more than five mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not "engaged in the business of making mortgage loans or mortgage banking loans" if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
15. "Exclusive contract," as that term is used in A.R.S. §§ 6-912 and 6-991.02, means a written agreement in which a loan originator agrees to perform services as a loan originator subject to supervision and control by a person holding a certificate of exemption issued under A.R.S. § 6-912 on an exclusive basis. The agreement provides that the loan originator is expressly prohibited from performing loan origination or modification services for any other person during the time the agreement is in effect.
16. "Generally accepted accounting principles" has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
17. "Holds out to the public," as used in this Section's definition of "branch office," means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. "Holds out to the public" includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. "Holds out to the public" does not include a clearly identified home or mobile telephone number on a business card or stationery.
18. "Loan," as that term is used in A.R.S. §§ 6-126(C)(6) and (8), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
19. "Loan Processing" means obtaining a loan application's supporting documents for use in underwriting.
20. "Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
21. "Property insurance," as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
22. "Reasonable investigation of the background," as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
- Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
 - Obtains a completed Employment Eligibility Verification (Form I-9);
 - Obtains a completed and signed employment application;
 - Obtains a signed statement attesting to all of an applicant's felony convictions, including detailed information regarding each conviction;
 - Consults with the applicant's most recent or next most recent employer, if any;
 - Inquiries regarding the applicant's qualifications and competence for the position;
 - If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
 - Investigates further if any information received in the above inquiries raises questions as to the applicant's honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two attempts to contact a person, including at least one written inquiry.
23. "Record" has the meaning stated at A.R.S. § 44-7002(13).
24. "Registered to do business in this state" means:
- If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
 - If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
 - If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
 - If an estate, it acts through a personal representative duly appointed by this state's Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
 - If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 - All the current amendments, or

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A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;

- f. If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
 - g. If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State's office under A.R.S. Title 29;
 - h. If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
 - i. The entity is exempt from registration.
25. "Registered Exempt Person" means a person who is exempt from licensure pursuant to A.R.S. § 6-912 and A.R.S. Title 6, Chapter 9, Articles 1, 2 and 3 as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry and holds a certificate of exemption.
26. "Resident of this state" means a natural person domiciled in Arizona.
27. "Responsible individual" or "responsible person", as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a. Lives in Arizona during the entire period of designation as the responsible individual on a license;
 - b. Is in active management of a licensee's affairs;
 - c. Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
 - d. Is an officer, director, member, partner, employee, or trustee of a licensed entity.

Historical Note

Former Rule 2. Former R4-4-102 repealed, new R4-4-102 adopted effective August 16, 1991 (Supp. 91-3). R20-4-102 recodified from R4-4-102 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 668, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-103. Fingerprints

- A. A licensee or applicant shall deliver fingerprints requested or required by the Superintendent on fingerprint cards provided by the Superintendent.
- B. A licensee or applicant shall bear any costs incurred in obtaining or submitting fingerprints.
- C. A licensee or applicant shall arrange to have fingerprints taken, signed, and dated by:
 - 1. A municipal police department,
 - 2. A local sheriff's office, or
 - 3. Another law enforcement authority recognized by the Superintendent.

Historical Note

Former Rule 3. Former R4-4-103 repealed, new R4-4-103 adopted effective August 16, 1991 (Supp. 91-3). R20-4-103 recodified from R4-4-103 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective

November 14, 2000 (Supp. 00-4).

R20-4-104. Acceptance of Other Forms

If another entity's applications and forms provide all the information required by Arizona law, the Superintendent has the discretion to accept them, even if another provision of this Chapter requires use of a specific Department of Financial Institutions form. The Superintendent's exercise of the discretion to accept alternative forms does not limit the Superintendent's power to require additional information necessary to complete an application or other form.

Historical Note

Former Rule 4. Former R4-4-104 repealed, new R4-4-104 adopted effective August 16, 1991 (Supp. 91-3). R20-4-104 recodified from R4-4-104 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-105. Claims Against a Deposit in Place of Bond

- A. As used in this Section:
 - 1. "Deposit" means cash or alternatives to cash deposited by a licensee with the Superintendent in place of a bond.
 - 2. "Depositor" means licensee or an employee of the licensee who makes a deposit with the Superintendent.
 - 3. "Verified claim" means a claim filed with the Superintendent under subsection (B).
 - 4. "Award" means an amount of money granted under subsection (F).
- B. A person may file a claim against a deposit by delivering documentation of the claim to the Superintendent. The claim shall be based on a final judgment in favor of the claimant, entered by a court of competent jurisdiction. To support a claim, the judgment shall be:
 - 1. Against a depositor;
 - 2. For injury caused by the depositor's wrongful act, default, fraud, or misrepresentation committed in the course of the depositor's licensed business activity; and
 - 3. Documented by:
 - a. A certified copy of the complaint in the action;
 - b. A certified copy of the judgment in the action;
 - c. A statement that execution of the judgment has not been stayed, or an explanation of the terms and reason for any stay;
 - d. A statement of any amounts recovered on the judgment; and
 - e. A sworn and notarized statement that the claim is true and correct to the best of the claimant's knowledge and belief.
- C. A claimant shall file a claim with the Superintendent, and all required supporting documentation, not more than six months after entry of the judgment asserted in the claim. However, if execution of the asserted judgment is stayed during the first six months after its entry, the claimant may file a verified claim only during the six months after the stay is lifted. The Department shall process a timely-filed verified claim as a request for hearing under R20-4-1208.
- D. The claimant shall notify the depositor of the filing of a verified claim under this Section, and make the depositor a party to all proceedings on the claim. To do so, the claimant shall send the depositor a copy of all documents filed under subsection (B). The claimant shall make this delivery no more than 10 days after the original filing with the Superintendent under subsection (B). The Department considers a proceeding on a verified claim to be a contested case, governed by the provisions of 20 A.A.C. 4, Article 12.

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- E.** The Superintendent shall, after a hearing, deny a verified claim if the hearing produces evidence of any of the following circumstances:
1. The judgment is not for an injury caused by the depositor and described in subsection (B)(2);
 2. The judgment was awarded by default, stipulation, or consent, and no showing is made in the hearing of an injury caused by the depositor and described in subsection (B)(2);
 3. The judgment's execution has been stayed for any reason;
 4. The judgment was procured through fraud or collusion;
 5. The judgment has been satisfied from other sources; or
 6. The action that produced the judgment was barred by the applicable statute of limitations at the time it was commenced.
- F.** If the Superintendent grants a verified claim, the Superintendent shall do so in the amount of the compensatory damages awarded against the depositor in the judgment, exclusive of:
1. Attorney's fees, and
 2. Amounts previously paid on the judgment.
- G.** A person injured by a depositor shall give the Superintendent written notice at the time of filing a civil action if the claims alleged could be made as a verified claim under this Section. The written notice shall include a statement of the amount of compensatory damages sought against the depositor. The injured person shall provide further information about the civil action to the Superintendent upon request.
- H.** If the Superintendent grants a verified claim under subsection (F), the Superintendent shall authorize the State Treasurer, in writing, to release the deposit to the claimant in the amount stated in subsection (F) if the Superintendent has not received notice of another pending civil action under subsection (G).
- I.** If given notice under subsection (G), the Superintendent shall determine whether the deposit is sufficient to satisfy all claims under subsection (F). The Superintendent shall determine award amounts for each claim of which the Superintendent has notice, and authorize payment, as follows:
1. If the deposit is sufficient to satisfy all claims under subsection (F), the Superintendent shall authorize its release as described in subsection (H).
 2. If the deposit is not sufficient to satisfy all claims under subsection (F), the Superintendent shall calculate the award on each claim as follows:
 - a. Each granted claim shall receive a pro rata share of the total deposit.
 - b. Each pro rata share shall be a dollar amount calculated by multiplying the total deposit by a fraction.
 - i. The numerator of the fraction is the amount of the Superintendent's award for the verified claim.
 - ii. The denominator of the fraction is the sum of the amount of the Superintendent's award for the verified claim plus the total compensatory damages sought in all other civil actions against the same depositor disclosed to the Superintendent under subsection (G).
 - c. The Superintendent shall authorize the State Treasurer to release the pro rata portion of the deposit calculated for each verified claim.
- J.** A depositor or former licensee may request return of its deposit if it substitutes a bond for the deposit, or if its license is surrendered, revoked, or expired, and if all statutory conditions for release of the deposit have been satisfied. The Superintendent shall not release any part of a deposit to a depositor or former licensee until the Superintendent determines whether there are any awards on verified claims unsatisfied because of an apportionment under subsection (I). The Superintendent shall use the deposit amount to pay any unsatisfied portion of those awards. If the deposit amount is not sufficient to pay in full all unsatisfied awards, the Superintendent shall pay the remaining amount of the deposit to claimants in the ratio their awards bear to the total of all awards granted against the deposit.
- K.** The court supervising a licensee in receivership may order the release of a deposit to persons injured by conduct described in subsection (B). In that event, the receiver shall deliver a certified copy of the court's order to the Superintendent. The copy may be uncertified if the receiver is the Superintendent or any other officer or agency of the state of Arizona. The Superintendent shall then authorize the State Treasurer, in writing, to release the deposit to the receiver. The receiver shall distribute the deposit as ordered by the receivership court, rather than under this Section.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-105 recodified from R4-4-105 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

R20-4-106. Bankruptcy

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents' filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief,
2. Schedule of assets and liabilities,
3. Statement of financial affairs,
4. List of creditors, and
5. Plan of reorganization.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-106 recodified from R4-4-106 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-107. Licensing Time-frames

- A.** As used in this Section, "application" means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B.** The time-frames in Table A apply solely to applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application by the Department.
1. Within the administrative completeness review time-frame in Table A, the Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall specify the missing information or component.
 2. An applicant whose application is incomplete shall supply the missing information within 60 days after the date

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of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completion of an application. The administrative completeness review time-frame stops running on the postmark date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department shall reject the application and close the file. An applicant may reapply.

3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual

agreement under A.R.S. § 41-1075. If the Department denies an application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.

5. The Department shall calculate time limits prescribed in this Section under R2-19-107.
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

Historical Note

Adopted effective September 9, 1998 (Supp. 98-3).
Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

Table A. Licensing Time-frames

| No. | License Type | Legal Authority | Administrative Completeness Review (Days) | Substantive Review (Days) | Overall Time-Frame (Days) |
|-----|---|-----------------------------------|---|---------------------------|---------------------------|
| 1 | Bank | A.R.S. § 6-203, et seq. | | | |
| | Initial Application | R20-4-211 | 45 | 45 | 90 |
| 2 | Bank Trust Dept. | A.R.S. § 6-381 | | | |
| | Initial Application | A.R.S. § 6-203, A.R.S. § 6-204(C) | 45 | 45 | 90 |
| 3 | Savings & Loan | A.R.S. § 6-401, et seq. | | | |
| | Initial Application | A.R.S. § 6-408, R20-4-327 | 75 | 75 | 150 |
| 4 | Credit Union | A.R.S. § 6-501, et seq. | | | |
| | Initial Application | A.R.S. § 6-506(A) | 60 | 60 | 120 |
| 5 | Trust Company | A.R.S. § 6-851, et seq. | | | |
| | Initial Application | A.R.S. § 6-854(A) | 75 | 75 | 150 |
| 6 | Consumer Lender | A.R.S. § 6-601, et seq. | | | |
| | Initial Application | A.R.S. § 6-603(C) | 60 | 60 | 120 |
| 7 | Debt Management | A.R.S. § 6-701, et seq. | | | |
| | Initial Application | A.R.S. § 6-704(A), R20-4-602(A) | 30 | 30 | 60 |
| 8 | Escrow Agent | A.R.S. § 6-801, et seq. | | | |
| | Initial Application | A.R.S. § 6-814 | 60 | 60 | 120 |
| 9 | Mortgage Broker or Commercial Mortgage Broker | A.R.S. § 6-901, et seq. | | | |
| | Initial Application | A.R.S. § 6-903(C) & (D) | 60 | 60 | 120 |
| 10 | Mortgage Banker | A.R.S. § 6-941, et seq. | | | |
| | Initial Application | A.R.S. § 6-943(D) | 60 | 60 | 120 |
| 11 | Commercial Mortgage Banker | A.R.S. § 6-971, et seq. | | | |
| | Initial Application | A.R.S. § 6-974(A) | 60 | 60 | 120 |
| 12 | Acquisition of Control of Financial Institution | R20-4-1602, R20-4-1702 | | | |

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| | | | | | |
|-----------|--------------------------|------------------------------|----|----|-----|
| | Initial Application | A.R.S. 6-1104 | 30 | 30 | 60 |
| 13 | Money Transmitter | A.R.S. § 6-1201, et seq. | | | |
| | Initial Application | A.R.S. § 6-1204(A) | 60 | 60 | 120 |
| 14 | Advance Fee Loan Broker | A.R.S. § 6-1301, et seq. | | | |
| | Initial Application | A.R.S. § 6-1303(A) | 30 | 30 | 60 |
| 15 | Premium Finance Co. | A.R.S. § 6-1401, et seq. | | | |
| | Initial Application | A.R.S. § 6-1402(C) | 60 | 60 | 120 |
| 16 | Collection Agency | A.R.S. § 32-1001, et seq. | | | |
| | Initial Application | A.R.S. § 32-1021, R20-4-1502 | 30 | 15 | 45 |
| 17 | Motor Vehicle Dealer | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 18 | Sales Finance Co. | A.R.S. § 44-281, et seq. | | | |
| | Initial Application | A.R.S. § 44-282(B) | 30 | 15 | 45 |
| 19 | Certificate of Exemption | A.R.S. § 6-912 | | | |
| | Initial Application | A.R.S. § 6-912(B) | 45 | 45 | 90 |
| 20 | Loan Originators | A.R.S. § 6-991, et seq. | | | |
| | Initial Application | A.R.S. § 6-991.04(A) | 60 | 60 | 120 |

Historical Note

Table A adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 2. BANK ORGANIZATION AND REGULATION

R20-4-201. Articles of Incorporation

A licensee shall deliver to the Director a copy of each amendment to the licensee’s articles of incorporation within 30 days after the amendment is filed with the Arizona Corporation Commission. Before delivery to the Director, an officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 1. R20-4-201 recodified from R4-4-201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-202. Bylaws

A licensee shall deliver to the Director a copy of each amendment to the licensee’s bylaws within 30 days after the amendment is adopted. An officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Former Rule 2. R20-4-202 recodified from R4-4-202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-203. Repealed

Historical Note

Former Rule 3; Amended subsection (C) effective Sep-

tember 4, 1981 (Supp. 81-5). R20-4-203 recodified from R4-4-203 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-204. Repealed

Historical Note

Former Rule 4. R20-4-204 recodified from R4-4-204 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-205. Repealed

Historical Note

Former Rule 5. R20-4-205 recodified from R4-4-205 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-206. Bankers Blanket Bond Coverage - A.R.S. § 6-188

- A. Each bank shall carry at least the following basic blanket bond coverage listed in Table B.
- B. Each bank shall supplement the bankers blanket bond coverage with at least a \$2,000,000 excess fidelity bond.

Historical Note

Former Rule 6. R20-4-206 recodified from R4-4-206 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Table B. Basic Blanket Bond Coverage

| Banks with Deposits of: | | Amounts: |
|-------------------------|---------------|-----------|
| Less than \$25,000,000 | | \$300,000 |
| 25,000,000 | to 35,000,000 | 350,000 |

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS

| | | | |
|---------------------|----|----------------|------------|
| 35,000,000 | to | 50,000,000 | 450,000 |
| 50,000,000 | to | 75,000,000 | 550,000 |
| 75,000,000 | to | 100,000,000 | 700,000 |
| 100,000,000 | to | 150,000,000 | 850,000 |
| 150,000,000 | to | 250,000,000 | 1,200,000 |
| 250,000,000 | to | 500,000,000 | 1,700,000 |
| 500,000,000 | to | 1,000,000,000 | 2,500,000 |
| 1,000,000,000 | to | 2,000,000,000 | 4,000,000 |
| 2,000,000,000 | to | 5,000,000,000 | 6,000,000 |
| 5,000,000,000 | to | 20,000,000,000 | 9,000,000 |
| Over 20,000,000,000 | | | 10,000,000 |

Historical Note

Table B removed from R20-4-206(A) to conform with the codification scheme of this Chapter and amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-207. Capital Obligations

- A. An applicant for a Director’s order of approval to issue a capital obligation shall submit the following documents to the Director and shall not issue any capital obligation before the Director issues the order of approval. The required documents are:
 - 1. A certified copy of the resolution adopted by the Board of Directors, or a certified copy of the unanimous written consent of the Board of Directors, authorizing the sale of the capital obligation;
 - 2. A copy of the agreement underlying the capital obligation;
 - 3. A copy of the note or debenture intended to represent the capital obligation; and
 - 4. A copy of the prospectus, if any, proposed for use in the sale of the capital obligation.
- B. Each document evidencing a capital obligation shall:
 - 1. Bear on its face, in bold face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.
 - 2. Have a maturity provision that either:
 - a. Gives the obligation a maturity of at least five years, or
 - b. In the case of an obligation or issue that provides for scheduled repayments of principal, gives an average maturity of at least five years. The restriction on maturity stated in this subsection does not apply to any obligation that otherwise meets all the requirements of this Section if the Director determines that exigent circumstances require the issuance of the obligation without regard to any restriction on maturity. The provisions of this subsection do not apply to mandatory convertible debt obligations or issues.
 - 3. State expressly on its face that the obligation:
 - a. Is subordinated and junior in right of payment to the issuing bank’s obligations to its depositors and to the bank’s other obligations to its general and secured creditors, and
 - b. Is ineligible as collateral for a loan by the issuing bank, except as provided in A.R.S. § 6-354.
 - 4. Be unsecured.
 - 5. State expressly on its face that the issuing bank may not retire any part of its capital obligation without the Director’s prior written order of approval, and the prior written consent of the Federal Deposit Insurance Corporation.

- 6. Include, if the obligation is issued to a depository institution, a specific waiver of the right of offset by the lending depository institution.
 - 7. State that, in the event of liquidation, all depositors and other creditors of the bank are to be paid in full before any payment of principal or interest is made on a capital obligation.
- C. No payment shall be made under an optional right of payment reserved to the bank without the separate authorization of the Director. The Director may grant that authority in the initial order of approval or in a later order of approval.

Historical Note

Former Rule 7. R20-4-207 recodified from R4-4-207 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 2155, effective May 4, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-208. Repealed

Historical Note

Former Rule 8. R20-4-208 recodified from R4-4-208 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-209. Notice of Permanent Closing of Banking Office

A bank may close fewer than all of its banking offices. Before closing any office, a bank shall deliver a letter to the Director specifying the banking office it plans to close and the closing date. The bank shall ensure that the Director receives the letter at least 10 days before the closing date. Closing the banking office shall terminate the bank’s authority to maintain that banking office on the date of the actual closure.

Historical Note

Former Rule 9. R20-4-209 recodified from R4-4-209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5388, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-210. Repealed

Historical Note

Former Rule 10. R20-4-210 recodified from R4-4-210 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

R20-4-211. Application for a Banking Permit

- A. Before an application is filed, the representatives of the potential applicant shall meet with the Director to discuss capitalization, location, and management of the proposed bank.
- B. After the meeting required by subsection (A), persons who wish to proceed with the application process shall submit an application in the form the Director prescribes. The applicant shall support the application with sufficient information to enable the Director to make a determination.

Historical Note

Former Rule 11. R20-4-211 recodified from R4-4-211 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-212. Repealed

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Historical Note

Former Rule 12. Amended effective September 4, 1981 (Supp. 81-4). R20-4-212 recodified from R4-4-212 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-213. Repealed

Historical Note

Former Rule 13. Repealed effective September 13, 1981 (Supp. 81-5). R20-4-213 recodified from R4-4-213 (Supp. 95-1).

R20-4-214. Preservation of Records

- A. Every bank shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. Copies complying with this subsection, when satisfactorily identified, have the same evidentiary status as an original. A bank may keep its records as electronic records if the bank can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A bank shall keep its corporate and business records for the period required by this Section. These periods are measured from the date of the last entry or final action date. A bank shall have and comply with its own record retention schedule that is consistent with this Section. A bank may comply with this Section by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this Section. This Section does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required in subsection (D).
- C. Beginning on the effective date of this Section, corporate and business records of a bank operating in the state of Arizona are classified, and their retention periods are prescribed, according to the schedule in subsection (D). Retention periods are listed in subsection (D) using the notations, acronyms, and abbreviations listed in subsections (C)(1) through (20).
 - 1. A numerical designation refers to a period of years unless a shorter period of time is specified in the schedule.
 - 2. "AC" means after closure.
 - 3. "ACH" means automated clearing house.
 - 4. "AE" means after expiration.
 - 5. "ALC" means after last contact.
 - 6. "AP" means after paid.
 - 7. "ATD" means after termination date.
 - 8. "CTR" means a cash transaction report required by the Federal Bank Secrecy Act.
 - 9. "FDIC" means the Federal Deposit Insurance Corporation.
 - 10. "FHA" means the Federal Housing Administration.
 - 11. "FHLMC" means the Federal Home Loan Mortgage Corporation.
 - 12. "FNMA" means the Federal National Mortgage Association.
 - 13. "GNMA" means the Government National Mortgage Association.
 - 14. "IRS" means the United States Department of the Treasury's Internal Revenue Service.
 - 15. "M" means months.
 - 16. "P" means the bank shall keep the record permanently.
 - 17. "PMI" means private mortgage insurance.

- 18. "SAR" means a suspicious activity report required by the Federal Bank Secrecy Act.
- 19. "TTL" means a treasury, tax, and loan account maintained by a bank.
- 20. "UCC" means the Uniform Commercial Code as it is in effect in Arizona.

D. Retention Schedule

- 1. Accounting and Auditing
 - a. Accrual and bond amortization 3
 - b. Audit report 6
 - c. Audit work papers 3
 - d. Bank call, income and dividend report 5
 - e. Bill, statement, or invoice – paid 7
 - f. Budget work papers 2
 - g. Collateral vault "in-and-out" ticket 1
 - h. Daily reserve computation 7
 - i. Earnings report 7
 - j. Expense voucher or invoice 7
 - k. Financial statement 7
 - l. Interoffice reconciliation 1
 - m. Interoffice transaction 1
 - n. Periodic statement for account owned by bank 2
 - o. Reconciliation of deposits – due to bank 2
 - p. Reconciliation register – due from bank 2
 - q. Return and cash item register 1
 - r. Service contract 2
 - s. Treasury tax and loan account 2
 - t. Unclaimed property record 5
- 2. Administration
 - a. Articles of incorporation or association, bylaws or other record of organization P
 - b. Bankers blanket bond-record showing compliance 5AE
 - c. Bank examiner's report 7
 - d. Capital note issuance and transfer record P
 - e. Depreciation record – office equipment 3
 - f. Dividend check and register 7
 - g. Dividend check – outstanding P
 - h. Expired policy insuring the bank 3 AE
 - i. FDIC assessment base, record 5
 - j. FDIC certificate P
 - k. Insurance policy number, record of premium paid and amount recovered 3 AE
 - l. Legal proceedings when completed 5
 - m. Minute book of:
 - i. Meetings of the board of directors P
 - ii. Meeting of committees of the board of directors P
 - iii. Shareholders' meetings P
 - n. Postage meter record book (from date of final entry) 1
 - o. Real estate documentation 5 ATD
 - p. Report to directors 3
 - q. Stock issuance and transfer record P
 - r. Required report to supervisory agency 3
 - s. Tax controversy or proceeding when completed 7
 - t. Tax record not material to any controversy 7
 - u. Voting list and proxies 3
- 3. Collections
 - a. Collection payment record 1
 - b. Collection receipt – carbon 1
 - c. Collection register 1
 - d. Coupon cash letter – outgoing 1
 - e. Coupon envelope 1
 - f. Customer file copy 1
 - g. Incoming collection letter 1
 - h. Incoming contract or note letter 1

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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| | | | | | |
|----|--|-------|------|---|-------|
| 4. | Customer service | | c. | Draft – original | 7 |
| | a. Broker account holder – identification | 5 | d. | Draft register or copy | 1 AP |
| | b. Broker’s confirmation | 3 | e. | Duplicate check – information and documentation pertaining to issuance | 7 |
| | c. Broker’s invoice | 3 | f. | Reconciliation register | 1 |
| | d. Broker’s statement | 3 | 8. | Due to banks | |
| | e. E-Bond application | 2 | a. | Account opened and account closed – reports | 1 |
| | f. E-Bond sold or redeemed – record | 2 | b. | Advice – copy | 1 |
| | g. E-Bond transmittal letter | 2 | c. | Incoming cash letter memo for credit | 1 |
| | h. Lock box daily receipts | 1 | d. | Incoming cash letter for remittance | 1 |
| | i. Night depository agreement | 1 AC | e. | Reconciliation register (TTL) | 2 |
| | j. Night depository daily record | 1 | f. | Reconciliation verification | 1 |
| | k. Safekeeping record and receipt | 5 | g. | Resolution | 2 AC |
| | l. Securities buy order and sell order | 3 | h. | Signature card | 6 AC |
| 5. | Data processing (management information systems) | | i. | Trial balance (fiche) | 7 |
| | a. Back-up data (for reconstruction) daily, end of month, quarter, or year | 1 | j. | Undelivered statement, reconstruction available from bank records | 1 |
| | b. Disaster recovery program | P | k. | Undelivered statement, reconstruction not possible | 7 |
| | c. Film copy of every IRS financial reporting form | 6 | 9. | General | |
| | d. Program change | P | a. | Address change order | 1 |
| | e. System, program and procedure manual | P | b. | Affidavit from customer including affidavit of loss, forgery, or non-use of cashier’s check | 1 |
| 6. | Deposits | | c. | Writ of attachment or garnishment | 5 |
| | a. Account opened and account closed | 1 | d. | Attachment, release | 5 |
| | b. Certificate of deposit purchase record | 7 | e. | Armored car receipt | 1 |
| | c. Check paid, withdrawal slip, and other debits to account | 7 | f. | Check book order | 1 |
| | d. Club account check register | 1 | g. | Check book – receipt | 1 |
| | e. Club account coupon | 1 | h. | Court order memorandum record | 5 |
| | f. SAR – for suspicious transaction under \$10,000 | 5 | i. | Notice of Protest | 1 |
| | g. CTR – for transaction exceeding \$10,000 | 5 | j. | Vault record – opening and closing | 1 |
| | h. Customer authorization, resolution, and signature card | 6 AC | k. | Wire transfer debit entry and credit entry | 7 |
| | i. Deposit account record needed to reconstruct | 7 | 10. | General ledger | |
| | j. Deposit and other credits | 7 | a. | Daily statement of condition | 3 |
| | k. Dormant account – after closed or escheated | 7 ALC | b. | General journal – if byproduct of posting the general ledger | 3 |
| | l. Form 1096 and 1099 reports to IRS | 7 | c. | General journal – if used as book of original entry with description | 3 |
| | m. Individual retirement account record | 7 | d. | General ledger | 5 |
| | n. Interest check or other record of interest payment and reports | 7 | e. | General ledger ticket – debit and credit | 2 |
| | o. Internal management reports: | | 11. | International department | |
| | i. Large balance | 1 | a. | Broker account holder – identification | 5 |
| | ii. Overdraft | 1 | b. | Cable copy | 7 |
| | iii. Public funds | 1 | c. | Cable requisition | 7 |
| | iv. Service charges | 1 | d. | Collection paid | 1 |
| | v. Stop payment | 1 | e. | Correspondence | 2 |
| | vi. Uncollected funds | 1 | f. | Draft | 7 |
| | vii. Unposted item | 1 | g. | Foreign collection register | 6 |
| | viii. Zero balance | 1 | h. | Foreign draft application | 6 |
| | p. Ledger card | 5 AC | i. | Foreign draft – carbon | 2 ATD |
| | q. Power of attorney document | 7 ATD | j. | Foreign exchange remittance sheet or book | 6 |
| | r. Receipt for statement held at customer’s request | 1 | k. | Foreign financial account – record | 7 |
| | s. Record showing compliance with the following federal regulations. The state retention period applies unless, and until, it is preempted by federal law: | | l. | Foreign mail transfer application | 6 |
| | i. Regulation CC, Expedited Funds Availability Act | 2 | m. | Foreign mail transfer – carbon | 2 ATD |
| | ii. Regulation DD, Truth in Savings Act | 2 | n. | Foreign outstanding cash | 2 |
| | iii. Regulation E, Electronic Funds Transfer Act | 2 | o. | Foreign payment – incoming | 2 |
| | t. Returned statement and canceled checks | 6 | p. | Letter of credit application | 2 |
| | u. Statement | 6 | q. | Letter of credit ledger sheet | 7 |
| | v. Stop payment order | 6 AE | r. | Transfer outside of the United States in excess of \$10,000 – record | 5 |
| | w. Document used to request and receive Tax Identification Number | 6 | 12. | Investments | |
| | x. Transaction journal | 6 | a. | Bonds | |
| | y. Trial balance | 6 | i. | Amortization record | 6 |
| 7. | Due from banks | | ii. | Confirmation | 3 |
| | a. Advice from correspondent bank | 1 | iii. | Safekeeping receipt | 2 |
| | b. Bank statement | 1 | b. | Broker’s securities | |
| | | | i. | Broker’s invoice | 3 |
| | | | ii. | Broker’s statement | 3 |
| | | | iii. | Report of lost or stolen securities | 3 |
| | | | iv. | Safekeeping advice | 2 |
| | | | v. | Taxpayer identification number | 5 |

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| | | | |
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| c. Commercial paper | | vi. Overdraft loan agreement | 6 |
| i. Broker's advice | 2 | vii. Promissory note and modification agreement – copy | 6 |
| ii. Purchase order | 2 | viii. Title documentation | 6 |
| iii. Remittance advice | 2 | ix. UCC filing – copy | 6 |
| d. Mortgage-backed securities | | d. Real estate loans | |
| i. Buy-and-sell agreement | 3 | i. Assignment of escrow | 6 |
| ii. Commitment letter | 7 | ii. Assumption | 6 |
| iii. FHLMC and FNMA loan file | 7 | iii. Commitment letter | 6 |
| iv. GNMA certificate | 7 | iv. Copy of deed of trust or mortgage note, as it may have been modified | 6 |
| v. Interest accrual record | 7 | v. Escrow analysis record | 6 |
| vi. Monthly remittance report | 7 | vi. Evidence of any FHA or PMI insurance required | 6 |
| 13. Loans. A bank shall keep each loan record listed for the period required by this subsection. These periods are measured from the date of final activity. A bank shall have and comply with its own record retention schedule that is consistent with this subsection. A bank may comply with this subsection by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this subsection. This subsection does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required by this subsection. | | vii. Hazard insurance | life of loan |
| a. All loans – general | | viii. Proof of insurance excluding hazard | 6 |
| i. Application for loan approval | 6 | ix. Sales contract | 6 |
| ii. Appraisal | 6 | x. Settlement sheet | 6 |
| iii. Borrower's financial statement | 6 | xi. Survey | 6 |
| iv. Charge-off record | 10 | xii. Title documentation | 6 |
| v. Charged off note | 10 | e. Construction loans. In addition to the documents specified in subsection (d), a bank shall keep a record for a construction loan as specified in this subsection: | |
| vi. Collateral file | 6 | i. Certificate of occupancy | 6 |
| vii. Correspondence | 6 | ii. Construction progress report | 6 |
| viii. Credit file- all documentation | 6 | iii. Contractor's cost breakdown | 6 |
| ix. Credit report | 6 | iv. Disbursement documentation | 6 |
| x. Daily proof and record | 6 | v. Inspection report | 6 |
| xi. Loan committee minutes | P | vi. Residential construction specifications and material list | 6 |
| xii. Miscellaneous loan reports including new loan journal, paid loan journal, past due report, and transaction journal as original entry | 6 | 14. Official checks and drafts | |
| xiii. Other documentation for reconstruction of loan | 2 | a. Affidavit, bond, indemnity agreement, other documentation supporting the issuance of a duplicate check or draft | 7 |
| b. Commercial loans | | b. Bank draft | 3 |
| i. Application for loan denied | 12 M | c. Cashier's check – canceled | 7 |
| ii. Bill of sale | 6 | d. Cashier's check register – copy | 7 |
| iii. Borrowing resolution | 3 | e. Expense check – canceled | 7 |
| iv. Business annual report (fiscal or year end) – after date of report | 3 | f. Expense check register – copy | 7 |
| v. Business cash-flow analysis report – after date of report | 3 | g. Expense voucher or invoice | 7 |
| vi. Business tax return – after date of return | 6 | h. Money order – bank or personal | 7 |
| vii. Commitment letter | 6 | i. Money order register – copy | 7 |
| viii. Copy of mortgage note or deed of trust | 6 | j. Official check outstanding | P |
| ix. Evidence of insurance | 6 | 15. Personnel Records | |
| x. Guaranty | 6 | a. Attendance record, and time card | 3 |
| xi. Letter of credit | 6 | b. Authorization for payroll deduction | 2 |
| xii. Participation agreement | 6 | c. Department of labor report | 5 |
| xiii. Promissory note | 6 | d. Disability record | 5 |
| xiv. Purchase and sale agreement | 6 | e. Employee record and personnel folder | 5 |
| xv. Security agreement | 6 | f. Employment application | 3 AT |
| xvi. Title documentation | 6 | g. Insurance record | 2 |
| xvii. UCC filing | 6 | h. Payroll check | 2 |
| c. Consumer loans | | i. Pension fund record | 10 |
| i. Application for loan denied, including adverse action notice | 25 M | j. Profit sharing fund record | 10 |
| ii. Collateral record | 6 | k. Rejected employee application | 2 |
| iii. Hazard insurance record | 6 | l. Salary ledger or electronic data processing printout | 4 |
| iv. Invoice | 6 | m. Salary receipt | 2 |
| v. Life and disability insurance record | 6 | n. W-3 reconciliation of income tax withheld from wages | 3 |
| | | o. W-4 withholding exemption certificate | 3 |
| | | p. Wage and tax statement record (W-2) | 7 |
| | | q. Wage differential documentation (Fair Labor Standards Act) | 3 |
| | | 16. Registered mail | |
| | | a. Marine insurance book | 3 |
| | | b. Record of incoming and outgoing registered mail | 1 |
| | | c. Return receipt card | 3 |

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| 17. Safe deposit vault | | i. Accounting | 3 AC |
| a. Access ticket or card | 6 | ii. Decree | 3 AC |
| b. Court order and correspondence | 6 | iii. Receipt and release | 3 AC |
| c. Delivery of will, burial plot deed, insurance policy – receipt | 6 | b. Accounting – recorded | 3 AC |
| d. Forced entry record | 6 | c. Advice of payment – securities department regarding bond and coupon collection | 3 AC |
| e. Lease or contract – closed account | 2 AC | d. Appraisal | |
| f. Ledger record of account | 1 | i. Real property | 3 AC |
| g. Opened box contents – record and report | 7 | ii. Personal property | 3 AC |
| h. Rent receipt – copy | 1 | e. Asset delivery receipt | 3 AC |
| i. Sale to satisfy lien – record | 7 | f. Authorization | |
| j. Signature card, authorization, and resolution | 6 AC | i. By co-fiduciary | P |
| 18. Tellers | | ii. By consultant | P |
| a. Mail teller envelope | 3 M | g. Approval | 5 |
| b. Teller’s balancing recap or recap book | 1 | i. By co-fiduciary | P |
| c. Teller’s cash ticket – original and carbons | 1 | ii. By consultant | P |
| d. Teller’s cash shipment record | 1 | h. Broker’s statement | 7 |
| e. Teller’s exchange ticket | 1 | i. Buy and sell order | 7 |
| f. Teller’s machine tape | 1 | j. Cash documentation | |
| 19. Transit, proof, and clearing | | i. Customer cash and asset statement | 7 |
| a. ACH entry | 6 | ii. Cash and security journal | 7 |
| b. Advice of correction to deposit | 2 | iii. Cash trial balance | 1 |
| c. Clearinghouse settlement sheet – recapitulation of checks delivered to the clearinghouse or federal reserve | 2 | k. Common trust fund annual report | 10 |
| d. Record of items processed | 6 | l. Correspondence | |
| e. Proof machine tape or other record | 2 | i. Transfer letter | 3 AC |
| f. Receipt for transit letter | 1 | ii. Claim letter | 3 AC |
| g. Return item letter | 5 | m. Coupon collection letter | 7 |
| 20. Trust department administration | | n. Court accounting and petition | 7 |
| a. Appraisal of real or personal property held as a trust asset | 3 AC | o. Daily transaction journal | 6 M |
| b. Correspondence | 3 AC | p. Debits and credits – daily | 1 |
| c. Decree or receipt and release | 3 AC | q. Documentation necessary to support account decision | 3 AC |
| d. Fee record and supporting data | 3 AC | r. Tax Documentation | |
| e. Intermediate and final account | 3 AC | i. Federal estate tax return | 10 |
| f. Legal documentation including judgment, court order, and legal opinion | 3 AC | ii. State estate tax return | 10 |
| g. Paid bill | 3 AP | iii. Tax-related work papers | 10 |
| h. Real estate insurance policy | 1 AE | iv. Federal gift tax return | 10 |
| i. Real estate and mortgage document | 3 AC | s. Fee calculations and supporting data | 1 |
| j. Receipt for asset received or delivered | 3 AC | t. Income tax return | |
| k. Record of asset tax cost | 3 AC | i. Federal | 3 AC |
| l. Summary card, original instrument, agreement and amendment, and letters of appointment | 3 AC | ii. State | 3 AC |
| m. Synopsis sheet | 3 AC | u. Inventory | 3 AC |
| 21. Corporate trust | | v. Investment review and related material | 3 AC |
| a. Bond registration journal | 3 AC | w. Minutes | |
| b. Bond – canceled | 7 | i. Investment committee | P |
| c. Indemnity bond | P | ii. Trust committee | P |
| d. Certification | 2 | 23. Other personal trust records | |
| e. Coupon envelope | 6 M | a. Legal opinion | 3 AC |
| f. Coupon – canceled | 6 M | b. Correspondence related to legal opinion | 3 AC |
| g. Customer receipt | 7 | c. Paid bill | 7 |
| h. Dividend and coupon record | 3 AC | d. Review and recommendation | 3 AC |
| i. Dividend and interest disbursement check and list | 3 AC | e. Safekeeping record and receipt | 3 AC |
| j. General ledger ticket | 2 | f. Security ledger sheet | P |
| k. Legal paper | P | g. Trust check | 10 |
| l. Copy of canceled stock certificate, original returned to customer | 1 | h. Trust entry – original | 3 AC |
| m. Stock registration journal | 3 AC | i. Trust or agency agreement – original | 3 AC |
| n. Stock transfer memo | 1 | j. Vault withdrawal and deposit ticket | 7 |
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Historical Note

Former Rule 14. R20-4-214 recodified from R4-4-214 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4142, effective September 12, 2001 (Supp. 01-3). Missing notation in subsection (D)(1)(j) corrected as proposed at 7 A.A.R. 2491 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-215. Trust Business

Each bank authorized to conduct trust business under their banking permit shall comply with the applicable requirements of R20-4-808 through R20-4-816.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-215 recodified from R4-4-215 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

ARTICLE 3. EXPIRED

R20-4-301. Expired

Historical Note

Former Rule 1. R20-4-301 recodified from R4-4-301 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-302. Repealed

Historical Note

Former Rule 2; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-302 recodified from R4-4-302 (Supp. 95-1).

R20-4-303. Expired

Historical Note

Former Rule 3. R20-4-303 recodified from R4-4-303 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-304. Expired

Historical Note

Former Rule 4. R20-4-304 recodified from R4-4-304 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-305. Repealed

Historical Note

Former Rule 5. R20-4-305 recodified from R4-4-305 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-306. Repealed

Historical Note

Former Rule 6. R20-4-306 recodified from R4-4-306 (Supp. 95-1). Repealed effective September 19, 1996

(Supp. 96-3).

R20-4-307. Repealed

Historical Note

Former Rule 7. R20-4-307 recodified from R4-4-307 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-308. Repealed

Historical Note

Former Rule 8. R20-4-308 recodified from R4-4-308 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-309. Expired

Historical Note

Former Rule 9. R20-4-309 recodified from R4-4-309 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-310. Reserved

R20-4-311. Repealed

Historical Note

Former Rule 11; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-311 recodified from R4-4-311 (Supp. 95-1).

R20-4-312. Repealed

Historical Note

Former Rule 12. R20-4-312 recodified from R4-4-312 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-313. Reserved

R20-4-314. Repealed

Historical Note

Former Rule 14. R20-4-314 recodified from R4-4-314 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-315. Repealed

Historical Note

Former Rule 15. R20-4-315 recodified from R4-4-315 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-316. Repealed

Historical Note

Former Rule 16. R20-4-316 recodified from R4-4-316 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-317. Repealed

Historical Note

Former Rule 17; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-317 recodified from R4-4-317 (Supp. 95-1).

R20-4-318. Expired

Historical Note

Former Rule 18. R20-4-318 recodified from R4-4-318 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J)

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at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-319. Repealed**Historical Note**

Former Rule 19. R20-4-319 recodified from R4-4-319 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-320. Repealed**Historical Note**

Former Rule 20. R20-4-320 recodified from R4-4-320 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-321. Repealed**Historical Note**

Former Rule 21. R20-4-321 recodified from R4-4-321 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-322. Repealed**Historical Note**

Former Rule 22; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-322 recodified from R4-4-322 (Supp. 95-1).

R20-4-323. Repealed**Historical Note**

Former Rule 23. R20-4-323 recodified from R4-4-323 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-324. Expired**Historical Note**

Former Rule 24. R20-4-324 recodified from R4-4-324 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-325. Expired**Historical Note**

Former Rule 25. R20-4-325 recodified from R4-4-325 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-326. Expired**Historical Note**

Former Rule 26. R20-4-326 recodified from R4-4-326 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-327. Expired**Historical Note**

Former Rule 27. R20-4-327 recodified from R4-4-327 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-328. Expired**Historical Note**

Former Rule 28. R20-4-328 recodified from R4-4-328 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-329. Repealed**Historical Note**

Former Rule 29. R20-4-329 recodified from R4-4-329 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-330. Expired**Historical Note**

Original Rule. R20-4-330 recodified from R4-4-330 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

R20-4-331. Repealed**Historical Note**

Original Rule. R20-4-331 recodified from R4-4-331 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

ARTICLE 4. CREDIT UNIONS**R20-4-401. Fidelity Bond Coverage**

- A. A credit union shall have a fidelity bond in the form and in the amount required to maintain federal insurance on its accounts.
- B. A fidelity bond purchased by a credit union to comply with this Section shall include faithful-performance-of-duty coverage.
- C. A credit union shall purchase its fidelity bond from an insurer that holds a certificate of authority from the Director to transact surety business in Arizona.

Historical Note

Former Rule 1. R20-4-401 recodified from R4-4-401 (Supp. 95-1). Amended effective April 21, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 2229, effective May 3, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-402. Repealed**Historical Note**

Former Rule 2. R20-4-402 recodified from R4-4-402 (Supp. 95-1). Repealed effective April 21, 1995 (Supp. 95-2).

ARTICLE 5. CONSUMER LENDERS**R20-4-501. Repealed****Historical Note**

Former Rule 1. R20-4-501 recodified from R4-4-501 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-502. Repealed**Historical Note**

Former Rule 2. R20-4-502 recodified from R4-4-502 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-503. Adjustments in Precomputed Charges

A licensee shall adjust the total precomputed charges if the first installment period is more or less than one month in duration. The licensee's records shall reflect the adjustment's collection in one of three ways.

1. In the first installment payment,
2. Amortized over the life of the contract, or
3. As part of the final payment.

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Historical Note

Former Rule 3. R20-4-503 recodified from R4-4-503 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-504. Repealed**Historical Note**

Former Rule 4. R20-4-504 recodified from R4-4-504 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-505. Repealed**Historical Note**

Former Rule 5. R20-4-505 recodified from R4-4-505 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-506. Repealed**Historical Note**

Former Rule 6. R20-4-506 recodified from R4-4-506 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-507. Repealed**Historical Note**

Former Rule 7. R20-4-507 recodified from R4-4-507 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-508. Cut-off Date for Computing Refunds upon Early Repayment in Full

If a borrower repays a loan before the due date of the final installment, the licensee shall calculate any refund or credit due on the precomputed loan using the following rules:

1. A licensee shall credit any full repayment, made on or before the 15th day following an installment date, as if received on the last previous installment date.
2. A licensee shall credit any full repayment, made on or after the 16th day following an installment date, as if received on the next installment date.

Historical Note

Former Rule 8. R20-4-508 recodified from R4-4-508 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-509. Repealed**Historical Note**

Former Rule 9. R20-4-509 recodified from R4-4-509 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-510. Repealed**Historical Note**

Former Rule 10. R20-4-510 recodified from R4-4-510 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-511. Repealed**Historical Note**

Former Rule 11. R20-4-511 recodified from R4-4-511

(Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-512. Reserved**R20-4-513. Repealed****Historical Note**

Former Rule 13. R20-4-513 recodified from R4-4-513 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-514. Repealed**Historical Note**

Former Rule 14. R20-4-514 recodified from R4-4-514 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-515. Repealed**Historical Note**

Former Rule 15. R20-4-515 recodified from R4-4-515 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-516. Repealed**Historical Note**

Former Rule 16. R20-4-516 recodified from R4-4-516 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-517. Repealed**Historical Note**

Former Rule 17. R20-4-517 recodified from R4-4-517 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-518. Deferral Fee

- A. A licensee may collect a deferral fee at the time it agrees to a deferral or at any time after the assessment of a deferral fee. If a licensee receives a payment after it agrees to a deferral, it may apply the payment first to the deferral fee. Any remainder of the payment shall be applied to the balance of the loan.
- B. If a licensee receives a payment that is large enough to pay in full a delinquent installment and all allowable delinquency fees, the licensee shall apply the payment first to the delinquent installment and fees. The licensee shall not show the paid installment as deferred, and shall not collect a deferral fee.

Historical Note

Former Rule 18. R20-4-518 recodified from R4-4-518 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-519. Deferral Statement

A licensee shall give the borrower a statement at the time it agrees to a deferral and shall retain a copy of the statement in the borrower's credit file. The statement shall contain the following information:

1. The amount of the deferral fee,
2. The date of the borrower's next scheduled payment,
3. The amount of the borrower's next scheduled payment, and
4. The extended maturity date of the loan.

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Historical Note

Former Rule 19. R20-4-519 recodified from R4-4-519 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-520. Repealed**Historical Note**

Former Rule 20. R20-4-520 recodified from R4-4-520 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-521. Repealed**Historical Note**

Former Rule 21. R20-4-521 recodified from R4-4-521 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-522. Repealed**Historical Note**

Former Rule 22. R20-4-522 recodified from R4-4-522 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-523. Repealed**Historical Note**

Former Rule 23. R20-4-523 recodified from R4-4-523 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-524. Books, Accounts, and Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A licensee authorized under A.R.S. Title 6, Chapter 5 shall:
1. Keep its books, accounts, and records of operations separate from the books, accounts, and records of its other business activities; and
 2. In addition to any statutory requirements, the books, accounts, and records of operations shall include the following:
 - a. A file containing a record of all legal actions brought during the fiscal year which the licensee shall keep until the Department conducts its examination of the licensee;
 - b. An itemized record of disbursement of the proceeds of each loan which shall also include, if the licensee makes precomputed loans, the amount of refund on each loan that is renewed or refinanced;
 - c. A record of the receipt of all allowable fees;
 - d. A record for each borrower and each loan that contains documentary evidence of filing or recording each instrument of record for the loan; and
 - e. A record of the borrower's voluntary election to purchase any insurance in connection with a loan if that insurance is sold by the licensee.

Historical Note

Former Rule 24. R20-4-524 recodified from R4-4-524 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (Sep-

tember 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-525. Repealed**Historical Note**

Former Rule 25. R20-4-525 recodified from R4-4-525 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-526. Repealed**Historical Note**

Former Rule 26. R20-4-526 recodified from R4-4-526 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-527. Repealed**Historical Note**

Former Rule 27. R20-4-527 recodified from R4-4-527 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-528. Repealed**Historical Note**

Former Rule 28. R20-4-528 recodified from R4-4-528 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-529. Repealed**Historical Note**

Former Rule 29. R20-4-529 recodified from R4-4-529 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-530. Repealed**Historical Note**

Former Rule 30. R20-4-530 recodified from R4-4-530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

R20-4-531. Repealed**Historical Note**

Former Rule 31. R20-4-531 recodified from R4-4-531 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-532. Repealed**Historical Note**

Former Rule 32. R20-4-532 recodified from R4-4-532 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

R20-4-533. Reserved**R20-4-534. Insurance**

- A. A licensee shall obtain written evidence of the borrower's voluntary election to purchase insurance in connection with a loan if the licensee's sale of insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE INSURANCE IN THE AMOUNT OF \$ _____.

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I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

- B.** A licensee shall obtain written evidence of the borrower's voluntary election to purchase property insurance in connection with a loan if the licensee's sale of property insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT TO PURCHASE PROPERTY INSURANCE IN THE AMOUNT OF

\$ _____.

I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ _____.

I ATTEST THAT THE VALUE OF MY PROPERTY INSURED IN CONNECTION WITH THIS LOAN IS THE SUM OF

\$ _____.

Historical Note

Former Rule 34. R20-4-534 recodified from R4-4-534 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

R20-4-535. Reserved

R20-4-536. Repealed

Historical Note

Former Rule 36. R20-4-536 recodified from R4-4-536 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

ARTICLE 6. DEBT MANAGEMENT COMPANIES

Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).

Former Article 6 consisting of Section R4-4-601 repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).

R20-4-601. Repealed

Historical Note

Former Rule 1; Former Section R4-4-601 repealed, new Section R4-4-601 adopted effective October 26, 1978 (Supp. 78-5). R20-4-601 recodified from R4-4-601 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-602. Applications

- A.** An applicant for a debt management company license shall send the Department an application on the form required by the Director. If the Director determines that a credit report is required as authorized under A.R.S. § 6-704(A), the applicant shall order a credit report from a credit reporting agency disclosing the credit history of the applicant's principals or managing agents and submit the credit report to the Department. A complete application shall include the credit report required by this Section and all of the following:

1. The surety bond required by A.R.S. § 6-704(B);

2. Fidelity bonds if required by the Director under A.R.S. § 6-704(D);
3. The nonrefundable application fee specified in A.R.S. § 6-126(A)(14);
4. An original license fee described in A.R.S. §§ 6-126(B), 6-126(D)(2), and 6-706;
5. A sample of the contract intended to be used by the applicant required by A.R.S. § 6-704(E);
6. Current financial statements as described in R20-4-604(A)(5);
7. A copy of the current articles of incorporation, by-laws, partnership agreement or other organizing documents used to form the applicant business entity;
8. The name and address information required under A.R.S. § 6-704(A); and
9. A background check, on the form required by the Department, for each of the applicant's principals, principal officers, trustees, partners, and managing agents.

- B.** A debt management company applying to operate a branch office or use an agency shall send the Department an application on the form required by the Director.

- C.** A debt management company applying to renew a license shall deliver, on or before June 15 of each year, an application to the Department on the form required by the Director. A debt management company shall apply separately to renew each authorized business location. With each application for renewal, a debt management company shall include the renewal fee described in A.R.S. § 6-706 and specified in A.R.S. § 6-126(D)(2).

- D.** The Department may require additional information the Director considers necessary in connection with an application under this Section.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-602 recodified from R4-4-602 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-603. Reports

- A.** Each debt management company and each nonprofit corporation or association exempt from licensure under A.R.S. § 6-702(4) and (5), shall send the Department an annual report of its business and operations for each place of business during the previous year beginning July 1 and ending June 30, using the form required by the Director. A debt management company shall deliver its report to the Department on or before August 15.
- B.** Each debt management company shall notify the Department of any change in its ownership or in the names of its officers, directors, trustees, partners, or managing agents within 30 days of the change.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-603 recodified from R4-4-603 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-604. Records

- A.** A debt management company shall keep books, accounts, and records adequate to provide a clear and readily understandable

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record of all its business activity. A debt management company may keep its books, accounts, and records as electronic records if the debt management company can generate all information and documentation required by this Section in the timeframe set by the Department for examination or other purposes. A debt management company's books, accounts, and records shall include:

1. A file for each account containing:
 - a. A copy of all correspondence concerning the account;
 - b. Evidence of the notice given to creditors of the debt management contract;
 - c. A subsidiary ledger disclosing all financial transactions concerning the account;
 - d. A copy of each written statement of account given to the debtor;
 - e. The original budget analysis required under R20-4-607; and
 - f. The original contract between the debt management company and the debtor, including all amendments.
 2. A trust account general ledger, which is kept current daily, which reflects each deposit to and disbursement from the trust account.
 3. Each reconciliation of the debt management company's trust account, prepared at least once a month.
 4. A general ledger, kept current monthly, which reflects each financial transaction by the debt management company except those recorded in its trust account general ledger.
 5. A financial statement produced in accordance with generally accepted accounting principles at least once every three months, or more frequently if directed by the Director, which reflects the financial condition of the debt management company. The financial statement shall include:
 - a. A balance sheet,
 - b. A statement of income and retained earnings,
 - c. A statement of changes in financial condition, and
 - d. Appropriate footnotes that either:
 - i. Explain entries in the documents listed in subsections (A)(5)(a), (b), and (c);
 - ii. Contain material information not required or not reportable in documents listed in subsections (A)(5)(a), (b), or (c); or
 - iii. Contain other disclosures required by generally accepted accounting principles.
 6. A record of all litigation naming the debt management company as a party including:
 - a. For pending litigation:
 - i. A copy of the complaint;
 - ii. A copy of any answer filed by the debt management company in response to the complaint; and
 - iii. A copy of any motion filed by the debt management company; and
 - b. For any litigation that is no longer pending, a copy of any judgment showing the settlement date, dismissal, or other final order disposing of the litigation.
- B.** All records required under this Section may be maintained at the debt management company's office in Arizona. A debt management company may keep its records outside this state if it:
1. Makes the records available to the Director, for examination or other purposes, in this state not more than three business days after demand; and
 2. Allows its debtor customers to call toll free to obtain information from the records that are not available from the debt management company's office in Arizona.
- C.** Each debt management company shall preserve its books, accounts, and records for the period required by A.R.S. §§ 6-709(J) and 6-710(1).

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-604 recodified from R4-4-604 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-605. Reserved

R20-4-606. Reserved

R20-4-607. Budget Analysis

- A.** A debt management company shall not accept an account unless it first concludes that the debtor can reasonably meet the payments agreed upon by the debt management company and the debtor. The debt management company's conclusion shall be supported by a written budget analysis kept in the company's records.
- B.** The written budget analysis shall either be part of an application form or a separate document. The debtor shall date and sign the written budget analysis before the debt management company draws any conclusions from the budget analysis.
- C.** The budget analysis shall disclose the disposable income available for payment to the debt management company after the debtor pays their reasonable and necessary living expenses including taxes, insurance, child support, alimony, and residential rent or mortgage payments.

Historical Note

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-607 recodified from R4-4-607 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-608. Reserved

R20-4-609. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-609 recodified from R4-4-609 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-610. Repealed

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-610 recodified from R4-4-610 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

R20-4-611. Advertising

- A.** A debt management company shall not use advertising, communication, or sales material that contains:
1. A false, misleading, or deceptive statement about the debt management company's services or charges. A statement is a violation of this Section if the person making the

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statement does not state a material fact necessary to make the statement true, in light of the circumstances under which it is made;

- 2. A claim, direct or implied, that the debt management company consolidates debts or makes loans; or
- 3. A schedule of payments in any form.

B. A debt management company’s advertising, communication, and sales material shall contain the following legend, conspicuously displayed in at least 12 point type and in bold print: “NOT A LOAN COMPANY.”

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-611 recodified from R4-4-611 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-612. Solvency and Minimum Liquid Assets

- A.** A debt management company shall not operate if it is insolvent. For purposes of this Section “insolvent” has the same meaning as in A.R.S. § 47-1201(23).
- B.** To determine compliance with A.R.S. § 6-709(A), a debt management company’s liquid assets include funds held in its trust account. Liquid assets do not include goodwill and other intangible assets. A debt management company’s total liquid assets shall exceed by \$2,500.00 the total of all its current business liabilities together with all balances held for debtors as reflected in the company’s subsidiary ledgers.
- C.** Except as otherwise provided by this Section, or in a specific ruling by the Director, a debt management company shall use generally accepted accounting principles to compute assets and liabilities.

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-612 recodified from R4-4-612 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

- R20-4-613. Reserved**
- R20-4-614. Reserved**
- R20-4-615. Reserved**
- R20-4-616. Reserved**
- R20-4-617. Reserved**
- R20-4-618. Reserved**
- R20-4-619. Reserved**
- R20-4-620. Repealed**

Historical Note

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-620 recodified from R4-4-620 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2).

ARTICLE 7. ESCROW AGENTS

R20-4-701. Change in Location of Business

An escrow agent shall submit to the Director notice of any change in the location of the escrow agent’s business. The escrow agent

shall ensure that the Director receives the notice at least five days before the escrow agent conducts business at the new location. The escrow agent shall remit the fee required by A.R.S. § 6-126(A), to the Director with the notice of the location change.

Historical Note

Former Rule 1. R20-4-701 recodified from R4-4-701 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-702. Account Practices and Records

An escrow agent shall maintain records to enable the Director to reconstruct the details of each escrow transaction. The records shall include the following:

- 1. The seller’s name and address;
- 2. The buyer’s name and address;
- 3. The lender’s name and address, if any;
- 4. The borrower’s name and address, if any;
- 5. The real estate agent’s name and address, if any;
- 6. Complete escrow instructions;
- 7. Records and supporting documentation for each receipt and disbursement made through the escrow; and
- 8. A copy of the escrow settlement.

Historical Note

Former Rule 2. R20-4-702 recodified from R4-4-702 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-703. Preservation of Records

An escrow agent shall preserve the records, books, and accounts pertaining to each escrow transaction for at least three years following the final settlement date of the transaction. An escrow agent may keep its records as electronic records if the escrow agent can generate all information and copies of documents required by A.R.S. § 6-831 within the timeframe set by the Department for examination or other purposes.

Historical Note

Former Rule 3. R20-4-703 recodified from R4-4-703 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-704. Subsidiary Account Records

An escrow agent shall maintain subsidiary account records that identify the funds deposited in each escrow account. The total of all credit balances in the subsidiary accounts shall always equal the balance of the general ledger control account.

Historical Note

Former Rule 4. R20-4-704 recodified from R4-4-704 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-705. Reserved

R20-4-706. Repealed

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Historical Note

Former Rule 6. R20-4-706 recodified from R4-4-706 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4).

R20-4-707. Expired**Historical Note**

Adopted effective June 25, 1993 (Supp. 93-2). R20-4-707 recodified from R4-4-707 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 411, effective September 30, 2014 (Supp. 15-1).

R20-4-708. Financial Condition and Resources

The Director shall consider the following criteria in evaluating an escrow agent's, other escrow agent's, or applicant's financial condition and resources under A.R.S. § 6-817:

1. Amount of positive net worth,
2. Amount of tangible net worth,
3. Amount of liquid assets,
4. Amount of cash provided by operations,
5. Ratio of debt to net worth,
6. Owner's personal financial resources,
7. Outside resources available,
8. Profitability,
9. Projected operating results,
10. Status as agent for a title insurance company, and
11. Sources of new business.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 8. TRUST COMPANIES**R20-4-801. Definitions**

In addition to the definitions provided in A.R.S. § 6-851, the following terms apply to this Article unless the context otherwise requires:

"Account" means the trust, estate, or other fiduciary relationship established with a trust department or trust company.

"Affiliate" has the meaning stated at A.R.S. § 6-801.

"Director" has the meaning stated at A.R.S. § 20-102.

"Governing instrument" means a document, and all its operative amendments, that:

- Creates a trust and regulates the trustee's conduct,
- Creates an agency relationship between a trust department or trust company and a client, or
- Otherwise evidences a fiduciary relationship between a trust department or trust company and a client.

"Investment responsibility" means full and unrestricted discretion to invest trust funds without direction from anyone as to any matter, including the terms of the trade or the identity of the broker.

"Person" has the meaning stated at A.R.S. § 20-105.

"Trust asset" means any property or property right held by a trust department or trust company for the benefit of another.

"Trust department" means a permittee under both A.R.S. § 6-201 et seq. and Article 2 of this Chapter that possesses a banking permit authorizing it to engage in trust business.

"Trust funds" means any money held by a trust department or trust company for the benefit of another.

"Trustor" means a person who creates or funds a trust, or both.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-801 recodified from R4-4-801 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-802. Reserved**R20-4-803. Reserved****R20-4-804. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-804 recodified from R4-4-804 (Supp. 95-1). Repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

R20-4-805. Reports

- A. Within 90 days following each December 31, each trust department and trust company shall file an annual report of trust assets with the Director on the form prescribed by the Director. The annual report shall include the current market value of all trust assets held by the trust department or trust company as of December 31. The report shall also identify and briefly describe all transactions conducted in the report period that are regulated by subsections R20-4-812(E) through (G).
- B. Each trust company shall deliver a copy of its annual report and certificate of disclosure to the Director within 10 days of filing the report and certificate at the Arizona Corporation Commission. A report or certificate covered by this subsection is one filed under the authority of A.R.S. §§ 10-202 or 10-1622. A copy delivered to the Director, as required in this subsection, shall be date-stamped by the Arizona Corporation Commission to confirm the actual filing date.
- C. Each trust company shall notify the Director of any change in the directors or officers of the company within 10 days of the change. Any trust company with more than 25 officers may, after obtaining the Director's written approval, limit the officers covered by this subsection to those with substantial involvement in the trust company's corporate operations or in the trust company's trust business in this state.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-805 recodified from R4-4-805 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-806. Records

- A. Every trust company shall keep its records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. A trust company may keep its records as electronic records if the trust company can generate all information and copies required by

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this Section within the timeframe set by the Department for examination or other purposes.

- B.** A trust department or trust company shall keep books, accounts, and records adequate to provide clear and readily understandable evidence of all business conducted by the trust department or trust company, including the following:
1. A file for each account that includes:
 - a. The governing instrument,
 - b. All contracts and other legal documents,
 - c. Copies of all correspondence,
 - d. Accounting records disclosing all the financial transactions, and
 - e. A listing of all the account's assets and liabilities.
 2. An investment file for each account that includes:
 - a. All original documentary evidence of the account's assets; or
 - b. Copies of the original documentary evidence of the account's assets, together with written evidence of custody or receipt of the originals by an authorized holder; and
 - c. A record of the initial and annual investment reviews for the account.
 3. The corporate general ledger kept current on a daily basis. This record shall identify and segregate all financial transactions conducted by the trust department or trust company for itself, distinguishing them from those relating to the trust department's or trust company's trust business;
 4. Unaudited financial statements. A trust department or trust company shall produce these statements quarterly or more frequently when required by the Director. The financial statements shall include at least:
 - a. A balance sheet; and
 - b. A statement of income, expenses, and retained earnings.
 5. Adequate records of all pending litigation that names the trust department or trust company as a party.
- C.** A trust department shall keep its fiduciary records separate and distinct from the trust department's corporate records.
- D.** A trust department or trust company shall keep records described in subsections (B)(1) and (2) for at least three years after closing an account. If litigation occurs concerning a particular account, the trust department or trust company shall keep that account's records, described in subsections (B)(1) and (2), for three years after the litigation is resolved.

Historical Note

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-806 recodified from R4-4-806 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-807. Unsafe or Unsound Condition

For purposes of A.R.S. §§ 6-863 and 6-865, a trust company conducts business in an unsafe manner or its affairs are in an unsound condition if it:

1. Violates any fiduciary duty or obligation, including those listed in Sections R20-4-809 through R20-4-815;
2. Violates any state or federal requirement for operating or maintaining trusts, common trust funds, or other accounts;

3. Violates any applicable federal or state law or regulation regarding corporations or securities;
4. Employs an officer or director who violates a corporate fiduciary duty;
5. Is insolvent; or
6. Engages in any conduct that the Director determines constitutes an unsafe or unsound business practice jeopardizing the trust company's financial condition or the interests of a stockholder, creditor, trustor, beneficiary, or trust company's principal.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-807 recodified from R4-4-807 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-808. Administration of Fiduciary Powers

- A.** The board of directors and the officers share responsibility for the exercise of fiduciary powers by a trust department or trust company. The board of directors is responsible for determining policy; investing and disposing of trust assets; and directing and reviewing the actions of all directors, officers, and committees of the board that exercise fiduciary powers. The board of directors may delegate the necessary power and authority to perform the trust department's or trust company's duties as a fiduciary to selected directors, officers, employees, or committees of the board if the delegation is consistent with the corporate charter. The minutes of the board's meetings shall duly reflect all those delegations.
- B.** A trust department or trust company shall not accept a new account without first obtaining the board's approval, or that of the directors, officers, or committees that the board may have authorized to approve new accounts. The trust department or trust company shall keep a written record of each new account approval and of the closing of each account. The trust department or trust company shall conduct an asset review within 60 days after it accepts each new account if it has investment responsibility for that account. The trust department's or trust company's board shall ensure that an annual review of account assets is conducted for each account in which the trust department or trust company has investment responsibility, to determine whether to retain or dispose of the assets.
- C.** A trust department or trust company exercising fiduciary powers shall use independent legal counsel admitted to practice in Arizona to advise and inform the trust department or trust company on fiduciary matters and all other legal issues presented to the trust department or trust company by the conduct of its trust business.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-808 recodified from R4-4-808 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-809. Fiduciary Duties

A trust department or trust company shall perform all fiduciary duties imposed upon it by law, including the following:

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1. Administer accounts strictly according to the governing instrument and solely in the account beneficiary's interests;
2. Use reasonable care and skill to make the account productive;
3. Provide complete and accurate information about the nature and amount of assets held to each account's beneficiary or principal and permit the beneficiary, principal, or any person duly authorized by the beneficiary or principal to inspect the account's records at any time during normal business hours. The information provided in compliance with this subsection shall be delivered at least quarterly, unless:
 - a. The trust department or trust company and its account's beneficiary, principal, or authorized person agree otherwise in writing;
 - b. The governing instrument provides otherwise; or
 - c. A different frequency is established by a lawful course of dealing before the effective date of this Section; and
4. Comply with all lawful provisions of the governing instrument.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-809 recodified from R4-4-809 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-810. Funds Awaiting Investment or Distribution

- A. Trust funds held by a trust department or trust company awaiting investment or distribution shall not remain uninvested or undistributed any longer than is reasonable for the account's proper management.
- B. A trust department or trust company may keep trust funds in deposit accounts maintained by the trust department or trust company unless prohibited by law or by the governing instrument. The trust department or trust company shall set aside collateral security for all deposited trust funds under a third party's control. The collateral shall be the following types of securities, in any combination:
 1. Direct obligations of the United States or any agency, department, division, or administration of the federal government;
 2. Any other obligations fully guaranteed by the United States government as to principal and interest;
 3. Obligations of a Federal Reserve Bank;
 4. Obligations of any state, political subdivision of a state, or public authority organized under the laws of a state; or
 5. Readily marketable securities that either:
 - a. Qualify as investment securities under the Investment Securities regulations of the Comptroller of the Currency, 12 CFR, Chapter 1, Part 1; or
 - b. Satisfy state pledging requirements under A.R.S. § 6-245(C).
- C. The securities set aside under subsection (B) shall, at all times, have a market value no less than the amount of trust funds deposited. No collateral security is required to the extent the Federal Deposit Insurance Corporation, or its successor, insures the deposited trust funds.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-810 recodified from R4-4-810 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-811. Investment of Trust Funds

- A. A trust department or trust company shall invest trust funds according to:
 1. The governing instrument; and
 2. All applicable laws, including A.R.S. §§ 6-862, 14-7402, and 14-7501 through 14-7512
- B. A trust department or trust company shall make any collective investment of trust funds exclusively under the terms of R20-4-815.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-811 recodified from R4-4-811 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-812. Self-dealing

- A. A trust department or trust company shall not invest trust funds in the following types of property unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its own securities;
 2. Other types of property acquired from the trust department or trust company;
 3. Property acquired from the trust department's or trust company's directors, officers, or employees;
 4. Property acquired from the trust department's or trust company's affiliates;
 5. Property acquired from its affiliates' directors, officers, or employees; or
 6. Property acquired from other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- B. A trust department or trust company may use trust funds to purchase its own securities, or its affiliates' securities:
 1. If the trust department or trust company has authority under subsection (A), and
 2. If those securities are offered pro rata to all stockholders of the trust department or trust company.
- C. A trust department or trust company shall not sell or loan trust property to itself, or to the following types of persons, unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
 1. Its directors, officers, or employees;
 2. Its affiliates;
 3. Its affiliates' directors, officers, or employees; or
 4. Other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.

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- D.** However, a trust department or trust company may sell or loan trust property to persons prohibited by subsection (C) if either:
1. Its counsel has advised in writing that, by holding certain property, the trust department or trust company has incurred a contingent or potential liability for breach of fiduciary duty; and
 - a. The proposed sale or loan avoids the contingent or potential liability;
 - b. Its board of directors authorizes the sale or loan by an action duly noted in the trust department's or trust company's minutes;
 - c. Its board of directors' action expressly authorizes reimbursement to the affected account; and
 - d. The affected account is reimbursed, in cash, at no loss to that account; or
 2. The Director requires or approves, in writing, the sale or loan to otherwise prohibited parties.
- E.** A trust department or trust company may sell trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- F.** A trust department or trust company may loan trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
 2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- G.** A trust department or trust company may make a loan to a trust account, taking trust assets of the borrowing account as security for repayment, if:
1. The transaction is fair to the borrowing account; and
 2. The transaction is not prohibited by the governing instrument, applicable state or federal law, or court order.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-812 recodified from R4-4-812 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-813. Custody of Investments

- A.** A trust department or trust company shall keep each account's investments separate from its own assets. A trust department or trust company shall place each account's assets in the joint control of at least two officers or employees of the trust department or trust company designated in writing for that purpose by:
1. The trust department's or trust company's board of directors, or
 2. One or more officers authorized by the trust department's or trust company's board of directors to make the designation.
- B.** A trust department or trust company shall either:
1. Keep each account's investments separate from all other accounts' investments, except as provided in R20-4-815; or
 2. Adequately identify each account's property in the trust department's or trust company's records.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-813 recodified from R4-4-813 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000

(Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-814. Compensation

- A.** A trust department or trust company acting as a fiduciary may charge a reasonable fee for its services. The trust department or trust company shall receive the fee allowed by the court when it is acting under a court appointment. Any agreement as to fees in the governing instrument shall control the fee unless contrary to law, regulation, or court order.
- B.** A trust department or trust company shall not permit any of its officers or employees to take any compensation for acting as a co-fiduciary with the trust department or trust company in the administration of an account.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-814 recodified from R4-4-814 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-815. Collective Investments

- A.** All collective investments made by a trust department or trust company shall be in a common trust fund established under A.R.S. § 6-871 and maintained by the trust department or trust company exclusively for the collective investment and reinvestment of funds contributed by the trust department or trust company acting as a fiduciary. A trust department or trust company shall not establish a common trust fund unless it first:
1. Prepares a written plan regarding the common trust fund; and
 2. Obtains its board of directors' approval of the plan, evidenced by a duly adopted resolution or the board's unanimous written consent.
- B.** The plan shall describe the common trust fund's operational details, including a description of:
1. The trust department's or trust company's investment powers and investment policy over all funds deposited in the common trust fund,
 2. The manner for allocating the common trust fund's income and losses,
 3. The criteria for admission to or withdrawal from participating in the common trust fund, and
 4. The method for valuing assets in the common trust fund and the frequency of valuation.
- C.** A trust department or trust company shall advise all persons having an interest in its common trust fund of the existence of the plan described in subsection (B), and shall provide a copy of the plan upon request.
- D.** The annual report required under R20-4-805(A) shall include all common trust funds operated by the trust department or trust company.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-815 recodified from R4-4-815 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by

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final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

R20-4-816. Termination of Trust or Fiduciary Powers and Duties

- A.** Any trust department that wants to surrender its trust powers shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust department has no remaining fiduciary duties, the Director shall notify the trust department that it no longer has authority to exercise trust powers.
- B.** Any trust company that wants to surrender its certificate of authority to conduct trust business and wind up its affairs shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. Upon receipt of the resolution or consent, the Director shall cancel the trust company's certificate of authority, and the trust company shall not accept new trust accounts.
- C.** After winding up its affairs, any trust company that wants to surrender its rights and obligations as a fiduciary and remove itself from the Director's supervision shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust company has no further fiduciary duties, the Director shall notify the trust company that it no longer has authority to exercise fiduciary powers.
- D.** Any trust department or trust company that surrenders its powers, rights, obligations, or certificate under this Section or that has them canceled, suspended, or revoked shall continue to be regulated under A.R.S. § 6-864 and this Article until it winds up its affairs. No action under this Section impairs any liability or cause of action, existing or incurred, against any trust department or trust company or its stockholders, directors, or officers.

Historical Note

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-816 recodified from R4-4-816 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

Appendix A. Repealed**Historical Note**

Appendix A repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

Appendix B. Repealed**Historical Note**

Appendix B repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

ARTICLE 9. MORTGAGE BROKERS**R20-4-901. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-901 recodified from R4-4-901 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-902. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-902 recodified from R4-4-902 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

- A.** The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices;
 2. The authority to examine a claimant's books and records relating to its mortgage lending activities; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's mortgage lending activities.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-903 recodified from R4-4-903 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-904. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-904 recodified from R4-4-904 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-905. Repealed**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-905 recodified from R4-4-905 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-906. Equivalent and Related Experience

- A.** An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month.
1. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;

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- 6. Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;
- 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
 - 1. Attorney without state bar certified real estate specialty...3:2
 - 2. Paralegal with experience in real estate matters...3:2
 - 3. Loan underwriter...3:2
 - 4. Mortgage broker or mortgage banker from another state without license...3:2
 - 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 - 6. Escrow officer...3:2
 - 7. Trust officer with a title company...3:2
 - 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 - 9. Title officer with a title company...3:1.5
 - 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 - 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 - 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 - 13. Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 - 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-906 recodified from R4-4-906 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-907. Course of Study

- A.** A course of study shall be satisfactorily completed if the applicant has:
 - 1. Attended at least 24 hours of class, and
 - 2. Received a passing grade on the final exam.
- B.** A course of study shall meet all the following requirements:
 - 1. The following items shall be submitted by the school to the Superintendent on an annual basis:

- a. Course materials;
- b. Class content outlines on a session-by-session basis; and
- c. Sample final exam.
- 2. The following subjects shall be taught:
 - a. Mortgage, deed of trust, and security agreement law;
 - b. Negotiable instrument law;
 - c. Mortgage broker law;
 - d. Escrow agent law;
 - e. Recordkeeping requirements of R20-4-917;
 - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
 - g. Ethics;
 - h. Principal and agent law;
 - i. Arithmetical computations common to mortgage brokerage;
 - j. Real estate lending principles;
 - k. Real estate law;
 - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 through 1666j; and
 - m. Securities law.
- 3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.
- C.** The Superintendent shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The Superintendent may audit a course of study at any time. If the Superintendent finds that a course of study is unsatisfactory, or if the Superintendent has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the Superintendent may withhold or suspend approval.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-907 recodified from R4-4-907 (Supp. 95-1).

R20-4-908. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-908 recodified from R4-4-908 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-909. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-909 recodified from R4-4-909 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-910. Reserved

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-910 recodified from R4-4-910 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-911. Qualified Replacement Responsible Individual

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed

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the course of study required by A.R.S. § 6-903(B)(2) or passed the mortgage broker examination required by A.R.S. § 6-903(B)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in A.R.S. § 6-903(F), but otherwise meets the requirements of A.R.S. § 6-903(B), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the Superintendent grants additional time to the licensee for good cause shown.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-911 recodified from R4-4-911 (Supp. 95-1).

R20-4-912. Restrictions on the Term of a Cash Alternative

If an applicant or a licensee elects to place with the Superintendent a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of A.R.S. § 6-903(J), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-912 recodified from R4-4-912 (Supp. 95-1).

R20-4-913. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-913 recodified from R4-4-913 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-914. Reserved**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-914 recodified from R4-4-914 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-915. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-915 recodified from R4-4-915 (Supp. 95-1).

R20-4-916. Notification of Change of Address

If the address of the principal place of business or of any branch office is changed, the licensee shall notify the Superintendent of the change within five business days after the occurrence of the change of location. Together with such notice, the licensee shall provide to the Department the license for the office changing addresses

together with the fee required by A.R.S. § 6-126 for changing the address of an office. A copy of such license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-916 recodified from R4-4-916 (Supp. 95-1).

R20-4-917. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system;
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied, etc.); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose, including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose, including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;

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- h. Date disbursed;
- i. Disbursement's payee and purpose; and
- j. Balance;
6. A file for each application for a mortgage loan containing:
- a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement, and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
 - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
 - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
8. Copies of governmental or regulatory compliance reviews;
9. If the licensee is not a natural person, a file containing:
- a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter.
- A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E. A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-917 recodified from R4-4-917 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-918. Repealed**
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-918 recodified from R4-4-918 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-919. Deposit of Monies Received by a Mortgage Broker**
- All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be so deposited by 5:00 p.m. on the next business day after receipt of the funds.
- Historical Note**
Adopted effective August 14, 1991 (Supp. 91-3). R20-4-919 recodified from R4-4-919 (Supp. 95-1).
- R20-4-920. Requirements for the Testing Committee**
- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the Superintendent no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the Superintendent shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the Superintendent does not find at least four persons from the list to be acceptable, the Superintendent shall solicit additional nominees from licensees.
- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the Superintendent containing not less than two nominees for each vacancy. The Superintendent shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the Superintendent does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the Superintendent.

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- C. The Superintendent may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the Superintendent.
- E. The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-920 recodified from R4-4-920 (Supp. 95-1).

R20-4-921. Authorizations to Complete Blank Spaces

An authorization, under A.R.S. § 6-909, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-921 recodified from R4-4-921 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-922. Determining Loan Amounts

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be considered and not any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties or compensation retained by the mortgage broker or its agents.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-922 recodified from R4-4-922 (Supp. 95-1).

R20-4-923. Delay or Cause Delay

A mortgage broker shall not be deemed to have delayed or caused delay if such delay occurs due to events outside the control of the mortgage broker.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-923 recodified from R4-4-923 (Supp. 95-1).

R20-4-924. Receipt and Disbursement of Monies

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later

than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during any calendar year.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-924 recodified from R4-4-924 (Supp. 95-1).

R20-4-925. Waiver of Examination and Course of Study

The Superintendent's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-927. Conversion to Commercial Mortgage Broker License

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert his or her license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
 1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and
 2. The information and documents required by A.R.S. § 6-903.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

R20-4-928. Certificate of Exemption Application and Renewal

- A. Under A.R.S. § 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.
- B. A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and

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applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).

- C. In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).
- D. The following fees are payable to the Department:
1. To change the name of the federally chartered savings bank on a certificate of exemption: \$250.00.
 2. To change the responsible individual for the exempt entity: \$250.00.
 3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.
 4. To change the address of the federally chartered savings bank on a certificate of exemption: \$50.00.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 10. SAFE DEPOSIT AND SAFEKEEPING CODE**R20-4-1001. Notice of Change of Location of Safe Deposit Repository**

- A. A corporation or association that moves a repository shall give written notice of the location change to the Director and to its customers.
1. A corporation or association shall provide notice of the location change to the Director by mailing the notice required under this subsection by first class mail no less than 30 days before the scheduled moving date. The corporation or association shall include a copy of the notice to customers required under subsection (B).
 2. A corporation or association shall provide notice of the location change to its customers by:
 - a. Publishing notice of the change of location in:
 - i. An English language newspaper of general circulation in the county where the repository will be closed,
 - ii. In a weekly newspaper for two consecutive publications, or
 - iii. In a daily newspaper for three consecutive days; and
 - b. Publishing the notice no more than 90 days, and no less than 30 days, before the scheduled moving date.
- B. The corporation or association shall include all the following information in the notice:
1. The date the corporation or association intends to move the repository,
 2. The earliest date a customer can remove contents and transact other business related to the move,
 3. The latest date a customer can remove contents and transact other business related to the move,
 4. The street address of the repository to be closed, and
 5. The street address of the new repository.

Historical Note

Former Rule 1. R20-4-1001 recodified from R4-4-1001 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 5227, effective February 4, 2003 (Supp. 02-4). Preceding Historical Note entry corrected to read 2003 instead of 2002 (Supp. 03-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

ARTICLE 11. PUBLIC DEPOSITORIES FOR PUBLIC MONIES**R20-4-1101. Capital Structure of Banks; Defined**

"Capital structure" as the term is applied to banks under Article 2.1, Chapter 2, Title 35, Arizona Revised Statutes, means the sum of the following reserves and capital accounts of the institution as stated in the institution's report of condition required by the supervisory banking authority for the year end next preceding the institution's bid for deposit:

1. Reserve for bad debt losses on loans,
2. Other reserves on loans,
3. Reserves on securities,
4. Capital notes and debentures,
5. Preferred stock – total par value,
6. Common stock – total par value,
7. Surplus,
8. Undivided profits, and
9. Reserve for contingencies and other capital reserves.

Historical Note

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1101 recodified from R4-4-1101 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1102. Expired**Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1102 recodified from R4-4-1102 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 382, effective February 5, 2020 (Supp. 20-1).

ARTICLE 12. RULES OF PRACTICE AND PROCEDURE BEFORE THE DIRECTOR**R20-4-1201. Scope of Article; Definitions**

- A. Scope. This Article, Title 6, Title 32, Chapters 9 and 36, and Title 44, Chapter 2.1 of the Arizona Revised Statutes govern administrative hearings before the Department. The Department shall use the authority of A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' procedural rules and this Article to govern the initiation and conduct of administrative hearings. In an administrative hearing, special procedural requirements in state statute or another Section in this Article shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' rules, or this Article. Except as otherwise provided in Section R20-4-1220 for rulemaking petitions, this Article does not apply to rulemaking or to investigative proceedings before the Director. Unless expressly applicable by rule or statute, the Arizona Rules of Civil Procedure do not apply to administrative hearings.

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- B.** In addition to the definitions provided in A.R.S. §§ 41-1001 and 41-1092, the following terms apply to this Article:

“Administrative Hearing” means an appealable agency action as defined by A.R.S. § 41-1092(3) or a contested case as defined by A.R.S. § 41-1001(5) subject to A.R.S. Title 41, Chapter 6, Article 10.

“Attorney General” means the Attorney General of Arizona, and the Attorney General’s assistants and special agents.

“Department” means the Arizona Department of Insurance and Financial Institutions – Financial Institutions Division.

“Director” has the meaning stated at A.R.S. § 20-102.

“Party” has the meaning prescribed at A.R.S. § 41-1001(16) and includes any person or entity subject to the jurisdiction of the Department under A.R.S. Title 6, Title 32 - Chapter 9, Title 32 - Chapter 36, and Title 44 - Chapter 2.1.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1201 recodified from R4-4-1201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1202. Appearance and Practice before the Director for Administrative Hearings

- A.** A party may appear on their own behalf or through counsel.
- B.** When an attorney other than the Attorney General appears or intends to appear before the Director or the Department, they shall promptly disclose their name and contact information and the name and contact information of the party on whose behalf they intend to appear.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1202 recodified from R4-4-1202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1203. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1203 recodified from R4-4-1203 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1204. Filing; Service

- A.** A document filed by a party with the Department is filed on the date it is received by the Department as established by the Department’s earliest stamped date on the face of the document or by some other method of affixing a received date by the Department.
- B.** If a party is represented by an attorney, service is effectuated by service upon the attorney unless additional service upon the represented party is required by an administrative law judge or the Department.
- C.** A document is served upon a party as provided for under A.R.S. § 41-1092.04 and Section R2-19-108. A party effectuating service is responsible for producing proof of service if requested by the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1204 recodified from R4-4-1204 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended to correct a typographical error in subsection (B) (Supp. 01-4). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1205. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1205 recodified from R4-4-1205 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1206. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1206 recodified from R4-4-1206 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1207. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1207 recodified from R4-4-1207 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1208. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1208 recodified from R4-4-1208 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1209. Answer to Notice of an Administrative Hearing

- A.** The Department may, in a notice of hearing, direct one or more parties to file a written answer to the allegations contained in the notice of hearing. Even if not directed to do so, any party to the proceeding may file an answer.
- B.** A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Department may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.
- C.** An answer filed under this Section shall briefly state the party’s position or defense to the proceeding and shall specifically admit or deny each of the allegations in the notice of hearing. An answering party who does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an allegation shall state that inability which shall have the effect of a denial. Any allegation not denied is admitted. A party who intends to deny only a part of an allegation, shall expressly admit as much of that allegation as is true and shall deny the remainder.
- D.** A party who fails to file an answer required by this Section within the time allowed is in default. The Director may resolve

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the proceeding against a defaulting party. In doing so, the Director may regard any allegations in the notice of hearing as admitted by the defaulting party.

E. Defenses not raised in the answer are waived.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1209 recodified from R4-4-1209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1210. Stay Pending a Hearing

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Director stay an action or any part of an order that will become effective before a hearing. The Director may, in the Director's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Director grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1210 recodified from R4-4-1210 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1211. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1211 recodified from R4-4-1211 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1212. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1212 recodified from R4-4-1212 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1213. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1213 recodified from R4-4-1213 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1214. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1214 recodified from R4-4-1214 (Supp. 95-1). Section

repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1215. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1215 recodified from R4-4-1215 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1216. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1216 recodified from R4-4-1216 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1217. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1217 recodified from R4-4-1217 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1218. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1218 recodified from R4-4-1218 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

R20-4-1219. Request for Rehearing or Review

- A. Any party aggrieved by an administrative decision may file with the Director within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for the request.
- B. A party filing a motion under this Section may amend the motion at any time before a response to the motion is filed. An amended motion tolls the time for filing a response and the time for rendering a decision on the motion.
- C. A request for rehearing or review which is not timely filed is deemed waived for the purpose of judicial review.
- D. A motion for rehearing or review shall specify which of the grounds listed in subsection (G) it is based upon and shall set forth the specific facts and laws in support of the motion. A motion may cite relevant portions of testimony from the hearing if a transcript is provided with the motion and may cite hearing exhibits by reference to the exhibit number. The motion shall specify the relief sought by the request, such as a different finding of fact, conclusion of law or order and may seek multiple forms of relief in the alternative. When a motion for rehearing or review is based on an affidavit, the moving party shall attach the affidavit to the motion.
- E. A party may file a separate request for a stay of the Director's decision. Filing a stay request or a motion for rehearing or review does not stay an order filed by the Director. The Director may stay an order pending the resolution of a motion for rehearing or review.
- F. Each party served with a motion for rehearing or review shall be permitted to file a written response within 15 days after the motion has been filed. Affidavits may be attached to and filed with a response. A response may cite relevant portions of testimony from the hearing if a transcript is provided with the

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response and may cite hearing exhibits by reference to the exhibit number. The Director has the discretion to hear oral argument to consider a request for rehearing or review.

- G.** The Director may grant a motion for rehearing or review for any of the following causes:
1. Irregularity in the proceedings before the Department, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
 2. Misconduct by the Department, the administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary care;
 4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing; and
 7. The decision is not justified by the evidence or is contrary to law.
- H.** The Director may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (G). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.
- I.** The Director, within the time for filing a motion for rehearing, may without a motion for rehearing, order a rehearing for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.
- J.** The Director may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1219 recodified from R4-4-1219 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

R20-4-1220. Petition for Rulemaking Action

- A.** The following definitions apply in this Section.
1. "Petitioner" means a person who petitions the Department for Rulemaking action as authorized under A.R.S. § 41-1033(A).
 2. "Rule" has the meaning stated at A.R.S. § 41-1001 and is enforceable by the Department.
 3. "Rulemaking action" means the process for formulation and finalization of a new rule, or amendment or repeal of an existing rule.
 4. "Substantive Policy Statement" has the meaning stated at A.R.S. § 41-1001, is advisory only, and is not enforceable by the Department.
- B.** Any person may petition the Department under A.R.S. § 41-1033(A) to either:
1. Make, amend, or repeal a final Rule; or
 2. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule.
- C.** A person who files a petition pursuant to A.R.S. § 41-1033(A), shall include the following information in the petition:
1. The Petitioner's name and contact information;

2. The name and address of any organization the Petitioner represents;
 3. Whether the Petitioner is petitioning the Department to:
 - a. Make, amend, or repeal a final Rule; or
 - b. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule;
 4. A detailed explanation of Petitioner's basis for submitting the petition;
 5. If the Petitioner is petitioning the Department to make a Rule, the language of the proposed new Section and the specific authority for the requested Rulemaking action;
 6. If the Petitioner is petitioning the Department to amend an existing Rule, a citation to the existing Section to be amended, the language of the proposed Rule amendment, and the specific authority for the requested Rulemaking action;
 7. If the Petitioner is petitioning the Department to repeal an existing Rule, a citation to the existing Section or subsection to be repealed, and an explanation of why the Rule should be repealed including, if applicable, how the Rule does not meet the requirements of A.R.S. § 41-1030;
 8. If the Petitioner is petitioning the Department to review an existing agency practice that the Petitioner alleges to constitute a Rule, a description of the Department's practice, an explanation of how the Department's practice constitutes a Rule being enforced by the Department, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action;
 9. If the petitioner is petitioning the Department to review a Substantive Policy Statement that the Petitioner alleges to constitute a Rule, a citation to the Substantive Policy Statement, an explanation of how the Substantive Policy Statement is being enforced by the Department as a Rule, the language of the proposed new Rule, and the specific authority for the requested Rulemaking action; and
 10. The petitioner's dated signature.
- D.** The petitioner may submit additional supporting information, including:
1. Statistical data; and
 2. A list of other persons and entities likely to be affected by the proposed Rulemaking action, with an explanation of the likely effects.
- E.** Within 60 days of the date the Department receives the petition, the Director shall send the petitioner a written decision indicating whether the Department is denying the petition or will initiate the requested Rulemaking action, with the reasons for the decision.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1220 recodified from R4-4-1220 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4). Subsections C(5) through (10), (D) and (E) omitted when codified in Supp. 22-4; the rule text has been published as promulgated at 28 A.A.R. 3620 (Supp. 24-1).

ARTICLE 13. LOAN ORIGINATORS

- R20-4-1301. Scope of Article**
This Article applies to:

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1. All loan originating activities of any person licensed under Arizona law as a loan originator, and
2. The conduct of any applicant for a loan originator license.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1302. Course of Study to Qualify for Licensure

- A. The Superintendent shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensing System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- B. An applicant for a loan originator license shall satisfactorily complete a course of study by:
 1. Attending at least 20 hours of instruction, and
 2. Receiving a passing grade of not less than 75 percent correct answers on both the national and Arizona state exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- C. A pre-licensure course of study shall include 20 hours of instruction in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
 2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Three hours;
 3. Non-traditional mortgage product lending standards: Two hours;
 4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: Four hours;
 5. The remaining eight hours should be comprised of instruction in:
 - a. The obligations between principal and agent;
 - b. The statutory and regulatory laws governing loan originators;
 - c. Arithmetical computations common to mortgage lending;
 - d. Principles of real estate lending;
 - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
 - f. The terms and conditions of conforming and non-conforming residential mortgages;
 - g. Real estate appraisal; and
 - h. The principles of appraisal independence.
- D. A continuing education course of study shall include eight hours of instruction each year in the following areas:
 1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending

Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;

2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Two hours;
3. Non-traditional mortgage product lending standards: Two hours;
4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: One hour.

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1303. Financial Responsibility

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and paying to the Superintendent, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to A.R.S. § 6-991.03(B)(6); or
2. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(6).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1304. Fees

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to A.R.S. § 6-126(A)(33): \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G): \$150,
4. Transfer license to new employer fee pursuant to A.R.S. § 6-126(A)(34): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

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Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

R20-4-1305. Practice and Procedure

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the Superintendent) for challenging information the Superintendent enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

Historical Note

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section repealed; new Section made by renewed emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

ARTICLE 14. INVESTIGATIONS**R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. "Examination" means reviewing an applicant's or licensee's operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. "Investigation" means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity's operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. "Licensee" means a financial institution or enterprise licensed with the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1401 repealed, new Section R4-4-1401 renumbered from R4-4-1402 and amended effective August 14, 1991 (Supp. 91-3). Amended effective August 14, 1991 (Supp. 91-3). R20-4-1401 recodified from R4-4-1401 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1402. Repealed**Historical Note**

Former Section R4-4-1402 renumbered to R4-4-1401, new Section R4-4-1402 adopted effective August 14, 1991 (Supp. 91-3). R20-4-1402 recodified from R4-4-1402 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4).

R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director's Subpoena Power

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General's office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1403 repealed, new Section R4-4-1403 renumbered from R4-4-1407 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1403 recodified from R4-4-1403 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1404. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1404 recodified from R4-4-1404 (Supp. 95-1).

R20-4-1405. Background Information

- A. In connection with an examination or investigation, the Director may investigate the following persons' background:
 1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
 2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).
- B. In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.

Historical Note

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1405 repealed, new Section R4-4-1405 renumbered from R4-4-1409 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1405 recodified from R4-4-1405 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1406. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1406 recodified from R4-4-1406 (Supp. 95-1).

R20-4-1407. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1403 effective August 14, 1991

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(Supp. 91-3). R20-4-1407 recodified from R4-4-1407 (Supp. 95-1).

final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1408. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1408 recodified from R4-4-1408 (Supp. 95-1).

R20-4-1409. Renumbered**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1405 effective August 14, 1991 (Supp. 91-3). R20-4-1409 recodified from R4-4-1409 (Supp. 95-1).

R20-4-1410. Repealed**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1410 recodified from R4-4-1410 (Supp. 95-1).

ARTICLE 15. COLLECTION AGENCIES**R20-4-1501. Definitions**

In this Article, unless the context otherwise requires:

1. "Account" means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client's behalf.
2. "Active Manager" means the person who is in active management of the conduct of the collection agency's business, and who meets the qualifications listed in A.R.S. § 32-1023(A).
3. "Client" means a person who has hired a collection agency to collect a debt.
4. "Collection agency" has the meaning in A.R.S. § 32-1001(2).
5. "Contact" means to communicate with, and includes attempted communications.
6. "Credit bureau" or "credit reporting agency" means any person engaged exclusively in the business of gathering, recording, and disseminating information about the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension.
7. "Creditor" means a person who offers or extends credit creating a debt, or to whom a debt is owed. The term does not include a person that receives an assignment or transfer of a defaulted debt solely for use in collecting the debt for someone else.
8. "Debt" means a debtor's actual or claimed obligation to pay money, whether or not the obligation has been reduced to judgment.
9. "Debtor" means a person obligated to pay a debt. The term also means a person claimed to be obligated to pay a debt.
10. "Director" has the meaning stated at A.R.S. § 20-102.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1501 recodified from R4-4-1501 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by

R20-4-1502. Applications

- A. An applicant for a license shall complete and file an application, as required by the Department, by delivering the application to the Director, together with the following documents and payment:
 1. The bond required by A.R.S. § 32-1021;
 2. The nonrefundable investigation fee and original license fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126;
 3. A current financial statement in the form required by the Department;
 4. A certified copy of the current articles of incorporation, by-laws, partnership agreement, or other organizational documents under which the applicant proposes to conduct business; and
 5. A statement of personal history for each principal officer, partner, and manager of the applicant, in the form required by the Department.
- B. An out-of-state collection agency applying for a license under A.R.S. § 32-1024 shall complete and file the application required by subsection (A), together with a signed statement declaring that:
 1. The requirements for securing the out-of-state license were, when issued, substantially the same or equivalent to the requirements imposed under A.R.S. Title 32, Chapter 9, Article 2. The statement shall also contain a complete description of those requirements.
 2. The state issuing the out-of-state license extends reciprocity to Arizona licensees under similar circumstances. The statement shall also contain a complete description of the conditions for reciprocity in the other state.
- C. A licensee applying for license renewal shall complete and file an application, as required by the Department, by delivering the renewal application to the Director before January 1, together with the renewal fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126. An application for renewal shall also include a current financial statement in the form required by the Department.
- D. An applicant for a provisional license under A.R.S. § 32-1027 shall complete and file an application as required by the Department, by delivering the application to the Director within 30 days of the event justifying a provisional license. The applicant shall deliver the application together with each of the following:
 1. A bond that satisfies the requirements of A.R.S. § 32-1022;
 2. A current financial statement as required by the Department;
 3. A detailed description of the facts justifying the issuance of a provisional license; and
 4. Evidence that the licensee notified the Director as required by A.R.S. § 32-1023, in the event the licensee has terminated its active manager.
- E. An applicant for a provisional license shall, in each instance, be appropriate to the circumstances justifying the provisional license, as follows:
 1. A licensee's personal representative, or the personal representative's appointee, shall complete and file an application if the licensee, a natural person, has died;
 2. The surviving partners shall complete and file an application if the licensee, a partnership, has dissolved;

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3. A licensee shall complete and file an application if an active manager's employment was terminated.
 - F. An applicant for a provisional license shall clearly label the top of the first page with the heading "APPLICATION FOR PROVISIONAL LICENSE UNDER A.R.S. § 32-1027."
 - G. The Director may require additional information the Director considers necessary in connection with any application under this Section.
4. A trust general ledger reflecting all deposits to and payments from a trust account. A licensee shall post transactions to its trust general ledger at least every five business days. A licensee shall bring its trust general ledger current within 24 hours when requested by the Director.
 5. The licensee's trust account reconciliation, prepared at least once a month.
 6. Books, records, and files maintained so that the Director can easily conduct an unannounced spot check, as well as the examinations and investigations required by A.R.S. §§ 6-122 and 6-124.
 7. A copy of all pleadings in pending litigation that names the collection agency as a defendant.
 8. A record of fictitious names used by the agency's debt collectors as required by R20-4-1520.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1502 recodified from R4-4-1502 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1503. Reports

A collection agency shall notify the Director in writing of any change in the officers, directors, partners, or active manager of the collection agency not more than 10 days after the change. With the notice, the collection agency shall provide the Director with a Statement of Personal History for each new officer, director, partner, or active manager on a form obtained from the Department.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1503 recodified from R4-4-1503 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1504. Records

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. All licensees shall keep and maintain books, accounts, and records adequate to provide a clear and readily understandable record of all business conducted by the collection agency, including:
 1. Records or books of account listing all clients' accounts. Each account shall reflect its true condition at each calendar month's end, and shall include:
 - a. The client's name and address;
 - b. Each debtor's name worked for collection in that month;
 - c. The amount, description, and date of each debit and each credit to the account; and
 - d. The balance due to, or owing from, the client.
 2. A record and history of each debt for collection that clearly shows:
 - a. The debtor's name;
 - b. The debt's principal amount;
 - c. The interest charged or collected;
 - d. The amount, and description, of any other charges;
 - e. The amount, and date, of each payment received or collected; and
 - f. The current balance due on the debt.
 3. An original of each written contract between the licensee and a client, including any contract amendments.

- C. A person issuing a receipt for a collection agency shall sign the receipt using that person's true name. Each receipt shall also show the collection agency's name.
- D. A licensee shall maintain all records required under this Section and shall make them available for examination, investigation, or audit in Arizona within three working days after the Director demands the records.
- E. A licensee shall retain the records required by this Section for the following periods:
 1. A licensee shall retain all records described in subsections (B)(1), and (B)(3) through (8) for at least seven years following their creation.
 2. A licensee shall retain all records described in subsection (B)(2) for at least three years from an account's assignment to the licensee. If a licensee collects any money on an account, the licensee shall retain the records described in subsection (B)(2) for at least three years from the last collection date.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1504 recodified from R4-4-1504 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1505. Trust Account

- A. A licensee that maintains an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in Arizona. A licensee that does not maintain an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in the state where the licensee maintains its principal office. A licensee shall deposit all client funds before the close of its business on the third business day after the licensee receives the funds. Client funds shall remain on deposit as required by this Section until:
 1. Paid over to a client, or
 2. Otherwise paid as provided in this Section.
- B. A licensee shall pay funds from the trust account either:
 1. By prenumbered printed checks, or
 2. By electronic payment.
- C. A licensee shall deposit in its trust account only the funds it has collected for its client. A licensee, its officers, directors, partners, managers, members, or employees shall not commin-

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gle, or permit the commingling of, their own funds with client funds. This prohibition includes any funds that a licensee, or any officer, director, partner, manager, member, or employee claims an interest in if that interest arises outside the licensee's contract with a client.

- D.** A licensee shall keep unpaid client funds in its trust account. A licensee may maintain a separate trust account for dormant accounts into which the licensee deposits unpaid funds such as those of a client that cannot be located, or any trust account check issued to a client that is returned without being negotiated. As to all those unpaid funds, under A.R.S. § 44-307, a licensee shall file an abandoned property report at the Arizona Department of Revenue as and when required by law.
- E.** A licensee shall withdraw from its trust account all fees and commissions due the licensee under its contract with a client and deposit them directly into its own operating account.
- F.** A licensee shall not pay funds from its trust account except as:
1. Provided in this Section,
 2. Expressly authorized in its contract with a client, or
 3. Authorized in writing by the Director.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1505 recodified from R4-4-1505 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1506. Articles of Incorporation; Bylaws; Organizing Documents

- A.** A collection agency organized as a corporation shall file with the Director a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Director, an officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.
- B.** A collection agency organized as a corporation shall file with the Director a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C.** A collection agency not organized as a corporation shall file with the Director a copy of each amendment to its organizing documents within 10 days after the amendment is adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1506 recodified from R4-4-1506 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1507. Representations of Collection Agency's Identity

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency,

2. A collection agency shall not directly or indirectly claim to be a credit reporting agency or credit bureau if it is not,
3. A collection agency shall not directly or indirectly claim to be a law enforcement agency, and
4. A collection agency shall not directly or indirectly claim to be a law firm.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1507 recodified from R4-4-1507 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1508. Representations of the Law

A collection agency shall not:

1. Misrepresent the state of the law to a debtor;
2. Send a debtor written material that simulates legal process; or
3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1508 recodified from R4-4-1508 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required

- A.** A collection agency shall not threaten to collect, or attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B.** A collection agency shall not inform a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C.** A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D.** A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E.** A collection agency shall not file a lawsuit against a debtor unless the lawsuit is filed by an attorney who has no personal or financial interest in the collection agency filing the lawsuit against the debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1509 recodified from R4-4-1509 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1510. Representations as to Rights Waived or Rem-

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Remedies Available

- A.** A collection agency shall not inform a debtor that:
1. The debtor waives any legal right or legal defense by a failure to contact the collection agency, and
 2. The collection agency has the power or right to bypass the legal process.
- B.** A collection agency shall not misrepresent the remedies available to the collection agency.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1510 recodified from R4-4-1510 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1511. Prohibition of Harassment

- A.** A collection agency shall not use unauthorized or oppressive tactics designed to harass any person to pay a debt.
- B.** A collection agency shall not use written or oral communications that ridicule, disgrace, or humiliate any person, or tend to ridicule, disgrace, or humiliate any person.
- C.** A collection agency shall not state, imply, or tend to imply, in written or oral communications, that any person is guilty of fraud or any other crime.
- D.** A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.
- E.** A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1511 recodified from R4-4-1511 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1512. Contacts with Debtors and Others

- A.** A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.
- B.** A collection agency shall not threaten to or contact a third party, including a debtor's friend, relative, neighbor, or employer and:
1. Inform the third party of the debt;
 2. Ask the third party to pressure the debtor into paying the debt; or
 3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C.** Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1512 recodified from R4-4-1512 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1513. Cessation of Communication with the Debtor

- A.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through the debtor's lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.
- B.** A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or
 2. Wants the collection agency to stop all further communication with the debtor.
- C.** Despite the provisions of subsection (B), a collection agency may contact a debtor to inform the debtor that:
1. The collection agency has stopped trying to collect the debt, or
 2. The collection agency or the creditor may invoke specific remedies that are customarily used by the collection agency or the creditor.
- D.** The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1513 recodified from R4-4-1513 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1514. Disclosure of Information to Debtor

- A.** Within five days after the initial communication with the debtor, a collection agency shall obtain and be able to inform the debtor of:
1. The name of the creditor;
 2. The time and place of the creation of the debt;
 3. The merchandise, services, or other value provided in exchange for the debt; and
 4. The date when the account was turned over to the collection agency by the creditor.
- B.** A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection (A).
- C.** At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection (A).

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978

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(Supp. 78-6). R20-4-1514 recodified from R4-4-1514 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1515. Aiding and Abetting

A collection agency shall not help or encourage, directly or indirectly, any person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1515 recodified from R4-4-1515 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1516. Advertising

A collection agency shall not use any form of communication to state or imply that the collection agency is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1516 recodified from R4-4-1516 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1517. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1517 recodified from R4-4-1517 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2).

R20-4-1518. Agreements with Clients

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court, or to practice law in any other way, is void and prohibited by this Section. The records for an account shall separately state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,

3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1518 recodified from R4-4-1518 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1519. Licensee Names and Control

- A.** The Department shall not issue a license with a name that is:
1. Similar to, or that may be confused with, any federal, state, county, or municipal government function or agency;
 2. Descriptive of any business activity that the applicant does not actually conduct;
 3. The same as, or similar to, the name of any existing collection agency, or
 4. Otherwise deceptive or misleading.
- B.** The Department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the existing collection agency.
- C.** A collection agency shall not use a collection agency license to do business under more than one name. Each collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1519 recodified from R4-4-1519 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1520. Representations of Collection Agency Employees' Identity or Position

- A.** A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:
1. Misrepresent the person's true position with the collection agency;
 2. Claim to be, or imply that the person is, an attorney unless the person is licensed to practice law;
 3. Claim to be, or imply that the person is, a public official, peace officer, or any other type of public employee; or
 4. Claim to be, or imply that the person is, any other third party.
- B.** In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.
- C.** A collection agency shall keep a record of all fictitious names used by its debt collectors during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the Department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:
1. The true name of each debt collector that uses a fictitious name;

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2. Each fictitious name used by the debt collector, together with the dates when the name is used; and
3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1520 recodified from R4-4-1520 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1521. Duty of Investigation

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney upon request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

1. The debtor has been misidentified,
2. The debt has been paid,
3. The debt has been discharged in bankruptcy, or
4. Based on any other reasonable claim, the debt is not owed.

Historical Note

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1521 recodified from R4-4-1521 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1522. Reserved**R20-4-1523. Reserved****R20-4-1524. Reserved****R20-4-1525. Reserved****R20-4-1526. Reserved****R20-4-1527. Reserved****R20-4-1528. Reserved****R20-4-1529. Reserved****R20-4-1530. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1530 recodified from R4-4-1530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4).

ARTICLE 16. ACQUIRING CONTROL OF FINANCIAL INSTITUTIONS**R20-4-1601. Definitions**

In addition to the definitions provided in A.R.S. § 6-141, the following terms apply to this Article unless the context otherwise requires:

“Acquiring party” means a person who intends to acquire control of a bank, trust company, savings and loan association, or controlling person under A.R.S. Title 6, Chapter 1, Article 4.

“Bank” has the meaning stated in A.R.S. § 6-101.

“Director” has the meaning stated in A.R.S. § 6-101(7).

“Savings and loan association” means a person required to possess a permit issued by the Director under A.R.S. Title 6, Chapter 3.

“Target company” means a bank, savings and loan association, trust company, or controlling person to be acquired by an acquiring party.

“Trust company” has the meaning stated in A.R.S. § 6-851.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1601 recodified from R4-4-1601 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1602. Application for Approval to Acquire Control of Financial Institution

A. An applicant seeking approval to acquire control of a bank, savings and loan association, or controlling person of a bank or savings and loan association, under A.R.S. Title 6, Chapter 1, Article 4, shall file with the Director copies of all application documents filed with federal regulatory agencies in connection with the planned acquisition of control.

B. As used in this subsection, “executive officer” includes the chairman of the board, president, each vice president, cashier, secretary, treasurer, and every other person who participates in major policymaking functions of the applicant. Under A.R.S. § 6-145(A), an applicant seeking approval to acquire control of a trust company or controlling person of a trust company, under A.R.S. Title 6, Chapter 1, Article 4 shall supply all information the Director requires under this subsection. The Director may require an applicant to supplement or amend its application based on issues raised by the initial submission. The initial application shall consist of the following items:

1. A copy of the signed purchase agreement;
2. The applicant's audited financial statement;
3. A personal history statement, on a form supplied by the Department, for each executive officer and each director of the acquiring party;
4. Each executive officer's and each director's personal financial statement;
5. A full set of fingerprints for each executive officer and each director; and
6. A copy of each executive officer's and each director's driver's license.

Historical Note

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1602 recodified from R4-4-1602 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1603. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1603 recodified from R4-4-1603 (Supp. 95-

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- 1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

R20-4-1604. Repealed**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1604 recodified from R4-4-1604 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

ARTICLE 17. ARIZONA INTERSTATE BANK AND SAVINGS AND LOAN ASSOCIATION ACT**R20-4-1701. Definitions**

In addition to the definitions provided in A.R.S. § 6-321, the following terms apply to this Article unless the context otherwise requires:

“Applicant” means an out-of-state financial institution that intends to acquire control of an in-state financial institution.

“Director” has the meaning stated in A.R.S. § 6-101(7).

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1701 recodified from R4-4-1701 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1702. Notice to the Director of Intent to Acquire Control of an In-state Financial Institution; Surrender of an Acquired Financial Institution’s Charter

- A. An applicant shall give written notice of an acquisition to the Director in the form of a courtesy copy of its federal application. The acquiring entity shall ensure that the notice is delivered to the Director not less than ten days before the effective date of the acquisition. No other application is required under the provisions of A.R.S. Title 6, Chapter 2, Article 7, the Arizona Interstate Bank and Savings and Loan Association Act. The Director may impose conditions on an acquisition under the authority of A.R.S. §§ 6-324 and 6-328.
- B. An acquired in-state financial institution shall surrender, by delivery to the Director, all permits and certificates issued by the Director within ten days after the effective date of the acquisition unless the acquired institution intends to continue operating, after the acquisition, as a stand-alone subsidiary under the authority of its existing Arizona banking permit.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1702 recodified from R4-4-1702 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1703. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1703 recodified from R4-4-1703 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1704. Public Notice

- A. An applicant shall transmit to the Director one copy of each notice and the publisher’s affidavit of publication required by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.
- B. An applicant shall provide the Director copies of any protests known to have been received by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.

Historical Note

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1704 recodified from R4-4-1704 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

R20-4-1705. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1705 recodified from R4-4-1705 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

R20-4-1706. Repealed**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1706 recodified from R4-4-1706 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

ARTICLE 18. MORTGAGE BANKERS**R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. § 6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant’s accounting and recordkeeping practices;
 2. The authority to examine a claimant’s books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
 3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant’s mortgage banking activities, mortgage lending activities, or both.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1802. Equivalent and Related Experience

- A. An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.

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1. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
 2. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
 3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
 4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
 5. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 6. Mortgage broker with license from another state, or responsible individual for the mortgage broker;
 7. Attorney certified by any state as a real estate specialist.
- B.** An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).
1. Attorney without state bar certified real estate specialty...3:2
 2. Paralegal with experience in real estate matters...3:2
 3. Loan underwriter...3:2
 4. Mortgage banker or mortgage broker from another state without license...3:2
 5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
 6. Escrow officer...3:2
 7. Trust officer with a title company...3:2
 8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
 9. Title officer with a title company...3:1.5
 10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
 11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
 12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
 13. Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
 14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent at least five business days before the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

R20-4-1806. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;

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2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose; and
 - j. Balance;
 6. A file for each application for a mortgage banking loan or a mortgage loan containing:
 - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
 - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
 - c. Correspondence sent, received, or both by the licensee;
 - d. Contract, agreement and escrow instructions to or with any depository;
 - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
 - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and;
 - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
 7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
 8. Copies of governmental or regulatory compliance reviews;
 9. If the licensee is not a natural person, a file containing:
 - a. Organizational documents for the entity;
 - b. Minutes;
 - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - d. Annual report, if required by law;
 10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
 11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
 12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them;
 13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
 14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
 2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1807. Providing Copies of Records

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement;
4. The final truth-in-lending disclosure;
5. The note;
6. The executed deed of trust or mortgage; and
7. Each assignment of beneficial interest by the mortgage banker licensee.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1808. Authorization to Complete Blank Spaces

An authorization, under A.R.S. § 6-947, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1809. Determining Loan Amounts

The amount of a mortgage banking loan or a mortgage loan under A.R.S. § 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker or its agents.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1810. Delay or Cause Delay

A mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the mortgage banker.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1811. Impound Account

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed 1/6th of the estimated total annual payments from the impound account.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1813. Conversion to Mortgage Broker License

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal documents and renewal fees required by A.R.S. §§ 6-126 and 6-903 for mortgage brokers.

Historical Note

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

ARTICLE 19. COMMERCIAL MORTGAGE BANKERS**R20-4-1901. Exemption for an Institutional Investor**

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;
3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
5. The claimant makes only loans of more than \$250,000.

B. If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid, and that person shall not engage in any lending activity before obtaining a license.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States

A. The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a "commercial mortgage loan," as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its commercial mortgage lending activities;
3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's commercial mortgage lending activities.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1903. Equivalent and Related Experience

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the

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three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Commercial mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 2. Mortgage broker with Arizona license, or Responsible Individual or branch manager for a licensee;
 3. Mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
 4. Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;
 5. Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;
 6. Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;
 7. Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;
 8. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
 9. Attorney certified by any state as a real estate specialist.
- B.** The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office

A Person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One Person may oversee more than one branch.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1906. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent within five business days after the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

R20-4-1907. Recordkeeping Requirements

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:
1. Any approved computer or mechanical system back to a paper-based system; or
 2. An approved mechanical system to a computer system; or
 3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
 - a. Applicant's name;
 - b. Application date;
 - c. Amount of initial loan request;
 - d. Final disposition date;
 - e. Disposition (funded, denied); and
 - f. Name of loan officer;
 2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
 - a. Payor's name;
 - b. Date received;
 - c. Amount; and
 - d. Receipt's purpose including identification of a related loan, if any;
 3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
 - a. Payee's name;
 - b. Amount;
 - c. Date; and
 - d. Payment's purpose including identification of a related loan, if any;
 4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
 5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
 - a. Borrower's name or co-borrowers' names;
 - b. Loan number, if any;
 - c. Amount received;
 - d. Purpose for the amount received;
 - e. Date received;
 - f. Date deposited into trust account;
 - g. Amount disbursed;
 - h. Date disbursed;
 - i. Disbursement's payee and purpose, and
 - j. Balance.

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6. A file for each application for a commercial mortgage loan containing:
- The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
 - The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
 - Correspondence sent, received, or both by the licensee;
 - Contract, agreement, and escrow instructions to or with any depository;
 - If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and
 - Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee.
7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
8. Copies of governmental or regulatory reviews;
9. If the licensee is a not a natural person, a file containing:
- Organizational documents for the entity;
 - Minutes;
 - A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
 - Annual report, if required by law;
10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction.
11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action.
12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
- The date a licensee receives a written cancellation notice from the applicant; or
 - The date a licensee mails written notice to an applicant that an application has been denied; or
 - The date of a licensee's internal memorandum closing a loan file.
- E. A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1908. Impound Accounts**
The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a Cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1909. Authorization to Complete Blank Spaces**
An authorization, under A.R.S. § 6-984, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:
- Specifically identify the document and the blank spaces to be completed;
 - Be in writing, dated, and signed by the authorizing party, and
 - Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1910. Delay or Cause Delay**
A commercial mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.
- Historical Note**
New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).
- R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner**
A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

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Historical Note

New Section adopted by final rulemaking at 5 A.A.R.

2094, effective June 10, 1999 (Supp. 99-2).

Department of Insurance and Financial Institutions

Title 20. Commerce, Financial Institutions, and Insurance

Chapter 4. Department of Insurance and Financial Institutions – Financial Institutions

Article 19. Commercial Mortgage Bankers

Authorizing Statute

6-123. Deputy director; powers

In addition to the other powers, express or implied, the deputy director may:

1. Exercise all powers that are necessary for the administration and enforcement of the laws and rules relating to financial institutions and enterprises.
2. In accordance with title 41, chapter 6, adopt rules that are necessary or appropriate to administer, enforce and accomplish the purposes of this title and adopt rules and issue orders that limit transactions between financial institutions or enterprises and the directors, officers or employees of the financial institutions or enterprises.
3. Require appropriate records, documents, information and reports from any financial institution or enterprise.
4. Submit to the department of public safety, or the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116) or its successor, the name and fingerprints of any applicant, licensee, active manager or responsible individual or the name and fingerprints of any organizer, director or officer of any corporate applicant or licensee for:
 - (a) A banking permit.
 - (b) Permission to organize a savings and loan association or credit union.
 - (c) Any license.
 - (d) Any certificate.
 - (e) Authority to engage in interstate banking and branching in this state.

The department of public safety shall report the criminal record, if any, of such applicant, licensee or organizer, director or officer of such corporate applicant or licensee within ninety days after receiving the deputy director's request.

5. Employ appraisers to appraise any property that is owned or held as security by any financial institution or enterprise. The reasonable expenses and compensation of such appraisers shall be paid by the financial institution or enterprise.

6. Hold membership in, pay dues to and attend the convention of the national and regional organizations of state officials occupying like offices or performing similar functions.

7. Cooperate with other regulatory agencies and professional associations to promote the efficient, safe and sound operation and regulation of interstate banking and branching activities, including the formulation of interstate examination policies and procedures and the drafting of model rules and agreements.

8. Participate in the nationwide mortgage licensing system and registry established by the secure and fair enforcement for mortgage licensing act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 United States Code sections 5101 through 5116), or its successor, and use the system for all aspects of licensure pursuant to this title, title 32, chapter 9 and title 44, chapter 2.1. The deputy director may allow the system to collect licensing fees on behalf of the deputy director, to collect a processing fee for the services of the system directly from each applicant for a license or licensee and to process and maintain records on behalf of the deputy director, including information collected pursuant to this section and section 6-123.01. This paragraph does not affect the records disclosure requirements and limitations prescribed in section 6-129.01.

Implementing Statutes

6-971. Definitions

In this article, unless the context otherwise requires:

1. "Affiliate" means an entity that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the specified entity.
2. "Commercial mortgage banker" means a person who engages in the following:
 - (a) Originating commercial mortgage loans.
 - (b) Servicing commercial mortgage loans.
 - (c) Either directly or indirectly making, negotiating or offering to make or negotiate commercial mortgage loans.
3. "Commercial mortgage loan" means a loan that is directly or indirectly secured by a mortgage or deed of trust or any lien interest on commercial property and created with the consent of the owner of the commercial property.
4. "Commercial mortgage loan closing" means the day by which all documents relating to the commercial mortgage loan have been executed and recorded and all monies have been accounted for under the terms of the escrow instructions.
5. "Commercial property" means real estate that is located in this state and that is not used for a one to four family residence.
6. "Compensation" means anything of value or any benefit including points, commissions, bonuses, referral fees, loan origination fees and other similar fees but excluding periodic interest resulting from the application of the note rate of interest to the outstanding principal balance remaining unpaid from time to time.
7. "Generally accepted accounting principles" means United States generally accepted accounting principles issued by the financial accounting standards board or the international financial reporting standards issued by the international accounting standards board.
8. "Institutional investor" means a person who in the regular course of business makes commercial mortgage loans of more than two hundred fifty thousand dollars that are funded exclusively from the institutional investor's own resources.
9. "Investor" means a person who directly or indirectly provides monies to a commercial mortgage banker that are, or are intended to be, used to make a loan, and any person who purchases a loan, or any interest in a loan, from a commercial mortgage banker or in a

transaction that has been directly or indirectly arranged or negotiated by a commercial mortgage banker.

10. "License" means a license issued under this article.

11. "Licensee" means a person who is licensed under this article.

12. "Own resources" means any of the following:

(a) Cash, corporate capital, warehouse credit lines at commercial banks, savings banks or savings and loan associations or other sources that are liability items on the person's financial statements.

(b) Correspondent contracts between the commercial mortgage banker and an institutional investor, bank, savings bank, trust company, savings and loan association, credit union, profit sharing or pension trust, consumer lender or insurance company.

(c) The person's affiliates' cash, corporate capital, warehouse credit lines at commercial banks or other sources that are liability items on the affiliates' financial statements for which the affiliates' assets are pledged.

13. "Servicing commercial mortgage loans" means collecting payments at a location in this state on commercial mortgage loans, including:

(a) Principal.

(b) Interest.

(c) Trust items such as hazard insurance premiums, taxes and various reserves on an obligation under the terms of the obligation.

(d) Operational procedures covering accounting, bookkeeping, insurance, tax records, loan payment follow-up, delinquency loan follow-up, loan analysis and property valuation.

6-972. Exemptions

This article does not apply to:

1. Institutional investors.

2. A person who funds a commercial mortgage loan that was originated and processed by a licensee or by an institutional investor and who meets all of the following conditions:

(a) Does not maintain a place of business in this state in connection with funding commercial mortgage loans.

(b) Does not directly or indirectly solicit borrowers in this state for the purpose of making commercial mortgage loans.

(c) Does not participate in negotiating commercial mortgage loans. For purposes of this subdivision, "negotiating commercial mortgage loans" does not include setting the terms under which a person may buy or make a commercial mortgage loan originated by a licensee, a mortgage banker or a mortgage broker licensed pursuant to article 1 or 2 of this chapter, or an institutional investor.

3. A person who as a seller of commercial property receives one or more mortgages or deeds of trust as security for a purchase money obligation.

4. A person who is licensed to practice law in this state but is not actively and principally engaged in the business of negotiating commercial mortgage loans, if this person renders services in the course of his practice as an attorney at law.

5. A person who receives a mortgage or deed of trust on commercial property as security for an obligation payable on an installment or deferred payment basis and arising out of materials furnished or services rendered in improving that commercial property or any lien created without the consent of the owner of commercial property.

6. A person who is licensed pursuant to article 1 or 2 of this chapter.

7. An agency of any state or of the United States.

8. A nonprofit federally tax exempt corporation certified by the United States small business administration, organized to promote economic development in this state and whose primary activity consists of providing financing for business expansion.

9. A bank, savings bank, trust company, savings and loan association, profit sharing trust, pension trust, credit union, insurance company, consumer lender or receivership if it is regulated by this state, another state, the United States or a court with respect to its commercial mortgage business.

6-973. Licensing commercial mortgage bankers required; qualifications

A. A person shall not act as a commercial mortgage banker without a license issued under this article.

B. A person who engages in commercial mortgage banking need not be licensed under article 1 or 2 of this chapter or chapter 7 of this title if the person is licensed under this article.

C. The deputy director shall not grant a commercial mortgage banker's license to a person, other than a natural person, who is not registered to do business in this state on the date the license is granted. The deputy director shall not issue to or renew a commercial mortgage banker's license of an applicant unless the applicant meets all of the requirements prescribed in subsection D of

this section. The deputy director shall determine whether the applicant meets the requirements based on the application, and evidence presented at a hearing, if any, or any other evidence that the deputy director may have regarding the applicant's qualifications.

D. In order to qualify for a commercial mortgage banker's license or a renewal of such a license an applicant shall:

1. Have at least three years' experience in the commercial mortgage business or equivalent experience in a related business. If the applicant is not a natural person, the responsible individual as prescribed by section 6-976 shall meet this requirement.

2. Have made in the past or intend to make or negotiate or offer to make or negotiate commercial mortgage loans.

3. Provide the deputy director with a current audited financial statement or that of its parent company prepared by an independent certified public accountant according to generally accepted accounting principles including:

(a) The certified public accountant's opinion as to the fairness of the presentation according to generally accepted accounting principles.

(b) A balance sheet prepared within the immediately preceding six months and certified by the licensee. The deputy director may require a more recent balance sheet.

(c) If the applicant has begun operations, a statement of operations and retained earnings and a statement of changes in financial position.

(d) Notes to the financial statement if applicable.

4. Have and maintain at all times a net worth of at least \$100,000.

E. Notwithstanding subsection D, paragraph 3 of this section, licensees and applicants whose own resources are derived exclusively from correspondent contracts with institutional investors shall provide the deputy director with a current financial statement or that of its parent company prepared according to generally accepted accounting principles including:

1. A balance sheet prepared within the immediately preceding six months and certified by the licensee. The deputy director may require a more recent balance sheet.

2. If the applicant has begun operations, a statement of operations and retained earnings and a statement of changes in financial position.

3. Notes to the financial statement if applicable.

6-975. Bond or other security

A. Each licensed commercial mortgage banker shall deposit with the deputy director, before doing business as a commercial mortgage banker, a bond executed by the licensee as principal and a surety company authorized to do business in this state as surety. The bond shall be conditioned on the licensee's faithful compliance, including the directors, officers, members, partners, trustees and employees, with this article. Only one bond is required for any person, firm, association or corporation regardless of the number of officers, directors, members, partners or trustees who are employed by or are members of the firm, association or corporation.

B. The bond is payable to any person who is injured by the wrongful act, default, fraud or misrepresentation of the licensee or the licensee's employees and to this state for the benefit of the person injured. No suit may be commenced on the bond after the expiration of one year following the commission of the act on which the suit is based, except that claims for fraud or mistake are limited to the limitation period prescribed in section 12-543, paragraph 3. If an injured person commences an action for a judgment to collect on the bond, the injured person shall notify the deputy director of the action in writing when the action is commenced and shall provide copies of all documents relating to the action to the deputy director on request.

C. The bond required by this section is \$25,000 for licensees whose investors are limited solely to institutional investors and \$100,000 for licensees whose investors include any other investors.

D. Notwithstanding section 35-155, in lieu of the bond described in this section, an applicant for a license or a licensee may deposit with the deputy director a deposit in the form of cash or alternatives to cash in the same amount as the bond required under subsection C of this section. The deputy director may accept any of the following as an alternative to cash:

1. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by banks, savings banks or savings and loan associations doing business in this state and fully insured by the federal deposit insurance corporation or any successor institution.

2. Certificates of deposit, investment certificates or share accounts that are payable or assigned to the state treasurer, issued by a credit union doing business in this state and fully insured by the national credit union administration or any successor institution.

E. The deputy director shall deposit the cash or alternatives to cash received under this section with the state treasurer. The state treasurer shall hold the cash or alternatives to cash in the name of this state to guarantee the faithful performance of all legal obligations of the person required to post bond pursuant to this section. The person is entitled to receive any accrued interest earned from the alternatives to cash. The state treasurer may impose a fee to reimburse the state treasurer for administrative expenses. The fee shall be paid by the applicant or licensee. The state treasurer may prescribe rules relating to the terms and conditions of each type of security provided by this section.

F. In addition to such other terms and conditions as the deputy director prescribes by rule or order, the principal amount of the deposit shall be released only on written authorization of the deputy director or on the order of a court of competent jurisdiction. The principal amount of the

deposit shall not be released before the expiration of three years after the first to occur of any of the following:

1. The date of substitution of a bond for a cash alternative.
2. The surrender of the license.
3. The revocation of the license.
4. The expiration of the license.

6-976. Responsible individual; employees

A. A license entitles the licensee and all officers, directors, members, partners, trustees and employees of the licensee to engage in commercial mortgage banking if one officer, director, member, partner, employee or trustee of the person or an employee of an affiliated entity or the parent company of the licensee is designated in the license as the individual responsible for the licensee under this article. If the natural person is not a resident of this state, an employee of the licensee shall be designated in the license as the individual responsible for the licensee under this article. For the purposes of this subsection, employee does not include an independent contractor.

B. The responsible individual shall be active in managing the activities of the licensee governed by this article and shall meet the qualifications prescribed by section 6-973, subsection D, paragraph 1 for a licensee. A licensee shall notify the deputy director that its responsible individual will cease to be active in managing the activities of the licensee within ten days after learning of that fact. Within ninety days after the notification is received by the deputy director, the licensee shall replace the responsible individual with a qualified replacement and notify the deputy director. If the license is not placed under active management of a qualified responsible individual and if notice is not given to the deputy director within the ninety-day period, the license of the licensee expires.

C. A licensee shall not employ any person unless the licensee:

1. Conducts a reasonable investigation of the background, honesty, truthfulness, integrity and competency of the employee before hiring.
2. Keeps a record of the investigation for at least two years after termination.

D. The licensee is liable for any damages caused by any employee while acting as an employee of the licensee.

6-977. Displaying and using license number

A. A licensee shall prominently display the commercial mortgage banker license in the office of the commercial mortgage banker.

B. A licensee or an employee of the licensee shall not advertise for or solicit commercial mortgage loans in any manner without using the license name, or other assumed name or trade name that is submitted to the department pursuant to section 6-117, and the license number. If a license is issued in the name of a natural person, the advertising or solicitation may not imply that the license is in the name of another person or entity. For the purposes of this subsection, advertise does not include business cards, radio and television advertising directed at national or regional markets and promotional items unless those items contain rates or terms on which a commercial mortgage loan may be obtained.

6-978. Consent of deputy director for transferring, assigning or acquiring control of licensee; definition

A license is not transferable or assignable and control of a licensee may not be acquired through a stock purchase or any other device without the prior written consent of the deputy director. The deputy director shall not give written consent if the deputy director finds that any of the grounds for denial, revocation or suspension of a license as set forth in section 6-982 apply to the acquiring person. For the purpose of this section, "control" means the power to vote more than twenty percent of the outstanding voting shares of a licensed corporation, partnership, association or trust.

6-979. Principal place of business; branch office license; change of address

A. Each licensed commercial mortgage banker shall designate and maintain a principal place of business in this state to transact business. The license shall specify the address of the licensee's principal place of business.

B. If a licensee wishes to maintain one or more locations in addition to a principal place of business, the licensee shall first obtain a branch office license from the deputy director and designate a person for each branch office to oversee the operations of that office.

C. If the deputy director determines that the licensee is qualified, the deputy director shall issue a branch office license indicating the address of the branch office. The licensee shall conspicuously display the branch office license in the branch office.

D. If the address of the principal place of business or of any branch office is changed, the licensee shall immediately notify the deputy director of the change and the deputy director shall endorse the change of address on the license.

6-983. Required accounting practices and records; escrow of monies; disclosure

A. A commercial mortgage banker shall keep and maintain at all times correct and complete records as prescribed by the deputy director that will enable the deputy director to determine whether the licensee is complying with this article. A commercial mortgage banker shall make records available to the deputy director in this state not more than three business days after demand and shall provide for the acceptance of collect calls or provide a toll-free telephone number to borrowers to obtain information from the records if the licensed place of business in

this state cannot readily provide the information requested by the borrowers. A commercial mortgage banker shall maintain original documents or clearly legible copies of all commercial mortgage loan transactions for at least two years after the date of the commercial mortgage loan closing.

B. A commercial mortgage banker shall observe generally accepted accounting principles and practices.

C. If a commercial mortgage banker requires an advance or fee to be paid in connection with an application for a commercial mortgage loan, there shall be a written agreement. The parties shall sign the written agreement, and the agreement shall contain terms pertaining to the payment of the fee or disposition of the advance or fee, whether the loan is finally consummated or not, and a term for which the agreement is to remain in force before return of the advance or fee for nonperformance can be required. The licensee shall immediately deposit advances or fees in a trust account in a bank, savings bank or savings and loan association that is fully insured by the federal deposit insurance corporation or any successor agency, and the advances or fees shall not be commingled with other monies. The trust account shall designate the licensee as trustee and shall provide for withdrawing the monies without previous notice. Withdrawals shall only be disbursed according to the terms of the agreement. A licensee who receives advances or fees shall preserve and on request make available to the deputy director all deposits, withdrawal receipts and statements of account rendered by the bank, savings bank or savings and loan association. The licensee shall further preserve all agreements between the parties involved in the transaction and all contracts, agreements and instructions to or with the depository and shall keep an accurate accounting of each separate bank account in which the trust monies have been deposited. If the loan is declined by or on behalf of the lender or canceled by the applicant, all documents provided by or at the expense of the applicant, including any appraisal, are the property of the applicant. At the applicant's discretion, the documents shall be returned or transferred to any designated financial institution or enterprise without additional consideration except for fees for which the applicant has previously contracted, if the document is not prohibited by law from being transferred or returned.

D. If periodic payments are to be collected from the mortgagor to provide for payments by the mortgagee of taxes, assessments, insurance premiums, ground rents or other current charges against the real estate security, the estimated payment amount stated to the mortgagor by the commercial mortgage banker shall be such that the total of these payments collected for each category during the tax or other period will approximate the actual tax or other payment when due. The licensee shall annually account to the borrower for all such periodic payments of taxes, assessments, insurance premiums, ground rents and other current charges and, to the extent monies have been collected for payment, shall pay them promptly.

6-984. Prohibited acts

A. Except for employment verifications and deposit or account verifications, a person shall not induce, require or permit any document in connection with making a commercial mortgage loan to be signed by a party to the transaction if the document contains any blank spaces to be filled in

after it has been signed unless the party has specifically authorized the licensee or the escrow agent in writing to complete those blank spaces.

B. A person is not entitled to receive compensation in connection with arranging for or negotiating a commercial mortgage loan if the person is not licensed pursuant to or is not exempt from this article, except that a commercial mortgage banker, mortgage banker or mortgage broker licensed pursuant to this article or article 1 or 2 of this chapter may compensate a person who is a resident of another state and who meets the licensing requirements, if any, of the other state in connection with arranging for or negotiating a commercial mortgage loan.

C. A commercial mortgage banker may not commingle monies of borrowers or monies held for the benefit of borrowers with monies of the commercial mortgage banker.

D. A person engaged in commercial mortgage banking shall not knowingly advertise, display, distribute, broadcast or televise, or cause or permit to be advertised, displayed, distributed, broadcast or televised, in any manner whatever, a false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for a commercial mortgage loan. The charges or rates of charge, if stated, shall be set forth in a clear and concise manner.

E. A commercial mortgage banker shall not, except in good faith, delay or cause delay in the closing of a loan that results in increased costs to a borrower.

F. A commercial mortgage banker shall not record or cause to be recorded a document that would give rise to liability under section 33-420.

G. A person who is employed by a licensee to act in the capacity of a commercial mortgage banker shall not be concurrently employed by any other licensee to act in the capacity of a commercial mortgage banker, except with the prior written approval of all concurrently employing licensees.

H. A commercial mortgage banker shall not collect compensation for rendering services as a real estate broker or real estate salesperson unless both of the following apply:

1. The commercial mortgage banker is licensed pursuant to title 32, chapter 20.
2. The commercial mortgage banker has disclosed to the person from whom the compensation is collected that the commercial mortgage banker is receiving compensation both for commercial mortgage banking and for services as a real estate broker or salesperson.

I. A licensee shall not accept any assignment of the borrower's wages or salary in connection with activities governed by this article.

J. A commercial mortgage banker shall not make or negotiate or offer to make or negotiate, for compensation, either directly or indirectly, a loan of money that is not secured by a mortgage or deed of trust or any other lien interest in real property or if the real estate security is a one to four family residence.

K. A commercial mortgage banker shall not make a false promise or misrepresentation or conceal an essential or material fact in the course of the commercial mortgage banker business.

L. A commercial mortgage banker shall not fail to truthfully account for the monies belonging to a party to a commercial mortgage loan or commercial mortgage banking loan transaction or fail to disburse monies in accordance with the agreements.

M. A commercial mortgage banker shall not record a mortgage or deed of trust if monies are not available for the immediate disbursement to the mortgagor unless, before that recording, the commercial mortgage banker informs the mortgagor in writing of a definite date by which payment shall be made and obtains the mortgagor's written permission for the delay.

D-10.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 18, Chapter 18

Amend: R18-18-101; R18-18-103; R18-18-104; R18-18-105; R18-18-106; R18-18-107;
R18-18-109; R18-18-201; R18-18-202; R18-18-203; R18-18-204; R18-18-205



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - EXPEDITED RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 18

Amend: R18-18-101; R18-18-103; R18-18-104; R18-18-105; R18-18-106;
R18-18-107; R18-18-109; R18-18-201; R18-18-202; R18-18-203;
R18-18-204; R18-18-205

Summary:

This expedited rulemaking from the Department of Environmental Quality (Department) seeks to amend twelve (12) rules in Title 18, Chapter 18, Articles 1 and 2 regarding Emergency Planning and Hazardous Materials Training. Rules in Article 1 relate to Emergency Planning and Community Right to Know. Rules in Article 2 relate to Hazardous Materials Training Program, Student and Instructor Evidence of Completion.

The Department seeks to amend these rules to incorporate the changes proposed in the Department's Five-Year Review Report for Title 18, Chapter 18, which was approved by the Council in July 2023. In that review, the Department identified the need to update statutory citations, correct clerical errors, and make minor clarifications to the rules. This rulemaking incorporates those changes as well as makes other minor typographical errors and updates out of date citations identified in the course of this rulemaking.

1. **Do the rules satisfy the criteria for expedited rulemaking pursuant to A.R.S. § 41-1027(A)?**

The Department indicates the proposed amendments to the rules do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of regulated persons. Furthermore, the Department indicates the rulemaking corrects typographical errors, makes address or name changes or clarifies language of a rule without changing its effect, adopts or incorporates by reference without material change federal statutes or regulations pursuant to section 41-1028, statutes of this state or rules of other agencies of this state, and amends or repeals rules that are outdated, redundant or otherwise no longer necessary for the operation of state government pursuant to A.R.S. § 41-1027(A)(3), (4), and (6). A breakdown of which statutory basis for expedited rulemaking the Department indicates each proposed amendment falls within is provided in Section 7 of the Preamble of the Department's Notice of Final Expedited Rulemaking. Council staff believes the Department's rulemaking satisfies the criteria for expedited rulemaking pursuant to A.R.S. § 41-1027(A)(3), (4), and (6).

2. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

4. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it did not receive any public comments regarding this rulemaking.

5. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates there were no changes between the Notice of Proposed Expedited Rulemaking published in the Administrative Register on October 4, 2024 and the Notice of Final Expedited Rulemaking now before the Council for consideration.

6. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

Pursuant to A.R.S. § 41-1052(D)(9), "[t]he council shall not approve the rule unless...[t]he rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law."

The Department indicates United States Code, Title 42, Section 11001 requires each state to establish a State emergency response commission as part of the Emergency Planning and Community Right-to Know Act (EPCRA). Each State emergency response commission must appoint local emergency planning committees (LEPCs), and must supervise and coordinate the

activities of the LEPCs. The Arizona Legislature established the Arizona State Emergency Response Commission (AZSERC) under A.R.S. § 49-123 to satisfy the federal requirement to establish a State emergency response commission. The Department states rules in Title 18, Chapter 18, Article 1 provide for the make-up, operation, and duties of LEPCs, satisfying the federal requirements of EPCRA without exceeding them.

Additionally, the Department indicates A.R.S. § 49-123(J) establishes requirements for mandatory hazardous materials training programs. The Department states the rules in Title 18, Chapter 18, Article 2 provides for the Hazardous Materials Training Program, including curriculum standards for the Hazmat First Responder course instructors and minimum standards for certification. The Department indicates, to meet the requirements of A.R.S. § 49-123(J) and for convenience, AZERC has modeled its course and curriculum after the federal Occupational Safety and Health Act (OSHA) requirements at 29 CFR 1910.120, without exceeding those requirements. The training requirements ensure the safety of employees engaged in operations at hazardous waste sites, at hazardous waste treatment, storage, or disposal facilities, and at the site of an emergency response to the release, or threatened release of hazardous substances.

7. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

Not applicable. The rule does not require the issuance of a permit, license, or agency authorization.

8. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

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

9. **Conclusion**

This expedited rulemaking from the Department seeks to amend twelve (12) rules in Title 18, Chapter 18, Articles 1 and 2 regarding Emergency Planning and Hazardous Materials Training. The Department seeks to amend these rules to incorporate the changes proposed in the Department's Five-Year Review Report for Title 18, Chapter 18, which was approved by the Council in July 2023. In that review, the Department identified the need to update statutory citations, correct clerical errors, and make minor clarifications to the rules. This rulemaking incorporates those changes as well as makes other minor typographical errors and updates out of date citations identified in the course of this rulemaking.

Pursuant to A.R.S. § 41-1027(H), an expedited rulemaking becomes effective immediately on the filing of the approved Notice of Final Expedited Rulemaking with the Secretary of State.

Council staff recommends approval of this rulemaking.



Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Deputy Director

Friday, February 21, 2025

Jessica Klein, Chairperson
Governor's Regulatory Review Council
100 N. 15th Ave., Suite 302
Phoenix, AZ 85007

Re: Rulemaking for Title 18. Environmental Quality, Chapter 18. Department of
Environmental Quality – Emergency Planning And Hazardous Materials Training

Dear Chairperson Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits an expedited rulemaking proposing changes to Arizona Administrative Code (A.A.C) Title 18, Chapter 18 to the Governor's Regulatory Review Council (GRRC) for its consideration and approval.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. § 41-1052 and A.A.C. R1-6-202:

I. Information Required by A.A.C. R1-6-202(A)(1)

- The public record closed for the rule on December 18, 2024 at 5:00 p.m.
- Pursuant to A.R.S. § 41-1027(A)(3), (A)(4), and (A)(6), this expedited rulemaking corrects typographical errors, updates outdated citations, clarifies language for the rules without changing their effect. This expedited rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of regulated persons.
- This rulemaking incorporates changes proposed in the Department's five-year rule review of 18 A.A.C. Chapter 18, Remedial Action, approved by GRRC December 5, 2023.
- The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- A list of documents enclosed under A.A.C. R1-6-201(A)(2)-(8), which are attached as electronic copies:
 - This cover letter.
 - The Notice of Final Expedited Rulemaking (NFERM), including the preamble, table of contents, and text of each rule.
 - ADEQ did not receive any written comments on the Notice of Proposed Expedited Rulemaking (NPERM).

Main Office

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- ADEQ received no analysis regarding the rules' impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states; therefore, no such analysis is included in this submittal.
- One electronic copy of each of the following is enclosed: Materials incorporated by reference in rules which have been updated by this rulemaking to reflect more recent publications: 29 CFR 1910.120, 40 CFR 355.10, 40 CFR 370, and 42 USC 11001.
- No statute was declared unconstitutional.
- One electronic copy of each of the following is enclosed: the general and specific statutes authorizing the rules, including relevant statutory definitions: A.R.S. § 49-104(B)(4), A.R.S. § 49-123(F), A.R.S. § 49-123(I), and A.R.S. § 49-123(J).
- No term is defined in the rule by referring to another.

Thank you for your timely review and approval. Please contact John MacBain, Rule Writer, Waste Programs Division, 602-771-0101 or macbain.john@azdeq.gov, if you have any questions.

Sincerely,

DocuSigned by:



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Karen Peters

Deputy Director

Arizona Department of Environmental Quality

Attachments

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 18. DEPARTMENT OF ENVIRONMENTAL QUALITY – EMERGENCY PLANNING AND HAZARDOUS MATERIALS TRAINING

PREAMBLE

1. Permission to proceed with this final expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

July 31, 2023

| <u>2. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R18-18-101 | Amend |
| R18-18-103 | Amend |
| R18-18-104 | Amend |
| R18-18-105 | Amend |
| R18-18-106 | Amend |
| R18-18-107 | Amend |
| R18-18-109 | Amend |
| R18-18-201 | Amend |
| R18-18-202 | Amend |
| R18-18-203 | Amend |
| R18-18-204 | Amend |
| R18-18-205 | Amend |

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

Authorizing statutes: A.R.S. § 49-104(B)(4).

Implementing statutes: A.R.S. § 49-123(F), A.R.S. § 49-123(I), and A.R.S. § 49-123(J).

4. The effective date of the rule:

This expedited rulemaking becomes effective immediately the date the notice is filed under A.R.S. § 41-1027(H).

The effective date is (to be filled in by Register editor).

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final expedited rule:

Notice of Rulemaking Docket Opining: 29 A.A.R. 3444, Issue Date: October 27, 2023, Issue Number: 43, File Number: R23-209.

Notice of Proposed Expedited Rulemaking: 30 A.A.R. 2973, Issue Date: October 4, 2024, Issue Number: 40, File number: R24-190.

6. The agency’s contact person who can answer questions about the rulemaking:

Name: John MacBain
Title: Rule Writer
Division: Waste Programs Division
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-0101

Fax: (602) 771-2366
Email: macbain.john@azdeq.gov

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

Summary

Pursuant to A.R.S. § 41-1027(A)(7), ADEQ is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's five-year review of 18 A.A.C. Chapter 18, Emergency Planning and Hazardous Materials Training approved by the Governor's Regulatory Review Council (GRRC) in July 2023. In that review, ADEQ identified the need to update statutory citations, correct clerical errors, and make minor clarifications to the rules. This rulemaking incorporates those changes as well as makes other minor typographical errors and updates out of date citations identified in the course of this rulemaking.

Background

During the five-year review, ADEQ identified several citations that required updating to reflect the transfer and renumbering of referenced statutes that occurred in 2015 in order to improve the clarity and understandability of the rules. As recommended in the five-year review, R18-18-101 has had references to A.R.S. § 26-341 updated to A.R.S. § 49-121; R18-18-104 has had references to A.R.S. § 26-347 updated to A.R.S. § 49-127; R18-18-105 has had references to A.R.S. § 26-345 updated to A.R.S. § 49-125; R18-18-106 has had references to A.R.S. § 26-348 updated to A.R.S. § 49-128; R18-18-107 has had references to A.R.S. § 26-350 updated to A.R.S. § 49-130; and R18-18-109 has had references to A.R.S. § 26-343 updated to A.R.S. § 49-123 to reflect the 2015 transfer and renumbering of the statutes.

During the five-year review, ADEQ also proposed adding several weblinks to materials referenced in the rules in order to modernize their requirements. The incorporation by reference in R18-18-103(A) has been updated to the latest version of the United States Code (USC) for clarity as no changes to the incorporated section has occurred. R18-18-103(A) has also been updated to include where the material incorporated by reference is available online from the U.S. Government Publishing Office. References to the Emergency Response Plan Questionnaire have been updated to Emergency Response Plan Template in R18-18-104(C) & (D) and a weblink where the Template can be found online has been added to R18-18-104(C).

The incorporation by reference of 40 CFR 370, Subpart B in R18-18-107(A) has been updated to the most recent version of the Code of Federal Regulations (CFR), including the addition of an incorporation of 40 CFR 370, Subpart C. 40 CFR 370, Subpart B was updated in 2014 to split the elements of Subpart B into Subparts B & C, providing additional clarifying details on how to comply with hazardous chemical reporting requirements. Updating the incorporation by reference does not change current processes or reporting requirements as ADEQ has previously incorporated the details in the updated 40 CFR 370, Subparts B & C into its hazardous chemical reporting processes. A weblink where the material incorporated by reference is available online from the U.S. Government Publishing Office has also been added for clarity.

Weblinks have been added to R18-18-203(A)(2)(a), providing the online location of the referenced “Participant Application”, and R18-18-203(A)(3), providing the online locations of information regarding scheduling and attending the referenced instructor workshops. A weblink has also been added to R18-18-204(A), providing the online location of the referenced “Course Request Form”. The incorporations by reference in R18-18-205(B) have been updated to the most recent version of the CFR for clarity, and a weblink where the material incorporated by reference is available online from the U.S. Government Publishing Office has been added.

This rulemaking also incorporates other courses of action that were proposed in the five-year review in order to improve clarity and understandability of the rules. The term “MSDS” has been removed from definitions in R18-18-101(B)(7) because the term is not used elsewhere in Chapter 18. An incorrect citation to A.R.S. § 49-201 in R18-18-201(7)(h) has been corrected to A.R.S. § 49-121. The five-year review also proposed adding language to R18-18-202(B) to adopt, without material change, language consistent with 29 CFR 1910.120(q)(6)(i)(F) to include the course topic, “How to realize the need for additional resources, and to make appropriate notifications to the communication center.” This rulemaking adds that language to R18-18-202(B) without material change.

During the course of this rulemaking several outdated references to the U.S. Government Printing Office were identified throughout the rule. In December 2014, the U.S. Government Printing Office was renamed the Government Publishing Office to reflect the Office’s growing role in providing access to government information in digital formats. ADEQ has taken the opportunity during this rulemaking to update references to the U.S. Government Printing Office to U.S. Government Publishing Office throughout Chapter 18 in order to improve clarity. The agency also took the opportunity to correct the citation to 29 CFR 1910.120(Q)(6) to 29 CFR 1910.120(q)(6) to properly reflect the formatting in the CFR.

An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(3) as this rulemaking corrects typographical errors, updates citations, and clarifies language without changing the effect of the rules; it will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of those regulated. The following table summarizes the amendments and their justifications under A.R.S. § 41-1027(A):

| Rule | Justification under A.R.S. § 41-1027(A) | Amendment Summary |
|----------------------------|--|---|
| R18-18-101. Definitions | A.R.S. § 41-1027(A)(6) | A.R.S. § 26-341 has been updated in subsection (A) to A.R.S. § 49-121 because A.R.S. § 26-341 was transferred and renumbered in 2015. |
| | A.R.S. § 41-1027(A)(6) | A.R.S. § 26-341(2) has been updated in subsection (B)(6) to A.R.S. § 49-121 because A.R.S. § 26-341 was transferred and renumbered in 2015. |
| | A.R.S. § 41-1027(A)(6) | |

| | | |
|---|--|--|
| | | The term “MSDS” has been removed from the definitions in subsection (B)(7) because this term is not used elsewhere in Chapter 18. |
| R18-18-103. Responsibilities of an LEPC | A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(3) | The incorporation by reference in subsection (A) have been updated to the most recent version of the USC. there were no changes between the two versions. Reference to U.S. Government Printing Office has been updated to U.S. Government Publishing Office to reflect the Office’s 2014 name change. An internet website has been included where for the material incorporated in subsection (A) is available to modernize the requirement. |
| R18-18-104. Emergency Planning and Preparedness | A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) | 40 CFR 355.30 has been in subsection (A) to 40 CFR 355.10 because 40 CFR 355.30 was revised and renumbered in 2008. A.R.S. § 26-347(B) has been updated in subsection (B) to A.R.S. § 49-127(B) because A.R.S. § 26-347 was transferred and renumbered in 2015. A.R.S. § 26-347(D) has been updated in subsection (C) to A.R.S. § 49-127(D) because A.R.S. § 26-347 was transferred and renumbered in 2015. The reference to “the Questionnaire” and Worksheet in subsections (C) and (D) has been changed to “the Plan Template”, and an internet website where template is available has been included. |
| R18-18-105. Local Emergency Planning and Preparedness | A.R.S. § 41-1027(A)(6) | A.R.S. § 26-345(E) has been updated in subsection (A) to A.R.S. § 49-125(E) because A.R.S. § 26-345 was transferred and renumbered in 2015. |
| R18-18-106. Reportable Release Notification | A.R.S. § 41-1027(A)(6) | A.R.S. § 26-348(A) has been updated in subsection (A)(1) to A.R.S. § 49-128(A) because A.R.S. § 26-348 was transferred and renumbered in 2015. |

| | | |
|---|--|--|
| | A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) | A.R.S. § 26-348(B) has been updated in subsection (A)(2) to A.R.S. § 49-128(B) because A.R.S. § 26-348 was transferred and renumbered in 2015. A.R.S. § 26-348(C) has been updated in subsection (A)(3) to A.R.S. § 49-128(C) because A.R.S. § 26-348 was transferred and renumbered in 2015. |
| R18-18-107 Extremely Hazardous Substance (EHS) or Hazardous Chemical Reporting | A.R.S. § 41-1027(A)(4) A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(3) A.R.S. § 41-1027(A)(6) | The incorporation by reference of 40 CFR 370, Subpart B in subsection (A) has been updated to the most recent version of the CFR, including the addition of a reference to 40 CFR 370, Subpart C. The reference to U.S. Government Printing Office has been updated to U.S. Government Publishing office to reflect the Office's 2014 name change. An internet website for where the material incorporated in subsection (A) is available to modernize the requirement has been included. A.R.S. § 26-350 has been updated in subsection (B) to A.R.S. § 49-130 because A.R.S. § 26-350 was transferred and renumbered in 2015. |
| R18-18-109. Community Right-to-know Procedures | A.R.S. § 41-1027(A)(6) | A.R.S. § 26-343(G) has been updated in subsection (D) to A.R.S. § 49-123(G) because A.R.S. § 26-343 was transferred and renumbered in 2015. |
| R18-18-201. Definitions | A.R.S. § 41-1027(A)(3) | The citation to A.R.S. § 49-201 in subsection (7)(h) has been corrected to A.R.S. § 49-121. |
| R18-18-202. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Curriculum | A.R.S. § 41-1027(A)(4) | Language has been added in subsection (B) to adopt, without material change, language consistent with 29 CFR 1910.120(q)(6)(i)(F) to include the following course topic: How to realize the need for additional resources, and to make appropriate notifications to the communication center. |

| | | |
|---|--|--|
| R18-18-203. Instructor Authorization and Renewal | A.R.S. § 41-1027(A)(3) A.R.S. § 41-1027(A)(3) | An internet website where the material incorporated in subsection (A)(2)(a) is available to modernize the requirement has been added. Language has been added in (A)(3) to clarify how to schedule or attend instructor workshops. |
| R18-18-204. Hazmat First Responder Operations Level Course Division Requirements | A.R.S. § 41-1027(A)(3) | An internet website where the material incorporated in subsection (A) is available to modernize the requirement has been added. |
| R18-18-205 Hazmat First Responder Awareness Level Personnel and Hazmat First Responder Operations Level Operatives Evidence Completion. | A.R.S. § 41-1027(A)(3) A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(4) A.R.S. § 41-1027(A)(3) | The citation to 29 CFR 1910.120(Q)(6) in and (Q)(8)(ii) subsection (B) have been corrected to 29 CFR 1910.120(q)(6) and (q)(8)(ii) to properly reflect the formatting in the CFR. The reference to U.S. Government Printing Office has been updated to U.S. Government Publishing office to reflect the Office's 2014 name change. The incorporations by reference in subsection (B) have been updated to the most recent version of the CFR. There were no changes between the two versions. An internet website for where the material incorporated in subsection (B) is available to modernize the requirement has been added. |

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

Not applicable.

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

Not applicable.

10. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):

The agency is exempt from the requirements to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

11. A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:

No changes.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

ADEQ did not receive comments regarding this proposed rulemaking.

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

There are no other matters prescribed by statutes applicable specifically to ADEQ or this specific rulemaking.

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

The proposed changes to these rules do not require a permit.

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

United States Code, Title 42, Section 11001 requires each state to establish a State emergency response commission as part of the Emergency Planning and Community Right-to Know Act (EPCRA). Each State emergency response commission must appoint local emergency planning committees (LEPCs), and must supervise and coordinate the activities of the LEPCs. The Arizona Legislature established the Arizona State Emergency Response Commission (AZSERC) under A.R.S. § 49-123 to satisfy the federal requirement under to establish a State emergency response commission. 18 A.A.C. 18, Article 1 provides for the make-up, operation, and duties of LEPCs, satisfying the federal requirements of EPCRA without exceeding them.

A.R.S. § 49-123(J) establishes requirements for mandatory hazardous materials training programs. 18 A.A.C. 18, Article 2 provides for the Hazardous Materials Training Program, including curriculum standards for the Hazmat First Responder course instructors and minimum standards for certification. To meet the requirements of A.R.S. § 49-123(J) and for convenience, AZERC has modeled its course and curriculum after the federal Occupational Safety and Health Act (OSHA) requirements at 29 CFR 1910.120, without exceeding those requirements. The training requirements ensure the safety of employees engaged in operations at hazardous waste sites, at hazardous waste treatment, storage, or disposal facilities, and at the site of an emergency response to the release, or threatened release of hazardous substances.

c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package.

No analysis was submitted to the Department.

14. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:

| | |
|---|---------------|
| 42 U.S.C. § 11001(c), revised October 17, 1986 | R18-18-103(A) |
| 40 CFR 370, Subpart B, revised July 1, 2023 | R18-18-107(A) |
| 29 CFR 1910.120(Q)(6), revised July 1, 2023 | R18-18-205(B) |
| 29 CFR 1910.120(Q)(8)(ii), revised July 1, 2023 | R18-18-205(B) |

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A) state where the text was changed between the emergency and the final expedited rulemaking package:

The rules were not previously made as an emergency rule.

16. The full text of the rules follows:
Rule text begins on the next page.

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 18. DEPARTMENT OF ENVIRONMENTAL QUALITY – EMERGENCY PLANNING AND
HAZARDOUS MATERIALS TRAINING

ARTICLE 1. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW

Section

- R18-18-101. Definitions
- R18-18-102. General Provisions
- R18-18-103. Responsibilities of an LEPC
- R18-18-104. Emergency Planning and Preparedness
- R18-18-105. Local Emergency Response Plan
- R18-18-106. Reportable Release Notification
- R18-18-107. Extremely Hazardous Substance (EHS) or Hazardous Chemical Reporting
- R18-18-109. Community Right-to-know Procedures

ARTICLE 2. HAZARDOUS MATERIAL TRAINING PROGRAM, STUDENT AND INSTRUCTOR EVIDENCE OF COMPLETION

Section

- R18-18-201. Definitions
- R18-18-202. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Curriculum
- R18-18-203. Instructor Authorization and Renewal
- R18-18-204. Hazmat First Responder Awareness Level Personnel and Hazmat First Responder Operations Level Operatives Evidence of Completion

ARTICLE 1. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW

R18-18-101. Definitions

- A. The definitions in ~~A.R.S. § 26-341~~ A.R.S. § 49-121 apply to this Chapter.
- B. In this Article, unless specified otherwise:
 - 1. “Emergency planning district” means an area that the Commission designates to facilitate preparing and implementing an emergency response plan.
 - 2. “EPA” means the United States Environmental Protection Agency.
 - 3. “EPCRA” means the Emergency Planning and Community Right-to-Know Act of 1986, commonly known as SARA Title III.
 - 4. “FD” means local fire department or the fire district with jurisdiction for a particular facility.
 - 5. “Hazardous substance” means a substance on the list that appears at 40 CFR 302.4.
 - 6. “LEPC” means “Committee,” as prescribed at ~~A.R.S. § 26-341(2)~~ A.R.S. § 49-121.
 - 7. ~~“MSDS” means material safety data sheet and has the same meaning as prescribed at 40 CFR 370.02.~~
 - 8. “NIMS” means National Incident Management System.
 - 9. “Reportable release” means a release that is not excluded under 40 CFR 355.40.
 - 10. “TPQ” means threshold planning quantity and has the same meaning as prescribed at 40 CFR 355.20.

R18-18-103. Responsibilities of an LEPC

- A. Members of an LEPC shall fulfill the responsibilities listed at 42 U.S.C. 11001(c), ~~October 17, 1986~~ January 5, 2023, which is incorporated by reference, contains no future editions or amendments, and is available from the Commission

and the U.S. Government ~~Printing~~ Publishing Office, P.O. Box 371954, Pittsburgh, PA 15250, at
<https://www.govinfo.gov/link/uscode/42/11001>.

- B. No change
 - 1. No Change
 - 2. No Change
 - 3. No Change
 - 4. No Change

R18-18-104. Emergency Planning and Preparedness

- A. If a facility is required to comply with ~~40 CFR 355.30~~ 40 CFR 355.10, the owner or operator of the facility shall also comply with the emergency planning and preparedness requirements in this Section.
- B. If a facility is designated by the Commission under ~~A.R.S. § 26-347(B)~~ A.R.S. § 49-127(B), the owner or operator of the facility shall comply with the emergency planning and preparedness requirements in this Section and the reporting requirements of R18-18-107.
- C. No later than 60 days after a facility first becomes subject to the emergency planning and preparedness requirements of this Section, the owner or operator of the facility shall submit a facility emergency response plan according to ~~A.R.S. § 26-347(D)~~ A.R.S. § 49-127(D). The owner or operator of the facility may submit the facility emergency response plan by completing and submitting an Emergency Response Plan Questionnaire Template, which is available from the Commission, at <https://tier2.azserc.org/Content/HelpLinks/ERP%20Template%202021.pdf>.
- D. The owner or operator of a facility that submits an Emergency Response Plan Questionnaire Template under subsection (C) may also submit a Hazard Analysis Worksheet for each extremely hazardous substance at the facility that equals or exceeds the TPQ.
- E. No change
 - 1. No Change
 - 2. No Change
 - 3. No Change

R18-18-105. Local Emergency Response Plan

- A. Within 12 months after the Commission designates a new emergency planning district and appoints members of an LEPC for the newly designated emergency planning district, the LEPC shall prepare an emergency response plan that complies with the requirements at ~~A.R.S. § 26-345(E)~~ A.R.S. § 49-125(E) and complies with NIMS.
- B. No change
- C. No change
- D. No change
 - 1. No Change
 - 2. No Change
- E. No change
- F. No change
- G. No change

R18-18-106. Reportable Release Notification

The owner or operator of a facility at which a reportable release occurs shall:

- 1. Comply with the notification requirements of ~~A.R.S. § 26-348(A)~~ A.R.S. § 49-125(E);
- 2. Submit the written follow-up emergency notice required under ~~A.R.S. § 26-348(B)~~ A.R.S. § 49-128(B); and
- 3. Update the notice provided under subsection (2) as required under ~~A.R.S. § 26-348(C)~~ A.R.S. § 49-128(C).

R18-18-107. Extremely Hazardous Substance (EHS) or Hazardous Chemical Reporting

- A. The owner or operator of a facility shall comply with the extremely hazardous substance and hazardous chemical reporting requirements of 40 CFR 370, Subparts B & C, July 1, ~~2007~~ 2023, which is incorporated by this reference, contains no later amendments or editions, and is available from the Commission and the U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, at <https://www.govinfo.gov/content/pkg/CFR-2023-title40-vol30/pdf/CFR-2023-title40-vol30-part370-subpartB.pdf>
- B. As required by ~~A.R.S. § 26-350~~ A.R.S. §49-130, an owner or operator described in subsection (A) shall submit a Tier Two Emergency and Hazardous Chemical Inventory Form, using a form available from the Commission, by March 1 of each year. All facilities subject to this reporting requirement shall be subject to the Tier II Emergency and Hazardous Chemical Inventory Reporting fee schedule:
 - 1. Each owner or operator of a facility required to file a hazardous chemical inventory report(s) (Tier II Reports) under the provisions of 42 U.S.C. § 11022 will be assessed a report filing fee of seventy-five dollars (\$75.00) for the first required facility report and an additional fee of twenty dollars (\$20.00) for each additional required facility report up to a maximum limit of five hundred dollars (\$500) per annual reporting period.
 - 2. Owners or operators of facilities meeting the following conditions are exempt from the reporting fee(s):
 - a. Any business or other outlet that primarily reports or sells gasoline, diesel and other motor fuel only at retail to the public.
 - b. Any business or other outlet that only files a Tier II report to claim lead acid batteries.
 - c. Any business or other outlet that only files a Tier II report to claim diesel or gasoline.
 - d. Any business or other outlet that resides on tribal lands or a tribal Nation and must report to a Tribal Emergency Response Commission (TERC) or Chemical-Tribal Emergency Response Commission (C-TERC).
- C. No change

R18-18-109. Community Right-to-know Procedures

- A. No change
- B. No change
 - 1. No Change
 - 2. No Change
 - 3. No Change
 - 4. No Change
 - a. No Change
 - b. No Change
 - c. No Change
 - d. No Change
- C. No change
- D. Under A.R.S. § 39-121, the Commission or LEPC shall charge the person making a request under this Section the cost of reproducing the information requested. The Commission shall deposit the funds received under this subsection in accordance with ~~A.R.S. § 26-343(G)~~ A.R.S. §49-123(G).

ARTICLE 2. HAZARDOUS MATERIALS TRAINING PROGRAM, STUDENT AND INSTRUCTOR EVIDENCE OF COMPLETION

R18-18-201. Definitions

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

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change

7. "Hazardous materials" means:
 - a. No Change
 - b. No Change
 - c. No Change
 - d. No Change
 - e. No Change
 - f. No Change
 - g. No Change
 - h. Any substance designated as a hazardous substance under ~~A.R.S. § 49-201~~ A.R.S. § 49-121; and
 - i. No Change
8. No change
9. No change
10. No change
11. No change
 - a. No Change
 - b. No Change
 - c. No Change
 - d. No Change

R18-18-202. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Curriculum

- A. No change
- B. Topics covered in the Hazmat First Responder Awareness Level course are:
 1. What hazardous materials are and the risks associated with a hazardous materials incident;
 2. Potential outcomes associated with an emergency created when hazardous materials are present;
 3. How to recognize the presence of hazardous materials in an emergency;
 4. How to identify different hazardous materials; and
 5. Role of a first responder awareness individual in an employer's emergency response plan, including site security and control, and use of current resource materials.
 6. The ability to realize the need for additional resources and to make appropriate notifications to the communication center.
- C. No change
 1. No Change
 2. No Change
 3. No Change
 4. No Change
 5. No Change
 6. No Change

R18-18-203. Instructor Authorization and Renewal

- A. Instructor authorization:
 1. An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level and Hazmat First Responder Operations Level course.
 2. To be authorized as an instructor, an individual shall submit the following to the Division:
 - a. A "Participant Application" form obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008, available at <https://dema.az.gov/emergency-management/preparedness/training-branch/adjunct-instructor-resources>. The applicant shall provide the following information to take an instructor workshop:
 - i. Course number;

- ii. Course date;
 - iii. Course title;
 - iv. Applicant's name;
 - v. SSN;
 - vi. Applicant's employer;
 - vii. Applicant's position or title;
 - viii. Phone number;
 - ix. Fax number, if any;
 - x. Work mailing address, city, state, zip code, and county;
 - xi. Electronic mail address, if any;
 - xii. Brief description of current duties and how training as an instructor will be used;
 - xiii. Applicant's signature and date; and
 - xiv. Supervisor's signature, if applicable, and date;
- b. Evidence of two years' experience in hazardous materials incident response;
 - c. Evidence of Completion of at least 80 hours for Awareness Level or at least 240 hours for Operations Level of hazardous materials training, and a signed copy of attendance and performance records. Information regarding scheduling or attending trainings is available from the Department of Emergency and Military Affairs at <https://dema.az.gov/emergency-management/preparedness/training-branch/adjunct-instructor-resources>;
 - d. A letter of recommendation to take instructor training from the applicant's employer, local emergency planning committee chair, county emergency management director, or coordinator; and
 - e. A brief summary of the applicant's experience in hazardous materials response and as an instructor of adult-level courses.
- 3. After an applicant submits to the Division the documentation described in subsection (A)(2)(a), the applicant shall:
 - a. Attend the instructor workshop,
 - b. Attain a score of at least 90% on the written exam, and
 - c. Successfully complete a teach back to demonstrate appropriate educational methodology and instructional techniques during an oral presentation.
 - 4. The Division shall issue Evidence of Completion to an individual who successfully completes the instructor workshop.
 - 5. The Division shall maintain records of instructor authorization.
 - 6. Instructor authorization is valid for two calendar years.
- B.** No change
 - 1. No Change
 - 2. No Change
 - 3. No Change
 - C.** No change

R18-18-204. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Division Requirements

- A.** An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level course and Hazmat First Responder Operations Level course. An instructor shall notify the Division at least 30 days before course delivery by submitting a "Course Request Form" obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008, available at <https://dema.az.gov/resources/demaem-training-exercise-event-request-form>. The instructor shall provide the following information:
 - 1. Name of requestor;
 - 2. Date;
 - 3. Agency of requestor;
 - 4. Mailing address, city, state, zip code and county;

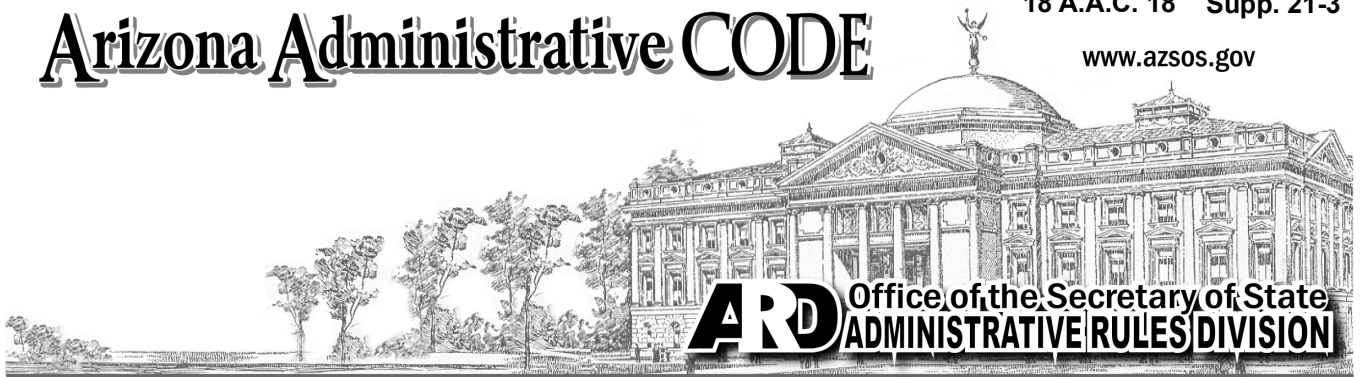
5. Phone number;
6. Fax number, if any;
7. Name of agency head;
8. Applicant signature;
9. Electronic mail address;
10. Type of course;
11. Course name;
12. Course number;
13. Date course is offered;
14. Training site address and county;
15. Intended audience;
16. Estimated number of participants;
17. Name and signature of requestor; and
18. County emergency management director or local emergency planning committee chairperson endorsement: name, signature, title, and date.

B. No change

R18-18-205. Hazmat First Responder Awareness Level Personnel and Hazmat First Responder Operations Level Operatives Evidence of Completion

A. No change

B. The Division shall issue Evidence of Completion to an individual who successfully completes the Hazmat First Responder Awareness Level course or the Hazmat First Responder Operations Level course. The employer of an individual issued Evidence of Completion shall maintain evidence of the individual's competency under ~~29 CFR 1910.120(q)(6)~~ 29 CFR 1910.120(q)(6) and ~~(q)(8)(ii)~~ (q)(8)(ii), published by the United States Government ~~Printing~~ Printing Office and revised July 1, ~~2001~~ 2023, available at <https://www.govinfo.gov/content/pkg/CFR-2023-title29-vol5/pdf/CFR-2023-title29-vol5-sec1910-120.pdf>, with no later editions or amendments. This regulation is incorporated by reference and on file with the Division and the Office of the Secretary of State.



TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 18. DEPARTMENT OF ENVIRONMENTAL QUALITY - EMERGENCY PLANNING AND HAZARDOUS MATERIALS TRAINING

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

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

This is a new Chapter. See the table of contents on page 1 for a list of rules recodified (Supp. 21-3).

Questions about these rules? Contact:

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

This is a new Chapter.

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

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

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

AUTHENTICATION OF PDF CODE CHAPTERS

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

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note

to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

EXEMPTIONS AND PAPER COLOR

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 18. DEPARTMENT OF ENVIRONMENTAL QUALITY - EMERGENCY PLANNING AND HAZARDOUS MATERIALS TRAINING

Authority: A.R.S. § 49-123(F) and (I)

Supp. 21-3

Editor's Note: Chapter 208 (H.B. 2274), 52 Legislature, 2015 First Regular Session, transferred the duties of the Arizona Emergency Response Commission to the Department of Environmental Quality. The rules in this Chapter were recodified from 8 A.A.C. 4 and 8 A.A.C. 2, Article 6, at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

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Article 1, consisting of Sections R18-18-101 through R18-18-110, recodified from R8-4-101 through R8-4-110, at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

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ARTICLE 2. HAZARDOUS MATERIALS TRAINING PROGRAM, STUDENT AND INSTRUCTOR EVIDENCE OF COMPLETION

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

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CHAPTER 18. DEPARTMENT OF ENVIRONMENTAL QUALITY - EMERGENCY PLANNING AND HAZARDOUS MATERIALS TRAINING

ARTICLE 1. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW

R18-18-101. Definitions

- A. The definitions in A.R.S. § 26-341 apply to this Chapter.
- B. In this Article, unless specified otherwise:
1. "Emergency planning district" means an area that the Commission designates to facilitate preparing and implementing an emergency response plan.
 2. "EPA" means the United States Environmental Protection Agency.
 3. "EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, commonly known as SARA Title III.
 4. "FD" means local fire department or the fire district with jurisdiction for a particular facility.
 5. "Hazardous substance" means a substance on the list that appears at 40 CFR 302.4.
 6. "LEPC" means "Committee," as prescribed at A.R.S. § 26-341(2).
 7. "MSDS" means material safety data sheet and has the same meaning as prescribed at 40 CFR 370.02.
 8. "NIMS" means National Incident Management System.
 9. "Reportable release" means a release that is not excluded under 40 CFR 355.40.
 10. "TPQ" means threshold planning quantity and has the same meaning as prescribed at 40 CFR 355.20.

Historical Note

New Section R18-18-101 recodified from R8-4-101 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-102. General Provisions

- A. The Commission shall make all forms referenced in this Chapter available on its internet site.
- B. The owner or operator of a facility that is required to submit information under this Article may submit the information electronically to the Commission and LEPC and to the FD if, as indicated on the Commission's web site, the FD has entered into an agreement with the Commission regarding electronic submission.
- C. When the chair of an LEPC forwards to the Commission an item requiring action by the Commission before its next meeting, the Executive Director of the Commission shall respond to the LEPC on behalf of the Commission until the Commission takes action at its next meeting.

Historical Note

New Section R18-18-102 recodified from R8-4-102 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-103. Responsibilities of an LEPC

- A. Members of an LEPC shall fulfill the responsibilities listed at 42 U.S.C. 11001(c), October 17, 1986, which is incorporated by reference, contains no future editions or amendments, and is available from the Commission and the U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250.
- B. In addition to the responsibilities under subsection (A), members of an LEPC shall:
1. Establish procedures for access to the Local Emergency Response Plan;
 2. Evaluate the resources needed to develop and implement the Local Emergency Response Plan and make recommendations to the County Board of Supervisors and the Commission regarding mechanisms to provide the resources needed;

3. Ensure that newly appointed LEPC members participate in training provided by the Commission regarding the responsibilities of LEPC members; and
4. Ensure that LEPC members are aware of and have the opportunity to attend Commission-sponsored meetings regarding matters related to emergency planning and preparedness.

Historical Note

New Section R18-18-103 recodified from R8-4-103 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-104. Emergency Planning and Preparedness

- A. If a facility is required to comply with 40 CFR 355.30, the owner or operator of the facility shall also comply with the emergency planning and preparedness requirements in this Section.
- B. If a facility is designated by the Commission under A.R.S. § 26-347(B), the owner or operator of the facility shall comply with the emergency planning and preparedness requirements in this Section and the reporting requirements of R18-18-107.
- C. No later than 60 days after a facility first becomes subject to the emergency planning and preparedness requirements of this Section, the owner or operator of the facility shall submit a facility emergency response plan according to A.R.S. § 26-347(D). The owner or operator of the facility may submit the facility emergency response plan by completing and submitting an Emergency Response Plan Questionnaire, which is available from the Commission.
- D. The owner or operator of a facility that submits an Emergency Response Plan Questionnaire under subsection (C) may also submit a Hazard Analysis Worksheet for each extremely hazardous substance at the facility that equals or exceeds the TPQ.
- E. On or before March 1 of each year, the owner or operator of a facility described in subsection (A) or (B) shall:
1. Review and determine whether the facility emergency response plan submitted under subsection (C) is still accurate and, if changes are needed to ensure that the facility emergency response plan is accurate, submit information regarding the relevant changes. If information regarding relevant changes to the facility emergency response plan is submitted, the owner or operator of the facility may revise and submit the Hazard Analysis Worksheet previously submitted under subsection (D); and
 2. Comply with R18-18-107(C).

Historical Note

New Section R18-18-104 recodified from R8-4-104 with amendments to Chapter Section and subsection references at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-105. Local Emergency Response Plan

- A. Within 12 months after the Commission designates a new emergency planning district and appoints members of an LEPC for the newly designated emergency planning district, the LEPC shall prepare an emergency response plan that complies with the requirements at A.R.S. § 26-345(E) and complies with NIMS.
- B. On or before December 31 of each year and when there are changed circumstances in the community or at a facility, an LEPC shall review and update the emergency response plan for its emergency planning district.
- C. An LEPC shall submit a copy of the emergency response plan prepared under subsection (A) or (B) to the Commission.

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- D.** Within 60 days after the Commission receives a copy of an emergency response plan under subsection (C), the Commission staff shall:
- Review the emergency response plan and make recommendations for revisions necessary to ensure that the emergency response plan complies with law and coordinates with the emergency response plans of adjoining emergency planning districts; and
 - Return the emergency response plan and recommendations to the LEPC.
- E.** An LEPC shall ensure that the emergency response plan prepared under subsection (B) and reviewed and amended under subsection (D) is incorporated into the county's emergency operations plan in accordance with county procedures.
- F.** At least biennially and after providing at least 30 days notice to the Commission, an LEPC shall conduct an exercise of its emergency response plan.
- G.** On or before December 31 of each year, an LEPC shall survey its emergency planning district to determine how many copies of the U.S. Department of Transportation Emergency Response Guidebook are needed and forward the information regarding the number of copies needed to the Commission.
- 2.** Owners or operators of facilities meeting the following conditions are exempt from the reporting fee(s):
- Any business or other outlet that primarily reports or sells gasoline, diesel and other motor fuel only at retail to the public.
 - Any business or other outlet that only files a Tier II report to claim lead acid batteries.
 - Any business or other outlet that only files a Tier II report to claim diesel or gasoline.
 - Any business or other outlet that resides on tribal lands or a tribal Nation and must report to a Tribal Emergency Response Commission (TERC) or Chemical-Tribal Emergency Response Commission (C-TERC).
- C.** If a facility ceases to meet the minimum reporting thresholds of 40 CFR 370, Subpart B, for EHS and hazardous chemical reporting with regard to a specific EHS or hazardous chemical, the owner or operator of the facility may submit a notice to the Commission, LEPC, and FD indicating that the specific EHS or hazardous chemical is no longer present in a quantity that meets the minimum reporting threshold.

Historical Note

New Section R18-18-107 recodified from R8-4-107 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

Historical Note
New Section R18-18-105 recodified from R8-4-105 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-106. Reportable Release Notification

The owner or operator of a facility at which a reportable release occurs shall:

- Comply with the notification requirements of A.R.S. § 26-348(A);
- Submit the written follow-up emergency notice required under A.R.S. § 26-348(B); and
- Update the notice provided under subsection (2) as required under A.R.S. § 26-348(C).

Historical Note

New Section R18-18-106 recodified from R8-4-106 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-107. Extremely Hazardous Substance (EHS) or Hazardous Chemical Reporting

- A.** The owner or operator of a facility shall comply with the extremely hazardous substance and hazardous chemical reporting requirements of 40 CFR 370, Subpart B, July 1, 2007, which is incorporated by this reference, contains no later amendments or editions, and is available from the Commission and the U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250.
- B.** As required by A.R.S. § 26-350, an owner or operator described in subsection (A) shall submit a Tier Two Emergency and Hazardous Chemical Inventory Form, using a form available from the Commission, by March 1 of each year. All facilities subject to this reporting requirement shall be subject to the Tier II Emergency and Hazardous Chemical Inventory Reporting fee schedule:
- Each owner or operator of a facility required to file a hazardous chemical inventory report(s) (Tier II Reports) under the provisions of 42 U.S.C. § 11022 will be assessed a report filing fee of seventy-five dollars (\$75.00) for the first required facility report and an additional fee of twenty dollars (\$20.00) for each additional required facility report up to a maximum limit of five hundred dollars (\$500) per annual reporting period.
- A.** The Commission shall make information regarding the EPCRA available to the owner or operator of a facility.
- B.** The owner or operator of a facility may obtain guidance, but not legal advice, regarding complying with the EPCRA by contacting the Commission.

Historical Note

New Section R18-18-108 recodified from R8-4-108 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-108. Compliance Procedures

R18-18-109. Community Right-to-know Procedures

- A.** To obtain information regarding a specific hazardous chemical or extremely hazardous substance at a specific facility, local emergency response plan, or notice regarding a reportable release, a person shall submit a written request to the Commission or LEPC. If a request is submitted to an LEPC, the LEPC may forward a copy of the request to the Commission so Commission staff can coordinate a response to the request. To obtain a copy of a Form R relating to toxic chemical releases, a person shall submit a written request to the Commission.
- B.** As required by 42 U.S.C. 11022, the Commission or LEPC shall respond to a written request for information. The response shall advise the person making the request of one of the following:
- The time and location at which the person may inspect and copy the requested information,
 - That additional information is needed to process the request,
 - That the requested information is not available but the Commission or LEPC will ask the owner or operator of the facility to provide the information, or
 - That the request is denied because:
 - The requested information does not exist,
 - The owner or operator of the facility is not required to provide the information,
 - The Commission or LEPC determined that disclosing the information will impair its ability to protect public health or safety and the public interest in non-

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disclosure outweighs the public interest in disclosure, or

- d. The information is exempt by law from disclosure.
- C. Before releasing information, the Commission or LEPC shall advise the owner or operator of a facility of the request for information regarding the facility.
- D. Under A.R.S. § 39-121, the Commission or LEPC shall charge the person making a request under this Section the cost of reproducing the information requested. The Commission shall deposit the funds received under this subsection in accordance with A.R.S. § 26-343(G).

Historical Note

New Section R18-18-109 recodified from R8-4-109 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-110. Grants

- A. On or before September 1 of each year, the Commission shall provide notice that is consistent with A.R.S. § 41-2702 to all LEPCs regarding grants that are available from the Commission.
- B. To receive funds that are awarded on a non-competitive basis, an LEPC shall submit a "Certification and Request for Funding" form in which the LEPC certifies that it:
1. Is in compliance with all applicable law, including NIMS;
 2. Will use the funds in the manner intended;
 3. Will keep separate funds from the Emergency Response Fund and funds from other sources; and
 4. Will submit all required reports.
- C. To receive grant funds that are awarded on a competitive basis, an LEPC shall submit to the Commission a proposal that specifies:
1. The goal that the LEPC intends to accomplish with any grant funds received,
 2. Where the grant funds will be spent,
 3. The amount of grant funds needed to accomplish the goal,
 4. The time needed to accomplish the goal, and
 5. Other information that the Commission requests to assist the Commission to evaluate the grant proposal.
- D. On behalf of the Commission, Commission staff shall meet at least annually with members of the LEPCs to establish the criteria used to evaluate a grant proposal. Commission staff, on behalf of the Commission, shall evaluate each proposal that is timely received using the criteria established. The Commission shall ensure that the criteria used include consideration of both the qualification of and need for an LEPC to receive a grant.
1. The criteria regarding qualification of an LEPC to receive a grant may include:
 - a. The extent to which the LEPC fulfilled the responsibilities listed in R18-18-103;
 - b. Whether the LEPC complied with all provisions of R18-18-104;
 - c. Whether the LEPC submitted all reports required for grant funds previously received;
 - d. Whether previously received grant funds were used in a manner that achieved the goal established;
 - e. Attendance by LEPC members at Commission-sponsored meetings; and
 - f. The number of training sessions provided by LEPC members to emergency responders in the emergency planning district; and
 2. The criteria regarding need for an LEPC to receive a grant may include:

- a. The number of facilities required to report to the LEPC under this Chapter;
 - b. The population represented by the LEPC; and
 - c. The number of reportable releases during the past year in the area represented by the LEPC.
- E. Within 60 days after the grant-proposal deadline specified in the notice of grant availability, the Commission shall provide written notice to each LEPC that applies for grant funds regarding whether grant funds will be awarded and if so, the amount awarded.
- F. An LEPC that receives grant funds shall submit progress reports to the Commission on dates prescribed by the Commission. The LEPC shall include in each progress report a summary of the work done to accomplish the goal stated in the grant proposal and a detailed accounting of the expended and remaining grant funds.

Historical Note

New Section R18-18-110 recodified from R8-4-110 with amendments to Chapter Section references at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

ARTICLE 2. HAZARDOUS MATERIALS TRAINING PROGRAM, STUDENT AND INSTRUCTOR EVIDENCE OF COMPLETION

R18-18-201. Definitions

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

1. "Authorized instructor" means an individual who the Division determines meets the criteria at R18-18-202.
2. "Director" means the director of the Division.
3. "Division" means the Arizona Division of Emergency Management.
4. "Evidence of Completion" means a document issued by the Division to an individual who successfully completes a standardized course of instruction.
5. "Hazmat First Responder Awareness Level personnel" means individuals who are likely to witness or discover a hazardous material release and who are trained to initiate an emergency response sequence by notifying the proper authorities of the release.
6. "Hazmat First Responder Operations Level operatives" means individuals who are trained to respond in a defensive fashion without actually trying to stop a hazardous material release.
7. "Hazardous materials" means:
 - a. Any material designated under the hazardous materials transportation act of 1974 (49 U.S.C. 1801);
 - b. Any element, compound, mixture, solution, or substance designated under the comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. 9602);
 - c. Any substance designated in the emergency planning and community right-to-know act of 1986 (42 U.S.C. 11002);
 - d. Any substance designated in the water pollution control act (33 U.S.C. 1317(a) and 1321(b)(2)(A));
 - e. Any hazardous waste having the characteristics identified under or listed under A.R.S. § 49-922;
 - f. Any imminently hazardous chemical substance or mixture with respect to which action is taken under the toxic substances control act (15 U.S.C. 2606);
 - g. Any material or substance determined to be radioactive under the atomic energy act of 1954 (42 U.S.C. 2011);

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- h. Any substance designated as a hazardous substance under A.R.S. § 49-201; and
- i. Any highly hazardous chemical or regulated substance as listed in the clean air act of 1963 (42 U.S.C. 7401-7671).
- 8. "Hazardous materials incident" means an uncontrolled, unpermitted release or potential release of hazardous materials that presents an imminent and substantial danger to the public health or welfare or to the environment.
- 9. "Hazardous materials response experience" means knowledge and skills gained by responding to hazardous materials incidents.
- 10. "Instructor requirements" means the criteria listed at R18-18-202 for authorization as an instructor by the Division.
- 11. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:
 - a. Release that results in exposure to persons solely within a workplace, with respect to a claim that the persons may assert against their employer;
 - b. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
 - c. Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if the release is subject to financial protection requirements established by the Nuclear Regulatory Commission under section 170 of the Act, or for the purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; and
 - d. Normal application of fertilizer.
- C. Topics covered in the Hazmat First Responder Operations Level course are:
 - 1. Basic hazard and risk assessment techniques;
 - 2. How to select and use proper protective equipment;
 - 3. Basic hazardous materials terms;
 - 4. How to perform basic control, containment, or confinement operations with the resources and personal protective equipment available;
 - 5. How to implement basic decontaminating procedures; and
 - 6. Standard operating and terminating procedures.

Historical Note

New Section R18-18-202 recodified from R8-2-602 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-203. Instructor Authorization and Renewal

- A. Instructor authorization:
 - 1. An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level and Hazmat First Responder Operations Level course.
 - 2. To be authorized as an instructor, an individual shall submit the following to the Division:
 - a. A "Participant Application" form obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008. The applicant shall provide the following information to take an instructor workshop:
 - i. Course number;
 - ii. Course date;
 - iii. Course title;
 - iv. Applicant's name;
 - v. SSN;
 - vi. Applicant's employer;
 - vii. Applicant's position or title;
 - viii. Phone number;
 - ix. Fax number, if any;
 - x. Work mailing address, city, state, zip code, and county;
 - xi. Electronic mail address, if any;
 - xii. Brief description of current duties and how training as an instructor will be used;
 - xiii. Applicant's signature and date; and
 - xiv. Supervisor's signature, if applicable, and date;
 - b. Evidence of two years' experience in hazardous materials incident response;
 - c. Evidence of Completion of at least 80 hours for Awareness Level or at least 240 hours for Operations Level of hazardous materials training, and a signed copy of attendance and performance records;
 - d. A letter of recommendation to take instructor training from the applicant's employer, local emergency planning committee chair, county emergency management director, or coordinator; and
 - e. A brief summary of the applicant's experience in hazardous materials response and as an instructor of adult-level courses.
 - 3. After an applicant submits to the Division the documentation described in subsection (A)(2)(a), the applicant shall:
 - a. Attend the instructor workshop,
 - b. Attain a score of at least 90% on the written exam, and

Historical Note

New Section R18-18-201 recodified from R8-2-601 with amendments to Chapter Section references at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-202. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Curriculum

- A. An authorized instructor shall conduct a Hazmat First Responder Awareness Level course or a Hazmat First Responder Operations Level course in accordance with the standardized curriculum maintained by the Division. The Division shall promptly notify all authorized instructors of any change in the curriculum.
- B. Topics covered in the Hazmat First Responder Awareness Level course are:
 - 1. What hazardous materials are and the risks associated with a hazardous materials incident;
 - 2. Potential outcomes associated with an emergency created when hazardous materials are present;
 - 3. How to recognize the presence of hazardous materials in an emergency;
 - 4. How to identify different hazardous materials; and
 - 5. Role of a first responder awareness individual in an employer's emergency response plan, including site security and control, and use of current resource materials.

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- c. Successfully complete a teach back to demonstrate appropriate educational methodology and instructional techniques during an oral presentation.
- 4. The Division shall issue Evidence of Completion to an individual who successfully completes the instructor workshop.
- 5. The Division shall maintain records of instructor authorization.
- 6. Instructor authorization is valid for two calendar years.
- B. To renew instructor authorization obtained from the Division, an authorized instructor shall:
 - 1. Submit a "Participant Application" form as described in subsection (A) to take an instructor refresher workshop;
 - 2. Attend an instructor refresher workshop sponsored by the Division before expiration of the current instructor authorization; and
 - 3. Provide evidence of having taught either a Hazmat First Responder Awareness Level course or refresher, or a Hazmat First Responder Operations Level course or refresher, two times in the current authorization period.
- C. An instructor who fails to comply with subsection (B), may obtain instructor authorization by applying and meeting the requirements as a new instructor under subsection (A).

Historical Note

New Section R18-18-203 recodified from R8-2-603 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-204. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Division Requirements

- A. An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level course and Hazmat First Responder Operations Level course. An instructor shall notify the Division at least 30 days before course delivery by submitting a "Course Request Form" obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008. The instructor shall provide the following information:
 - 1. Name of requestor;
 - 2. Date;
 - 3. Agency of requestor;
 - 4. Mailing address, city, state, zip code and county;
 - 5. Phone number;
 - 6. Fax number, if any;
 - 7. Name of agency head;
 - 8. Applicant signature;
 - 9. Electronic mail address;
 - 10. Type of course;
 - 11. Course name;
 - 12. Course number;
 - 13. Date course is offered;
 - 14. Training site address and county;
 - 15. Intended audience;
 - 16. Estimated number of participants;
 - 17. Name and signature of requestor; and
 - 18. County emergency management director or local emergency planning committee chairperson endorsement: name, signature, title, and date.

- B. Within two weeks following completion of either the Hazmat First Responder Awareness Level course or refresher, or the Hazmat First Responder Operations Level course or refresher, the instructor shall provide the Division with all course records, including student application forms, course roster, completed pre- and post-exam answer sheets, and instructor and course evaluations. In addition, the instructor shall return all unused course materials to the Division.

Historical Note

New Section R18-18-204 recodified from R8-2-604 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R18-18-205. Hazmat First Responder Awareness Level Personnel and Hazmat First Responder Operations Level Operatives Evidence of Completion

- A. To receive Evidence of Completion as Hazmat First Responder Awareness Level personnel or as Hazmat First Responder Operations Level operative, an individual shall:
 - 1. Submit a "Participant Application" form as described in R18-18-203(A) for Division-sponsored courses. For non-Division-sponsored courses, the individual shall submit the course application contained in the student manual:
 - a. Course number: U100 (First Responder Awareness Course) or U200 (First Responder Operations Level Course);
 - b. Course date;
 - c. Course name: First Responder Awareness Course or First Responder Operations Level Course;
 - d. Applicant's name;
 - e. SSN;
 - f. Title;
 - g. Phone number;
 - h. Fax number, if any;
 - i. Organization;
 - j. Electronic address; and
 - k. Work mailing address, city, state, zip and county; and
 - 2. Successfully complete the Hazmat First Responder Awareness Level course, or the Hazmat First Responder Operations Level course, and attain a score of at least 75% on the written exam.
- B. The Division shall issue Evidence of Completion to an individual who successfully completes the Hazmat First Responder Awareness Level course or the Hazmat First Responder Operations Level course. The employer of an individual issued Evidence of Completion shall maintain evidence of the individual's competency under 29 CFR 1910.120(Q)(6) and (Q)(8)(ii), published by the United States Government Printing Office and revised July 1, 2001, with no later editions or amendments. This regulation is incorporated by reference and on file with the Division and the Office of the Secretary of State.

Historical Note

New Section R18-18-205 recodified from R8-2-605 with amendments to a Chapter Section and subsection reference at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.

17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.

5. Contract with other agencies, including laboratories, in furthering any department program.

6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.

7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.

8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.

9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.
2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.
3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.
2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-123. Hazardous materials emergency management program; Arizona emergency response commission; emergency planning and community right-to-know

A. The department is designated the lead agency for developing and implementing a state hazardous materials emergency management program.

B. The director shall appoint a coordinator to work in consultation with the Arizona emergency response commission in the development and implementation of the hazardous materials emergency management program.

C. The Arizona emergency response commission is established consisting of representatives from the following agencies and departments:

1. The division of emergency management.
2. The department of health services.
3. The department of public safety.
4. The department of transportation.
5. The Arizona department of agriculture.
6. The corporation commission.
7. The industrial commission of Arizona.
8. The office of the state fire marshal in the Arizona department of forestry and fire management.
9. The office of state mine inspector.
10. Two representatives nominated by the Arizona fire chiefs association or its successor organization, one of whom represents a fire department or a fire district serving a population of less than two hundred fifty thousand persons.
11. Other agencies or offices deemed necessary by the director.

D. This article does not change or alter the existing regulatory authority or provisions of law relating to the agencies and departments listed in subsection C of this section.

E. The department is designated as the lead agency for implementing title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499). The director shall administer any monies received under subsection G of this section.

F. The department shall administer this article and the rules adopted under this article. The department shall administer title III in this state and may conduct whatever activities are necessary to implement this article and title III in this state. The department is granted all the authority and responsibilities of a state emergency response commission for purposes of title III.

G. The department may procure by contract the temporary or intermittent services of experts or consultants if such services are to be performed on a part-time or fee-for-services basis and do not involve the performance of administrative duties. The department may also enter into agreements with the federal government, Indian tribes, other states and political subdivisions of this state for the purposes of this article. The department may also accept on behalf of this state any reimbursement, grant or gift that may become available for purposes of this article. The department shall deposit, pursuant to sections 35-146 and 35-147, any such monies in the emergency response fund.

H. The department shall establish a program of financial grants to local governments funded through the department by appropriations to the emergency response fund. The grants shall be dedicated to and used for local compliance with this article. The department shall include procedures for applying for the grants and qualifying criteria for awarding the grants.

I. The department shall adopt and may modify, suspend or repeal rules pursuant to title 41, chapter 6. The rules may not be more stringent than title III and the federal regulations adopted under title III, except as specifically authorized in this article. These rules shall implement this article and title III in this state. The authority to adopt rules includes establishing:

1. Procedures for handling public information requests.
2. Procedures and implementing programs for chemical emergency planning and preparedness.
3. Community right-to-know program reporting requirements.
4. Fees to implement the community right-to-know program. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the emergency response fund established by section 49-132. The governor's regulatory review council must approve rules adopted pursuant to this paragraph.
5. Release reporting requirements.

J. The department shall ensure that mandatory hazardous materials training programs for on-scene command personnel that are developed, delivered or managed by their respective agencies, departments or divisions address notification procedures, coordination of services and comprehensive management for protection of the public health during and after a chemical or other toxic fire event. The training shall include notification and coordination with the department of public safety, the department of transportation, the commission, local emergency planning committees, the department of health services, the division of emergency management, the national response center and the Arizona poison control system. Training shall also include orientation on the state emergency response and recovery plan concerning hazardous materials. The department shall encourage private companies that deliver similar training in this state to include the same curriculum in their programs.

**CHAPTER 116—EMERGENCY PLANNING AND
COMMUNITY RIGHT-TO-KNOW**

**SUBCHAPTER I—EMERGENCY PLANNING AND
NOTIFICATION**

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**SUBCHAPTER I—EMERGENCY PLANNING
AND NOTIFICATION**

**§ 11001. Establishment of State commissions,
planning districts, and local committees**

**(a) Establishment of State emergency response
commissions**

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

**(b) Establishment of emergency planning
districts**

Not later than nine months after October 17, 1986, the State emergency response commission shall designate emergency planning districts in

order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multi-jurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subchapter are within such emergency planning district.

**(c) Establishment of local emergency planning
committees**

Not later than 30 days after designation of emergency planning districts or 10 months after October 17, 1986, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.

(d) Revisions

A State emergency response commission may revise its designations and appointments under subsections (b) and (c) as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

(Pub. L. 99-499, title III, §301, Oct. 17, 1986, 100 Stat. 1729.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Chapter effective Oct. 17, 1986, see section 4 of Pub. L. 99-499, set out as an Effective Date of 1986 Amendment note under section 9601 of this title.

SHORT TITLE

Pub. L. 99-499, title III, §300(a), Oct. 17, 1986, 100 Stat. 1728, provided that: "This title [enacting this chapter] may be cited as the 'Emergency Planning and Community Right-To-Know Act of 1986'."

Executive Documents

EXECUTIVE ORDER NO. 12856

Ex. Ord. No. 12856, Aug. 3, 1993, 58 F.R. 41981, which provided for Federal compliance with right-to-know laws and pollution prevention requirements, was revoked by Ex. Ord. No. 13148, §901, Apr. 21, 2000, 65 F.R. 24604, formerly set out as a note under section 4321 of this title.

§ 11002. Substances and facilities covered and notification**(a) Substances covered****(1) In general**

A substance is subject to the requirements of this subchapter if the substance is on the list published under paragraph (2).

(2) List of extremely hazardous substances

Within 30 days after October 17, 1986, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance".

(3) Thresholds

(A) At the time the list referred to in paragraph (2) is published the Administrator shall—

(i) publish an interim final regulation establishing a threshold planning quantity for each substance on the list, taking into account the criteria described in paragraph (4), and

(ii) initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.

(B) The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(C) If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after October 17, 1986, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

(4) Revisions

The Administrator may revise the list and thresholds under paragraphs (2) and (3) from time to time. Any revisions to the list shall take into account the toxicity, reactivity, volatility, dispersability, combustability, or flammability of a substance. For purposes of the preceding sentence, the term "toxicity" shall include any short- or long-term health effect which may result from a short-term exposure to the substance.

(b) Facilities covered

(1) Except as provided in section 11004 of this title, a facility is subject to the requirements of this subchapter if a substance on the list referred to in subsection (a) is present at the facility in an amount in excess of the threshold planning quantity established for such substance.

(2) For purposes of emergency planning, a Governor or a State emergency response commis-

sion may designate additional facilities which shall be subject to the requirements of this subchapter, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

(c) Emergency planning notification

Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subchapter. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subchapter.

(d) Notification of Administrator

The State emergency response commission shall notify the Administrator of facilities subject to the requirements of this subchapter by notifying the Administrator of—

(1) each notification received from a facility under subsection (c), and

(2) each facility designated by the Governor or State emergency response commission under subsection (b)(2).

(Pub. L. 99-499, title III, §302, Oct. 17, 1986, 100 Stat. 1730.)

§ 11003. Comprehensive emergency response plans**(a) Plan required**

Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

(b) Resources

Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

(c) Plan provisions

Each emergency plan shall include (but is not limited to) each of the following:

(1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the trans-

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- b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- c. Chemicals added by final rule, April 22, 1987.
- d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- e. The TPQ was revised due to calculation error, April 22, 1987.
- f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"). (November 17, 1986, and February 15, 1990.)
- g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987, final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Information

Sec.

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- 370.2 Who do "you," "I," and "your" refer to in this part?
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HOW TO COMPLY WITH MSDS REPORTING

- 370.30 What information must I provide and what format must I use?
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- 370.40 What information must I provide and what format must I use?
- 370.41 What is Tier I inventory information?
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Subpart D—Community Access to Information

- 370.60 How does a person obtain MSDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?
- 370.62 What information may a State or local official request from a facility?
- 370.63 What responsibilities do the SERC and the LEPC have to make requested information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 How are key words in this part defined?

AUTHORITY: Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99-499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022, 11042, 11044, 11045, 11047, 11048, and 11049).

SOURCE: 73 FR 65478, Nov. 3, 2008, unless otherwise noted.

Subpart A—General Information

§ 370.1 What is the purpose of this part?

(a) This part (40 CFR part 370) establishes reporting requirements for providing the public with important information on the hazardous chemicals in their communities. Reporting raises community awareness of chemical hazards and aids in the development of State and local emergency response plans. The reporting requirements established under this part consist of Material Safety Data Sheet (MSDS) reporting and inventory reporting.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding

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guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 370.2 Who do “you,” “I,” and “your” refer to in this part?

Throughout this part, “you,” “I,” and “your” refer to the owner or operator of a facility.

§ 370.3 Which section contains the definitions of the key words used in this part?

The definitions of key words used in this part are in § 370.66. It is important to read the definitions for key words because the definition explains the word’s specific meaning in the regulations in this part.

Subpart B—Who Must Comply

§ 370.10 Who must comply with the hazardous chemical reporting requirements of this part?

(a) You must comply with the reporting requirements of this part if the Occupational Safety and Health Administration’s (OSHA) Hazard Communication Standard (HCS) require your facility to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical and if either of the following conditions is met:

(1) A hazardous chemical that is an Extremely Hazardous Substance (EHS) is present at your facility at any one time in an amount equal to or greater than 500 pounds (227 kg—approximately 55 gallons) or the Threshold Planning Quantity (TPQ), whichever is lower. EHSs and their TPQs are listed in Appendices A and B of 40 CFR part 355.

(2) A hazardous chemical that is not an EHS is present at your facility at any one time in an amount equal to or greater than the threshold level for that hazardous chemical. Threshold levels for such hazardous chemicals are:

(i) For any hazardous chemical that does not meet the criteria in paragraph (a)(2)(ii) or (iii) of this section, the threshold level is 10,000 pounds (or 4,540 kg).

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(ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined). This threshold is only applicable for diesel fuel that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(b) The threshold level for responding to the following requests is zero.

(1) If your LEPC requests that you submit an MSDS for a hazardous chemical for which you have not submitted an MSDS to your LEPC; or

(2) If your LEPC, SERC, or the fire department with jurisdiction over your facility requests that you submit Tier II information.

§ 370.11 [Reserved]

§ 370.12 What hazardous chemicals must I report under this part?

(a) You must report any hazardous chemical for which you are required to prepare or have available an MSDS under OSHA HCS that is present at your facility equal to or above the applicable threshold specified in § 370.10. (Specific exemptions from reporting are in § 370.13.)

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(b) The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have an MSDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c).

§ 370.13 What substances are exempt from these reporting requirements?

You do not have to report substances for which you are not required to have an MSDS under the OSHA regulations, or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(c) Any substance to the extent it is used:

(1) For personal, family, or household purposes, or is present in the same

form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or

(3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

§ 370.14 How do I report mixtures containing hazardous chemicals?

(a) For a mixture containing a hazardous chemical, use the following table to determine if a reporting threshold is equaled or exceeded, and to determine how to report:

| If your mixture contains a hazardous chemical | To determine if the threshold level for that hazardous chemical is equaled or exceeded you must | If the threshold level for that hazardous chemical is exceeded then you must |
|---|---|--|
| (1) That is an EHS | Determine the total quantity of the EHS present throughout your facility at any one time, by adding together the quantity present as a component in all mixtures and all other quantities of the EHS (you must include the quantity present in a mixture even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture). | Report the EHS component—submit an MSDS for the EHS (or include the EHS on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the EHS, as provided under § 370.40 or report the mixture itself—submit an MSDS for the mixture (or include the mixture on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the mixture, as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture. |
| (2) That is not an EHS | Determine either: The total quantity of the hazardous chemical present throughout your facility at any one time by adding together the quantity present as a component in all mixtures and all other quantities of the hazardous chemical (you must include the quantity present in a mixture even if you are also applying that particular mixture as a whole toward the threshold level for that mixture) or the total quantity of that mixture present throughout your facility at any one time. | Report the non-EHS hazardous chemical component—submit an MSDS for the non-EHS hazardous chemical (or include the non-EHS on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the non-EHS hazardous chemical as provided under § 370.40 or report the mixture itself—submit an MSDS for the mixture (or include the mixture on the list of chemicals submitted in lieu of MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the mixture, as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture. |

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(b) For each specific mixture, the reporting option used must be consistent for both MSDS and inventory reporting, unless it is not possible to do so. This means that if you report on a specific mixture as a whole for MSDS reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). MSDS reporting and inventory reporting are discussed in detail in subpart C of this part.

(c) To determine the quantity of an EHS or a non-EHS hazardous chemical component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds). You do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.

Subpart C—Reporting Requirements

§ 370.20 What are the reporting requirements of this part?

The reporting requirements of this part consist of MSDS reporting and inventory reporting. If you are the owner or operator of a facility subject to the reporting requirements of this part then you must comply with both types of reporting requirements. MSDS reporting requirements are addressed in §§ 370.30 through 370.33. Inventory reporting requirements are addressed in §§ 370.40 through 370.45.

HOW TO COMPLY WITH MSDS REPORTING

§ 370.30 What information must I provide and what format must I use?

(a) You must report the hazardous chemicals present at your facility that meet or exceed the applicable threshold levels (threshold levels are in § 1A370.10) by either:

(1) Submitting an MSDS for each hazardous chemical present at your facility that meet or exceed its applicable threshold level; or

(2) Submitting a list of all hazardous chemicals present at your facility at or above the applicable threshold levels. The hazardous chemicals on your list must be grouped by Hazard Category as

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defined under § 370.66. The list must contain the chemical or common name of each hazardous chemical as provided on the MSDS.

(b) Within 30 days of a request by the LEPC (as provided in § 370.10(b)), you must also submit an MSDS for any hazardous chemical present at your facility for which you have not submitted an MSDS.

§ 370.31 Do I have to update the information?

MSDS reporting stated in § 370.30 is a one-time requirement. However, you must update the information in all of the following ways:

(a) Submit a revised MSDS after you discover significant new information concerning a hazardous chemical for which an MSDS was submitted.

(b) Submit an MSDS, or a list as described in § 370.30(a), for any new hazardous chemical for which you become subject to these reporting requirements.

(c) Submit, as requested by the LEPC, an MSDS for any hazardous chemical present at your facility which you have not already submitted, as provided in § 370.30(b).

§ 370.32 To whom must I submit the information?

(a) You must submit an MSDS or list, as provided in § 370.30(a), to the LEPC, the SERC, and the fire department with jurisdiction over your facility.

(b) You must submit an MSDS requested by the LEPC, as provided in § 370.30(b), to the LEPC.

§ 370.33 When must I submit the information?

(a) You must submit an MSDS or a list, as provided in § 370.30(a), for a hazardous chemical subject to the reporting requirements of this part by October 17, 1987, or within 3 months after you first become subject to the reporting requirements of this part (as provided in §§ 370.30 and 370.31(b)).

(b) You must submit a revised MSDS, as provided in § 370.31(a), within 3 months after discovering significant new information about a hazardous chemical for which an MSDS was submitted.

(c) You must submit an MSDS requested by the LEPC, as provided in §§ 370.30(b) and 370.31(c), within 30 days of receiving the request.

HOW TO COMPLY WITH INVENTORY
REPORTING

§ 370.40 What information must I provide and what format must I use?

(a) If you are required to comply with the hazardous chemical reporting requirements of this part, then by March 1 every year you must submit inventory information regarding any hazardous chemical present at your facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Threshold levels are provided in § 370.10.

(b) Tier I information is the minimum information that you must report to be in compliance with the inventory reporting requirements of this part as described in § 370.41. You may choose to report the Tier II information described in § 370.42 for any hazardous chemical at your facility. You must submit Tier II information to the SERC, LEPC, or fire department having jurisdiction over your facility if they request it. EPA publishes Tier I and Tier II Inventory Forms that provide uniform formats for reporting the Tier I and Tier II information. You may use a State or local format for reporting inventory information if the State or local format contains at least the Tier I information described in § 370.41. EPA's Tier I and Tier II forms are available at <http://www.epa.gov/emergencies>.

Note to paragraph (b):

Some States require Tier II information annually under State law.

(c) You should contact the SERC to determine that State's requirements for inventory reporting formats, procedures, and to obtain inventory forms.

§ 370.41 What is Tier I inventory information?

Tier I information provides State and local officials and the public with information on the general types and locations of hazardous chemicals present at your facility during the previous calendar year. The Tier I information is the minimum information that you

must provide to be in compliance with the inventory reporting requirements of this part. If you are reporting Tier I information, you must report aggregate information on hazardous chemicals by hazard categories. There are two health hazard categories and three physical hazard categories for purposes of reporting under this part. These five hazard categories are defined in 40 CFR 370.66. Tier I information includes all of the following:

(a) Certification. The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier I submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification shall be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

(b) The calendar year for the reporting period.

(c) The complete name (and company identifier where appropriate) and address of your facility. Include the full street address or state road, the city, county, State and zip code.

(d) The North American Industry Classification System (NAICS) code for your facility.

(e) The Dun & Bradstreet number of your facility.

(f) The owner's or operator's full name, mailing address, and phone number.

(g) Emergency contact. The name, title, and phone number(s) of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must provide an emergency phone number where such emergency information will be available 24 hours a day, every day.

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(h) An indication whether the information being reported is identical to that submitted the previous year.

(i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each hazard category present at your facility at any time during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(j) An estimate (in ranges) of the average daily amount of hazardous chemicals in each hazard category present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(k) The maximum number of days that any single hazardous chemical within each hazard category was present at your facility during the reporting period.

(l) The general location of hazardous chemicals in each hazard category within your facility. For each hazard type, list the locations of all applicable chemicals. As an alternative, you may choose to submit a site plan and list the site coordinates to indicate the locations of the chemicals.

§ 370.42 What is Tier II inventory information?

Tier II information provides State and local officials and the public with specific information on amounts and locations of hazardous chemicals present at your facility during the previous calendar year. If you are reporting Tier II information, you must include:

(a) Certification. The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification must be accompanied by your full name, official title, original signature, date signed, and total number of pages in the submission including all Confidential and Non-Confiden-

tial Information Sheets and all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

(b) The calendar year for the reporting period.

(c) The complete name (and company identifier where appropriate) and address of your facility. Include the full street address or state road, the city, county, State and zip code.

(d) The North American Industry Classification System (NAICS) code for your facility.

(e) The Dun & Bradstreet number of your facility.

(f) The owner's or operator's full name, mailing address, and phone number.

(g) Emergency contact. The name, title, and phone number(s) of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must provide an emergency phone number where such emergency information will be available 24 hours a day, every day.

(h) An indication whether the information being reported is identical to that submitted the previous year.

(i) For each hazardous chemical that you are required to report, you must:

(1) Provide the chemical name or the common name of the chemical as provided on the Material Safety Data Sheet and its Chemical Abstract Service (CAS) registry number. If you are withholding the name in accordance with trade secret criteria, you must provide the generic class or category that is structurally descriptive of the chemical and indicate that the name is withheld because of trade secrecy. Trade secret criteria are addressed in §370.64(a).

(2) Indicate whether the chemical is: pure or mixture; solid, liquid, or gas; and whether the chemical is or contains an EHS.

(3) If the chemical is a mixture containing an EHS, provide the chemical name of each EHS in the mixture.

(4) Indicate which hazard categories apply to the chemical. The five hazard categories are defined in §370.66.

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(5) Provide an estimate (in ranges) of the maximum amount of the hazardous chemical present at your facility on any single day during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(6) Provide an estimate (in ranges) of the average daily amount of the hazardous chemical present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(7) The maximum number of days that the hazardous chemical was present at your facility during the preceding calendar year.

(8)(i) Provide a brief description of the precise location of the hazardous chemical at your facility. You may also attach one of the following with your Tier II inventory form.

(A) *A site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(B) *A list of site coordinate abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.

(C) *A description of dikes and other safeguard measures* for storage locations throughout your facility.

(ii) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information for a specific chemical. If you choose to withhold the location infor-

mation from disclosure to the public, you must clearly indicate that the information is “confidential.” You must provide the confidential location information on a separate sheet from the other Tier II information (which will be disclosed to the public), and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(9) Provide a brief description of the manner of storage of the hazardous chemical, including container type, temperature and pressure for each location listed. You must use codes that correspond to different storage types and temperature and pressure conditions. The storage codes are in §370.43. If the specific location for which you are reporting storage conditions is a “confidential” location, then you must report the storage conditions on a separate Confidential Location Information Sheet.

[73 FR 65478, Nov. 3, 2008, as amended at 74 FR 13125, Mar. 26, 2009]

§ 370.43 What codes are used to report Tier I and Tier II inventory information?

(a) *Weight range codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report the maximum amount and average daily amount when reporting Tier I or Tier II information:

| Range codes | Weight range in pounds | |
|-------------|------------------------|----------------------|
| | From | To |
| 01 | 0 | 99 |
| 02 | 100 | 999 |
| 03 | 1,000 | 9,999 |
| 04 | 10,000 | 99,999 |
| 05 | 100,000 | 999,999 |
| 06 | 1,000,000 | 9,999,999 |
| 07 | 10,000,000 | 49,999,999 |
| 08 | 50,000,000 | 99,999,999 |
| 09 | 100,000,000 | 499,999,999 |
| 10 | 500,000,000 | 999,999,999 |
| 11 | 1 billion | More than 1 billion. |

Note to paragraph (a): To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

(b) *Storage type codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report storage types when you are reporting Tier II information:

| Codes | Types of storage |
|---------|-------------------------------|
| A | Above ground tank. |
| B | Below ground tank. |
| C | Tank inside building. |
| D | Steel drum. |
| E | Plastic or non-metallic drum. |
| F | Can. |

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| Codes | Types of storage |
|---------|--------------------------|
| G | Carboy. |
| H | Silo. |
| I | Fiber drum. |
| J | Bag. |
| K | Box. |
| L | Cylinder. |
| M | Glass bottles or jugs. |
| N | Plastic bottles or jugs. |
| O | Tote bin. |
| P | Tank wagon. |
| Q | Rail car. |
| R | Other. |

(c) *Storage condition codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report storage conditions when you are reporting Tier II information:

| Codes | Storage conditions |
|-------------------------------|--|
| <i>Pressure conditions</i> | |
| 1 | Ambient pressure. |
| 2 | Greater than ambient pressure. |
| 3 | Less than ambient pressure. |
| <i>Temperature conditions</i> | |
| 4 | Ambient temperature. |
| 5 | Greater than ambient temperature. |
| 6 | Less than ambient temperature but not cryogenic. |
| 7 | Cryogenic conditions. |

(d) Your SERC or LEPC may provide other range codes for reporting maximum amounts and average daily amounts, or may require reporting of specific amounts. You may use your SERC's or LEPC's range codes (or specific amounts) provided the ranges are not broader than the ranges in paragraph (a) of this section. Your SERC or LEPC may also provide other codes for storage types or conditions. You may use those codes provided your SERC's or LEPC's storage types and conditions codes specify the same or more detailed information as the codes in paragraphs (b) and (c) of this section.

§ 370.44 To whom must I submit the inventory information?

You must submit the required inventory information to your SERC, LEPC, and fire department with jurisdiction over your facility.

§ 370.45 When must I submit the inventory information?

(a) You must submit the required inventory information on or before March 1 (beginning in 1988 or beginning

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after your facility first becomes subject to this part), and on or before by March 1 of each year afterwards. Your submission must contain the required inventory information on hazardous chemicals present at your facility during the preceding calendar year at or above the threshold levels. Threshold levels are in § 370.10. The minimum required inventory information under EPCRA section 312 is Tier I information. Tier I information requirements are described in § 370.41.

(b) You must submit Tier II information within 30 days of the receipt of a request from the SERC, LEPC, or the fire department having jurisdiction over your facility, as provided in § 370.10(b). Tier II information requirements are described in § 370.42.

Subpart D—Community Access to Information

§ 370.60 How does a person obtain MSDS information about a specific facility?

Any person may obtain an MSDS for a specific facility by writing to the LEPC and asking for it.

(a) If the LEPC has the MSDS, it must provide it to the person making the request.

(b) If the LEPC does not have the MSDS, it must request the MSDS from the facility's owner or operator.

§ 370.61 How does a person obtain inventory information about a specific facility?

(a) Any person may request Tier II information for a specific facility by writing to the SERC or the LEPC and asking for such information.

(1) If the SERC or LEPC has the Tier II information, the SERC or LEPC must provide it to the person making the request.

(2) If the SERC or LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

(i) The person making the request is a State or local official acting in his or her official capacity.

(ii) The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at

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any time during the previous calendar year.

(3) If the SERC or LEPC does not have the Tier II information, it may request it from the facility owner or operator when neither condition in paragraph (a)(2) of this section is met, but the person's request includes a general statement of need.

(b) A SERC or LEPC must respond to a request for Tier II information under this section within 45 days of receiving such a request.

§ 370.62 What information may a State or local official request from a facility?

The LEPC may ask a facility owner or operator to submit an MSDS for a hazardous chemical present at the facility. The SERC, LEPC, or fire department having jurisdiction over a facility may ask a facility owner or operator to submit Tier II information. The owner or operator must provide the MSDS (unless the owner or operator has already submitted an MSDS to the LEPC for that hazardous chemical) or Tier II information within 30 days of receipt of such request.

§ 370.63 What responsibilities do the SERC and the LEPC have to make request information available?

Under this subpart, the SERC or LEPC must make the following information (except for confidential location information discussed in § 370.64(b)) available if a person requests it:

(a) All information obtained from an owner or operator in response to a request under this subpart.

(b) Any requested Tier II information or MSDS otherwise in possession of the SERC or the LEPC.

§ 370.64 What information can I claim as trade secret or confidential?

(a) *Trade secrets.* You may be able to withhold the name of a specific chemical when submitting MSDS reporting or inventory reporting information if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in EPCRA section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific

chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A Form for substantiating trade secret claims is available at the Agency Web site at <http://www.epa.gov/emergencies>.

(b) *Confidential location information.* You may request that the SERC or the LEPC not disclose to the public the location of any specific chemical required to be submitted in Tier II information. If you make such a request, the SERC or LEPC must not disclose the location of the specific chemical. If you use the Tier II Form to report your inventory information, you can choose to report confidential location information for a specific chemical on the Confidential Location Information Sheet, which must be attached to the other Tier II information you are reporting. Although you may request that location information with respect to a specific chemical be withheld from the public, you may not withhold this information from the SERC, the LEPC, or the local fire department. The Confidential Location Information Sheet is available on the Agency Web site at <http://www.epa.gov/emergencies>.

§ 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

(a) You must allow the fire department to conduct an on-site inspection of your facility; and

(b) You must provide the fire department with information about the specific locations of hazardous chemicals at your facility.

§ 370.66 How are key words in this part defined?

Chief Executive Officer of the Tribe means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

Environment includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

EPCRA means the Emergency Planning and Community Right-To-Know Act of 1986.

Extremely hazardous substance (EHS) means a substance listed in Appendices A and B of 40 CFR part 355.

Facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person).

Facility includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

Hazard category means any of the following:

(1) Immediate (acute) health hazard, including highly toxic, toxic, irritant, sensitizer, corrosive, (as defined under 29 CFR 1910.1200) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration;

(2) Delayed (chronic) health hazard, including carcinogens (as defined under 29 CFR 1910.1200) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration;

(3) Fire hazard, including flammable, combustible liquid, pyrophoric, and oxidizer (as defined under 29 CFR 1910.1200);

(4) Sudden release of pressure, including explosive and compressed gas (as defined under 29 CFR 1910.1200); and

(5) Reactive, including unstable reactive, organic peroxide, and water reactive (as defined under 29 CFR 1910.1200).

Hazardous chemical means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Indian Country means Indian country as defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe or Tribe means those Tribes federally recognized by the Secretary of the Interior.

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Inventory form means the uniform Tier I and Tier II emergency and hazardous chemical inventory forms published by EPA. These forms can be used for reporting inventory information, as described in 40 CFR 370.40 through 370.45.

LEPC means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

Material Safety Data Sheet or MSDS means the sheet required to be developed under 29 CFR 1910.1200(g).

Mixture means mixture as defined under the Occupational Safety and Health Administration's Hazard Communication Standard in 29 CFR 1910.1200(c).

OSHA means the U.S. Occupational Safety and Health Administration.

Person means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

SERC means the State Emergency Response Commission for the State in which the facility is located except when the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction the facility is located. In the absence of a SERC for a State or an Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

Threshold planning quantity (TPQ) means, for a substance listed in Appendices A and B of 40 CFR part 355, the quantity listed in the column "threshold planning quantity" for that substance.

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Provisions

- Sec.
- 372.1 Scope and purpose.
 - 372.3 Definitions.
 - 372.5 Persons subject to this part.
 - 372.10 Recordkeeping.
 - 372.18 Compliance and enforcement.

Subpart B—Reporting Requirements

- 372.22 Covered facilities for toxic chemical release reporting.
- 372.23 SIC and NAICS codes to which this Part applies.
- 372.25 Thresholds for reporting.
- 372.27 Alternate threshold and certification.
- 372.28 Lower thresholds for chemicals of special concern.
- 372.30 Reporting requirements and schedule for reporting.
- 372.38 Exemptions.

Subpart C—Supplier Notification Requirements

- 372.45 Notification about toxic chemicals.

Subpart D—Specific Toxic Chemical Listings

- 372.65 Chemicals and chemical categories to which this part applies.

Subpart E—Forms and Instructions

- 372.85 Toxic chemical release reporting form and instructions.
- 372.95 Alternate threshold certification and instructions.

AUTHORITY: 42 U.S.C. 11023 and 11048.

SOURCE: 53 FR 4525, Feb. 16, 1988, unless otherwise noted.

Subpart A—General Provisions

§ 372.1 Scope and purpose.

This part sets forth requirements for the submission of information relating to the release of toxic chemicals under section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986. The information collected under this part is intended to inform the general public and the communities surrounding covered facilities about releases of toxic chemicals, to assist research, to aid in the development of regulations, guidelines, and

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notification of chemical releases. This part also lists Extremely Hazardous Substances (EHSs) and Threshold Planning Quantities (TPQs) in Appendices A and B, which are used in determining if you are subject to these requirements.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 355.2 Who do “you,” “I,” and “your” refer to in this part?

Throughout this part, “you,” “I,” and “your” refer to the owner or operator of a facility.

§ 355.3 Which section contains the definitions of the key words used in this part?

The definitions of key words used in this part are in § 355.61. It is important to read the definitions for these key words because the definition explains the word’s specific meaning associated with the regulations in this part.

Subpart B—Emergency Planning

WHO MUST COMPLY

§ 355.10 Must my facility comply with the emergency planning requirements of this subpart?

You must comply with the emergency planning requirements in this subpart if your facility meets either of the following two conditions:

(a) Any extremely hazardous substance (EHS) is present at your facility in an amount equal to or greater than its threshold planning quantity (TPQ), or

(b) Your facility has been designated for emergency planning purposes, after public notice and opportunity for comment, by one of the following three entities:

(1) The State Emergency Response Commission (SERC).

(2) The Governor of the State in which your facility is located.

(3) The Chief Executive Officer of the Tribe for the Indian Tribe under whose jurisdiction your facility is located.

§ 355.11 To what substances do the emergency planning requirements of this subpart apply?

The emergency planning requirements of this subpart apply to any EHS listed in Appendices A and B of this part. Additionally, if a facility is designated for emergency planning purposes, as provided in § 355.10(b), substances that are not EHSs at this facility may become subject to the emergency planning requirements.

§ 355.12 What quantities of extremely hazardous substances trigger emergency planning requirements?

Any EHS present at your facility in an amount equal to or greater than its TPQ triggers the emergency planning requirements of this subpart. The TPQs are listed in Appendices A and B of this part in the column labeled “threshold planning quantity.”

§ 355.13 How do I calculate the quantity of an extremely hazardous substance present in mixtures?

If an EHS is present in a mixture in a particular container, determine the quantity (in pounds) of the EHS in that container by multiplying the concentration of the EHS (in weight percent) by the weight (in pounds) of the mixture in the container. If the concentration of an EHS is less than or equal to one percent in the mixture, you do not have to count that EHS. Here is an example calculation:

Example: You have 150 pounds of a mixture that contains 20 weight percent of a certain EHS. The quantity of EHS present in the mixture is:

$$\begin{aligned} &\text{EHS (in pounds)} \\ &= (\text{weight percent of EHS}) \times (\text{weight of mixture}) \\ &= (20 \text{ percent}) \times (150 \text{ pound mixture}) \\ &= (0.20) \times (150) \\ &\text{EHS (in pounds)} \\ &= 30 \text{ pounds} \end{aligned}$$

Occu. Safety and Health Admin., Labor

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11. "Loss Prevention in the Process Industries," Volumes I and II; Frank P. Lees, Butterworth; London 1983.

12. "Safety and Health Program Management Guidelines," 1989; U.S. Department of Labor, Occupational Safety and Health Administration.

13. "Safety and Health Guide for the Chemical Industry," 1986, (OSHA 3091); U.S. Department of Labor, Occupational Safety and Health Administration; 200 Constitution Avenue, N.W., Washington, D.C. 20210.

14. "Review of Emergency Systems," June 1988; U.S. Environmental Protection Agency (EPA), Office of Solid Waste and Emergency Response, Washington, DC 20460.

15. "Technical Guidance for Hazards Analysis, Emergency Planning for Extremely Hazardous Substances," December 1987; U.S. Environmental Protection Agency (EPA), Federal Emergency Management Administration (FEMA) and U.S. Department of Transportation (DOT), Washington, DC 20460.

16. "Accident Investigation * * * A New Approach," 1983, National Safety Council; 444 North Michigan Avenue, Chicago, IL 60611-3991.

17. "Fire & Explosion Index Hazard Classification Guide," 6th Edition, May 1987, Dow Chemical Company; Midland, Michigan 48674.

18. "Chemical Exposure Index," May 1988, Dow Chemical Company; Midland, Michigan 48674.

[57 FR 6403, Feb. 24, 1992; 57 FR 7847, Mar. 4, 1992, as amended at 61 FR 9238, Mar. 7, 1996; 67 FR 67964, Nov. 7, 2002; 76 FR 80738, Dec. 27, 2011; 77 FR 17776, Mar. 26, 2012; 78 FR 9313, Feb. 8, 2013; 84 FR 15102, Apr. 15, 2019]

§ 1910.120 Hazardous waste operations and emergency response.

(a) *Scope, application, and definitions—*

(1) *Scope.* This section covers the following operations, unless the employer can demonstrate that the operation does not involve employee exposure or the reasonable possibility for employee exposure to safety or health hazards:

(i) Clean-up operations required by a governmental body, whether Federal, state, local or other involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of hazardous substances has been ascertained);

(ii) Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 *et seq.*);

(iii) Voluntary clean-up operations at sites recognized by Federal, state, local or other governmental bodies as uncontrolled hazardous waste sites;

(iv) Operations involving hazardous wastes that are conducted at treatment, storage, and disposal (TSD) facilities regulated by 40 CFR parts 264 and 265 pursuant to RCRA; or by agencies under agreement with U.S.E.P.A. to implement RCRA regulations; and

(v) Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(2) *Application.* (i) All requirements of part 1910 and part 1926 of title 29 of the Code of Federal Regulations apply pursuant to their terms to hazardous waste and emergency response operations whether covered by this section or not. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply without regard to 29 CFR 1910.5(c)(1).

(ii) Hazardous substance clean-up operations within the scope of paragraphs (a)(1)(i) through (a)(1)(iii) of this section must comply with all paragraphs of this section except paragraphs (p) and (q).

(iii) Operations within the scope of paragraph (a)(1)(iv) of this section must comply only with the requirements of paragraph (p) of this section.

NOTES AND EXCEPTIONS: (A) All provisions of paragraph (p) of this section cover any treatment, storage or disposal (TSD) operation regulated by 40 CFR parts 264 and 265 or by state law authorized under RCRA, and required to have a permit or interim status from EPA pursuant to 40 CFR 270.1 or from a state agency pursuant to RCRA.

(B) Employers who are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR parts 264, 265 and 270 ("excepted employers") are not covered by paragraphs (p)(1) through (p)(7) of this section. Excepted employers who are required by the EPA or state agency

to have their employees engage in emergency response or who direct their employees to engage in emergency response are covered by paragraph (p)(8) of this section, and cannot be exempted by (p)(8)(i) of this section. Excepted employers who are not required to have employees engage in emergency response, who direct their employees to evacuate in the case of such emergencies and who meet the requirements of paragraph (p)(8)(i) of this section are exempt from the balance of paragraph (p)(8) of this section.

(C) If an area is used primarily for treatment, storage or disposal, any emergency response operations in that area shall comply with paragraph (p)(8) of this section. In other areas not used primarily for treatment, storage, or disposal, any emergency response operations shall comply with paragraph (q) of this section. Compliance with the requirements of paragraph (q) of this section shall be deemed to be in compliance with the requirements of paragraph (p)(8) of this section.

(iv) Emergency response operations for releases of, or substantial threats of releases of, hazardous substances which are not covered by paragraphs (a)(1)(i) through (a)(1)(iv) of this section must only comply with the requirements of paragraph (q) of this section.

(3) *Definitions—Buddy system* means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to be observed by at least one other employee in the work group. The purpose of the buddy system is to provide rapid assistance to employees in the event of an emergency.

Clean-up operation means an operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared-up, or in any other manner processed or handled with the ultimate goal of making the site safer for people or the environment.

Decontamination means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

Emergency response or responding to emergencies means a response effort by employees from outside the immediate release area or by other designated responders (i.e., mutual-aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous

substance. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area, or by maintenance personnel are not considered to be emergency responses within the scope of this standard. Responses to releases of hazardous substances where there is no potential safety or health hazard (i.e., fire, explosion, or chemical exposure) are not considered to be emergency responses.

Facility means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any water-borne vessel.

Hazardous materials response (HAZMAT) team means an organized group of employees, designated by the employer, who are expected to perform work to handle and control actual or potential leaks or spills of hazardous substances requiring possible close approach to the substance. The team members perform responses to releases or potential releases of hazardous substances for the purpose of control or stabilization of the incident. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade or fire department.

Hazardous substance means any substance designated or listed under paragraphs (A) through (D) of this definition, exposure to which results or may result in adverse effects on the health or safety of employees:

(A) Any substance defined under section 103(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (42 U.S.C. 9601).

(B) Any biological agent and other disease-causing agent which after release into the environment and upon

exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring;

(C) Any substance listed by the U.S. Department of Transportation as hazardous materials under 49 CFR 172.101 and appendices; and

(D) Hazardous waste as herein defined.

Hazardous waste means—

(A) A waste or combination of wastes as defined in 40 CFR 261.3, or

(B) Those substances defined as hazardous wastes in 49 CFR 171.8.

Hazardous waste operation means any operation conducted within the scope of this standard.

Hazardous waste site or *Site* means any facility or location within the scope of this standard at which hazardous waste operations take place.

Health hazard means a chemical or a pathogen where acute or chronic health effects may occur in exposed employees. It also includes stress due to temperature extremes. The term *health hazard* includes chemicals that are classified in accordance with the Hazard Communication Standard, 29 CFR 1910.1200, as posing one of the following hazardous effects: Acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); aspiration toxicity or simple asphyxiant. (See Appendix A to §1910.1200—Health Hazard Criteria (Mandatory) for the criteria for determining whether a chemical is classified as a health hazard.)

IDLH or *Immediately dangerous to life or health* means an atmospheric concentration of any toxic, corrosive or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an indi-

vidual's ability to escape from a dangerous atmosphere.

Oxygen deficiency means that concentration of oxygen by volume below which atmosphere supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

Permissible exposure limit means the exposure, inhalation or dermal permissible exposure limit specified in 29 CFR part 1910, subparts G and Z.

Published exposure level means the exposure limits published in "NIOSH Recommendations for Occupational Health Standards" dated 1986, which is incorporated by reference as specified in §1910.6 or if none is specified, the exposure limits published in the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1987-88" dated 1987, which is incorporated by reference as specified in §1910.6.

Post emergency response means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees who were part of the initial emergency response, it is considered to be part of the initial response and not post emergency response. However, if a group of an employer's own employees, separate from the group providing initial response, performs the clean-up operation, then the separate group of employees would be considered to be performing post-emergency response and subject to paragraph (q)(11) of this section.

Qualified person means a person with specific training, knowledge and experience in the area for which the person has the responsibility and the authority to control.

Site safety and health supervisor (or official) means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

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Small quantity generator means a generator of hazardous wastes who in any calendar month generates no more than 1,000 kilograms (2,205 pounds) of hazardous waste in that month.

Uncontrolled hazardous waste site, means an area identified as an uncontrolled hazardous waste site by a governmental body, whether Federal, state, local or other where an accumulation of hazardous substances creates a threat to the health and safety of individuals or the environment or both. Some sites are found on public lands such as those created by former municipal, county or state landfills where illegal or poorly managed waste disposal has taken place. Other sites are found on private property, often belonging to generators or former generators of hazardous substance wastes. Examples of such sites include, but are not limited to, surface impoundments, landfills, dumps, and tank or drum farms. Normal operations at TSD sites are not covered by this definition.

(b) *Safety and health program.*

NOTE TO (b): Safety and health programs developed and implemented to meet other Federal, state, or local regulations are considered acceptable in meeting this requirement if they cover or are modified to cover the topics required in this paragraph. An additional or separate safety and health program is not required by this paragraph.

(1) *General.* (i) Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response for hazardous waste operations.

(ii) The written safety and health program shall incorporate the following:

- (A) An organizational structure;
- (B) A comprehensive workplan;
- (C) A site-specific safety and health plan which need not repeat the employer's standard operating procedures required in paragraph (b)(1)(ii)(F) of this section;
- (D) The safety and health training program;
- (E) The medical surveillance program;

(F) The employer's standard operating procedures for safety and health; and

(G) Any necessary interface between general program and site specific activities.

(iii) *Site excavation.* Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in accordance with subpart P of 29 CFR part 1926.

(iv) *Contractors and sub-contractors.* An employer who retains contractor or sub-contractor services for work in hazardous waste operations shall inform those contractors, sub-contractors, or their representatives of the site emergency response procedures and any potential fire, explosion, health, safety or other hazards of the hazardous waste operation that have been identified by the employer, including those identified in the employer's information program.

(v) *Program availability.* The written safety and health program shall be made available to any contractor or subcontractor or their representative who will be involved with the hazardous waste operation; to employees; to employee designated representatives; to OSHA personnel, and to personnel of other Federal, state, or local agencies with regulatory authority over the site.

(2) *Organizational structure part of the site program.* (i) The organizational structure part of the program shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include, at a minimum, the following elements:

- (A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.
- (B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.
- (C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.
- (D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(3) *Comprehensive workplan part of the site program.* The comprehensive workplan part of the program shall address the tasks and objectives of the site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures which need not repeat the employer's procedures available elsewhere.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in paragraph (e) of this section.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in paragraph (i) of this section.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in paragraph (f) of this section.

(4) *Site-specific safety and health plan part of the program—(i) General.* The site safety and health plan, which must be kept on site, shall address the safety and health hazards of each phase of site operation and include the requirements and procedures for employee protection.

(ii) *Elements.* The site safety and health plan, as a minimum, shall address the following:

(A) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(B) Employee training assignments to assure compliance with paragraph (e) of this section.

(C) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in paragraph (g)(5) of this section.

(D) Medical surveillance requirements in accordance with the program in paragraph (f) of this section.

(E) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used, including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(F) Site control measures in accordance with the site control program required in paragraph (d) of this section.

(G) Decontamination procedures in accordance with paragraph (k) of this section.

(H) An emergency response plan meeting the requirements of paragraph (l) of this section for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(I) Confined space entry procedures.

(J) A spill containment program meeting the requirements of paragraph (j) of this section.

(iii) *Pre-entry briefing.* The site specific safety and health plan shall provide for pre-entry briefings to be held prior to initiating any site activity, and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed. The information and data obtained from site characterization and analysis work required in paragraph (c) of this section shall be used to prepare and update the site safety and health plan.

(iv) *Effectiveness of site safety and health plan.* Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual who is knowledgeable in occupational safety and health, acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(c) *Site characterization and analysis—(1) General.* Hazardous waste sites shall be evaluated in accordance with this paragraph to identify specific site hazards and to determine the appropriate safety and health control procedures

needed to protect employees from the identified hazards.

(2) *Preliminary evaluation.* A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a qualified person in order to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(3) *Hazard identification.* All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH), or other conditions that may cause death or serious harm, shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(4) *Required information.* The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

- (i) Location and approximate size of the site.
- (ii) Description of the response activity and/or the job task to be performed.
- (iii) Duration of the planned employee activity.
- (iv) Site topography and accessibility by air and roads.
- (v) Safety and health hazards expected at the site.
- (vi) Pathways for hazardous substance dispersion.
- (vii) Present status and capabilities of emergency response teams that would provide assistance to hazardous waste clean-up site employees at the time of an emergency.
- (viii) Hazardous substances and health hazards involved or expected at the site, and their chemical and physical properties.

(5) *Personal protective equipment.* Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(i) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below permissible exposure limits and published exposure levels for known or suspected hazardous substances and health hazards, and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation. If there is no permissible exposure limit or published exposure level, the employer may use other published studies and information as a guide to appropriate personal protective equipment.

(ii) If positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble, and if respiratory protection is warranted by the potential hazards identified during the preliminary site evaluation, an escape self-contained breathing apparatus of at least five minute's duration shall be carried by employees during initial site entry.

(iii) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site, an ensemble providing protection equivalent to Level B PPE shall be provided as minimum protection, and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See appendix B for a description of Level B hazards and the recommendations for Level B protective equipment.)

(iv) Once the hazards of the site have been identified, the appropriate PPE shall be selected and used in accordance with paragraph (g) of this section.

(6) *Monitoring.* The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient reasonably to eliminate these possible conditions:

(i) Monitoring with direct reading instruments for hazardous levels of ionizing radiation.

(ii) Monitoring the air with appropriate direct reading test equipment (i.e., combustible gas meters, detector tubes) for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(iii) Visually observing for signs of actual or potential IDLH or other dangerous conditions.

(iv) An ongoing air monitoring program in accordance with paragraph (h) of this section shall be implemented after site characterization has determined the site is safe for the start-up of operations.

(7) *Risk identification.* Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by the Hazard Communication Standard, 29 CFR 1910.1200, training required by that standard need not be duplicated.

NOTE TO PARAGRAPH (c)(7): Risks to consider include, but are not limited to:

- (a) Exposures exceeding the permissible exposure limits and published exposure levels.
- (b) IDLH concentrations.
- (c) Potential skin absorption and irritation sources.
- (d) Potential eye irritation sources.
- (e) Explosion sensitivity and flammability ranges.
- (f) Oxygen deficiency.

(8) *Employee notification.* Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to the affected employees prior to the commencement of their work activities. The employer may utilize information developed for the hazard communication standard for this purpose.

(d) *Site control*—(1) *General.* Appropriate site control procedures shall be implemented to control employee exposure to hazardous substances before clean-up work begins.

(2) *Site control program.* A site control program for protecting employees which is part of the employer's site safety and health program required in paragraph (b) of this section shall be developed during the planning stages of a hazardous waste clean-up operation and modified as necessary as new information becomes available.

(3) *Elements of the site control program.* The site control program shall, as a minimum, include: A site map; site work zones; the use of a "buddy system"; site communications including alerting means for emergencies; the standard operating procedures or safe work practices; and, identification of the nearest medical assistance. Where these requirements are covered elsewhere they need not be repeated.

(e) *Training*—(1) *General.* (i) All employees working on site (such as but not limited to equipment operators, general laborers and others) exposed to hazardous substances, health hazards, or safety hazards and their supervisors and management responsible for the site shall receive training meeting the requirements of this paragraph before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards, and they shall receive review training as specified in this paragraph.

(ii) Employees shall not be permitted to participate in or supervise field activities until they have been trained to a level required by their job function and responsibility.

(2) *Elements to be covered.* The training shall thoroughly cover the following:

- (i) Names of personnel and alternates responsible for site safety and health;
- (ii) Safety, health and other hazards present on the site;
- (iii) Use of personal protective equipment;
- (iv) Work practices by which the employee can minimize risks from hazards;
- (v) Safe use of engineering controls and equipment on the site;
- (vi) Medical surveillance requirements, including recognition of symptoms and signs which might indicate overexposure to hazards; and

(vii) The contents of paragraphs (G) through (J) of the site safety and health plan set forth in paragraph (b)(4)(ii) of this section.

(3) *Initial training.* (i) General site workers (such as equipment operators, general laborers and supervisory personnel) engaged in hazardous substance removal or other activities which expose or potentially expose workers to hazardous substances and health hazards shall receive a minimum of 40 hours of instruction off the site, and a minimum of three days actual field experience under the direct supervision of a trained, experienced supervisor.

(ii) Workers on site only occasionally for a specific limited task (such as, but not limited to, ground water monitoring, land surveying, or geo-physical surveying) and who are unlikely to be exposed over permissible exposure limits and published exposure limits shall receive a minimum of 24 hours of instruction off the site, and the minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

(iii) Workers regularly on site who work in areas which have been monitored and fully characterized indicating that exposures are under permissible exposure limits and published exposure limits where respirators are not necessary, and the characterization indicates that there are no health hazards or the possibility of an emergency developing, shall receive a minimum of 24 hours of instruction off the site and the minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

(iv) Workers with 24 hours of training who are covered by paragraphs (e)(3)(ii) and (e)(3)(iii) of this section, and who become general site workers or who are required to wear respirators, shall have the additional 16 hours and two days of training necessary to total the training specified in paragraph (e)(3)(i).

(4) *Management and supervisor training.* On-site management and supervisors directly responsible for, or who supervise employees engaged in, hazardous waste operations shall receive 40 hours initial training, and three days of supervised field experience (the training may be reduced to 24 hours and one day if the only area of their re-

sponsibility is employees covered by paragraphs (e)(3)(ii) and (e)(3)(iii)) and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring procedure and techniques.

(5) *Qualifications for trainers.* Trainers shall be qualified to instruct employees about the subject matter that is being presented in training. Such trainers shall have satisfactorily completed a training program for teaching the subjects they are expected to teach, or they shall have the academic credentials and instructional experience necessary for teaching the subjects. Instructors shall demonstrate competent instructional skills and knowledge of the applicable subject matter.

(6) *Training certification.* Employees and supervisors that have received and successfully completed the training and field experience specified in paragraphs (e)(1) through (e)(4) of this section shall be certified by their instructor or the head instructor and trained supervisor as having successfully completed the necessary training. A written certificate shall be given to each person so certified. Any person who has not been so certified or who does not meet the requirements of paragraph (e)(9) of this section shall be prohibited from engaging in hazardous waste operations.

(7) *Emergency response.* Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances shall be trained in how to respond to such expected emergencies.

(8) *Refresher training.* Employees specified in paragraph (e)(1) of this section, and managers and supervisors specified in paragraph (e)(4) of this section, shall receive eight hours of refresher training annually on the items specified in paragraph (e)(2) and/or (e)(4) of this section, any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics.

(9) *Equivalent training.* Employers who can show by documentation or certification that an employee's work experience and/or training has resulted in training equivalent to that training required in paragraphs (e)(1) through (e)(4) of this section shall not be required to provide the initial training requirements of those paragraphs to such employees and shall provide a copy of the certification or documentation to the employee upon request. However, certified employees or employees with equivalent training new to a site shall receive appropriate, site specific training before site entry and have appropriate supervised field experience at the new site. Equivalent training includes any academic training or the training that existing employees might have already received from actual hazardous waste site work experience.

(f) *Medical surveillance—(1) General.* Employers engaged in operations specified in paragraphs (a)(1)(i) through (a)(1)(iv) of this section and not covered by (a)(2)(iii) exceptions and employers of employees specified in paragraph (q)(9) shall institute a medical surveillance program in accordance with this paragraph.

(2) *Employees covered.* The medical surveillance program shall be instituted by the employer for the following employees:

(i) All employees who are or may be exposed to hazardous substances or health hazards at or above the permissible exposure limits or, if there is no permissible exposure limit, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more a year;

(ii) All employees who wear a respirator for 30 days or more a year or as required by § 1910.134;

(iii) All employees who are injured, become ill or develop signs or symptoms due to possible overexposure involving hazardous substances or health hazards from an emergency response or hazardous waste operation; and

(iv) Members of HAZMAT teams.

(3) *Frequency of medical examinations and consultations.* Medical examinations and consultations shall be made available by the employer to each em-

ployee covered under paragraph (f)(2) of this section on the following schedules:

(i) For employees covered under paragraphs (f)(2)(i), (f)(2)(ii), and (f)(2)(iv):

(A) Prior to assignment;

(B) At least once every twelve months for each employee covered unless the attending physician believes a longer interval (not greater than biennially) is appropriate;

(C) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months;

(D) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards, or that the employee has been injured or exposed above the permissible exposure limits or published exposure levels in an emergency situation;

(E) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary.

(ii) For employees covered under paragraph (f)(2)(iii) and for all employees including those of employers covered by paragraph (a)(1)(v) who may have been injured, received a health impairment, developed signs or symptoms which may have resulted from exposure to hazardous substances resulting from an emergency incident, or exposed during an emergency incident to hazardous substances at concentrations above the permissible exposure limits or the published exposure levels without the necessary personal protective equipment being used:

(A) As soon as possible following the emergency incident or development of signs or symptoms;

(B) At additional times, if the examining physician determines that follow-up examinations or consultations are medically necessary.

(4) *Content of medical examinations and consultations.* (i) Medical examinations required by paragraph (f)(3) of this section shall include a medical and work history (or updated history if one is in the employee's file) with special emphasis on symptoms related to the handling of hazardous substances and

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health hazards, and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the work site.

(ii) The content of medical examinations or consultations made available to employees pursuant to paragraph (f) shall be determined by the attending physician. The guidelines in the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* (See appendix D, Reference #10) should be consulted.

(5) *Examination by a physician and costs.* All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, preferably one knowledgeable in occupational medicine, and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(6) *Information provided to the physician.* The employer shall provide one copy of this standard and its appendices to the attending physician, and in addition the following for each employee:

(i) A description of the employee's duties as they relate to the employee's exposures.

(ii) The employee's exposure levels or anticipated exposure levels.

(iii) A description of any personal protective equipment used or to be used.

(iv) Information from previous medical examinations of the employee which is not readily available to the examining physician.

(v) Information required by §1910.134.

(7) *Physician's written opinion.* (i) The employer shall obtain and furnish the employee with a copy of a written opinion from the attending physician containing the following:

(A) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response, or from respirator use.

(B) The physician's recommended limitations upon the employee's assigned work.

(C) The results of the medical examination and tests if requested by the employee.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(8) *Recordkeeping.* (i) An accurate record of the medical surveillance required by paragraph (f) of this section shall be retained. This record shall be retained for the period specified and meet the criteria of 29 CFR 1910.1020.

(ii) The record required in paragraph (f)(8)(i) of this section shall include at least the following information:

(A) The name of the employee;

(B) Physician's written opinions, recommended limitations, and results of examinations and tests;

(C) Any employee medical complaints related to exposure to hazardous substances;

(D) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

(g) *Engineering controls, work practices, and personal protective equipment for employee protection.* Engineering controls, work practices, personal protective equipment, or a combination of these shall be implemented in accordance with this paragraph to protect employees from exposure to hazardous substances and safety and health hazards.

(1) *Engineering controls, work practices and PPE for substances regulated in subparts G and Z.* (i) Engineering controls and work practices shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits for substances regulated by 29 CFR part 1910, to the extent required by subpart Z, except to the extent that such controls and practices are not feasible.

NOTE TO PARAGRAPH (g)(1)(i): Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work

practices which may be feasible are removing all non-essential employees from potential exposure during opening of drums, wetting down dusty operations and locating employees upwind of possible hazards.

(ii) Whenever engineering controls and work practices are not feasible or not required, any reasonable combination of engineering controls, work practices and PPE shall be used to reduce and maintain employee exposures to or below the permissible exposure limits or dose limits for substances regulated by 29 CFR part 1910, subpart Z.

(iii) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible exposure limits or dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(iv) The provisions of 29 CFR, subpart G, shall be followed.

(2) *Engineering controls, work practices, and PPE for substances not regulated in subparts G and Z.* An appropriate combination of engineering controls, work practices and personal protective equipment shall be used to reduce and maintain employee exposure to or below published exposure levels for hazardous substances and health hazards not regulated by 29 CFR part 1910, subparts G and Z. The employer may use the published literature and SDS as a guide in making the employer's determination as to what level of protection the employer believes is appropriate for hazardous substances and health hazards for which there is no permissible exposure limit or published exposure limit.

(3) *Personal protective equipment selection.* (i) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(ii) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(iii) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply, shall be used when chemical exposure levels present will create a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(iv) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as recommended in appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(v) The level of protection provided by PPE selection shall be increased when additional information on site conditions indicates that increased protection is necessary to reduce employee exposures below permissible exposure limits and published exposure levels for hazardous substances and health hazards. (See appendix B for guidance on selecting PPE ensembles.)

NOTE TO PARAGRAPH (g)(3): The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in hazardous exposures to employees.

(vi) Personal protective equipment shall be selected and used to meet the requirements of 29 CFR part 1910, subpart I, and additional requirements specified in this section.

(4) *Totally-encapsulating chemical protective suits.* (i) Totally-encapsulating suits shall protect employees from the particular hazards which are identified during site characterization and analysis.

(ii) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See appendix A for a test method which may be used to evaluate this requirement.)

(iii) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See appendix A for a test method which may be used to evaluate this requirement.)

(5) *Personal protective equipment (PPE) program.* A written personal protective equipment program, which is part of

the employer's safety and health program required in paragraph (b) of this section or required in paragraph (p)(1) of this section and which is also a part of the site-specific safety and health plan shall be established. The PPE program shall address the elements listed below. When elements, such as donning and doffing procedures, are provided by the manufacturer of a piece of equipment and are attached to the plan, they need not be rewritten into the plan as long as they adequately address the procedure or element.

- (i) PPE selection based upon site hazards,
- (ii) PPE use and limitations of the equipment,
- (iii) Work mission duration,
- (iv) PPE maintenance and storage,
- (v) PPE decontamination and disposal,
- (vi) PPE training and proper fitting,
- (vii) PPE donning and doffing procedures,
- (viii) PPE inspection procedures prior to, during, and after use,
- (ix) Evaluation of the effectiveness of the PPE program, and
- (x) Limitations during temperature extremes, heat stress, and other appropriate medical considerations.

(h) *Monitoring*—(1) *General*. (i) Monitoring shall be performed in accordance with this paragraph where there may be a question of employee exposure to hazardous concentrations of hazardous substances in order to assure proper selection of engineering controls, work practices and personal protective equipment so that employees are not exposed to levels which exceed permissible exposure limits, or published exposure levels if there are no permissible exposure limits, for hazardous substances.

(ii) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and safety and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) *Initial entry*. Upon initial entry, representative air monitoring shall be conducted to identify any IDLH condition, exposure over permissible exposure limits or published exposure levels, exposure over a radioactive material's dose limits or other dangerous

condition such as the presence of flammable atmospheres or oxygen-deficient environments.

(3) *Periodic monitoring*. Periodic monitoring shall be conducted when the possibility of an IDLH condition or flammable atmosphere has developed or when there is indication that exposures may have risen over permissible exposure limits or published exposure levels since prior monitoring. Situations where it shall be considered whether the possibility that exposures have risen are as follows:

- (i) When work begins on a different portion of the site.
- (ii) When contaminants other than those previously identified are being handled.
- (iii) When a different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).
- (iv) When employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).

(4) *Monitoring of high-risk employees*. After the actual clean-up phase of any hazardous waste operation commences; for example, when soil, surface water or containers are moved or disturbed; the employer shall monitor those employees likely to have the highest exposures to hazardous substances and health hazards likely to be present above permissible exposure limits or published exposure levels by using personal sampling frequently enough to characterize employee exposures. If the employees likely to have the highest exposure are over permissible exposure limits or published exposure limits, then monitoring shall continue to determine all employees likely to be above those limits. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated above.

NOTE TO PARAGRAPH (h): It is not required to monitor employees engaged in site characterization operations covered by paragraph (c) of this section.

(i) *Informational programs*. Employers shall develop and implement a program, which is part of the employer's safety and health program required in paragraph (b) of this section, to inform

employees, contractors, and subcontractors (or their representative) actually engaged in hazardous waste operations of the nature, level and degree of exposure likely as a result of participation in such hazardous waste operations. Employees, contractors and subcontractors working outside of the operations part of a site are not covered by this standard.

(j) *Handling drums and containers*—(1) *General.* (i) Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this paragraph.

(ii) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(iii) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(iv) Unlabelled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(v) Site operations shall be organized to minimize the amount of drum or container movement.

(vi) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(vii) U.S. Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(viii) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in paragraph (b) of this section, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(ix) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(x) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of buried drums or containers.

(xi) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(xii) Fire extinguishing equipment meeting the requirements of 29 CFR part 1910, subpart L, shall be on hand and ready for use to control incipient fires.

(2) *Opening drums and containers.* The following procedures shall be followed in areas where drums or containers are being opened:

(i) Where an airline respirator system is used, connections to the source of air supply shall be protected from contamination and the entire system shall be protected from physical damage.

(ii) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(iii) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(iv) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(v) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(vi) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure can not be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(vii) Employees shall not stand upon or work from drums or containers.

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(3) *Material handling equipment.* Material handling equipment used to transfer drums and containers shall be selected, positioned and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) *Radioactive wastes.* Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(5) *Shock sensitive wastes.* As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(i) All non-essential employees shall be evacuated from the area of transfer.

(ii) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(iii) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(iv) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and both the site safety and health supervisor and the command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock sensitive materials to explode shall not be used.

(v) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(vi) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

CAUTION: Shipping of shock sensitive wastes may be prohibited under U.S. Depart-

ment of Transportation regulations. Employers and their shippers should refer to 49 CFR 173.21 and 173.50.

(6) *Laboratory waste packs.* In addition to the requirements of paragraph (j)(5) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(i) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(ii) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) *Sampling of drum and container contents.* Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) *Shipping and transport.* (i) Drums and containers shall be identified and classified prior to packaging for shipment.

(ii) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(iii) Staging areas shall be provided with adequate access and egress routes.

(iv) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) *Tank and vault procedures.* (i) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(ii) Appropriate tank or vault entry procedures as described in the employer's safety and health plan shall be followed whenever employees must enter a tank or vault.

(k) *Decontamination—(1) General.* Procedures for all phases of decontamination shall be developed and implemented in accordance with this paragraph.

(2) *Decontamination procedures.* (i) A decontamination procedure shall be developed, communicated to employees and implemented before any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(ii) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(iii) All employees leaving a contaminated area shall be appropriately decontaminated; all contaminated clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(iv) Decontamination procedures shall be monitored by the site safety and health supervisor to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(3) *Location.* Decontamination shall be performed in geographical areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) *Equipment and solvents.* All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(5) *Personal protective clothing and equipment.* (i) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained or replaced as needed to maintain their effectiveness.

(ii) Employees whose non-impermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(6) *Unauthorized employees.* Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(7) *Commercial laundries or cleaning establishments.* Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(8) *Showers and change rooms.* Where the decontamination procedure indicates a need for regular showers and change rooms outside of a contaminated area, they shall be provided and meet the requirements of 29 CFR 1910.141. If temperature conditions prevent the effective use of water, then other effective means for cleansing shall be provided and used.

(1) *Emergency response by employees at uncontrolled hazardous waste sites—(1) Emergency response plan.* (i) An emergency response plan shall be developed and implemented by all employers within the scope of paragraphs (a)(1)(i)–(ii) of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, OSHA personnel and other governmental agencies with relevant responsibilities.

(ii) Employers who will evacuate their employees from the danger area when an emergency occurs, and who do not permit any of their employees to assist in handling the emergency, are exempt from the requirements of this paragraph if they provide an emergency action plan complying with 29 CFR 1910.38.

(2) *Elements of an emergency response plan.* The employer shall develop an emergency response plan for emergencies which shall address, as a minimum, the following:

- (i) Pre-emergency planning.
- (ii) Personnel roles, lines of authority, and communication.
- (iii) Emergency recognition and prevention.
- (iv) Safe distances and places of refuge.
- (v) Site security and control.
- (vi) Evacuation routes and procedures.
- (vii) Decontamination procedures which are not covered by the site safety and health plan.
- (viii) Emergency medical treatment and first aid.
- (ix) Emergency alerting and response procedures.
- (x) Critique of response and follow-up.
- (xi) PPE and emergency equipment.

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(3) *Procedures for handling emergency incidents.* (i) In addition to the elements for the emergency response plan required in paragraph (1)(2) of this section, the following elements shall be included for emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be a separate section of the Site Safety and Health Plan.

(iii) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with 29 CFR 1910.165 to notify employees of an emergency situation; to stop work activities if necessary; to lower background noise in order to speed communication; and to begin emergency procedures.

(vii) Based upon the information available at time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the site emergency response plan.

(m) *Illumination.* Areas accessible to employees shall be lighted to not less than the minimum illumination intensities listed in the following Table H-120.1 while any work is in progress:

TABLE H-120.1—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

| Foot-candles | Area or operations |
|--------------|--|
| 5 | General site areas. |
| 3 | Excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas. |
| 5 | Indoors: Warehouses, corridors, hallways, and exitways. |

TABLE H-120.1—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES—Continued

| Foot-candles | Area or operations |
|--------------|---|
| 5 | Tunnels, shafts, and general underground work areas. (Exception: Minimum of 10 foot-candles is required at tunnel and shaft heading during drilling mucking, and scaling. Mine Safety and Health Administration approved cap lights shall be acceptable for use in the tunnel heading.) |
| 10 | General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms.) |
| 30 | First aid stations, infirmaries, and offices. |

(n) *Sanitation at temporary workplaces—(1) Potable water.* (i) An adequate supply of potable water shall be provided on the site.

(ii) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(iii) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(iv) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) *Nonpotable water.* (i) Outlets for nonpotable water, such as water for firefighting purposes, shall be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(ii) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(3) *Toilet facilities.* (i) Toilets shall be provided for employees according to the following Table H-120.2.

TABLE H-120.2—TOILET FACILITIES

| Number of employees | Minimum number of facilities |
|------------------------------------|--|
| 20 or fewer | One. |
| More than 20, fewer than 200 | One toilet seat and one urinal per 40 employees. |
| More than 200 | One toilet seat and one urinal per 50 employees. |

(ii) Under temporary field conditions, provisions shall be made to assure that at least one toilet facility is available.

(iii) Hazardous waste sites not provided with a sanitary sewer shall be provided with the following toilet facilities unless prohibited by local codes:

- (A) Chemical toilets;
- (B) Recirculating toilets;
- (C) Combustion toilets; or
- (D) Flush toilets.

(iv) The requirements of this paragraph for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(v) Doors entering toilet facilities shall be provided with entrance locks controlled from inside the facility.

(4) *Food handling.* All food service facilities and operations for employees shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) *Temporary sleeping quarters.* When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(6) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite; in areas where exposures are below permissible exposure limits and published exposure levels and which are under the controls of the employer; and shall be so equipped as to enable employees to remove hazardous substances from themselves.

(7) *Showers and change rooms.* When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer shall provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(i) Showers shall be provided and shall meet the requirements of 29 CFR 1910.141(d)(3).

(ii) Change rooms shall be provided and shall meet the requirements of 29 CFR 1910.141(e). Change rooms shall consist of two separate change areas separated by the shower area required in paragraph (n)(7)(i) of this section. One change area, with an exit leading

off the worksite, shall provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, shall provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(iii) Showers and change rooms shall be located in areas where exposures are below the permissible exposure limits and published exposure levels. If this cannot be accomplished, then a ventilation system shall be provided that will supply air that is below the permissible exposure limits and published exposure levels.

(iv) Employers shall assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

(o) *New technology programs.* (1) The employer shall develop and implement procedures for the introduction of effective new technologies and equipment developed for the improved protection of employees working with hazardous waste clean-up operations, and the same shall be implemented as part of the site safety and health program to assure that employee protection is being maintained.

(2) New technologies, equipment or control measures available to the industry, such as the use of foams, absorbents, adsorbents, neutralizers, or other means to suppress the level of air contaminants while excavating the site or for spill control, shall be evaluated by employers or their representatives. Such an evaluation shall be done to determine the effectiveness of the new methods, materials, or equipment before implementing their use on a large scale for enhancing employee protection. Information and data from manufacturers or suppliers may be used as part of the employer's evaluation effort. Such evaluations shall be made available to OSHA upon request.

(p) *Certain Operations Conducted Under the Resource Conservation and Recovery Act of 1976 (RCRA).* Employers conducting operations at treatment, storage and disposal (TSD) facilities specified in paragraph (a)(1)(iv) of this section shall provide and implement the programs specified in this paragraph. See the "Notes and Exceptions"

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to paragraph (a)(2)(iii) of this section for employers not covered.)”.

(1) *Safety and health program.* The employer shall develop and implement a written safety and health program for employees involved in hazardous waste operations that shall be available for inspection by employees, their representatives and OSHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, to provide for emergency response meeting the requirements of paragraph (p)(8) of this section and to address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies.

(2) *Hazard communication program.* The employer shall implement a hazard communication program meeting the requirements of 29 CFR 1910.1200 as part of the employer’s safety and program.

NOTE TO §1910.120: The exemption for hazardous waste provided in §1910.1200 is applicable to this section.

(3) *Medical surveillance program.* The employer shall develop and implement a medical surveillance program meeting the requirements of paragraph (f) of this section.

(4) *Decontamination program.* The employer shall develop and implement a decontamination procedure meeting the requirements of paragraph (k) of this section.

(5) *New technology program.* The employer shall develop and implement procedures meeting the requirements of paragraph (o) of this section for introducing new and innovative equipment into the workplace.

(6) *Material handling program.* Where employees will be handling drums or containers, the employer shall develop and implement procedures meeting the requirements of paragraphs (j)(1) (ii) through (viii) and (xi) of this section, as well as (j)(3) and (j)(8) of this section prior to starting such work.

(7) *Training program—(i) New employees.* The employer shall develop and implement a training program, which is part of the employer’s safety and health program, for employees exposed to health hazards or hazardous sub-

stances at TSD operations to enable the employees to perform their assigned duties and functions in a safe and healthful manner so as not endanger themselves or other employees. The initial training shall be for 24 hours and refresher training shall be for eight hours annually. Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training.

(ii) *Current employees.* Employers who can show by an employee’s previous work experience and/or training that the employee has had training equivalent to the initial training required by this paragraph, shall be considered as meeting the initial training requirements of this paragraph as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Current employees shall receive eight hours of refresher training annually.

(iii) *Trainers.* Trainers who teach initial training shall have satisfactorily completed a training course for teaching the subjects they are expected to teach or they shall have the academic credentials and instruction experience necessary to demonstrate a good command of the subject matter of the courses and competent instructional skills.

(8) *Emergency response program—(i) Emergency response plan.* An emergency response plan shall be developed and implemented by all employers. Such plans need not duplicate any of the subjects fully addressed in the employer’s contingency planning required by permits, such as those issued by the U.S. Environmental Protection Agency, provided that the contingency plan is made part of the emergency response plan. The emergency response plan shall be a written portion of the employer’s safety and health program required in paragraph (p)(1) of this section. Employers who will evacuate their employees from the worksite location when an emergency occurs and who do not permit any of their employees to assist in handling the emergency are exempt from the requirements of paragraph (p)(8) if they provide an

emergency action plan complying with 29 CFR 1910.38.

(ii) *Elements of an emergency response plan.* The employer shall develop an emergency response plan for emergencies which shall address, as a minimum, the following areas to the extent that they are not addressed in any specific program required in this paragraph:

- (A) Pre-emergency planning and coordination with outside parties.
- (B) Personnel roles, lines of authority, and communication.
- (C) Emergency recognition and prevention.
- (D) Safe distances and places of refuge.
- (E) Site security and control.
- (F) Evacuation routes and procedures.
- (G) Decontamination procedures.
- (H) Emergency medical treatment and first aid.
- (I) Emergency alerting and response procedures.
- (J) Critique of response and follow-up.
- (K) PPE and emergency equipment.

(iii) *Training.* (A) Training for emergency response employees shall be completed before they are called upon to perform in real emergencies. Such training shall include the elements of the emergency response plan, standard operating procedures the employer has established for the job, the personal protective equipment to be worn and procedures for handling emergency incidents.

Exception #1: An employer need not train all employees to the degree specified if the employer divides the work force in a manner such that a sufficient number of employees who have responsibility to control emergencies have the training specified, and all other employees, who may first respond to an emergency incident, have sufficient awareness training to recognize that an emergency response situation exists and that they are instructed in that case to summon the fully trained employees and not attempt control activities for which they are not trained.

Exception #2: An employer need not train all employees to the degree specified if arrangements have been made in advance for an outside fully-trained emergency response team to respond in a reasonable period and all employees, who may come to the incident first, have sufficient awareness training to

recognize that an emergency response situation exists and they have been instructed to call the designated outside fully-trained emergency response team for assistance.

(B) Employee members of TSD facility emergency response organizations shall be trained to a level of competence in the recognition of health and safety hazards to protect themselves and other employees. This would include training in the methods used to minimize the risk from safety and health hazards; in the safe use of control equipment; in the selection and use of appropriate personal protective equipment; in the safe operating procedures to be used at the incident scene; in the techniques of coordination with other employees to minimize risks; in the appropriate response to over exposure from health hazards or injury to themselves and other employees; and in the recognition of subsequent symptoms which may result from over exposures.

(C) The employer shall certify that each covered employee has attended and successfully completed the training required in paragraph (p)(8)(iii) of this section, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer.

(iv) *Procedures for handling emergency incidents.* (A) In addition to the elements for the emergency response plan required in paragraph (p)(8)(ii) of this section, the following elements shall be included for emergency response plans to the extent that they do not repeat any information already contained in the emergency response plan:

(1) Site topography, layout, and prevailing weather conditions.

(2) Procedures for reporting incidents to local, state, and federal governmental agencies.

(B) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(C) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

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(D) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(E) An employee alarm system shall be installed in accordance with 29 CFR 1910.165 to notify employees of an emergency situation; to stop work activities if necessary; to lower background noise in order to speed communication; and to begin emergency procedures.

(F) Based upon the information available at time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the site emergency response plan.

(q) *Emergency response to hazardous substance releases.* This paragraph covers employers whose employees are engaged in emergency response no matter where it occurs except that it does not cover employees engaged in operations specified in paragraphs (a)(1)(i) through (a)(1)(iv) of this section. Those emergency response organizations who have developed and implemented programs equivalent to this paragraph for handling releases of hazardous substances pursuant to section 303 of the Superfund Amendments and Reauthorization Act of 1986 (Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11003) shall be deemed to have met the requirements of this paragraph.

(1) *Emergency response plan.* An emergency response plan shall be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by employees, their representatives and OSHA personnel. Employers who will evacuate their employees from the danger area when an emergency occurs, and who do not permit any of their employees to assist in handling the emergency, are exempt from the requirements of this paragraph if they provide an emergency action plan in accordance with 29 CFR 1910.38.

(2) *Elements of an emergency response plan.* The employer shall develop an emergency response plan for emergencies which shall address, as a min-

imum, the following to the extent that they are not addressed elsewhere:

- (i) Pre-emergency planning and coordination with outside parties.
- (ii) Personnel roles, lines of authority, training, and communication.
- (iii) Emergency recognition and prevention.
- (iv) Safe distances and places of refuge.
- (v) Site security and control.
- (vi) Evacuation routes and procedures.
- (vii) Decontamination.
- (viii) Emergency medical treatment and first aid.
- (ix) Emergency alerting and response procedures.
- (x) Critique of response and follow-up.
- (xi) PPE and emergency equipment.
- (xii) Emergency response organizations may use the local emergency response plan or the state emergency response plan or both, as part of their emergency response plan to avoid duplication. Those items of the emergency response plan that are being properly addressed by the SARA Title III plans may be substituted into their emergency plan or otherwise kept together for the employer and employee's use.

(3) *Procedures for handling emergency response.* (i) The senior emergency response official responding to an emergency shall become the individual in charge of a site-specific Incident Command System (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

NOTE TO PARAGRAPH (q)(3)(i): The "senior official" at an emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. As more senior officers arrive (i.e., battalion chief, fire chief, state law enforcement official, site coordinator, etc.) the position is passed up the line of authority which has been previously established.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present and shall address as appropriate site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in 29 CFR 1910.156(e) when worn while performing fire fighting operations beyond the incipient stage for any incident.

(iv) Employees engaged in emergency response and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard shall wear positive pressure self-contained breathing apparatus while engaged in emergency response, until such time that the individual in charge of the ICS determines through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site, in those areas of potential or actual exposure to incident or site hazards, to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall stand by with equipment ready to provide assistance or rescue. Advance first aid support personnel, as a minimum, shall also stand by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety official to be an IDLH condition and/or to involve an imminent danger condition, the safety official shall have the authority to alter, suspend, or terminate those activities. The safety official shall immediately inform the individual in charge of the ICS of any actions needed to be taken to correct these hazards at the emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) When deemed necessary for meeting the tasks at hand, approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet U.S. Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) *Skilled support personnel.* Personnel, not necessarily an employer's own employees, who are skilled in the operation of certain equipment, such as mechanized earth moving or digging equipment or crane and hoisting equipment, and who are needed temporarily to perform immediate emergency support work that cannot reasonably be performed in a timely fashion by an employer's own employees, and who will be or may be exposed to the hazards at an emergency response scene, are not required to meet the training required in this paragraph for the employer's regular employees. However, these personnel shall be given an initial briefing at the site prior to their participation in any emergency response. The initial briefing shall include instruction in the wearing of appropriate personal protective equipment, what chemical hazards are involved, and what duties are to be performed. All other appropriate safety and health precautions provided to the employer's own employees shall be used to assure the safety and health of these personnel.

(5) *Specialist employees.* Employees who, in the course of their regular job duties, work with and are trained in the hazards of specific hazardous substances, and who will be called upon to provide technical advice or assistance at a hazardous substance release incident to the individual in charge, shall receive training or demonstrate competency in the area of their specialization annually.

(6) *Training.* Training shall be based on the duties and function to be performed by each responder of an emergency response organization. The skill and knowledge levels required for all new responders, those hired after the effective date of this standard, shall be conveyed to them through training before they are permitted to take part in actual emergency operations on an incident. Employees who participate, or are expected to participate, in emergency response, shall be given training in accordance with the following paragraphs:

(i) *First responder awareness level.* First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release. First responders at the awareness level shall have sufficient training or have had sufficient experience to objectively demonstrate competency in the following areas:

(A) An understanding of what hazardous substances are, and the risks associated with them in an incident.

(B) An understanding of the potential outcomes associated with an emergency created when hazardous substances are present.

(C) The ability to recognize the presence of hazardous substances in an emergency.

(D) The ability to identify the hazardous substances, if possible.

(E) An understanding of the role of the first responder awareness individual in the employer's emergency response plan including site security and control and the U.S. Department of

Transportation's Emergency Response Guidebook.

(F) The ability to realize the need for additional resources, and to make appropriate notifications to the communication center.

(ii) *First responder operations level.* First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operational level shall have received at least eight hours of training or have had sufficient experience to objectively demonstrate competency in the following areas in addition to those listed for the awareness level and the employer shall so certify:

(A) Knowledge of the basic hazard and risk assessment techniques.

(B) Know how to select and use proper personal protective equipment provided to the first responder operational level.

(C) An understanding of basic hazardous materials terms.

(D) Know how to perform basic control, containment and/or confinement operations within the capabilities of the resources and personal protective equipment available with their unit.

(E) Know how to implement basic decontamination procedures.

(F) An understanding of the relevant standard operating procedures and termination procedures.

(iii) *Hazardous materials technician.* Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received at least 24

hours of training equal to the first responder operations level and in addition have competency in the following areas and the employer shall so certify:

(A) Know how to implement the employer's emergency response plan.

(B) Know the classification, identification and verification of known and unknown materials by using field survey instruments and equipment.

(C) Be able to function within an assigned role in the Incident Command System.

(D) Know how to select and use proper specialized chemical personal protective equipment provided to the hazardous materials technician.

(E) Understand hazard and risk assessment techniques.

(F) Be able to perform advance control, containment, and/or confinement operations within the capabilities of the resources and personal protective equipment available with the unit.

(G) Understand and implement decontamination procedures.

(H) Understand termination procedures.

(I) Understand basic chemical and toxicological terminology and behavior.

(iv) *Hazardous materials specialist.* Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities. Hazardous materials specialists shall have received at least 24 hours of training equal to the technician level and in addition have competency in the following areas and the employer shall so certify:

(A) Know how to implement the local emergency response plan.

(B) Understand classification, identification and verification of known and unknown materials by using advanced survey instruments and equipment.

(C) Know of the state emergency response plan.

(D) Be able to select and use proper specialized chemical personal protective equipment provided to the hazardous materials specialist.

(E) Understand in-depth hazard and risk techniques.

(F) Be able to perform specialized control, containment, and/or confinement operations within the capabilities of the resources and personal protective equipment available.

(G) Be able to determine and implement decontamination procedures.

(H) Have the ability to develop a site safety and control plan.

(I) Understand chemical, radiological and toxicological terminology and behavior.

(v) *On scene incident commander.* Incident commanders, who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and in addition have competency in the following areas and the employer shall so certify:

(A) Know and be able to implement the employer's incident command system.

(B) Know how to implement the employer's emergency response plan.

(C) Know and understand the hazards and risks associated with employees working in chemical protective clothing.

(D) Know how to implement the local emergency response plan.

(E) Know of the state emergency response plan and of the Federal Regional Response Team.

(F) Know and understand the importance of decontamination procedures.

(7) *Trainers.* Trainers who teach any of the above training subjects shall have satisfactorily completed a training course for teaching the subjects they are expected to teach, such as the courses offered by the U.S. National Fire Academy, or they shall have the training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter of the courses they are to teach.

(8) *Refresher training.* (i) Those employees who are trained in accordance with paragraph (q)(6) of this section

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shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.

(ii) A statement shall be made of the training or competency, and if a statement of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

(9) *Medical surveillance and consultation.* (i) Members of an organized and designated HAZMAT team and hazardous materials specialists shall receive a baseline physical examination and be provided with medical surveillance as required in paragraph (f) of this section.

(ii) Any emergency response employees who exhibits signs or symptoms which may have resulted from exposure to hazardous substances during the course of an emergency incident, either immediately or subsequently, shall be provided with medical consultation as required in paragraph (f)(3)(ii) of this section.

(10) *Chemical protective clothing.* Chemical protective clothing and equipment to be used by organized and designated HAZMAT team members, or to be used by hazardous materials specialists, shall meet the requirements of paragraphs (g) (3) through (5) of this section.

(11) *Post-emergency response operations.* Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards, and materials contaminated with them (such as contaminated soil or other elements of the natural environment) from the site of the incident, the employer conducting the clean-up shall comply with one of the following:

(i) Meet all of the requirements of paragraphs (b) through (o) of this section; or

(ii) Where the clean-up is done on plant property using plant or workplace employees, such employees shall have completed the training requirements of the following: 29 CFR 1910.38, 1910.134, 1910.1200, and other appropriate safety and health training made necessary by the tasks they are expected to perform such as personal pro-

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ective equipment and decontamination procedures. All equipment to be used in the performance of the clean-up work shall be in serviceable condition and shall have been inspected prior to use.

APPENDICES TO § 1910.120—HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

NOTE: The following appendices serve as non-mandatory guidelines to assist employees and employers in complying with the appropriate requirements of this section. However paragraph 1910.120(g) makes mandatory in certain circumstances the use of Level A and Level B PPE protection.

APPENDIX A TO § 1910.120—PERSONAL PROTECTIVE EQUIPMENT TEST METHODS

This appendix sets forth the non-mandatory examples of tests which may be used to evaluate compliance with § 1910.120 (g)(4) (ii) and (iii). Other tests and other challenge agents may be used to evaluate compliance.

A. *Totally-encapsulating chemical protective suit pressure test*

1.0—Scope

1.1 This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a totally-encapsulating chemical protective suit to be evaluated.

1.2 Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

2.0—Definition of terms

2.1 *Totally-encapsulated chemical protective suit (TECP suit)* means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, legs and respirator; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer and respirator by itself or in combination with the wearer's gloves and boots.

2.2 *Protective clothing material* means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

2.3 *Gas tight* means, for the purpose of this test method, the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

3.0—Summary of test method

3.1 The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to

the pre-test suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the test and is removed from service. The test is repeated after leak location and repair.

4.0—Required Supplies

4.1 Source of compressed air.

4.2 Test apparatus for suit testing, including a pressure measurement device with a sensitivity of at least ¼ inch water gauge.

4.3 Vent valve closure plugs or sealing tape.

4.4 Soapy water solution and soft brush.

4.5 Stop watch or appropriate timing device.

5.0—Safety Precautions

5.1 Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.

6.0—Test Procedure

6.1 Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.

6.1.1 Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or face piece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.

6.1.2 Close all closure assemblies.

6.1.3 Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an airline. Attach the pressure test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.

6.1.4 The pre-test expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer, but in no case shall they be less than: (A) = three inches water gauge; and (B) = two inches water gauge. The ending suit pressure (C) shall be no less than 80 percent of the test pressure (B); i.e., the pressure drop shall not exceed 20 percent of the test pressure (B).

6.1.5 Inflate the suit until the pressure inside is equal to pressure (A), the pre-test expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pres-

sure to pressure (B), the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure (C), the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure (B - C) shall be defined as the suit pressure drop.

6.1.6 If the suit pressure drop is more than 20 percent of the suit test pressure (B) during the three-minute test period, the suit fails the test and shall be removed from service.

7.0—Retest Procedure

7.1 If the suit fails the test check for leaks by inflating the suit to pressure (A) and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

7.2 Retest the TECP suit as outlined in Test procedure 6.0.

8.0—Report

8.1 Each TECP suit tested by this practice shall have the following information recorded:

8.1.1 Unique identification number, identifying brand name, date of purchase, material of construction, and unique fit features, e.g., special breathing apparatus.

8.1.2 The actual values for test pressures (A), (B), and (C) shall be recorded along with the specific observation times. If the ending pressure (C) is less than 80 percent of the test pressure (B), the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

8.1.3 The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

8.1.4 Records shall be kept for each pressure test even if repairs are being made at the test location.

CAUTION

Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

B. Totally-encapsulating chemical protective suit qualitative leak test

1.0—Scope

1.1 This practice semi-qualitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out

this test, the results from this practice provide a realistic test for the integrity of the entire suit.

1.2 Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method. ASTM test methods are available to test suit materials for these characteristics and the tests are usually conducted by the manufacturers of the suits.

2.0—Definition of terms

2.1 *Totally-encapsulated chemical protective suit (TECP suit)* means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, legs and respirator; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer and respirator by itself or in combination with the wearer's gloves, and boots.

2.2 *Protective clothing material* means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

2.3 *Gas tight* means, for the purpose of this test method, the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

2.4 *Intrusion Coefficient* means a number expressing the level of protection provided by a gas tight totally-encapsulating chemical protective suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient the greater the protection provided by the TECP suit.

3.0—Summary of recommended practice

3.1 The volume of concentrated aqueous ammonia solution (ammonia hydroxide NH₃ OH) required to generate the test atmosphere is determined using the directions outlined in 6.1. The suit is donned by a person wearing the appropriate respiratory equipment (either a positive pressure self-contained breathing apparatus or a positive pressure supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured, using a high range ammonia length of stain detector tube. When the ammonia vapor reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed, the test room concentration is measured again. The suited individual exits

the test room and his stand-by person measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure; aid the person in donning and doffing the TECP suit; and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric ammonia indicator strip of bromophenol blue or equivalent is placed on the inside of the suit face piece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual shall leave the test room immediately.

4.0—Required supplies

4.1 A supply of concentrated aqueous ammonium hydroxide (58% by weight).

4.2 A supply of bromophenol/blue indicating paper or equivalent, sensitive to 5–10 ppm ammonia or greater over a two-minute period of exposure. [pH 3.0 (yellow) to pH 4.6 (blue)]

4.3 A supply of high range (0.5–10 volume percent) and low range (5–700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

4.4 A shallow plastic pan (PVC) at least 12"×14"×1" and a half pint plastic container (PVC) with tightly closing lid.

4.5 A graduated cylinder or other volumetric measuring device of at least 50 milliliters in volume with an accuracy of at least ±1 milliliters.

5.0—Safety precautions

5.1 Concentrated aqueous ammonium hydroxide, NH₃ OH, is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The person conducting the test shall review the SDS for aqueous ammonia.

5.2 Since the established permissible exposure limit for ammonia is 35 ppm as a 15 minute STEL, only persons wearing a positive pressure self-contained breathing apparatus or a positive pressure supplied air respirator shall be in the chamber. Normally only the person wearing the totally-encapsulating suit will be inside the chamber. A stand-by person shall have a positive pressure self-contained breathing apparatus, or a positive pressure supplied air respirator available to enter the test area should the suited individual need assistance.

5.3 A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

5.4 The test room shall be large enough to allow the exercise protocol to be carried out and then to be ventilated to allow for easy

exhaust of the ammonia test atmosphere after the test(s) are completed.

5.5 Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

6.0—Test procedure

6.1.1 Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia solution per cubic foot of test area volume to determine the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

6.1.2 Measure this volume from the supply of concentrated aqueous ammonia and place it into a closed plastic container.

6.1.3 Place the container, several high range ammonia detector tubes, and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

6.2.1 In a non-contaminated atmosphere, open a pre-sealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Moisten the indicator strip with distilled water. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be used to attach the indicator strip to the interior of the suit face shield.

6.2.2 If problems are encountered with this method of attachment, the indicator strip can be attached to the outside of the respirator face piece lens being used during the test.

6.3 Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. DO NOT, however, plug off any venting valves.

6.4 Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

6.5 Open the container with the pre-measured volume of concentrated aqueous ammonia within the enclosed test room, and pour the liquid into the empty plastic test pan. Wait two minutes to allow for adequate volatilization of the concentrated aqueous ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of the ammonia solution.

6.6 After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater

shall be generated before the exercises are started.

6.7 To test the integrity of the suit the following four minute exercise protocol should be followed:

6.7.1 Raising the arms above the head with at least 15 raising motions completed in one minute.

6.7.2 Walking in place for one minute with at least 15 raising motions of each leg in a one-minute period.

6.7.3 Touching the toes with a least 10 complete motions of the arms from above the head to touching of the toes in a one-minute period.

6.7.4 Knee bends with at least 10 complete standing and squatting motions in a one-minute period.

6.8 If at any time during the test the colorimetric indicating paper should change colors, the test should be stopped and section 6.10 and 6.12 initiated (See ¶4.2).

6.9 After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

6.10 Exit the test area.

6.11 The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

6.12 After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

6.13 The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas. The fan shall be vented to the outside of the building.

6.14 Any detectable ammonia in the suit interior (five ppm ammonia (NH₃) or more for the length of stain detector tube) indicates that the suit has failed the test. When other ammonia detectors are used a lower level of detection is possible, and it should be specified as the pass/fail criteria.

6.15 By following this test method, an intrusion coefficient of approximately 200 or more can be measured with the suit in a completely operational condition. If the intrusion coefficient is 200 or more, then the suit is suitable for emergency response and field use.

7.0—Retest procedures

7.1 If the suit fails this test, check for leaks by following the pressure test in test A above.

7.2 Retest the TECP suit as outlined in the test procedure 6.0.

8.0—Report

8.1 Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

8.1.1 Unique identification number, identifying brand name, date of purchase, material of construction, and unique suit features; e.g., special breathing apparatus.

8.1.2 General description of test room used for test.

8.1.3 Brand name and purchase date of ammonia detector strips and color change data.

8.1.4 Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

8.1.5 Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

8.2 The evaluation of the data shall be specified as "suit passed" or "suit failed," and the date of the test. Any detectable ammonia (five ppm or greater for the length of stain detector tube) in the suit interior indicates the suit has failed this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass fail criteria.

CAUTION

Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

APPENDIX B TO § 1910.120—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR

This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

Selection of the appropriate PPE is a complex process which should take into consideration a variety of factors. Key factors involved in this process are identification of the hazards, or suspected hazards; their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact); and the performance of the

PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations.

Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, should be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and re-selection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

Part A. Personal protective equipment is divided into four categories based on the degree of protection afforded. (See part B of this appendix for further explanation of Levels A, B, C, and D hazards.)

1. *Level A*—To be selected when the greatest level of skin, respiratory, and eye protection is required.

The following constitute Level A equipment; it may be used as appropriate;

1. Positive pressure, full face-piece self-contained breathing apparatus (SCBA), or positive pressure supplied air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

2. Totally-encapsulating chemical-protective suit.

3. Coveralls.¹
4. Long underwear.¹
5. Gloves, outer, chemical-resistant.
6. Gloves, inner, chemical-resistant.
7. Boots, chemical-resistant, steel toe and shank.
8. Hard hat (under suit).¹
9. Disposable protective suit, gloves and boots (depending on suit construction, may be worn over totally-encapsulating suit).

II. *Level B*—The highest level of respiratory protection is necessary but a lesser level of skin protection is needed.

The following constitute Level B equipment; it may be used as appropriate.

1. Positive pressure, full-facepiece self-contained breathing apparatus (SCBA), or positive pressure supplied air respirator with escape SCBA (NIOSH approved).
2. Hooded chemical-resistant clothing (overall and long-sleeved jacket; coveralls; one or two-piece chemical-splash suit; disposable chemical-resistant overalls).
3. Coveralls.¹
4. Gloves, outer, chemical-resistant.
5. Gloves, inner, chemical-resistant.
6. Boots, outer, chemical-resistant steel toe and shank.
7. Boot-covers, outer, chemical-resistant (disposable).¹
8. Hard hat.¹
9. [Reserved]
10. Face shield.¹

III. *Level C*—The concentration(s) and type(s) of airborne substance(s) is known and the criteria for using air purifying respirators are met.

The following constitute Level C equipment; it may be used as appropriate.

1. Full-face or half-mask, air purifying respirators (NIOSH approved).
2. Hooded chemical-resistant clothing (overall; two-piece chemical-splash suit; disposable chemical-resistant overalls).
3. Coveralls.¹
4. Gloves, outer, chemical-resistant.
5. Gloves, inner, chemical-resistant.
6. Boots (outer), chemical-resistant steel toe and shank.¹
7. Boot-covers, outer, chemical-resistant (disposable).¹
8. Hard hat.¹
9. Escape mask.¹
10. Face shield.¹

IV. *Level D*—A work uniform affording minimal protection, used for nuisance contamination only.

The following constitute Level D equipment; it may be used as appropriate:

1. Coveralls.
2. Gloves.¹
3. Boots/shoes, chemical-resistant steel toe and shank.
4. Boots, outer, chemical-resistant (disposable).¹

5. Safety glasses or chemical splash goggles*.
6. Hard hat.¹
7. Escape mask.¹
8. Face shield.¹

Part B. The types of hazards for which levels A, B, C, and D protection are appropriate are described below:

I. *Level A*—Level A protection should be used when:

1. The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the skin;

2. Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

3. Operations are being conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

II. *Level B*—Level B protection should be used when:

1. The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

2. The atmosphere contains less than 19.5 percent oxygen; or

3. The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the skin.

NOTE: This involves atmospheres with IDLH concentrations of specific substances that present severe inhalation hazards and that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

III. *Level C*—Level C protection should be used when:

1. The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

2. The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

3. All criteria for the use of air-purifying respirators are met.

IV. *Level D*—Level D protection should be used when:

1. The atmosphere contains no known hazard; and

¹Optional, as applicable.

2. Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

NOTE: As stated before, combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

As an aid in selecting suitable chemical protective clothing, it should be noted that the National Fire Protection Association (NFPA) has developed standards on chemical protective clothing. The standards that have been adopted by include:

NFPA 1991—Standard on Vapor-Protective Suits for Hazardous Chemical Emergencies (EPA Level A Protective Clothing).

NFPA 1992—Standard on Liquid Splash-Protective Suits for Hazardous Chemical Emergencies (EPA Level B Protective Clothing).

NFPA 1993—Standard on Liquid Splash-Protective Suits for Non-emergency, Non-flammable Hazardous Chemical Situations (EPA Level B Protective Clothing).

These standards apply documentation and performance requirements to the manufacture of chemical protective suits. Chemical protective suits meeting these requirements are labeled as compliant with the appropriate standard. It is recommended that chemical protective suits that meet these standards be used.

APPENDIX C TO § 1910.120—COMPLIANCE GUIDELINES

1. *Occupational Safety and Health Program.* Each hazardous waste site clean-up effort will require an occupational safety and health program headed by the site coordinator or the employer's representative. The purpose of the program will be the protection of employees at the site and will be an extension of the employer's overall safety and health program. The program will need to be developed before work begins on the site and implemented as work proceeds as stated in paragraph (b). The program is to facilitate coordination and communication of safety and health issues among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator or the employer's manager on the site for the safety and health of employees at the site, and the relationships with contractors or support

services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator or principal contractor.

Also those employers involved with treating, storing or disposal of hazardous waste as covered in paragraph (p) must have implemented a safety and health program for their employees. This program is to include the hazard communication program required in paragraph (p)(1) and the training required in paragraphs (p)(7) and (p)(8) as parts of the employers comprehensive overall safety and health program. This program is to be in writing.

Each site or workplace safety and health program will need to include the following: (1) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health supervisor or manager and staff; (2) means or methods for the development of procedures for identifying and controlling workplace hazards at the site; (3) means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors; (4) means for the training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner; (5) means to anticipate and prepare for emergency situations; and (6) means for obtaining information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

Accidents on the site or workplace should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site or workplace, they will need to be investigated to determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any reoccurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site or workplace activities is also a feedback mechanism that can be used effectively to improve the program and may serve in part as an evaluative tool(s).

For the development and implementation of the program to be the most effective, professional safety and health personnel should be used. Certified Safety Professionals,

Board Certified Industrial Hygienists or Registered Professional Safety Engineers are good examples of professional stature for safety and health managers who will administer the employer's program.

2. *Training.* The training programs for employees subject to the requirements of paragraph (e) of this standard should address: the safety and health hazards employees should expect to find on hazardous waste clean-up sites; what control measures or techniques are effective for those hazards; what monitoring procedures are effective in characterizing exposure levels; what makes an effective employer's safety and health program; what a site safety and health plan should include; hands on training with personal protective equipment and clothing they may be expected to use; the contents of the OSHA standard relevant to the employee's duties and function; and, employee's responsibilities under OSHA and other regulations. Supervisors will need training in their responsibilities under the safety and health program and its subject areas such as the spill containment program, the personal protective equipment program, the medical surveillance program, the emergency response plan and other areas.

The training programs for employees subject to the requirements of paragraph (p) of this standard should address: the employers safety and health program elements impacting employees; the hazard communication program; the medical surveillance program; the hazards and the controls for such hazards that employees need to know for their job duties and functions. All require annual refresher training.

The training programs for employees covered by the requirements of paragraph (q) of this standard should address those competencies required for the various levels of response such as: the hazards associated with hazardous substances; hazard identification and awareness; notification of appropriate persons; the need for and use of personal protective equipment including respirators; the decontamination procedures to be used; preplanning activities for hazardous substance incidents including the emergency response plan; company standard operating procedures for hazardous substance emergency responses; the use of the incident command system and other subjects. Hands-on training should be stressed whenever possible. Critiques done after an incident which include an evaluation of what worked and what did not and how could the incident be better handled the next time may be counted as training time.

For hazardous materials specialists (usually members of hazardous materials teams), the training should address the care, use and/or testing of chemical protective clothing including totally encapsulating suits, the medical surveillance program, the standard oper-

ating procedures for the hazardous materials team including the use of plugging and patching equipment and other subject areas.

Officers and leaders who may be expected to be in charge at an incident should be fully knowledgeable of their company's incident command system. They should know where and how to obtain additional assistance and be familiar with the local district's emergency response plan and the state emergency response plan.

Specialist employees such as technical experts, medical experts or environmental experts that work with hazardous materials in their regular jobs, who may be sent to the incident scene by the shipper, manufacturer or governmental agency to advise and assist the person in charge of the incident should have training on an annual basis. Their training should include the care and use of personal protective equipment including respirators; knowledge of the incident command system and how they are to relate to it; and those areas needed to keep them current in their respective field as it relates to safety and health involving specific hazardous substances.

Those skilled support personnel, such as employees who work for public works departments or equipment operators who operate bulldozers, sand trucks, backhoes, etc., who may be called to the incident scene to provide emergency support assistance, should have at least a safety and health briefing before entering the area of potential or actual exposure. These skilled support personnel, who have not been a part of the emergency response plan and do not meet the training requirements, should be made aware of the hazards they face and should be provided all necessary protective clothing and equipment required for their tasks.

There are two National Fire Protection Association standards, NFPA 472—"Standard for Professional Competence of Responders to Hazardous Material Incidents" and NFPA 471—"Recommended Practice for Responding to Hazardous Material Incidents", which are excellent resource documents to aid fire departments and other emergency response organizations in developing their training program materials. NFPA 472 provides guidance on the skills and knowledge needed for first responder awareness level, first responder operations level, hazmat technicians, and hazmat specialist. It also offers guidance for the officer corp who will be in charge of hazardous substance incidents.

3. *Decontamination.* Decontamination procedures should be tailored to the specific hazards of the site, and may vary in complexity and number of steps, depending on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method may

not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by re-using PPE. References in appendix D may be used for guidance in establishing an effective decontamination program. In addition, the U.S. Coast Guard's Manual, "Policy Guidance for Response to Hazardous Chemical Releases," U.S. Department of Transportation, Washington, DC (COMDTINST M16465.30) is a good reference for establishing an effective decontamination program.

4. *Emergency response plans.* States, along with designated districts within the states, will be developing or have developed local emergency response plans. These state and district plans should be utilized in the emergency response plans called for in the standard. Each employer should assure that its emergency response plan is compatible with the local plan. The major reference being used to aid in developing the state and local district plans is the *Hazardous Materials Emergency Planning Guide, NRT-1*. The current Emergency Response Guidebook from the U.S. Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook may also be used as resources.

Employers involved with treatment, storage, and disposal facilities for hazardous waste, which have the required contingency plan called for by their permit, would not need to duplicate the same planning elements. Those items of the emergency response plan that are properly addressed in the contingency plan may be substituted into the emergency response plan required in 1910.120 or otherwise kept together for employer and employee use.

5. *Personal protective equipment programs.* The purpose of personal protective clothing and equipment (PPE) is to shield or isolate individuals from the chemical, physical, and biologic hazards that may be encountered at a hazardous substance site.

As discussed in appendix B, no single combination of protective equipment and clothing is capable of protecting against all hazards. Thus PPE should be used in conjunction with other protective methods and its effectiveness evaluated periodically.

The use of PPE can itself create significant worker hazards, such as heat stress, physical and psychological stress, and impaired vision, mobility, and communication. For any given situation, equipment and clothing should be selected that provide an adequate level of protection. However, over-protection, as well as under-protection, can be hazardous and should be avoided where possible.

Two basic objectives of any PPE program should be to protect the wearer from safety and health hazards, and to prevent injury to the wearer from incorrect use and/or malfunction of the PPE. To accomplish these

goals, a comprehensive PPE program should include hazard identification, medical monitoring, environmental surveillance, selection, use, maintenance, and decontamination of PPE and its associated training.

The written PPE program should include policy statements, procedures, and guidelines. Copies should be made available to all employees, and a reference copy should be made available at the worksite. Technical data on equipment, maintenance manuals, relevant regulations, and other essential information should also be collected and maintained.

6. *Incident command system (ICS).* Paragraph 1910.120(q)(3)(ii) requires the implementation of an ICS. The ICS is an organized approach to effectively control and *manage* operations at an emergency incident. The individual in charge of the ICS is the senior official responding to the incident. The ICS is not much different than the "command post" approach used for many years by the fire service. During large complex fires involving several companies and many pieces of apparatus, a command post would be established. This enabled *one* individual to be in charge of managing the incident, rather than having several officers from different companies making separate, and sometimes conflicting, decisions. The individual in charge of the command post would delegate responsibility for performing various tasks to subordinate officers. Additionally, all communications were routed through the command post to reduce the number of radio transmissions and eliminate confusion. However, strategy, tactics, and all decisions were made by one individual.

The ICS is a very similar system, except it is implemented for emergency response to all incidents, both large and small, that involve hazardous substances.

For a small incident, the individual in charge of the ICS may perform many tasks of the ICS. There may not be any, or little, delegation of tasks to subordinates. For example, in response to a small incident, the individual in charge of the ICS, in addition to normal command activities, may become the safety officer and may designate only one employee (with proper equipment) as a back-up to provide assistance if needed. OSHA does recommend, however, that at least two employees be designated as back-up personnel since the assistance needed may include rescue.

To illustrate the operation of the ICS, the following scenario might develop during a small incident, such as an overturned tank truck with a small leak of flammable liquid.

The first responding senior officer would implement and take command of the ICS. That person would size-up the incident and determine if additional personnel and apparatus were necessary; would determine what

actions to take to control the leak; and, determine the proper level of personal protective equipment. If additional assistance is not needed, the individual in charge of the ICS would implement actions to stop and control the leak using the fewest number of personnel that can effectively accomplish the tasks. The individual in charge of the ICS then would designate himself as the safety officer and two other employees as a back-up in case rescue may become necessary. In this scenario, decontamination procedures would not be necessary.

A large complex incident may require many employees and difficult, time-consuming efforts to control. In these situations, the individual in charge of the ICS will want to delegate different tasks to subordinates in order to maintain a span of control that will keep the number of subordinates, that are reporting, to a manageable level.

Delegation of task at large incidents may be by location, where the incident scene is divided into sectors, and subordinate officers coordinate activities within the sector that they have been assigned.

Delegation of tasks can also be by function. Some of the functions that the individual in charge of the ICS may want to delegate at a large incident are: medical services; evacuation; water supply; resources (equipment, apparatus); media relations; safety; and, site control (integrate activities with police for crowd and traffic control). Also for a large incident, the individual in charge of the ICS will designate several employees as back-up personnel; and a number of safety officers to monitor conditions and recommend safety precautions.

Therefore, no matter what size or complexity an incident may be, by implementing an ICS there will be *one individual in charge* who makes the decisions and gives directions; and, all actions, and communications are coordinated through one central point of command. Such a system should reduce confusion, improve safety, organize and coordinate actions, and should facilitate effective management of the incident.

7. *Site Safety and Control Plans.* The safety and security of response personnel and others in the area of an emergency response incident site should be of primary concern to the incident commander. The use of a site safety and control plan could greatly assist those in charge of assuring the safety and health of employees on the site.

A comprehensive site safety and control plan should include the following: summary analysis of hazards on the site and a risk analysis of those hazards; site map or sketch; site work zones (clean zone, transition or decontamination zone, work or hot zone); use of the buddy system; site communications; command post or command center; standard operating procedures and safe work practices; medical assistance and

triage area; hazard monitoring plan (air contaminate monitoring, etc.); decontamination procedures and area; and other relevant areas. This plan should be a part of the employer's emergency response plan or an extension of it to the specific site.

8. *Medical surveillance programs.* Workers handling hazardous substances may be exposed to toxic chemicals, safety hazards, biologic hazards, and radiation. Therefore, a medical surveillance program is essential to assess and monitor workers' health and fitness for employment in hazardous waste operations and during the course of work; to provide emergency and other treatment as needed; and to keep accurate records for future reference.

The *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* developed by the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), the U.S. Coast Guard (USCG), and the Environmental Protection Agency (EPA); October 1985 provides an excellent example of the types of medical testing that should be done as part of a medical surveillance program.

9. *New Technology and Spill Containment Programs.* Where hazardous substances may be released by spilling from a container that will expose employees to the hazards of the materials, the employer will need to implement a program to contain and control the spilled material. Diking and ditching, as well as use of absorbents like diatomaceous earth, are traditional techniques which have proven to be effective over the years. However, in recent years new products have come into the marketplace, the use of which complement and increase the effectiveness of these traditional methods. These new products also provide emergency responders and others with additional tools or agents to use to reduce the hazards of spilled materials.

These agents can be rapidly applied over a large area and can be uniformly applied or otherwise can be used to build a small dam, thus improving the workers' ability to control spilled material. These application techniques enhance the intimate contact between the agent and the spilled material allowing for the quickest effect by the agent or quickest control of the spilled material. Agents are available to solidify liquid spilled materials, to suppress vapor generation from spilled materials, and to do both. Some special agents, which when applied as recommended by the manufacturer, will react in a controlled manner with the spilled material to neutralize acids or caustics, or greatly reduce the level of hazard of the spilled material.

There are several modern methods and devices for use by emergency response personnel or others involved with spill control efforts to safely apply spill control agents to

control spilled material hazards. These include portable pressurized applicators similar to hand-held portable fire extinguishing devices, and nozzle and hose systems similar to portable fire fighting foam systems which allow the operator to apply the agent without having to come into contact with the spilled material. The operator is able to apply the agent to the spilled material from a remote position.

The solidification of liquids provides for rapid containment and isolation of hazardous substance spills. By directing the agent at run-off points or at the edges of the spill, the reactant solid will automatically create a barrier to slow or stop the spread of the material. Clean-up of hazardous substances is greatly improved when solidifying agents, acid or caustic neutralizers, or activated carbon adsorbents are used. Properly applied, these agents can totally solidify liquid hazardous substances or neutralize or absorb them, which results in materials which are less hazardous and easier to handle, transport, and dispose of. The concept of spill treatment, to create less hazardous substances, will improve the safety and level of protection of employees working at spill clean-up operations or emergency response operations to spills of hazardous substances.

The use of vapor suppression agents for volatile hazardous substances, such as flammable liquids and those substances which present an inhalation hazard, is important for protecting workers. The rapid and uniform distribution of the agent over the surface of the spilled material can provide quick vapor knockdown. There are temporary and long-term foam-type agents which are effective on vapors and dusts, and activated carbon adsorption agents which are effective for vapor control and soaking-up of the liquid. The proper use of hose lines or hand-held portable pressurized applicators provides good mobility and permits the worker to deliver the agent from a safe distance without having to step into the untreated spilled material. Some of these systems can be recharged in the field to provide coverage of larger spill areas than the design limits of a single charged applicator unit. Some of the more effective agents can solidify the liquid flammable hazardous substances and at the same time elevate the flashpoint above 140 °F so the resulting substance may be handled as a nonhazardous waste material if it meets the U.S. Environmental Protection Agency's 40 CFR part 261 requirements (See particularly §261.21).

All workers performing hazardous substance spill control work are expected to wear the proper protective clothing and equipment for the materials present and to follow the employer's established standard operating procedures for spill control. All involved workers need to be trained in the established operating procedures; in the use

and care of spill control equipment; and in the associated hazards and control of such hazards of spill containment work.

These new tools and agents are the things that employers will want to evaluate as part of their new technology program. The treatment of spills of hazardous substances or wastes at an emergency incident as part of the immediate spill containment and control efforts is sometimes acceptable to EPA and a permit exception is described in 40 CFR 264.1(g)(8) and 265.1(c)(11).

APPENDIX D TO § 1910.120—REFERENCES

The following references may be consulted for further information on the subject of this standard:

1. OSHA Instruction DFO CPL 2.70—January 29, 1986, *Special Emphasis Program: Hazardous Waste Sites*.
2. OSHA Instruction DFO CPL 2–2.37A—January 29, 1986, *Technical Assistance and Guidelines for Superfund and Other Hazardous Waste Site Activities*.
3. OSHA Instruction DTS CPL 2.74—January 29, 1986, *Hazardous Waste Activity Form, OSHA 175*.
4. *Hazardous Waste Inspections Reference Manual*, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.
5. Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency, *Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies*. December 18, 1980.
6. *National Priorities List*, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.
7. *The Decontamination of Response Personnel*, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.
8. *Preparation of a Site Safety Plan*, Field Standard Operating Procedures (F.S.O.P.) 9; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, April 1985.
9. *Standard Operating Safety Guidelines*; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, Environmental Response Team; November 1984.
10. *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*, National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA); October 1985.

11. *Protecting Health and Safety at Hazardous Waste Sites: An Overview*, U.S. Environmental Protection Agency, EPA/625/9-85/006; September 1985.

12. *Hazardous Waste Sites and Hazardous Substance Emergencies*, NIOSH Worker Bulletin, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; December 1982.

13. *Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide*; U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.

14. *Fire Service Emergency Management Handbook*, International Association of Fire Chiefs Foundation, 101 East Holly Avenue, Unit 10B, Sterling, VA 22170, January 1985.

15. *Emergency Response Guidebook*, U.S. Department of Transportation, Washington, DC, 1987.

16. *Report to the Congress on Hazardous Materials Training, Planning and Preparedness*, Federal Emergency Management Agency, Washington, DC, July 1986.

17. *Workbook for Fire Command*, Alan V. Brunacini and J. David Beageron, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1985.

18. *Fire Command*, Alan V. Brunacini, National Fire Protection Association, Batterymarch Park., Quincy, MA 02269, 1985.

19. *Incident Command System*, Fire Protection Publications, Oklahoma State University, Stillwater, OK 74078, 1983.

20. *Site Emergency Response Planning*, Chemical Manufacturers Association, Washington, DC 20037, 1986.

21. *Hazardous Materials Emergency Planning Guide*, NRT-1, Environmental Protection Agency, Washington, DC, March 1987.

22. *Community Teamwork: Working Together to Promote Hazardous Materials Transportation Safety*, U.S. Department of Transportation, Washington, DC, May 1983.

23. *Disaster Planning Guide for Business and Industry*, Federal Emergency Management Agency, Publication No. FEMA 141, August 1987.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 1218-0139)

APPENDIX E TO § 1910.120—TRAINING CURRICULUM GUIDELINES

The following non-mandatory general criteria may be used for assistance in developing site-specific training curriculum used to meet the training requirements of 29 CFR 1910.120(e); 29 CFR 1910.120(p)(7), (p)(8)(iii); and 29 CFR 1910.120(q)(6), (q)(7), and (q)(8). These are generic guidelines and they are not presented as a complete training cur-

riculum for any specific employer. Site-specific training programs must be developed on the basis of a needs assessment of the hazardous waste site, RCRA/TSDf, or emergency response operation in accordance with 29 CFR 1910.120.

It is noted that the legal requirements are set forth in the regulatory text of § 1910.120. The guidance set forth here presents a highly effective program that in the areas covered would meet or exceed the regulatory requirements. In addition, other approaches could meet the regulatory requirements.

Suggested General Criteria

Definitions:

“Competent” means possessing the skills, knowledge, experience, and judgment to perform assigned tasks or activities satisfactorily as determined by the employer.

“Demonstration” means the showing by actual use of equipment or procedures.

“Hands-on training” means training in a simulated work environment that permits each student to have experience performing tasks, making decisions, or using equipment appropriate to the job assignment for which the training is being conducted.

“Initial training” means training required prior to beginning work.

“Lecture” means an interactive discourse with a class lead by an instructor.

“Proficient” means meeting a stated level of achievement.

“Site-specific” means individual training directed to the operations of a specific job site.

“Training hours” means the number of hours devoted to lecture, learning activities, small group work sessions, demonstration, evaluations, or hands-on experience.

Suggested core criteria:

1. *Training facility.* The training facility should have available sufficient resources, equipment, and site locations to perform didactic and hands-on training when appropriate. Training facilities should have sufficient organization, support staff, and services to conduct training in each of the courses offered.

2. *Training Director.* Each training program should be under the direction of a training director who is responsible for the program. The Training Director should have a minimum of two years of employee education experience.

3. *Instructors.* Instructors should be deemed competent on the basis of previous documented experience in their area of instruction, successful completion of a “train-the-trainer” program specific to the topics they will teach, and an evaluation of instructional competence by the Training Director.

Instructors should be required to maintain professional competency by participating in

continuing education or professional development programs or by completing successfully an annual refresher course and having an annual review by the Training Director.

The annual review by the Training Director should include observation of an instructor's delivery, a review of those observations with the trainer, and an analysis of any instructor or class evaluations completed by the students during the previous year.

4. *Course materials.* The Training Director should approve all course materials to be used by the training provider. Course materials should be reviewed and updated at least annually. Materials and equipment should be in good working order and maintained properly.

All written and audio-visual materials in training curricula should be peer reviewed by technically competent outside reviewers or by a standing advisory committee.

Reviews should possess expertise in the following disciplines were applicable: occupational health, industrial hygiene and safety, chemical/environmental engineering, employee education, or emergency response. One or more of the peer reviewers should be an employee experienced in the work activities to which the training is directed.

5. *Students.* The program for accepting students should include:

a. Assurance that the student is or will be involved in work where chemical exposures are likely and that the student possesses the skills necessary to perform the work.

b. A policy on the necessary medical clearance.

6. *Ratios.* Student-instructor ratios should not exceed 30 students per instructor. Hands-on activity requiring the use of personal protective equipment should have the following student-instructor ratios. For Level C or Level D personal protective equipment the ratio should be 10 students per instructor. For Level A or Level B personal protective equipment the ratio should be 5 students per instructor.

7. *Proficiency assessment.* Proficiency should be evaluated and documented by the use of a written assessment and a skill demonstration selected and developed by the Training Director and training staff. The assessment and demonstration should evaluate the knowledge and individual skills developed in the course of training. The level of minimum achievement necessary for proficiency shall be specified in writing by the Training Director.

If a written test is used, there should be a minimum of 50 questions. If a written test is used in combination with a skills demonstration, a minimum of 25 questions should be used. If a skills demonstration is used, the tasks chosen and the means to rate successful completion should be fully documented by the Training Director.

The content of the written test or of the skill demonstration shall be relevant to the objectives of the course. The written test and skill demonstration should be updated as necessary to reflect changes in the curriculum and any update should be approved by the Training Director.

The proficiency assessment methods, regardless of the approach or combination of approaches used, should be justified, documented and approved by the Training Director.

The proficiency of those taking the additional courses for supervisors should be evaluated and documented by using proficiency assessment methods acceptable to the Training Director. These proficiency assessment methods must reflect the additional responsibilities borne by supervisory personnel in hazardous waste operations or emergency response.

8. *Course certificate.* Written documentation should be provided to each student who satisfactorily completes the training course. The documentation should include:

a. Student's name.

b. Course title.

c. Course date.

d. Statement that the student has successfully completed the course.

e. Name and address of the training provider.

f. An individual identification number for the certificate.

g. List of the levels of personal protective equipment used by the student to complete the course.

This documentation may include a certificate and an appropriate wallet-sized laminated card with a photograph of the student and the above information. When such course certificate cards are used, the individual identification number for the training certificate should be shown on the card.

9. *Recordkeeping.* Training providers should maintain records listing the dates courses were presented, the names of the individual course attenders, the names of those students successfully completing each course, and the number of training certificates issued to each successful student. These records should be maintained for a minimum of five years after the date an individual participated in a training program offered by the training provider. These records should be available and provided upon the student's request or as mandated by law.

10. *Program quality control.* The Training Director should conduct or direct an annual written audit of the training program. Program modifications to address deficiencies, if any, should be documented, approved, and implemented by the training provider. The audit and the program modification documents should be maintained at the training facility.

Suggested Program Quality Control Criteria

Factors listed here are suggested criteria for determining the quality and appropriateness of employee health and safety training for hazardous waste operations and emergency response.

A. Training Plan.

Adequacy and appropriateness of the training program's curriculum development, instructor training, distribution of course materials, and direct student training should be considered, including

1. The duration of training, course content, and course schedules/agendas;
2. The different training requirements of the various target populations, as specified in the appropriate generic training curriculum;
3. The process for the development of curriculum, which includes appropriate technical input, outside review, evaluation, program pretesting.
4. The adequate and appropriate inclusion of hands-on, demonstration, and instruction methods;
5. Adequate monitoring of student safety, progress, and performance during the training.

B. Program management, Training Director, staff, and consultants.

Adequacy and appropriateness of staff performance and delivering an effective training program should be considered, including

1. Demonstration of the training director's leadership in assuring quality of health and safety training.
2. Demonstration of the competency of the staff to meet the demands of delivering high quality hazardous waste employee health and safety training.
3. Organization charts establishing clear lines of authority.
4. Clearly defined staff duties including the relationship of the training staff to the overall program.
5. Evidence that the training organizational structure suits the needs of the training program.
6. Appropriateness and adequacy of the training methods used by the instructors.
7. Sufficiency of the time committed by the training director and staff to the training program.
8. Adequacy of the ratio of training staff to students.
9. Availability and commitment of the training program of adequate human and equipment resources in the areas of
 - a. Health effects,
 - b. Safety,
 - c. Personal protective equipment (PPE),
 - d. Operational procedures,
 - e. Employee protection practices/procedures.
10. Appropriateness of management controls.

11. Adequacy of the organization and appropriate resources assigned to assure appropriate training.

12. In the case of multiple-site training programs, adequacy of satellite centers management.

C. Training facilities and resources.

Adequacy and appropriateness of the facilities and resources for supporting the training program should be considered, including,

1. Space and equipment to conduct the training.
2. Facilities for representative hands-on training.
3. In the case of multiple-site programs, equipment and facilities at the satellite centers.
4. Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance.
5. Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action.
6. Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program.
7. Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

D. Quality control and evaluation.

Adequacy and appropriateness of quality control and evaluation plans for training programs should be considered, including:

1. A balanced advisory committee and/or competent outside reviewers to give overall policy guidance;
2. Clear and adequate definition of the composition and active programmatic role of the advisory committee or outside reviewers.
3. Adequacy of the minutes or reports of the advisory committee or outside reviewers' meetings or written communication.
4. Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance.
5. Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action.
6. Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program.
7. Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

E. Students

Adequacy and appropriateness of the program for accepting students should be considered, including

1. Assurance that the student already possess the necessary skills for their job, including necessary documentation.
2. Appropriateness of methods the program uses to ensure that recruits are capable of satisfactorily completing training.

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3. Review and compliance with any medical clearance policy.

F. Institutional Environment and Administrative Support

The adequacy and appropriateness of the institutional environment and administrative support system for the training program should be considered, including

1. Adequacy of the institutional commitment to the employee training program.
2. Adequacy and appropriateness of the administrative structure and administrative support.

G. Summary of Evaluation Questions

Key questions for evaluating the quality and appropriateness of an overall training program should include the following:

1. Are the program objectives clearly stated?
2. Is the program accomplishing its objectives?
3. Are appropriate facilities and staff available?
4. Is there an appropriate mix of classroom, demonstration, and hands-on training?
5. Is the program providing quality employee health and safety training that fully meets the intent of regulatory requirements?
6. What are the program's main strengths?
7. What are the program's main weaknesses?
8. What is recommended to improve the program?
9. Are instructors instructing according to their training outlines?
10. Is the evaluation tool current and appropriate for the program content?
11. Is the course material current and relevant to the target group?

Suggested Training Curriculum Guidelines

The following training curriculum guidelines are for those operations specifically identified in 29 CFR 1910.120 as requiring training. Issues such as qualifications of instructors, training certification, and similar criteria appropriate to all categories of operations addressed in 1910.120 have been covered in the preceding section and are not re-addressed in each of the generic guidelines. Basic core requirements for training programs that are addressed include

1. General Hazardous Waste Operations
2. RCRA operations—Treatment, storage, and disposal facilities.
3. Emergency Response.

A. General Hazardous Waste Operations and Site-specific Training

1. *Off-site training.* Training course content for hazardous waste operations, required by 29 CFR 1910.120(e), should include the following topics or procedures:

a. Regulatory knowledge.

(1) An review of 29 CFR 1910.120 and the core elements of an occupational safety and health program.

(2) The content of a medical surveillance program as outlined in 29 CFR 1910.120(f).

(3) The content of an effective site safety and health plan consistent with the requirements of 29 CFR 1910.120(b)(4)(ii).

(4) Emergency response plan and procedures as outlined in 29 CFR 1910.38 and 29 CFR 1910.120(l).

(5) Adequate illumination.

(6) Sanitation recommendation and equipment.

(7) Review and explanation of OSHA's hazard-communication standard (29 CFR 1910.1200) and lock-out-tag-out standard (29 CFR 1910.147).

(8) Review of other applicable standards including but not limited to those in the construction standards (29 CFR part 1926).

(9) Rights and responsibilities of employers and employees under applicable OSHA and EPA laws.

b. Technical knowledge.

(1) Type of potential exposures to chemical, biological, and radiological hazards; types of human responses to these hazards and recognition of those responses; principles of toxicology and information about acute and chronic hazards; health and safety considerations of new technology.

(2) Fundamentals of chemical hazards including but not limited to vapor pressure, boiling points, flash points, ph, other physical and chemical properties.

(3) Fire and explosion hazards of chemicals.

(4) General safety hazards such as but not limited to electrical hazards, powered equipment hazards, motor vehicle hazards, walking-working surface hazards, excavation hazards, and hazards associated with working in hot and cold temperature extremes.

(5) Review and knowledge of confined space entry procedures in 29 CFR 1910.146.

(6) Work practices to minimize employee risk from site hazards.

(7) Safe use of engineering controls, equipment, and any new relevant safety technology or safety procedures.

(8) Review and demonstration of competency with air sampling and monitoring equipment that may be used in a site monitoring program.

(9) Container sampling procedures and safeguarding; general drum and container handling procedures including special requirement for laboratory waste packs, shock-sensitive wastes, and radioactive wastes.

(10) The elements of a spill control program.

(11) Proper use and limitations of material handling equipment.

(12) Procedures for safe and healthful preparation of containers for shipping and transport.

(13) Methods of communication including those used while wearing respiratory protection.

c. Technical skills.

(1) Selection, use maintenance, and limitations of personal protective equipment including the components and procedures for carrying out a respirator program to comply with 29 CFR 1910.134.

(2) Instruction in decontamination programs including personnel, equipment, and hardware; hands-on training including level A, B, and C ensembles and appropriate decontamination lines; field activities including the donning and doffing of protective equipment to a level commensurate with the employee's anticipated job function and responsibility and to the degree required by potential hazards.

(3) Sources for additional hazard information; exercises using relevant manuals and hazard coding systems.

d. Additional suggested items.

(1) A laminated, dated card or certificate with photo, denoting limitations and level of protection for which the employee is trained should be issued to those students successfully completing a course.

(2) Attendance should be required at all training modules, with successful completion of exercises and a final written or oral examination with at least 50 questions.

(3) A minimum of one-third of the program should be devoted to hands-on exercises.

(4) A curriculum should be established for the 8-hour refresher training required by 29 CFR 1910.120(e)(8), with delivery of such courses directed toward those areas of previous training that need improvement or re-emphasis.

(5) A curriculum should be established for the required 8-hour training for supervisors. Demonstrated competency in the skills and knowledge provided in a 40-hour course should be a prerequisite for supervisor training.

2. Refresher training.

The 8-hour annual refresher training required in 29 CFR 1910.120(e)(8) should be conducted by qualified training providers. Refresher training should include at a minimum the following topics and procedures:

(a) Review of and retraining on relevant topics covered in the 40-hour program, as appropriate, using reports by the students on their work experiences.

(b) Update on developments with respect to material covered in the 40-hour course.

(c) Review of changes to pertinent provisions of EPA or OSHA standards or laws.

(d) Introduction of additional subject areas as appropriate.

(e) Hands-on review of new or altered PPE or decontamination equipment or procedures. Review of new developments in personal protective equipment.

(f) Review of newly developed air and contaminant monitoring equipment.

3. On-site training.

a. The employer should provide employees engaged in hazardous waste site activities with information and training prior to initial assignment into their work area, as follows:

(1) The requirements of the hazard communication program including the location and availability of the written program, required lists of hazardous chemicals, and safety data sheets.

(2) Activities and locations in their work area where hazardous substance may be present.

(3) Methods and observations that may be used to detect the present or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearances, or other evidence (sight, sound or smell) of hazardous chemicals being released, and applicable alarms from monitoring devices that record chemical releases.

(4) The physical and health hazards of substances known or potentially present in the work area.

(5) The measures employees can take to help protect themselves from work-site hazards, including specific procedures the employer has implemented.

(6) An explanation of the labeling system and safety data sheets and how employees can obtain and use appropriate hazard information.

(7) The elements of the confined space program including special PPE, permits, monitoring requirements, communication procedures, emergency response, and applicable lock-out procedures.

b. The employer should provide hazardous waste employees information and training and should provide a review and access to the site safety and plan as follows:

(1) Names of personnel and alternate responsible for site safety and health.

(2) Safety and health hazards present on the site.

(3) Selection, use, maintenance, and limitations of personal protective equipment specific to the site.

(4) Work practices by which the employee can minimize risks from hazards.

(5) Safe use of engineering controls and equipment available on site.

(6) Safe decontamination procedures established to minimize employee contact with hazardous substances, including:

- (A) Employee decontamination,
- (B) Clothing decontamination, and
- (C) Equipment decontamination.

(7) Elements of the site emergency response plan, including:

- (A) Pre-emergency planning.
- (B) Personnel roles and lines of authority and communication.

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- (C) Emergency recognition and prevention.
- (D) Safe distances and places of refuge.
- (E) Site security and control.
- (F) Evacuation routes and procedures.
- (G) Decontamination procedures not covered by the site safety and health plan.
- (H) Emergency medical treatment and first aid.
- (I) Emergency equipment and procedures for handling emergency incidents.

c. The employer should provide hazardous waste employees information and training on personal protective equipment used at the site, such as the following:

- (1) PPE to be used based upon known or anticipated site hazards.
- (2) PPE limitations of materials and construction; limitations during temperature extremes, heat stress, and other appropriate medical considerations; use and limitations of respirator equipment as well as documentation procedures as outlined in 29 CFR 1910.134.
- (3) PPE inspection procedures prior to, during, and after use.
- (4) PPE donning and doffing procedures.
- (5) PPE decontamination and disposal procedures.
- (6) PPE maintenance and storage.
- (7) Task duration as related to PPE limitations.

d. The employer should instruct the employee about the site medical surveillance program relative to the particular site, including

- (1) Specific medical surveillance programs that have been adapted for the site.
- (2) Specific signs and symptoms related to exposure to hazardous materials on the site.
- (3) The frequency and extent of periodic medical examinations that will be used on the site.
- (4) Maintenance and availability of records.
- (5) Personnel to be contacted and procedures to be followed when signs and symptoms of exposures are recognized.

e. The employees will review and discuss the site safety plan as part of the training program. The location of the site safety plan and all written programs should be discussed with employees including a discussion of the mechanisms for access, review, and references described.

B. RCRA Operations Training for Treatment, Storage and Disposal Facilities.

1. As a minimum, the training course required in 29 CFR 1910.120 (p) should include the following topics:

- (a) Review of the applicable paragraphs of 29 CFR 1910.120 and the elements of the employer's occupational safety and health plan.
- (b) Review of relevant hazards such as, but not limited to, chemical, biological, and radiological exposures; fire and explosion hazards; thermal extremes; and physical hazards.

(c) General safety hazards including those associated with electrical hazards, powered equipment hazards, lock-out-tag-out procedures, motor vehicle hazards and walking-working surface hazards.

- (d) Confined-space hazards and procedures.
- (e) Work practices to minimize employee risk from workplace hazards.
- (f) Emergency response plan and procedures including first aid meeting the requirements of paragraph (p)(8).

(g) A review of procedures to minimize exposure to hazardous waste and various type of waste streams, including the materials handling program and spill containment program.

(h) A review of hazard communication programs meeting the requirements of 29 CFR 1910.1200.

(i) A review of medical surveillance programs meeting the requirements of 29 CFR 1910.120(p)(3) including the recognition of signs and symptoms of overexposure to hazardous substance including known synergistic interactions.

(j) A review of decontamination programs and procedures meeting the requirements of 29 CFR 1910.120(p)(4).

(k) A review of an employer's requirements to implement a training program and its elements.

(l) A review of the criteria and programs for proper selection and use of personal protective equipment, including respirators.

(m) A review of the applicable appendices to 29 CFR 1910.120.

(n) Principles of toxicology and biological monitoring as they pertain to occupational health.

(o) Rights and responsibilities of employees and employers under applicable OSHA and EPA laws.

(p) Hands-on exercises and demonstrations of competency with equipment to illustrate the basic equipment principles that may be used during the performance of work duties, including the donning and doffing of PPE.

(q) Sources of reference, efficient use of relevant manuals, and knowledge of hazard coding systems to include information contained in hazardous waste manifests.

(r) At least 8 hours of hands-on training.

(s) Training in the job skills required for an employee's job function and responsibility before they are permitted to participate in or supervise field activities.

2. The individual employer should provide hazardous waste employees with information and training prior to an employee's initial assignment into a work area. The training and information should cover the following topics:

(a) The Emergency response plan and procedures including first aid.

(b) A review of the employer's hazardous waste handling procedures including the materials handling program and elements of the

spill containment program, location of spill response kits or equipment, and the names of those trained to respond to releases.

(c) The hazardous communication program meeting the requirements of 29 CFR 1910.1200.

(d) A review of the employer's medical surveillance program including the recognition of signs and symptoms of exposure to relevant hazardous substance including known synergistic interactions.

(e) A review of the employer's decontamination program and procedures.

(f) An review of the employer's training program and the parties responsible for that program.

(g) A review of the employer's personal protective equipment program including the proper selection and use of PPE based upon specific site hazards.

(h) All relevant site-specific procedures addressing potential safety and health hazards. This may include, as appropriate, biological and radiological exposures, fire and explosion hazards, thermal hazards, and physical hazards such as electrical hazards, powered equipment hazards, lock-out-tag-out hazards, motor vehicle hazards, and walking-working surface hazards.

(i) Safe use engineering controls and equipment on site.

(j) Names of personnel and alternates responsible for safety and health.

C. Emergency response training.

Federal OSHA standards in 29 CFR 1910.120(q) are directed toward private sector emergency responders. Therefore, the guidelines provided in this portion of the appendix are directed toward that employee population. However, they also impact indirectly through State OSHA or USEPA regulations some public sector emergency responders. Therefore, the guidelines provided in this portion of the appendix may be applied to both employee populations.

States with OSHA state plans must cover their employees with regulations at least as effective as the Federal OSHA standards. Public employees in states without approved state OSHA programs covering hazardous waste operations and emergency response are covered by the U.S. EPA under 40 CFR 311, a regulation virtually identical to §1910.120.

Since this is a non-mandatory appendix and therefore not an enforceable standard, OSHA recommends that those employers, employees or volunteers in public sector emergency response organizations outside Federal OSHA jurisdiction consider the following criteria in developing their own training programs. A unified approach to training at the community level between emergency response organizations covered by Federal OSHA and those not covered directly by Federal OSHA can help ensure an effective community response to the release

or potential release of hazardous substances in the community.

a. General considerations.

Emergency response organizations are required to consider the topics listed in §1910.120(q)(6). Emergency response organizations may use some or all of the following topics to supplement those mandatory topics when developing their response training programs. Many of the topics would require an interaction between the response provider and the individuals responsible for the site where the response would be expected.

(1) Hazard recognition, including:

(A) Nature of hazardous substances present,

(B) Practical applications of hazard recognition, including presentations on biology, chemistry, and physics.

(2) Principles of toxicology, biological monitoring, and risk assessment.

(3) Safe work practices and general site safety.

(4) Engineering controls and hazardous waste operations.

(5) Site safety plans and standard operating procedures.

(6) Decontamination procedures and practices.

(7) Emergency procedures, first aid, and self-rescue.

(8) Safe use of field equipment.

(9) Storage, handling, use and transportation of hazardous substances.

(10) Use, care, and limitations of personal protective equipment.

(11) Safe sampling techniques.

(12) Rights and responsibilities of employees under OSHA and other related laws concerning right-to-know, safety and health, compensations and liability.

(13) Medical monitoring requirements.

(14) Community relations.

b. Suggested criteria for specific courses.

(1) *First responder awareness level.*

(A) Review of and demonstration of competency in performing the applicable skills of 29 CFR 1910.120(q).

(B) Hands-on experience with the U.S. Department of Transportation's Emergency Response Guidebook (ERG) and familiarization with OSHA standard 29 CFR 1910.1201.

(C) Review of the principles and practices for analyzing an incident to determine both the hazardous substances present and the basic hazard and response information for each hazardous substance present.

(D) Review of procedures for implementing actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including emergency notification procedures and follow-up communications.

(E) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered

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equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(F) Awareness and knowledge of the competencies for the First Responder at the Awareness Level covered in the National Fire Protection Association's Standard No. 472, *Professional Competence of Responders to Hazardous Materials Incidents*.

(2) *First responder operations level.*

(A) Review of and demonstration of competency in performing the applicable skills of 29 CFR 1910.120(q).

(B) Hands-on experience with the U.S. Department of Transportation's Emergency Response Guidebook (ERG), manufacturer safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, and other relevant sources of information addressing hazardous substance releases. Familiarization with OSHA standard 29 CFR 1910.1201.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles, the types and selection of the appropriate defensive strategy for containing the release.

(D) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(E) Review of the principles and practice for proper selection and use of personal protective equipment.

(F) Review of the principles and practice of personnel and equipment decontamination.

(G) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(H) Awareness and knowledge of the competencies for the First Responder at the Operations Level covered in the National Fire Protection Association's Standard No. 472, *Professional Competence of Responders to Hazardous Materials Incidents*.

(3) *Hazardous materials technician.*

(A) Review of and demonstration of competency in performing the applicable skills of 29 CFR 1910.120(q).

(B) Hands-on experience with written and electronic information relative to response decision making including but not limited to the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG), manufacturer safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with OSHA standard 29 CFR 1910.1201.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles involved in the release, the appropriate strategy for approaching release sites and containing the release.

(D) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(E) Review of the principles and practice for proper selection and use of personal protective equipment.

(F) Review of the principles and practices of establishing exposure zones, proper decontamination and medical surveillance stations and procedures.

(G) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(H) Awareness and knowledge of the competencies for the Hazardous Materials Technician covered in the National Fire Protection Association's Standard No. 472, *Professional Competence of Responders to Hazardous Materials Incidents*.

(4) *Hazardous materials specialist.*

(A) Review of and demonstration of competency in performing the applicable skills of 29 CFR 1910.120(q).

(B) Hands-on experience with retrieval and use of written and electronic information relative to response decision making including but not limited to the U.S. Department of Transportation's *Emergency Response Guidebook* (ERG), manufacturer safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with OSHA standard 29 CFR 1910.1201.

(C) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, and the likely behavior of the hazardous substance and its container, vessel, or vehicle.

(D) Review of the principles and practices for identification of the types of hazardous substance transportation containers, vessels and vehicles involved in the release; selecting and using the various types of equipment available for plugging or patching transportation containers, vessels or vehicles; organizing and directing the use of multiple teams of hazardous material technicians and

selecting the appropriate strategy for approaching release sites and containing or stopping the release.

(E) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, including knowledge of the available public and private response resources, establishment of an incident command post, direction of hazardous material technician teams, and extended emergency notification procedures and follow-up communications.

(F) Review of the principles and practice for proper selection and use of personal protective equipment.

(G) Review of the principles and practices of establishing exposure zones and proper decontamination, monitoring and medical surveillance stations and procedures.

(H) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(I) Awareness and knowledge of the competencies for the Off-site Specialist Employee covered in the National Fire Protection Association's Standard No. 472, *Professional Competence of Responders to Hazardous Materials Incidents*.

(5) *Incident commander.*

The incident commander is the individual who, at any one time, is responsible for and in control of the response effort. This individual is the person responsible for the direction and coordination of the response effort. An incident commander's position should be occupied by the most senior, appropriately trained individual present at the response site. Yet, as necessary and appropriate by the level of response provided, the position may be occupied by many individuals during a particular response as the need for greater authority, responsibility, or training increases. It is possible for the first responder at the awareness level to assume the duties of incident commander until a more senior and appropriately trained individual arrives at the response site.

Therefore, any emergency responder expected to perform as an incident commander should be trained to fulfill the obligations of the position at the level of response they will be providing including the following:

(A) Ability to analyze a hazardous substance incident to determine the magnitude of the response problem.

(B) Ability to plan and implement an appropriate response plan within the capabilities of available personnel and equipment.

(C) Ability to implement a response to favorably change the outcome of the incident in a manner consistent with the local emergency response plan and the organization's standard operating procedures.

(D) Ability to evaluate the progress of the emergency response to ensure that the response objectives are being met safely, effectively, and efficiently.

(E) Ability to adjust the response plan to the conditions of the response and to notify higher levels of response when required by the changes to the response plan.

[54 FR 9317, Mar. 6, 1989, as amended at 55 FR 14073, Apr. 13, 1990; 56 FR 15832, Apr. 18, 1991; 59 FR 43270, Aug. 22, 1994; 61 FR 9238, Mar. 7, 1996; 67 FR 67964, Nov. 7, 2002; 71 FR 16672, Apr. 3, 2006; 76 FR 80738, Dec. 27, 2011; 77 FR 17776, Mar. 26, 2012; 78 FR 9313, Feb. 8, 2013; 84 FR 21597, May 14, 2019]

§ 1910.121 [Reserved]

DIPPING AND COATING OPERATIONS

SOURCE: 64 FR 13909, Mar. 23, 1999, unless otherwise noted.

§ 1910.122 Table of contents.

This section lists the paragraph headings contained in §§1910.123 through 1910.126.

§ 1910.123 *Dipping and coating operations: Coverage and definitions.*

- (a) Does this rule apply to me?
- (b) What operations are covered?
- (c) What operations are not covered?
- (d) How are terms used in §§1910.123 through 1910.126 defined?

§ 1910.124 *General requirements for dipping and coating operations.*

- (a) What construction requirements apply to dip tanks?
- (b) What ventilation requirements apply to vapor areas?
- (c) What requirements must I follow to recirculate exhaust air into the workplace?
- (d) What must I do when I use an exhaust hood?
- (e) What requirements must I follow when an employee enters a dip tank?
- (f) What first-aid procedures must my employees know?
- (g) What hygiene facilities must I provide?
- (h) What treatment and first aid must I provide?
- (i) What must I do before an employee cleans a dip tank?
- (j) What must I do to inspect and maintain my dipping or coating operation?

§ 1910.125 *Additional requirements for dipping and coating operations that use flammable or combustible liquids.*

- (a) What type of construction material must be used in making my dip tank?
- (b) When must I provide overflow piping?
- (c) When must I provide a bottom drain?

D-11.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 18, Chapter 7

Amend: R18-7-201; R18-7-202; R18-7-205; R18-7-301; R18-7-503; R18-7-506;
R18-7-507

Repeal: Appendix B



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - EXPEDITED RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 7

Amend: R18-7-201; R18-7-202; R18-7-205; R18-7-301; R18-7-503;
R18-7-506; R18-7-507

Repeal: Appendix B

Summary:

This expedited rulemaking from the Department of Environmental Quality (Department) seeks to amend seven (7) rules and repeal (1) appendix in Title 18, Chapter 7, Articles 2, 3, and 5 related to Soil Remediation Standards, Prospective Purchaser Agreements, and Voluntary Remediation Program, respectively.

The Department seeks to amend these rules to incorporate the changes proposed in the Department's Five-Year Review Report of title 18, Chapter 7, which was approved by the Council in August 2022, and make additional corrections to citations and typographical errors identified in the course of this rulemaking. During the five-year review, the Department determined that there were rules and sections in this Chapter that were obsolete and could be removed, and sections that could be updated for clarity and provide modernized payment and communication options.

1. **Do the rules satisfy the criteria for expedited rulemaking pursuant to A.R.S. § 41-1027(A)?**

The Department indicates the proposed amendments to the rules do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of regulated persons. Furthermore, the Department indicates the rulemaking corrects typographical errors, clarifies language without changing the effect of the rules, and amends or appeals outdated sections of the rules that are no longer necessary pursuant to A.R.S. § 41-1027(A)(3) and (6). A breakdown of which statutory basis for expedited rulemaking the Department indicates each proposed amendment falls within is provided in Section 7 of the Preamble of the Department's Notice of Final Expedited Rulemaking. Council staff believes the Department's rulemaking satisfies the criteria for expedited rulemaking pursuant to A.R.S. § 41-1027(A)(3) and (6).

2. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

4. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it did not receive any public comments regarding this rulemaking.

5. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates there were no changes between the Notice of Proposed Expedited Rulemaking published in the Administrative Register on October 4, 2024 and the Notice of Final Expedited Rulemaking now before the Council for consideration.

6. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates these rules relate to the state Voluntary Remediation Program (VRP) and Water Quality Assurance Revolving Fund (WQARF) programs, which are state only programs adopted by the Arizona Legislature. The Department states the federal Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA) is similar to Arizona's VRP and WQARF programs, however, there are no federal or state requirements that those programs be consistent with CERCLA.

7. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

Not applicable. The rule does not require the issuance of a permit, license, or agency authorization.

8. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

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

9. **Conclusion**

This expedited rulemaking from the Department seeks to amend seven (7) rules and repeal (1) appendix in Title 18, Chapter 7, Articles 2, 3, and 5 related to Soil Remediation Standards, Prospective Purchaser Agreements, and Voluntary Remediation Program, respectively. The Department seeks to amend these rules to incorporate the changes proposed in the Department's Five-Year Review Report of title 18, Chapter 7, which was approved by the Council in August 2022, and make additional corrections to citations and typographical errors identified in the course of this rulemaking. During the five-year review, the Department determined that there were rules and sections in this Chapter that were obsolete and could be removed, and sections that could be updated for clarity and provide modernized payment and communication options.

Pursuant to A.R.S. § 41-1027(H), an expedited rulemaking becomes effective immediately on the filing of the approved Notice of Final Expedited Rulemaking with the Secretary of State.

Council staff recommends approval of this rulemaking.



Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Deputy Director

Friday, February 21, 2025

Jessica Klein, Chairperson
Governor's Regulatory Review Council
100 N. 15th Ave., Suite 302
Phoenix, AZ 85007

Re: Rulemaking for Title 18. Environmental Quality, Chapter 7. Department of
Environmental Quality – Remedial Action

Dear Chairperson Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits an expedited rulemaking proposing changes to Arizona Administrative Code (A.A.C) Title 18, Chapter 7 to the Governor's Regulatory Review Council (GRRC) for its consideration and approval.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. § 41-1052 and A.A.C. R1-6-202:

I. Information Required by A.A.C. R1-6-202(A)(1)

- The public record closed for the rule on December 18, 2024 at 5:00 p.m.
- Pursuant to A.R.S. § 41-1027(A)(3) and (A)(6), this expedited rulemaking corrects typographical errors and clarifies language for the rules without changing their effect, and repeals an appendix related to outdated and unnecessary soil remediation levels. This expedited rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of regulated persons.
- This rulemaking incorporates changes proposed in the Department's five-year rule review of 18 A.A.C. Chapter 7, Remedial Action, approved by GRRC December 6, 2022.
- The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- A list of documents enclosed under A.A.C. R1-6-201(A)(2)-(8), which are attached as electronic copies:
 - This cover letter.
 - The Notice of Final Expedited Rulemaking (NFERM), including the preamble, table of contents, and text of each rule.
 - ADEQ did not receive any written comments on the Notice of Proposed Expedited Rulemaking (NPERM).

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- ADEQ received no analysis regarding the rules' impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states; therefore, no such analysis is included in this submittal.
- The rules amended by this rulemaking do not incorporate materials by reference; therefore, no such materials are included.
- No statute was declared unconstitutional.
- One electronic copy of each of the following is enclosed: the general and specific statutes authorizing the rules, including relevant statutory definitions: A.R.S. §§ 41-1003, 49-104(B)(4), 49-104(B)(16), 49-152(A)(1), 49-152(K), 49-152(M), 49-158(G), 49-158(J), 49-179, 49-186, 49-285.01(H), and Laws 2000, Chapter 225.
- No term is defined in the rule by referring to another.

Thank you for your timely review and approval. Please contact John MacBain, Rule Writer, Waste Programs Division, 602-771-0101 or macbain.john@azdeq.gov, if you have any questions.

Sincerely,

DocuSigned by:



72DC0E312D584BF...

Karen Peters

Deputy Director

Arizona Department of Environmental Quality

Attachments

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY – REMEDIAL ACTION

PREAMBLE

1. Permission to proceed with this final expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

July 31, 2023

| <u>2. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R18-7-201 | Amend |
| R18-7-202 | Amend |
| R18-7-205 | Amend |
| Appendix B | Repeal |
| R18-7-301 | Amend |
| R18-7-503 | Amend |
| R18-7-506 | Amend |
| R18-7-507 | Amend |

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

Authorizing statutes: A.R.S. §§ 41-1003 and 49-104(B)(4).

Implementing statutes: A.R.S. §§ 49-104(B)(16), 49-152(A)(1), 49-152(K), 49-152(M), 49-158(G), 49-158(J), 49-179, 49-186, 49-285.01(H), and Laws 2000, Chapter 225, §13.

4. The effective date of the rule:

This expedited rulemaking becomes effective immediately the date the notice is filed under A.R.S. § 41-1027(H). The effective date is **(to be filled in by Register editor)**.

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final expedited rule:

Notice of Rulemaking Docket Opening: 29 A.A.R. 3443, October 27, 2023, Issue Number: 43, File Number: R23-208.

Notice of Proposed Expedited Rulemaking: 30 A.A.R. 2958, Issue Date: October 4, 2024, Issue Number: 40, File number: R24-189.

6. The agency’s contact person who can answer questions about the rulemaking:

Name: John MacBain
Title: Rule Writer
Division: Waste Programs Division
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-0101
Fax: (602) 771-2366
Email: macbain.john@azdeq.gov

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

Summary

ADEQ is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's five-year review of 18 A.A.C. Chapter 7, Remedial Action, approved by the Governor's Regulatory Review Council (GRRC) on August 26, 2022, and make additional corrections to citations and typographical errors identified in the course of this rulemaking. During the five-year review, the Department determined that there were rules and sections in this Chapter that were obsolete and could be removed, and sections that could be updated for clarity and provide modernized payment and communication options.

Background

During the five-year review, ADEQ determined Appendix B should be repealed, and references to it removed, as it has become obsolete. The objective of Appendix B was to preserve the list of contaminants of concern and soil cleanup levels for certain grandfathered sites from the 1997 rules. Sites that were characterized before May 5, 2007 had the option to use Appendix B, and then had three years to meet the 1997 Soil Remediation Levels (SRLs) in Appendix B. After that date, the updated SRLs from Appendix A applied to these sites. No sites now exist that were characterized before May 5, 2007, where soil remediation can still be conducted with Appendix B standards. This rulemaking follows through with changes the Department recommended in the five-year review by repealing Appendix B and references to it in R18-7-201, R18-7-202, and R18-7-205(A).

The Department also determined in the five-year review that additional changes were appropriate in order to improve the clarity and understandability of the rules. The five-year review identified a web link to an Environmental Protection Agency (EPA) guidance document in the definition of "carcinogen" in R18-7-201 that was outdated. The guidance document remains the same but the link has been updated in order to improve clarity and understandability of the rule. Additionally, as recommended in the five-year review, R18-7-301(F) has been updated to include a weblink to the location in which the legal notices described in the section can be found.

In order to improve the rules' effect in achieving their objective, the Department recommended modernizing portions of the rule to provide additional payment and communication options. This rulemaking updates R18-7-503 to allow for Automated Clearing House (ACH) or wire transfers for payment of deposits for the Voluntary Remediation Program (VRP). This rulemaking also updates R18-7-506 and R18-7-507 to allow for emailing of billing statements for the VRP and removing the option to fax billing statements. Additionally, in the course of conducting this rulemaking a typographical error was identified in the R18-7-506 in the spelling of 'calendar', which has been corrected.

An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(3) and (A)(6) as this rulemaking corrects typographical errors, clarifies language without changing the effect of the rules, and amends or appeals outdated sections of the rules that are no longer necessary; it will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of those regulated. The following table summarizes the amendments and their justifications under § 41-1027(A):

| Rule | Justification under A.R.S. § 41-1027(A) | Amendment Summary |
|-------------|--|---|
| R18-7-201 | A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) | The text in the “soil remediation level” definition related to Appendix B has been removed. The EPA guidance document link has been updated as the prior link was no longer active. |
| R18-7-202 | A.R.S. § 41-1027(A)(6) | Text related to Appendix B has been removed in subsection (E). |
| R18-7-205 | A.R.S. § 41-1027(A)(6) | Reference to Appendix B has been removed in subsection (A). |
| Appendix B | A.R.S. § 41-1027(A)(6) | Appendix B has been repealed. This Appendix has become outdated because no existing sites were characterized before May 5, 2010, where soil remediation could still be conducted with Appendix B standards. |
| R18-7-301 | A.R.S. § 41-1027(A)(3) | Language has been added to subsection (F) specifying where required publication of legal notices may be found. |
| R18-7-503 | A.R.S. § 41-1027(A)(6) | ACH and wire transfers have been added as options for payment of deposits to modernize the requirement and meet the rule objective. |
| R18-7-506 | A.R.S. § 41-1027(A)(6) A.R.S. § 41-1027(A)(6) | The spelling of calendar has been corrected. Email has been added and fax has been removed as an option for statement communication to modernize the requirement and meet the rule objective. |
| R18-7-507 | A.R.S. § 41-1027(A)(6) | Email has been added and fax has been removed as an option for statement communication to modernize the requirement and meet the rule objective. |

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

Not applicable.

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

Not applicable.

10. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):

The agency is exempt from the requirements to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

11. A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:

No changes.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

ADEQ did not receive comments regarding this proposed rulemaking.

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

There are no other matters prescribed by statutes applicable specifically to ADEQ or this specific rulemaking.

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

The proposed changes to these rules do not require a permit.

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

These rules relate to the state VRP and Water Quality Assurance Revolving Fund (WQARF) programs, which are state only programs adopted by the Arizona Legislature. The federal Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA) is similar to Arizona's VRP and WQARF programs, however there are no federal or state requirements that those programs be consistent with CERCLA.

c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package.

No analysis was submitted to the Department.

14. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:

None.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A) state where the text was changed between the emergency and the final expedited rulemaking package:

The rules were not previously made as an emergency rule.

16. The full text of the rules follows:

Rule text begins on the next page.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY – REMEDIAL ACTION

ARTICLE 2. SOIL REMEDIATION STANDARDS

Section

- R18-7-201. Definitions
- R18-7-202. Applicability
- R18-7-205. Pre-determined Remediation Standards
- Appendix B. ~~1997 Soil Remediation Levels (SRLs)~~ Repealed

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

Section

- R18-7-301. Prospective Purchaser Agreement Fee

ARTICLE 5. VOLUNTARY REMEDIATION PROGRAM

Section

- R18-7-501. Definitions
- R18-7-503. Deposit
- R18-7-506. Voluntary Remediation Program Accounting
- R18-7-507. Account Reconciliation

ARTICLE 2. SOIL REMEDIATION STANDARDS

R18-7-201. Definitions

In addition to the definitions provided in A.R.S. §§ 49-151 and 49-152, the following definitions apply in this Article:

1. No Change
2. No Change
3. “Carcinogen” or “carcinogenic” means the potential of a contaminant to cause cancer in humans as determined by lines of evidence in accordance with a narrative classification in “Guidelines for Carcinogen Risk Assessment”, EPA/630/P-03/001F, March 2005, (and no future editions), which is incorporated by reference. “Guidelines for Carcinogen Risk Assessment” is available from ADEQ and at <http://efpub.epa.gov/ncea/raf/recordisplay.cfm?deid=116283> https://www.epa.gov/sites/default/files/2013-09/documents/cancer_guidelines_final_3-25-05.pdf
4. No Change
5. No Change
6. No Change
7. No Change
8. No Change
9. No Change
10. No Change
11. No Change
12. No Change
13. No Change
14. No Change
15. No Change
16. No Change
17. No Change

- 18. No Change
- 19. No Change
- 20. No Change
- 21. No Change
- 22. No Change
- 23. No Change
- 24. No Change
- 25. No Change
- 26. No Change
- 27. No Change
- 28. No Change
- 29. No Change
- 30. No Change
- 31. No Change
- 32. No Change
- 33. No Change
- 34. No Change
- 35. No Change
- 36. No Change
- 37. No Change
- 38. No Change
- 39. No Change
- 40. No Change
- 41. No Change
- 42. “Soil remediation level” or “SRL” means a pre-determined risk-based standard based upon the total contaminant concentration in soil, developed pursuant to A.R.S. § 49-152(A)(1) and listed in Appendix A ~~or, as applicable, in Appendix B.~~
- 43. No Change
- 44. No Change
- 45. No Change
- 46. No Change

R18-7-202. Applicability

- A.** No Change
 - 1. No change
 - 2. No Change
 - 3. No change
 - 4. No Change
 - 5. No Change
 - 6. No Change
 - 7. No Change
- B.** No Change
- C.** No Change
- D.** No Change
- E.** A person who is remediating a site shall comply with the numeric soil remediation standards identified in ~~either Appendix A or Appendix B if both of the following conditions are met. If either subsection (1) or subsection (2) is not met, a person who is remediating a site shall comply with the numeric soil remediation standards identified in Appendix A.~~

- ~~1. The site was characterized before May 5, 2007. A site is considered characterized when the laboratory analytical results of the soil samples delineating the nature, degree, and extent of soil contamination have been received by the person conducting the remediation.~~
- ~~2. The site was remediated or a risk assessment completed before May 5, 2010. A risk assessment or remediation is considered completed when site closure, that meets the conditions in R18-7-209, has been requested.~~

- F. No Change
1. No Change
 2. No Change
- G. No Change
1. No Change
 2. No Change
 3. No Change
 4. No Change
 5. No Change
 6. No Change
 7. No Change
 8. No Change

R18-7-205. Pre-determined Remediation Standards

- A. A person may elect to remediate to the residential or non-residential soil remediation levels (SRLs) in Appendix A. ~~If allowed under R18-7-202(E), a person may also elect to remediate to the residential or non-residential SRLs in Appendix B.~~
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change

Appendix B. ~~1997 Soil Remediation Levels (SRLs) Repealed~~

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|----------------------|-------------------|---------------------|----------------------------|--------------------------------|
| A | | | | | |
| 1 | Acenaphthene | 83329 | D | 3900.0 | 41000.0 |
| 2 | Acephate | 30560191 | E | 260.0 | 2200.0 |
| 3 | Acetaldehyde | 75070 | B2 | 39.0 | 150.0 |
| 4 | Acetochlor | 34256821 | D | 1300.0 | 14000.0 |
| 5 | Acetone | 67641 | D | 2100.0 | 8800.0 |
| 6 | Acetone cyanohydrin | 75865 | D | 52.0 | 550.0 |
| 7 | Acetonitrile | 75058 | D | 220.0 | 1200.0 |
| 8 | Acetophenone | 98862 | D | 0.49 | 1.6 |
| 9 | Acifluorfen | 62476599 | D | 850.0 | 8900.0 |
| 10 | Aerolein | 107028 | E | 0.10 | 0.34 |
| 11 | Acrylamide | 79061 | B2 | 0.98 | 4.2 |
| 12 | Acrylic acid | 79107 | D | 31000.0 | 290000.0 |
| 13 | Acrylonitrile | 107131 | B1 | 1.9 | 4.7 |
| 14 | Atachlor | 15972608 | B2 | 55.0 | 240.0 |

| | | | | | |
|----------|-----------------------------|------------|----|---------|-----------|
| 15 | Alar | 1596845 | D | 9800.0 | 100000.0 |
| 16 | Aldicarb | 116063 | D | 65.0 | 680.0 |
| 17 | Aldicarb sulfone | 1646884 | D | 65.0 | 680.0 |
| 18 | Aldrin | 309002 | B2 | 0.26 | 1.1 |
| 19 | Allyl | 74223-64-6 | D | 16000.0 | 170000.0 |
| 20 | Allyl alcohol | 107186 | D | 330.0 | 3400.0 |
| 21 | Allyl chloride | 107051 | E | 3200.0 | 33000.0 |
| 22 | Aluminum | 7429905 | D | 77000.0 | 1000000.0 |
| 23 | Aluminum phosphide | 20859738 | D | 31.0 | 680.0 |
| 24 | Amdro | 67485294 | D | 20.0 | 200.0 |
| 25 | Ametryn | 834128 | D | 590.0 | 6100.0 |
| 26 | mAminophenol | 591275 | D | 4600.0 | 48000.0 |
| 27 | 4Aminopyridine | 504245 | D | 1.3 | 14.0 |
| 28 | Amitraz | 33089611 | D | 160.0 | 1700.0 |
| 29 | Ammonia | 7664417 | D | 2200.0 | 58000.0 |
| 30 | Ammonium sulfamate | 7773060 | D | 13000.0 | 140000.0 |
| 31 | Aniline | 62533 | B2 | 19.0 | 200.0 |
| 32 | Anthracene | 120127 | D | 20000.0 | 200000.0 |
| 33 | Antimony and compounds | 7440360 | D | 31.0 | 680.0 |
| 34 | Antimony pentoxide | 1314609 | D | 38.0 | 850.0 |
| 35 | Antimony potassium tartrate | 28300745 | D | 69.0 | 1500.0 |
| 36 | Antimony tetroxide | 1332816 | D | 31.0 | 680.0 |
| 37 | Antimony trioxide | 1309644 | D | 31.0 | 680.0 |
| 38 | Apollo | 74115245 | E | 850.0 | 8900.0 |
| 39 | Aramite | 140578 | B2 | 180.0 | 760.0 |
| 40 | -Arsenic | 7440382 | A | 10.0 | 10.0 |
| 41 | Assure | 76578148 | D | 590.0 | 6100.0 |
| 42 | Asulam | 3337711 | D | 3300.0 | 34000.0 |
| 43 | Atrazine | 1912249 | E | 20.0 | 86.0 |
| 44 | Avermectin B1 | 71751-41-2 | D | 26.0 | 270.0 |
| 45 | Azobenzene | 103333 | B2 | 40.0 | 170.0 |
| B | | | | | |
| 46 | Barium and compounds | 7440393 | D | 5300.0 | 110000.0 |
| 47 | Barium cyanide | 542621 | D | 7700.0 | 170000.0 |
| 48 | Baygon | 114261 | D | 260.0 | 2700.0 |
| 49 | Bayleton | 43121433 | D | 2000.0 | 20000.0 |
| 50 | Baythroid | 68359375 | D | 1600.0 | 17000.0 |
| 51 | Benefin | 1861401 | D | 20000.0 | 200000.0 |
| 52 | Benomyl | 17804352 | D | 3300.0 | 34000.0 |
| 53 | Bentazon | 25057890 | D | 160.0 | 1700.0 |
| 54 | Benzaldehyde | 100527 | D | 6500.0 | 68000.0 |
| 55 | Benz[a]anthracene | 56553 | B2 | 6.1 | 26.0 |
| 56 | Benzene | 71432 | A | 0.62 | 1.4 |
| 57 | Benzidine | 92875 | A | 0.0019 | 0.0083 |
| 58 | Benzo[a]pyrene | 50328 | B2 | 0.61 | 2.6 |

| | | | | | |
|-----|----------------------------------|----------|----|----------|-----------|
| 59 | Benzo[b]fluoranthene | 205992 | B2 | 6.1 | 26.0 |
| 60 | Benzoic acid | 65850 | D | 260000.0 | 1000000.0 |
| 61 | Benzo[k]fluoranthene | 207089 | B2 | 61.0 | 260.0 |
| 62 | Benzotrichloride | 98077 | B2 | 0.34 | 1.5 |
| 63 | Benzyl alcohol | 100516 | D | 20000.0 | 200000.0 |
| 64 | Benzyl chloride | 100447 | B2 | 8.0 | 20.0 |
| 65 | Beryllium and compounds | 7440417 | B2 | 1.4 | 11.0 |
| 66 | Bidrin | 141662 | D | 6.5 | 68.0 |
| 67 | Biphenthrin (Talstar) | 82657043 | D | 980.0 | 10000.0 |
| 68 | 1,1-Biphenyl | 92524 | D | 3300.0 | 34000.0 |
| 69 | Bis(2chloroethyl)ether | 111444 | B2 | 0.43 | 0.97 |
| 70 | Bis(2chloroisopropyl)ether | 39638329 | E | 25.0 | 67.0 |
| 71 | Bis(chloromethyl)ether | 542881 | A | 0.0002 | 0.0004 |
| 72 | Bis(2chloro1methylethyl)ether | 108601 | E | 63.0 | 270.0 |
| 73 | Bis(2ethylhexyl)phthalate (DEHP) | 117817 | B2 | 320.0 | 1400.0 |
| 74 | Bisphenol A | 80057 | D | 3300.0 | 34000.0 |
| 75 | Boron | 7440428 | D | 5900.0 | 61000.0 |
| 76 | Bromodichloromethane | 75274 | B2 | 6.3 | 14.0 |
| 77 | Bromoform (tribromomethane) | 75252 | B2 | 560.0 | 2400.0 |
| 78 | Bromomethane | 74839 | D | 6.8 | 23.0 |
| 79 | Bromophos | 2104963 | D | 330.0 | 3400.0 |
| 80 | Bromoxynil | 1689845 | D | 1300.0 | 14000.0 |
| 81 | Bromoxynil octanoate | 1689992 | D | 1300.0 | 14000.0 |
| 82 | 1,3-Butadiene | 106990 | B2 | 0.064 | 0.14 |
| 83 | 1-Butanol | 71363 | D | 6500.0 | 68000.0 |
| 84 | Butylate | 2008415 | D | 3300.0 | 34000.0 |
| 85 | Butyl benzyl phthalate | 85687 | E | 13000.0 | 140000.0 |
| 86 | Butylphthalyl butylglycolate | 85701 | D | 65000.0 | 680000.0 |
| | € | | | | |
| 87 | Caecodylic acid | 75605 | D | 200.0 | 2000.0 |
| 88 | Cadmium and compounds | 7440439 | B1 | 38.0 | 850.0 |
| 89 | Calcium cyanide | 592018 | D | 3100.0 | 68000.0 |
| 90 | Caprolactam | 105602 | D | 33000.0 | 340000.0 |
| 91 | Captafol | 2425061 | E | 130.0 | 1400.0 |
| 92 | Captan | 133062 | D | 1300.0 | 5500.0 |
| 93 | Carbaryl | 63252 | D | 6500.0 | 68000.0 |
| 94 | Carbazole | 86748 | B2 | 220.0 | 950.0 |
| 95 | Carbofuran | 1563662 | E | 330.0 | 3400.0 |
| 96 | Carbon disulfide | 75150 | D | 7.5 | 24.0 |
| 97 | Carbon tetrachloride | 56235 | B2 | 1.6 | 5.0 |
| 98 | Carbosulfan | 55285148 | D | 650.0 | 6800.0 |
| 99 | Carboxin | 5234684 | D | 6500.0 | 68000.0 |
| 100 | Chloral (hydrate) | 302170 | D | 130.0 | 1400.0 |
| 101 | Chloramben | 133904 | D | 980.0 | 10000.0 |
| 102 | Chloranil | 118752 | E | 11.0 | 47.0 |

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|-----|--|------------|----|----------|-----------|
| 103 | Chlordane | 12789-03-6 | B2 | 3-4 | 15.0 |
| 104 | Chlorimuronethyl | 90982324 | D | 1300.0 | 14000.0 |
| 105 | Chlorine cyanide | 506774 | D | 3800.0 | 85000.0 |
| 106 | Chloroacetic acid | 79118 | D | 130.0 | 1400.0 |
| 107 | 2Chloroacetophenone | 532274 | D | 0.56 | 5.9 |
| 108 | 4Chloroaniline | 106478 | D | 260.0 | 2700.0 |
| 109 | Chlorobenzene | 108907 | D | 65.0 | 220.0 |
| 110 | Chlorobenzilate | 510156 | B2 | 16.0 | 71.0 |
| 111 | pChlorobenzoic acid | 74113 | D | 13000.0 | 140000.0 |
| 112 | 4Chlorobenzotrifluoride | 98566 | D | 1300.0 | 14000.0 |
| 113 | 2Chloro1,3butadiene | 126998 | D | 3-6 | 12.0 |
| 114 | 1Chlorobutane | 109693 | D | 710.0 | 2400.0 |
| 115 | *1Chloro1,1difluoroethane | 75683 | D | 2800.0 | 2800.0 |
| 116 | *Chlorodifluoromethane | 75456 | D | 2800.0 | 2800.0 |
| 117 | Chloroform | 67663 | B2 | 2.5 | 5.3 |
| 118 | Chloromethane | 74873 | C | 12.0 | 26.0 |
| 119 | 4Chloro2methylaniline | 95692 | B2 | 7.7 | 33.0 |
| 120 | 4Chloro2methylaniline hydrochloride | 3165933 | B2 | 9.7 | 41.0 |
| 121 | betaChloronaphthalene | 91587 | D | 5200.0 | 55000.0 |
| 122 | oChloronitrobenzene | 88733 | B2 | 180.0 | 760.0 |
| 123 | pChloronitrobenzene | 100005 | B2 | 250.0 | 1100.0 |
| 124 | 2Chlorophenol | 95578 | D | 91.0 | 370.0 |
| 125 | 2Chloropropane | 75296 | D | 170.0 | 580.0 |
| 126 | Chlorothalonil | 1897456 | B2 | 400.0 | 1700.0 |
| 127 | *oChlorotoluene | 95498 | D | 160.0 | 550.0 |
| 128 | Chlorpropham | 101213 | D | 13000.0 | 140000.0 |
| 129 | Chlorpyrifos | 2921882 | D | 200.0 | 2000.0 |
| 130 | Chlorpyrifosmethyl | 5598130 | D | 650.0 | 6800.0 |
| 131 | Chlorsulfuron | 64902723 | D | 3300.0 | 34000.0 |
| 132 | Chlorthiophos | 60238564 | D | 52.0 | 550.0 |
| 133 | Chromium, Total (1/6 ratio Cr VI/Cr III) | N/A | D | 2100.0 | 4500.0 |
| 134 | Chromium III | 16065831 | D | 77000.0 | 1000000.0 |
| 135 | Chromium VI | 7440473 | A | 30.0 | 64.0 |
| 136 | Chrysene | 218019 | B2 | 610.0 | 2600.0 |
| 137 | Cobalt | 7440484 | D | 4600.0 | 97000.0 |
| 138 | Copper and compounds | 7440508 | D | 2800.0 | 63000.0 |
| 139 | Copper cyanide | 544923 | D | 380.0 | 8500.0 |
| 140 | Crotonaldehyde | 123739 | C | 0.052 | 0.11 |
| 141 | Cumene | 98828 | D | 19.0 | 62.0 |
| 142 | Cyanazine | 21725462 | D | 5.3 | 23.0 |
| 143 | Cyanide, Free | 57125 | D | 1300.0 | 14000.0 |
| 144 | Cyanogen | 460195 | D | 2600.0 | 27000.0 |
| 145 | Cyanogen bromide | 506683 | D | 5900.0 | 61000.0 |
| 146 | Cyanogen chloride | 506774 | D | 3300.0 | 34000.0 |
| 147 | Cyclohexanone | 108941 | D | 330000.0 | 1000000.0 |

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|-----|--|----------|----|---------|----------|
| 148 | Cyclohexylamine | 108918 | D | 13000.0 | 140000.0 |
| 149 | Cyhalothrin/Karate | 68085858 | D | 330.0 | 3400.0 |
| 150 | Cypermethrin | 52315078 | D | 650.0 | 6800.0 |
| 151 | Cyromazine | 66215278 | D | 490.0 | 5100.0 |
| | D | | | | |
| 152 | Dacthal | 1861321 | D | 650.0 | 6800.0 |
| 153 | Dalapon | 75990 | D | 2000.0 | 20000.0 |
| 154 | Danitol | 39515418 | D | 1600.0 | 17000.0 |
| 155 | DDD | 72548 | B2 | 19.0 | 80.0 |
| 156 | DDE | 72559 | B2 | 13.0 | 56.0 |
| 157 | DDT | 50293 | B2 | 13.0 | 56.0 |
| 158 | Decabromodiphenyl ether | 1163195 | E | 650.0 | 6800.0 |
| 159 | Demeton | 8065483 | D | 2.6 | 27.0 |
| 160 | Diallate | 2303164 | B2 | 73.0 | 310.0 |
| 161 | Diazinon | 333415 | E | 59.0 | 610.0 |
| 162 | Dibenz[ah]anthracene | 53703 | B2 | 0.61 | 2.6 |
| 163 | Dibenzofuran | 132649 | D | 260.0 | 2700.0 |
| 164 | 1,4Dibromobenzene | 106376 | D | 650.0 | 6800.0 |
| 165 | Dibromochloromethane | 124481 | E | 53.0 | 230.0 |
| 166 | 1,2Dibromo3chloropropane | 96128 | B2 | 3.2 | 14.0 |
| 167 | 1,2Dibromoethane | 106934 | B2 | 0.049 | 0.2 |
| 168 | Dibutyl phthalate | 84742 | D | 6500.0 | 68000.0 |
| 169 | Dicamba | 1918009 | D | 2000.0 | 20000.0 |
| 170 | *1,2Dichlorobenzene | 95501 | D | 1100.0 | 3900.0 |
| 171 | *1,3Dichlorobenzene | 541731 | D | 500.0 | 2000.0 |
| 172 | 1,4Dichlorobenzene | 106467 | E | 190.0 | 790.0 |
| 173 | 3,3Dichlorobenzidine | 91941 | B2 | 9.9 | 42.0 |
| 174 | 1,4Dichloro2butene | 764410 | B2 | 0.074 | 0.17 |
| 175 | Dichlorodifluoromethane | 75718 | D | 94.0 | 310.0 |
| 176 | 1,1Dichloroethane | 75343 | E | 500.0 | 1700.0 |
| 177 | 1,2Dichloroethane (EDC) | 107062 | B2 | 2.5 | 5.5 |
| 178 | 1,1Dichloroethylene | 75354 | E | 0.36 | 0.8 |
| 179 | 1,2Dichloroethylene (cis) | 156592 | D | 31.0 | 100.0 |
| 180 | 1,2Dichloroethylene (trans) | 156605 | D | 78.0 | 270.0 |
| 181 | 1,2Dichloroethylene (mixture) | 540590 | D | 35.0 | 120.0 |
| 182 | 2,4Dichlorophenol | 120832 | D | 200.0 | 2000.0 |
| 183 | 4(2,4Dichlorophenoxy)butyric Acid (2,4DB) | 94826 | D | 520.0 | 5500.0 |
| 184 | 2,4Dichlorophenoxyacetic Acid (2,4D) | 94757 | D | 650.0 | 6800.0 |
| 185 | 1,2Dichloropropane | 78875 | B2 | 3.1 | 6.8 |
| 186 | 1,3Dichloropropene | 542756 | B2 | 2.4 | 5.5 |
| 187 | 2,3Dichloropropanol | 616239 | D | 200.0 | 2000.0 |
| 188 | Dichlorvos | 62737 | B2 | 15.0 | 66.0 |
| 189 | Dicofol | 115322 | E | 10.0 | 43.0 |
| 190 | Dieldrin | 60571 | B2 | 0.28 | 1.2 |

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|-----|---|----------|------|----------|-----------|
| 191 | Diethylene glycol, monobutyl ether | 112345 | D | 370.0 | 3900.0 |
| 192 | Diethylene glycol, monoethyl ether | 111900 | D | 130000.0 | 1000000.0 |
| 193 | Diethylformamide | 617845 | D | 720.0 | 7500.0 |
| 194 | Di(2ethylhexyl)adipate | 103231 | C | 3700.0 | 16000.0 |
| 195 | Diethyl phthalate | 84662 | D | 52000.0 | 550000.0 |
| 196 | Diethylstilbestrol | 56531 | A | 0.0001 | 0.0004 |
| 197 | Difenzoquat (Avenge) | 43222486 | D | 5200.0 | 55000.0 |
| 198 | Diiflubenzuron | 35367385 | D | 1300.0 | 14000.0 |
| 199 | Diisopropyl methylphosphonate | 1445756 | D | 5200.0 | 55000.0 |
| 200 | Dimethipin | 55290647 | C | 1300.0 | 14000.0 |
| 201 | Dimethoate | 60515 | D | 13.0 | 140.0 |
| 202 | 3,3'-Dimethoxybenzidine | 119904 | B2 | 320.0 | 1400.0 |
| 203 | Dimethylamine | 124403 | D | 0.07 | 0.24 |
| 204 | N,N-Dimethylaniline | 121697 | D | 130.0 | 1400.0 |
| 205 | 2,4-Dimethylaniline | 95681 | C | 5.9 | 25.0 |
| 206 | 2,4-Dimethylaniline hydrochloride | 21436964 | C | 7.7 | 33.0 |
| 207 | 3,3'-Dimethylbenzidine | 119937 | B2 | 0.48 | 2.1 |
| 208 | 1,1-Dimethylhydrazine (Hydrazine, dimethyl) | 57147 | B, C | 1.7 | 7.3 |
| 209 | 1,2-Dimethylhydrazine | 540738 | B2 | 0.12 | 0.52 |
| 210 | N,N-Dimethylformamide | 68122 | D | 6500.0 | 68000.0 |
| 211 | 2,4-Dimethylphenol | 105679 | D | 1300.0 | 14000.0 |
| 212 | 2,6-Dimethylphenol | 576261 | D | 39.0 | 410.0 |
| 213 | 3,4-Dimethylphenol | 95658 | D | 65.0 | 680.0 |
| 214 | Dimethyl phthalate | 131113 | D | 650000.0 | 1000000.0 |
| 215 | Dimethyl terephthalate | 120616 | D | 6500.0 | 68000.0 |
| 216 | 4,6-Dinitrocyclohexyl phenol | 131895 | D | 130.0 | 1400.0 |
| 217 | 1,3-Dinitrobenzene | 99650 | D | 6.5 | 68.0 |
| 218 | 1,2-Dinitrobenzene | 528290 | D | 26.0 | 270.0 |
| 219 | 1,4-Dinitrobenzene | 100254 | D | 26.0 | 270.0 |
| 220 | 2,4-Dinitrophenol | 51285 | D | 130.0 | 1400.0 |
| 221 | Dinitrotoluene mixture | 25321146 | B2 | 6.5 | 28.0 |
| 222 | 2,4-Dinitrotoluene | 121142 | D | 130.0 | 1400.0 |
| 223 | 2,6-Dinitrotoluene | 606202 | D | 65.0 | 680.0 |
| 224 | Dimoseb | 88857 | D | 65.0 | 680.0 |
| 225 | di-n-Octyl phthalate | 117840 | D | 1300.0 | 14000.0 |
| 226 | 1,4-Dioxane | 123911 | B2 | 400.0 | 1700.0 |
| 227 | Diphenamid | 957517 | D | 2000.0 | 20000.0 |
| 228 | Diphenylamine | 122394 | D | 1600.0 | 17000.0 |
| 229 | 1,2-Diphenylhydrazine | 122667 | B2 | 5.6 | 24.0 |
| 230 | Diquat | 85007 | D | 140.0 | 1500.0 |
| 231 | Direct black 38 | 1937377 | A | 0.052 | 0.22 |
| 232 | Direct blue 6 | 2602462 | A | 0.055 | 0.24 |
| 233 | Direct brown 95 | 16071866 | A | 0.048 | 0.21 |
| 234 | Disulfoton | 298044 | E | 2.6 | 27.0 |

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| 235 | 1,4Dithiane | 505293 | D | 650.0 | 6800.0 |
| 236 | Diuron | 330541 | D | 130.0 | 1400.0 |
| 237 | Dodine | 2439103 | D | 260.0 | 2700.0 |
| | E | | | | |
| 238 | Endosulfan | 115297 | D | 390.0 | 4100.0 |
| 239 | Endothall | 145733 | D | 1300.0 | 14000.0 |
| 240 | Endrin | 72208 | D | 20.0 | 200.0 |
| 241 | Epichlorohydrin | 106898 | B2 | 7.5 | 25.0 |
| 242 | 1,2Epoxybutane | 106887 | D | 370.0 | 3900.0 |
| 243 | EPTC (SEthyl dipropylthiocarbamate) | 759944 | D | 1600.0 | 17000.0 |
| 244 | Ethephon (2chloroethyl phosphonic acid) | 16672870 | D | 330.0 | 3400.0 |
| 245 | Ethion | 563122 | D | 33.0 | 340.0 |
| 246 | 2Ethoxyethanol | 110805 | D | 26000.0 | 270000.0 |
| 247 | 2Ethoxyethanol acetate | 111159 | D | 20000.0 | 200000.0 |
| 248 | * Ethyl acetate | 141786 | D | 18000.0 | 39000.0 |
| 249 | Ethyl acrylate | 140885 | B2 | 2.1 | 4.5 |
| 250 | * Ethylbenzene | 100414 | D | 1500.0 | 2700.0 |
| 251 | Ethylene cyanohydrin | 109784 | D | 20000.0 | 200000.0 |
| 252 | Ethylene diamine | 107153 | D | 1300.0 | 14000.0 |
| 253 | Ethylene glycol | 107211 | D | 130000.0 | 1000000.0 |
| 254 | Ethylene glycol, monobutyl ether | 111762 | D | 370.0 | 3900.0 |
| 255 | Ethylene oxide | 75218 | B1 | 1.3 | 3.2 |
| 256 | Ethylene thiourea (ETU) | 96457 | B2 | 5.2 | 55.0 |
| 257 | * Ethyl chloride | 75003 | D | 1100.0 | 4200.0 |
| 258 | * Ethyl ether | 60297 | D | 3800.0 | 3800.0 |
| 259 | * Ethyl methacrylate | 97632 | D | 210.0 | 690.0 |
| 260 | Ethyl ————— pnitrophenyl phenylphosphorothioate | 2104645 | D | 0.65 | 6.8 |
| 261 | Ethylphthalyl ethyl glycolate | 84720 | D | 200000.0 | 1000000.0 |
| 262 | Express | 101200480 | D | 520.0 | 5500.0 |
| | F | | | | |
| 263 | Fenamiphos | 22224926 | D | 16.0 | 170.0 |
| 264 | Fluometuron | 2164172 | D | 850.0 | 8900.0 |
| 265 | Fluoranthene | 206440 | D | 2600.0 | 27000.0 |
| 266 | Fluorene | 86737 | D | 2600.0 | 27000.0 |
| 267 | Fluorine (soluble fluoride) | 7782414 | D | 3900.0 | 41000.0 |
| 268 | Fluoridone | 59756604 | D | 5200.0 | 55000.0 |
| 269 | Flurprimidol | 56425913 | D | 1300.0 | 14000.0 |
| 270 | Flutolanil | 66332965 | D | 3900.0 | 41000.0 |
| 271 | Fluvalinate | 69409945 | D | 650.0 | 6800.0 |
| 272 | Folpet | 133073 | B2 | 1300.0 | 5500.0 |
| 273 | Fomesafen | 72178020 | E | 23.0 | 100.0 |
| 274 | Fonofos | 944229 | D | 130.0 | 1400.0 |
| 275 | Formaldehyde | 50000 | B1 | 9800.0 | 100000.0 |
| 276 | Formic Acid | 64186 | D | 130000.0 | 1000000.0 |

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| 277 | Fosetylal | 39148248 | E | 200000.0 | 1000000.0 |
| 278 | Furan | 110009 | D | 2.5 | 8.5 |
| 279 | Furazolidone | 67458 | B2 | 1.2 | 5.0 |
| 280 | Furfural | 98011 | D | 200.0 | 2000.0 |
| 281 | Furium | 531828 | B2 | 0.089 | 0.38 |
| 282 | Furmecyclox | 60568050 | B2 | 150.0 | 640.0 |
| G | | | | | |
| 283 | Glufosinateammonium | 77182822 | D | 26.0 | 270.0 |
| 284 | Glycidaldehyde | 765344 | B2 | 26.0 | 270.0 |
| 285 | Glyphosate | 1071836 | D | 6500.0 | 68000.0 |
| H | | | | | |
| 286 | Haloxypomethyl | 69806402 | D | 3.3 | 34.0 |
| 287 | Harmony | 79277273 | D | 850.0 | 8900.0 |
| 288 | Heptachlor | 76448 | B2 | 0.99 | 4.2 |
| 289 | Heptachlor-epoxide | 1024573 | B2 | 0.49 | 2.1 |
| 290 | Hexabromobenzene | 87821 | D | 130.0 | 1400.0 |
| 291 | Hexachlorobenzene | 118741 | B2 | 2.8 | 12.0 |
| 292 | Hexachlorobutadiene | 87683 | E | 13.0 | 140.0 |
| 293 | HCH (alpha) | 319846 | B2 | 0.71 | 3.0 |
| 294 | HCH (beta) | 319857 | E | 2.5 | 11.0 |
| 295 | HCH (gamma) Lindane | 58899 | B2C | 3.4 | 15.0 |
| 296 | HCHtechnical | 608731 | B2 | 2.5 | 11.0 |
| 297 | Hexachlorocyclopentadiene | 77474 | D | 450.0 | 4600.0 |
| 298 | Hexachlorodibenzopdioxin——mixture (HxCDD) | 19408743 | B2 | 0.00072 | 0.0031 |
| 299 | Hexachloroethane | 67721 | E | 65.0 | 680.0 |
| 300 | Hexachlorophene | 70304 | D | 20.0 | 200.0 |
| 301 | Hexahydro1,3,5trinitro1,3,5triazine | 121824 | E | 40.0 | 170.0 |
| 302 | * nHexane | 110543 | D | 120.0 | 400.0 |
| 303 | Hexazinone | 51235042 | D | 2200.0 | 22000.0 |
| 304 | Hydrazine, hydrazine-sulfate | 302012 | B2 | 1.5 | 6.4 |
| 305 | Hydrocarbons (C ₁₀ to C ₂₂) | N/A | N/A | 4100.0 | 18000.0 |
| 306 | Hydrogen-chloride | 7647010 | D | 370.0 | 3900.0 |
| 307 | Hydrogen-cyanide | 74908 | D | 11.0 | 35.0 |
| 308 | pHydroquinone | 123319 | D | 2600.0 | 27000.0 |
| I | | | | | |
| 309 | Imazalil | 35554440 | D | 850.0 | 8900.0 |
| 310 | Imazaquin | 81335377 | D | 16000.0 | 170000.0 |
| 311 | Indeno[1,2,3cd]pyrene | 193395 | B2 | 6.1 | 26.0 |
| 312 | Iprodione | 36734197 | D | 2600.0 | 27000.0 |
| 313 | * Isobutanol | 78831 | D | 11000.0 | 42000.0 |
| 314 | Isophorone | 78591 | E | 4700.0 | 20000.0 |
| 315 | Isopropalin | 33820530 | D | 980.0 | 10000.0 |
| 316 | Isopropyl-methyl-phosphonic-acid | 1832548 | D | 6500.0 | 68000.0 |
| 317 | Isoxaben | 82558507 | E | 3300.0 | 34000.0 |

| K | | | | | |
|----------|--|----------|-----|---------|----------|
| 318 | Kepone | 143500 | B,C | 0.25 | 1.1 |
| L | | | | | |
| 319 | Lactofen | 77501634 | D | 130.0 | 1400.0 |
| 320 | #Lead | 7439921 | B2 | 400.0 | 2000.0 |
| 321 | Lead (tetraethyl) | 78002 | D | 0.0065 | 0.068 |
| 322 | Linuron | 330552 | E | 130.0 | 1400.0 |
| 323 | Lithium | 7439932 | D | 1500.0 | 34000.0 |
| 324 | Londax | 83055996 | D | 13000.0 | 140000.0 |
| M | | | | | |
| 325 | Malathion | 121755 | D | 1300.0 | 14000.0 |
| 326 | Maleic anhydride | 108316 | D | 6500.0 | 68000.0 |
| 327 | Maleic hydrazide | 123331 | D | 33000.0 | 340000.0 |
| 328 | Malononitrile | 109773 | D | 1.3 | 14.0 |
| 329 | Mancozeb | 8018017 | D | 2000.0 | 20000.0 |
| 330 | Maneb | 12427382 | D | 330.0 | 3400.0 |
| 331 | Manganese and compounds | 7439965 | D | 3200.0 | 43000.0 |
| 332 | Mepfosfolan | 950107 | D | 5.9 | 61.0 |
| 333 | Mepiquat | 24307264 | D | 2000.0 | 20000.0 |
| 334 | Mercuric chloride | 7487947 | E | 23.0 | 510.0 |
| 335 | Mercury (elemental) | 7439976 | D | 6.7 | 180.0 |
| 336 | Mercury (methyl) | 22967926 | D | 6.5 | 68.0 |
| 337 | Merphos | 150505 | D | 2.0 | 20.0 |
| 338 | Merphos oxide | 78488 | D | 2.0 | 20.0 |
| 339 | Metalaxyl | 57837191 | D | 3900.0 | 41000.0 |
| 340 | Methacrylonitrile | 126987 | D | 2.0 | 8.1 |
| 341 | Methamidophos | 10265926 | D | 3.3 | 34.0 |
| 342 | Methanol | 67561 | D | 33000.0 | 340000.0 |
| 343 | Methidathion | 950378 | E | 65.0 | 680.0 |
| 344 | Methomyl | 16752775 | D | 1600.0 | 17000.0 |
| 345 | Methoxychlor | 72435 | D | 330.0 | 3400.0 |
| 346 | 2Methoxyethanol | 109864 | D | 65.0 | 680.0 |
| 347 | 2Methoxyethanol acetate | 110496 | D | 130.0 | 1400.0 |
| 348 | 2Methoxy5nitroaniline | 99592 | E | 97.0 | 410.0 |
| 349 | Methyl acetate | 79209 | D | 21000.0 | 88000.0 |
| 350 | Methyl acrylate | 96333 | D | 69.0 | 230.0 |
| 351 | 2Methylaniline (otoluidine) | 95-53-4 | B2 | 19.0 | 79.0 |
| 352 | 2Methylaniline hydrochloride | 636215 | B2 | 25.0 | 110.0 |
| 353 | Methyl chlorocarbonate | 79221 | D | 65000.0 | 680000.0 |
| 354 | 2Methyl4chlorophenoxyacetic acid | 94746 | D | 33.0 | 340.0 |
| 355 | 4(2Methyl4chlorophenoxy) butyric acid (MCPB) | 94815 | D | 650.0 | 6800.0 |
| 356 | 2(2Methyl4chlorophenoxy) propionic acid | 93652 | D | 65.0 | 680.0 |

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| 357 | 2(2Methyl,4chlorophenoxy) propionic acid (MCPP) | 16484778 | D | 65.0 | 680.0 |
| 358 | Methylecyclohexane | 108872 | D | 56000.0 | 590000.0 |
| 359 | 4,4'Methylenebisbenzencamine | 101779 | D | 18.0 | 76.0 |
| 360 | 4,4'Methylene bis(2chloroaniline) | 101144 | B2 | 34.0 | 150.0 |
| 361 | 4,4'Methylene bis(N,N'dimethyl)aniline | 101611 | B2 | 97.0 | 410.0 |
| 362 | Methylene bromide | 74953 | D | 650.0 | 6800.0 |
| 363 | Methylene chloride | 75092 | B2 | 77.0 | 180.0 |
| 364 | Methyl ethyl ketone | 78933 | D | 7100.0 | 27000.0 |
| 365 | Methyl hydrazine | 60344 | B, C | 4.0 | 17.0 |
| 366 | Methyl isobutyl ketone | 108101 | D | 770.0 | 2800.0 |
| 367 | * Methyl methacrylate | 80626 | D | 760.0 | 2800.0 |
| 368 | 2Methyl5nitroaniline | 99558 | C | 130.0 | 580.0 |
| 369 | Methyl parathion | 298000 | D | 16.0 | 170.0 |
| 370 | 2Methylphenol | 95487 | C | 3300.0 | 34000.0 |
| 371 | 3Methylphenol | 108394 | C | 3300.0 | 34000.0 |
| 372 | 4Methylphenol | 106445 | C | 330.0 | 3400.0 |
| 373 | Methyl styrene (mixture) | 25013154 | D | 120.0 | 520.0 |
| 374 | * Methyl styrene (alpha) | 98839 | D | 890.0 | 3100.0 |
| 375 | Methyl tertbutyl ether (MTBE) | 1634044 | D | 320.0 | 3300.0 |
| 376 | Metolacior (Dual) | 51218452 | D | 9800.0 | 100000.0 |
| 377 | Metribuzin | 21087649 | D | 1600.0 | 17000.0 |
| 378 | Mirex | 2385855 | B2 | 2.5 | 11.0 |
| 379 | Molinate | 2212671 | D | 130.0 | 1400.0 |
| 380 | Molybdenum | 7439987 | D | 380.0 | 8500.0 |
| 381 | Monochloramine | 10599903 | D | 6500.0 | 68000.0 |
| | N | | | | |
| 382 | Naled | 300765 | D | 130.0 | 1400.0 |
| 383 | Naphthalene | 91203 | D | 2600.0 | 27000.0 |
| 384 | Napropamide | 15299997 | D | 6500.0 | 68000.0 |
| 385 | Nickel and compounds | 7440020 | D | 1500.0 | 34000.0 |
| 386 | Nickel subsulfide | 12035722 | A | 5100.0 | 11000.0 |
| 387 | Nitrapyrin | 1929824 | D | 98.0 | 1000.0 |
| 388 | Nitrate | 14797558 | D | 100000.0 | 1000000.0 |
| 389 | Nitrite | 14797650 | D | 6500.0 | 68000.0 |
| 390 | 2Nitroaniline | 88744 | D | 3.9 | 41.0 |
| 391 | Nitrobenzene | 98953 | D | 18.0 | 94.0 |
| 392 | Nitrofurantoin | 67209 | D | 4600.0 | 48000.0 |
| 393 | Nitrofurazone | 59870 | B2 | 3.0 | 13.0 |
| 394 | Nitroguanidine | 556887 | D | 6500.0 | 68000.0 |
| 395 | NNitrosodinbutylamine | 924163 | B2 | 0.22 | 0.55 |
| 396 | NNitrosodiethanolamine | 1116547 | B2 | 1.6 | 6.8 |
| 397 | NNitrosodiethylamine | 55185 | B2 | 0.03 | 0.13 |
| 398 | NNitrosodimethylamine | 62759 | B2 | 0.087 | 0.37 |
| 399 | NNitrosodiphenylamine | 86306 | B2 | 910.0 | 3900.0 |

| | | | | | |
|----------|--|-----------|----|----------|-----------|
| 400 | NNitroso dimpropylamine | 621647 | B2 | 0.63 | 2.7 |
| 401 | NNitrosoNmethylethylamine | 10595956 | B2 | 0.20 | 0.87 |
| 402 | NNitrosopyrrolidine | 930552 | B2 | 2.1 | 9.1 |
| 403 | mNitrotoluene | 99081 | D | 650.0 | 6800.0 |
| 404 | pNitrotoluene | 99990 | D | 650.0 | 6800.0 |
| 405 | Norflurazon | 27314132 | D | 2600.0 | 27000.0 |
| 406 | NuStar | 85509199 | D | 46.0 | 480.0 |
| O | | | | | |
| 407 | Octabromodiphenyl ether | 32536520 | D | 200.0 | 2000.0 |
| 408 | Octahydro1357tetrinitro1357tetrazocine (HMX) | 2691410 | D | 3300.0 | 34000.0 |
| 409 | Octamethylpyrophosphoramidate | 152169 | D | 130.0 | 1400.0 |
| 410 | Oryzalin | 19044883 | E | 3300.0 | 34000.0 |
| 411 | Oxadiazon | 19666309 | D | 330.0 | 3400.0 |
| 412 | Oxamyl | 23135220 | E | 1600.0 | 17000.0 |
| 413 | Oxyfluorfen | 42874033 | D | 200.0 | 2000.0 |
| P | | | | | |
| 414 | Paelobutrazol | 76738620 | D | 850.0 | 8900.0 |
| 415 | Paraquat | 4685147 | E | 290.0 | 3100.0 |
| 416 | Parathion | 56382 | E | 390.0 | 4100.0 |
| 417 | Pebulate | 1114712 | D | 3300.0 | 34000.0 |
| 418 | Pendimethalin | 40487421 | D | 2600.0 | 27000.0 |
| 419 | Pentabromo6chloro-cyclohexane | 87843 | E | 190.0 | 830.0 |
| 420 | Pentabromodiphenyl ether | 32534819 | D | 130.0 | 1400.0 |
| 421 | Pentachlorobenzene | 608935 | D | 52.0 | 550.0 |
| 422 | Pentachloronitrobenzene | 82688 | E | 17.0 | 73.0 |
| 423 | Pentachlorophenol | 87865 | B2 | 25.0 | 79.0 |
| 424 | Permethrin | 52645531 | D | 3300.0 | 34000.0 |
| 425 | Phenmedipham | 13684634 | D | 16000.0 | 170000.0 |
| 426 | Phenol | 108952 | D | 39000.0 | 410000.0 |
| 427 | mPhenylenediamine | 108452 | D | 390.0 | 4100.0 |
| 428 | pPhenylenediamine | 106503 | D | 12000.0 | 130000.0 |
| 429 | Phenylmercuric acetate | 62384 | D | 5.2 | 55.0 |
| 430 | 2Phenylphenol | 90437 | E | 2300.0 | 9800.0 |
| 431 | Phorate | 298022 | E | 13.0 | 140.0 |
| 432 | Phosmet | 732116 | D | 1300.0 | 14000.0 |
| 433 | Phosphine | 7803512 | D | 20.0 | 200.0 |
| 434 | Phosphorus, white | 7723-14-0 | D | 1.5 | 34.0 |
| 435 | Phthalic anhydride | 85449 | D | 130000.0 | 1000000.0 |
| 436 | Pieloram | 1918021 | D | 4600.0 | 48000.0 |
| 437 | Pirimiphosmethyl | 23505411 | D | 650.0 | 6800.0 |
| 438 | Polybrominated biphenyls (PBBs) | N/A | B2 | 0.46 | 2.1 |
| 439 | Polychlorinated biphenyls (PCBs) | 1336363 | B2 | 2.5 | 13.0 |
| 440 | Potassium cyanide | 151508 | D | 3300.0 | 34000.0 |
| 441 | Potassium silver cyanide | 506616 | D | 13000.0 | 140000.0 |

| | | | | | |
|----------|------------------------------------|----------|----|-----------|-----------|
| 442 | Prochloraz | 67747095 | € | 30.0 | 130.0 |
| 443 | Profluralin | 26399360 | Ⓓ | 390.0 | 4100.0 |
| 444 | Prometon | 1610180 | Ⓓ | 980.0 | 10000.0 |
| 445 | Prometryn | 7287196 | Ⓓ | 260.0 | 2700.0 |
| 446 | Pronamide | 23950585 | € | 4900.0 | 51000.0 |
| 447 | Propachlor | 1918167 | Ⓓ | 850.0 | 8900.0 |
| 448 | Propanil | 709988 | Ⓓ | 330.0 | 3400.0 |
| 449 | Propargite | 2312358 | Ⓓ | 1300.0 | 14000.0 |
| 450 | Propargyl alcohol | 107197 | Ⓓ | 130.0 | 1400.0 |
| 451 | Propazine | 139402 | € | 1300.0 | 14000.0 |
| 452 | Propham | 122429 | Ⓓ | 1300.0 | 14000.0 |
| 453 | Propiconazole | 60207901 | Ⓓ | 850.0 | 8900.0 |
| 454 | Propylene glycol | 57556 | Ⓓ | 1000000.0 | 1000000.0 |
| 455 | Propylene glycol, monoethyl ether | 111353 | Ⓓ | 46000.0 | 480000.0 |
| 456 | Propylene glycol, monomethyl ether | 107982 | Ⓓ | 46000.0 | 480000.0 |
| 457 | Propylene oxide | 75569 | B2 | 19.0 | 79.0 |
| 458 | Pursuit | 81335775 | Ⓓ | 16000.0 | 170000.0 |
| 459 | Pydrin | 51630581 | Ⓓ | 1600.0 | 17000.0 |
| 460 | Pyrene | 129000 | Ⓓ | 2000.0 | 20000.0 |
| 461 | Pyridine | 110861 | Ⓓ | 65.0 | 680.0 |
| Q | | | | | |
| 462 | Quinalphos | 13593038 | Ⓓ | 33.0 | 340.0 |
| 463 | Quinoline | 91225 | € | 0.37 | 1.6 |
| R | | | | | |
| 464 | RDX (Cyclonite) | 121824 | € | 40.0 | 170.0 |
| 465 | Resmethrin | 10453868 | Ⓓ | 2000.0 | 20000.0 |
| 466 | Rommel | 299843 | Ⓓ | 3300.0 | 34000.0 |
| 467 | Rotenone | 83794 | Ⓓ | 260.0 | 2700.0 |
| S | | | | | |
| 468 | Savey | 78587050 | Ⓓ | 1600.0 | 17000.0 |
| 469 | Selenious Acid | 7783008 | Ⓓ | 330.0 | 3400.0 |
| 470 | Selenium | 7782492 | Ⓓ | 380.0 | 8500.0 |
| 471 | Selenourea | 630104 | Ⓓ | 330.0 | 3400.0 |
| 472 | Sethoxydim | 74051802 | Ⓓ | 5900.0 | 61000.0 |
| 473 | Silver and compounds | 7440224 | Ⓓ | 380.0 | 8500.0 |
| 474 | Silver cyanide | 506649 | Ⓓ | 6500.0 | 68000.0 |
| 475 | Simazine | 122349 | € | 37.0 | 160.0 |
| 476 | Sodium azide | 26628228 | Ⓓ | 260.0 | 2700.0 |
| 477 | Sodium cyanide | 143339 | Ⓓ | 2600.0 | 27000.0 |
| 478 | Sodium diethyldithiocarbamate | 148185 | € | 16.0 | 71.0 |
| 479 | Sodium fluoroacetate | 62748 | Ⓓ | 1.3 | 14.0 |
| 480 | Sodium metavanadate | 13718268 | Ⓓ | 65.0 | 680.0 |
| 481 | Strontium, stable | 7440246 | Ⓓ | 46000.0 | 1000000.0 |
| 482 | Strychnine | 57249 | Ⓓ | 20.0 | 200.0 |
| 483 | * Styrene | 100425 | € | 3300.0 | 3300.0 |

| | | | | | |
|-----|---|----------|----|----------|-----------|
| 484 | Sythane F | 88671890 | D | 1600.0 | 17000.0 |
| 485 | 2,3,7,8TCDD (dioxin) | 1746016 | B2 | 0.000038 | 0.00024 |
| 486 | Tebuthiuron | 34014181 | D | 4600.0 | 48000.0 |
| 487 | Temephos | 3383968 | D | 1300.0 | 14000.0 |
| 488 | Terbacil | 5902512 | E | 850.0 | 8900.0 |
| 489 | Terbufos | 13071799 | D | 1.6 | 17.0 |
| 490 | Terbutryn | 886500 | D | 65.0 | 680.0 |
| 491 | 1,2,4,5Tetrachlorobenzene | 95943 | D | 20.0 | 200.0 |
| 492 | 1,1,1,2Tetrachloroethane | 630206 | E | 23.0 | 54.0 |
| 493 | 1,1,2,2Tetrachloroethane | 79345 | E | 4.4 | 11.0 |
| 494 | Tetrachloroethylene (PCE) | 127184 | B2 | 53.0 | 170.0 |
| 495 | 2,3,4,6Tetrachlorophenol | 58902 | D | 2000.0 | 20000.0 |
| 496 | p,a,a,Tetrachlorotoluene | 5216251 | B2 | 0.22 | 0.95 |
| 497 | Tetrachlorovinphos | 961115 | E | 190.0 | 790.0 |
| 498 | Tetraethyldithiopyrophosphate | 3689245 | D | 33.0 | 340.0 |
| 499 | Thallic oxide | 1314325 | D | 5.4 | 120.0 |
| 500 | Thallium acetate | 563688 | D | 6.9 | 150.0 |
| 501 | Thallium carbonate | 6533739 | D | 6.1 | 140.0 |
| 502 | Thallium chloride | 7791120 | D | 6.1 | 140.0 |
| 503 | Thallium nitrate | 10102451 | D | 6.9 | 150.0 |
| 504 | Thallium selenite | 12039520 | D | 6.9 | 150.0 |
| 505 | Thallium sulfate | 7446186 | D | 6.1 | 140.0 |
| 506 | Thiobencarb | 28249776 | D | 650.0 | 6800.0 |
| 507 | 2(Thiocyanomethylthio) benzothiazole (TCMTB) | 3689245 | D | 2000.0 | 20000.0 |
| 508 | Thiofanox | 39196184 | D | 20.0 | 200.0 |
| 509 | Thiophanatemethyl | 23564058 | D | 5200.0 | 55000.0 |
| 510 | Thiram | 137268 | D | 330.0 | 3400.0 |
| 511 | Tin and compounds | 7440315 | D | 46000.0 | 1000000.0 |
| 512 | *Toluene | 108883 | D | 790.0 | 2700.0 |
| 513 | Toluene2,4diamine | 95807 | B2 | 1.4 | 6.0 |
| 514 | Toluene2,5diamine | 95705 | D | 39000.0 | 410000.0 |
| 515 | Toluene2,6diamine | 823405 | E | 13000.0 | 140000.0 |
| 516 | pToluidine | 106490 | E | 23.0 | 100.0 |
| 517 | Toxaphene | 8001352 | B2 | 4.0 | 17.0 |
| 518 | Tralomethrin | 66841256 | D | 490.0 | 5100.0 |
| 519 | Triallate | 2303175 | D | 850.0 | 8900.0 |
| 520 | Triasulfuron | 82097505 | D | 650.0 | 6800.0 |
| 521 | 1,2,4Tribromobenzene | 615543 | D | 330.0 | 3400.0 |
| 522 | Tributyltin oxide (TBTO) | 56359 | D | 2.0 | 20.0 |
| 523 | 2,4,6Trichloroaniline | 634935 | E | 130.0 | 560.0 |
| 524 | 2,4,6Trichloroaniline hydrochloride | 33663502 | E | 150.0 | 660.0 |
| 525 | *1,2,4Trichlorobenzene | 120821 | D | 570.0 | 4700.0 |
| 526 | *1,1,1Trichloroethane | 71556 | D | 1200.0 | 4800.0 |

| | | | | | |
|-----|---|----------|----|---------|----------|
| 527 | 1,1,2Trichloroethane | 79005 | E | 6.5 | 15.0 |
| 528 | Trichloroethylene (TCE) | 79016 | B2 | 27.0 | 70.0 |
| 529 | Trichlorofluoromethane | 75694 | D | 380.0 | 1300.0 |
| 530 | 2,4,5Trichlorophenol | 95954 | D | 6500.0 | 68000.0 |
| 531 | 2,4,6Trichlorophenol | 88062 | B2 | 400.0 | 1700.0 |
| 532 | 2,4,5Trichlorophenoxyacetic acid | 93765 | D | 650.0 | 6800.0 |
| 533 | 2(2,4,5Trichlorophenoxy) propionic acid | 93721 | D | 520.0 | 5500.0 |
| 534 | 1,1,2Trichloropropane | 598776 | D | 15.0 | 50.0 |
| 535 | 1,2,3Trichloropropane | 96184 | B2 | 0.014 | 0.03 |
| 536 | 1,2,3Trichloropropene | 96195 | D | 11.0 | 38.0 |
| 537 | *1,1,2Trichloro1,2,2trifluoroethane | 76131 | D | 10000.0 | 10000.0 |
| 538 | Tridiphane | 58138082 | D | 200.0 | 2000.0 |
| 539 | Triethylamine | 121448 | D | 23.0 | 84.0 |
| 540 | Trifluralin | 1582098 | E | 490.0 | 2500.0 |
| 541 | Trimethyl phosphate | 512561 | B2 | 120.0 | 520.0 |
| 542 | 1,3,5Trinitrobenzene | 99354 | D | 3.3 | 34.0 |
| 543 | Trinitrophenylmethylnitramine | 479458 | D | 650.0 | 6800.0 |
| 544 | 2,4,6Trinitrotoluene | 118967 | E | 33.0 | 340.0 |
| | V | | | | |
| 545 | Vanadium | 7440622 | D | 540.0 | 12000.0 |
| 546 | Vanadium pentoxide | 1314621 | D | 690.0 | 15000.0 |
| 547 | Vanadium sulfate | 13701707 | D | 1500.0 | 34000.0 |
| 548 | Vernam | 1929777 | D | 65.0 | 680.0 |
| 549 | Vinelozolin | 50471448 | D | 1600.0 | 17000.0 |
| 550 | Vinyl acetate | 108054 | D | 780.0 | 2600.0 |
| 551 | Vinyl bromide | 593602 | B2 | 1.9 | 4.1 |
| 552 | Vinyl chloride | 75014 | A | 0.016 | 0.035 |
| | W | | | | |
| 553 | Warfarin | 81812 | D | 20.0 | 200.0 |
| | X | | | | |
| 554 | *Xylene (mixed) | 1330207 | D | 2800.0 | 2800.0 |
| | Z | | | | |
| 555 | Zinc | 7440666 | D | 23000.0 | 510000.0 |
| 556 | Zinc phosphide | 1314847 | D | 23.0 | 510.0 |
| 557 | Zinc cyanide | 557211 | D | 3300.0 | 34000.0 |
| 558 | Zineb | 12122677 | D | 3300.0 | 34000.0 |

* = 1% free-phase analysis

= Based on IEUBK Model

— = Based on natural background

N/A = Not Applicable

CARCINOGENICITY CLASSIFICATIONS:

— A = Known human carcinogen

— B1 = Probable human carcinogen, with limited data indicating human carcinogenicity.

— B2 = Probable human carcinogen, with inadequate or no evidence of carcinogenicity in humans. Sufficient evidence for carcinogenicity in laboratory animals.

- C = Possible human carcinogen.
- D = Not classifiable as to human carcinogenicity.
- E = Evidence of noncarcinogenicity in humans.

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

R18-7-301. Prospective Purchaser Agreement Fee

- A. No Change
- B. No Change
 - 1. No Change
 - 2. No Change
 - 3. No Change
 - 4. No Change
- C. No Change
- D. No Change
 - 1. No Change
 - 2. No Change
- E. No Change
- F. As provided in A.R.S. § 49-285.01(G) ~~The~~ the Department shall publish a legal notice announcing an opportunity for public comment on the prospective purchaser agreement. The legal notice shall include:
 - 1. A general description of the contents of the agreement;
 - 2. The location where information regarding the agreement can be obtained;
 - 3. The name and address of the Department contact where comments may be sent; and
 - 4. The time and date that the comment period closes.
- G. No Change

ARTICLE 5. VOLUNTARY REMEDIATION PROGRAM

R18-7-503. Deposit

- A. No Change
- B. The deposit shall be in the form of Automated Clearing House (ACH) payment, ~~wire transfer~~, a company check, cashier's check, certified check, or money order made payable to the Arizona Department of Environmental Quality.
- C. No Change
- D. No Change
- E. No Change
- F. No Change

R18-7-506. Voluntary Remediation Program Accounting

Within a reasonable time after the end of each ~~calendar~~ calendar quarter, the Department shall mail, or ~~fax~~ email each applicant a statement itemizing reimbursable costs charged against the site-specific deposit account and a summary of account activity during that quarter. The statement shall be in a form consistent with generally accepted accounting principles.

R18-7-507. Account Reconciliation

- A. Within a reasonable time after completion of the remediation work at the site, or after termination or withdrawal of the applicant from participation in the program, the Department shall prepare and mail or ~~fax~~ email to the applicant a final statement which shall include:

1. No Change
 2. No Change
 3. No Change
- B.** No Change
- C.** No Change
- D.** No Change
- E.** No Change

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION

Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (01-4).

Editor's Note: The proposed summary action amending the heading of Chapter 7 was remanded by the Governor's Regulatory Review Council (August 4, 1999), which revoked the interim effectiveness of the change as of January 22, 1999. The heading of Chapter 7 before the proposed summary action has been restored (Supp. 99-3).

Editor's Note: Chapter 7 heading repealed; new heading adopted; both by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4).

Editor's Note: At the request of the Department of Environmental Quality, interim rules removed in Articles 1 & 2 (Supp. 97-3) by the emergency expiring were reinstated. The Department determined these emergency rules were in effect until permanent rules were adopted pursuant to Laws 1995, Ch. 232, § 5, and Laws 1996, Chapter 151, § 9. Under these Laws the Department was required to "adopt risk based remediation standards formally by rule pursuant to A.R.S. § 49-152(A) ... no later than August 1, 1997."; and the "interim standards adopted pursuant to A.R.S. § 49-152(A)(1)(a) and (b) ... as emergency rules shall remain in effect until the formally established rules are adopted." The interim rules have not been reprinted because permanent final rules have now been filed. Refer to Supp. 97-1 for interim emergency rules (Supp. 97-4).

Editor's Note: A Section of this Chapter was adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 296, §§ 3(E) and (G), (10) and (11). Although exempt from certain provisions of the rule-making process, the Department was required to submit notice of proposed rulemaking with the Secretary of State for publication in the Arizona Administrative Register and conduct a public hearing (Supp. 97-3).

Editor's Note: Some Sections of Chapter 7 were exempt from the rulemaking process (Laws 1995, Ch. 232, § 5). However the Department was required to provide a notice of hearing and public hearing before adoption of the emergency rules. The emergency rules were approved by the Attorney General (Supp. 96-1). Editor's note added to clarify exemptions of emergency adoptions (Supp. 97-1).

ARTICLE 1. EXPIRED

Article 1, consisting of Section R18-7-110, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4298, effective August 31, 2002 (Supp. 02-3).

The proposed summary action renumbering Section R18-7-110 to R18-7-101 was remanded by the Governor's Regulatory Review Council (August 4, 1999), which revoked the interim effectiveness of the changes as of January 22, 1999. The numbering of Article 1 before the proposed summary action has been restored (Supp. 99-3).

Article 1, consisting of Sections R18-7-101 thru R18-7-109 repealed; R18-7-110 renumbered to R18-7-101; both by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4).

Article 1 consisting of Sections R18-7-101 through R18-7-110 adopted as permanent rules effective December 22, 1987.

Article 1 consisting of Sections R18-7-101 through R18-7-110 adopted as an emergency effective September 17, 1987 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

Article 1 consisting of Sections R18-7-101 through R18-7-110 adopted as an emergency effective June 17, 1987 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

Article 1 consisting of Sections R9-20-102, R9-20-104 through R9-20-106 and R9-20-111 adopted as an emergency effective March 6, 1987 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

Article 1 consisting of Sections R9-20-102, R9-20-104 through R9-20-106 and R9-20-111 adopted as an emergency effective December 5, 1986 pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

Section
R18-7-101. Repealed
R18-7-102. Repealed

R18-7-103. Repealed
R18-7-104. Repealed
R18-7-105. Repealed
R18-7-106. Repealed
R18-7-107. Repealed
R18-7-108. Repealed
R18-7-109. Repealed
R18-7-110. Expired

ARTICLE 2. SOIL REMEDIATION STANDARDS

Article 2, consisting of interim Sections R18-7-201 through R18-7-209 and Appendices A through C, replaced by new permanent Sections, adopted effective December 4, 1997. Appendix D emergency expired (Supp. 97-4).

Article 2, consisting of Sections R18-7-201 through R18-7-209 and Appendices A through D, removed in Supp. 97-3 reinstated at the request of the Department. Refer to Supp. 97-1 for interim rules. Introduction stating the emergency expired has been removed for clarity (Supp. 97-4).

Article introduction revised below to clarify exemptions of emergency adoption (Supp. 97-1).

Article 2, consisting of Sections R18-7-201 through R18-7-209 and Appendices A through D, adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5. The Sections are in effect until permanent rules are adopted and in place by August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1).

Section
R18-7-201. Definitions
R18-7-202. Applicability
R18-7-203. Remediation Standards
R18-7-204. Background Remediation Standards
R18-7-205. Pre-determined Remediation Standards
R18-7-206. Site-specific Remediation Standards
R18-7-207. Site-specific Remediation Standards for Nitrates and Nitrites

- R18-7-208. Declaration of Environmental Use Restriction (DEUR)
 R18-7-209. Letter of Completion or Alternative Closure Document
 R18-7-210. Notice of Remediation and Repository
 Appendix A. Soil Remediation Levels (SRLs)
 Appendix B. 1997 Soil Remediation Levels (SRLs)
 Appendix C. Repealed
 Appendix D. Emergency Expired

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

Article 3, consisting of Section R18-7-301, adopted effective January 14, 1997 (Supp. 97-1).

Section

- R18-7-301. Prospective Purchaser Agreement Fee

ARTICLE 4. REPEALED

Article 4, consisting of Section R18-7-401, repealed by final rulemaking at 15 A.A.R. 232, effective March 7, 2009 (Supp. 09-1).

Article 4, consisting of Section R18-7-401, repealed. New Article 4, consisting of Section R18-7-401, adopted effective October 21, 1998 (Supp. 98-1).

Article 4, consisting of Section R18-7-401, adopted under an exemption from A.R.S. Title 41, Chapter 6 effective August 5, 1997 (Supp. 97-3).

Section

- R18-7-401. Repealed

ARTICLE 5. VOLUNTARY REMEDIATION PROGRAM

Article 5, consisting of Sections R18-7-501 through R18-7-507, adopted by exempt rulemaking at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

Section

- R18-7-501. Definitions
 R18-7-502. Application Fee
 R18-7-503. Deposit
 R18-7-504. Voluntary Remediation Program Reimbursement
 R18-7-505. Hourly Reimbursement Rate
 R18-7-506. Voluntary Remediation Program Accounting
 R18-7-507. Account Reconciliation

ARTICLE 6. DECLARATION OF ENVIRONMENTAL USE RESTRICTION FEE

Article 6, consisting of R18-7-601 through R18-7-606, made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

Section

- R18-7-601. Definitions
 R18-7-602. Applicability
 R18-7-603. Fee
 R18-7-604. Fee Calculation
 R18-7-605. Postponement of the Release Portion of the DEUR Fee
 R18-7-606. DEUR Modification Fee

ARTICLE 1. EXPIRED

Article 1, consisting of Section R18-7-110, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4298, effective August 31, 2002 (Supp. 02-3).

R18-7-101. Repealed

Historical Note

Adopted as an emergency effective December 5, 1986,

pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 86-6). Emergency expired. Adopted, without change, as an emergency effective March 6, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-1). Emergency expired. Former Section R9-20-102 was renumbered as Section R18-7-101, amended and readopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-101 repealed; new Section renumbered from R18-7-110; both by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Summary renumbering action revoked; former numbering of Sections R18-7-101 and R18-7-110 restored effective January 22, 1999. Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-102. Repealed

Historical Note

Adopted as an emergency effective December 5, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 86-6). Emergency expired. Amended and adopted as an emergency effective March 6, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-1). Emergency expired. Former Section R9-20-104 was renumbered as Section R18-7-102, amended and readopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-102 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-103. Repealed

Historical Note

Adopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-103 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-104. Repealed

Historical Note

Adopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-

2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-104 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-105. Repealed**Historical Note**

Adopted as an emergency effective December 5, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 86-6). Emergency expired. Amended and adopted as an emergency effective March 6, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-1). Emergency expired. Former Section R9-20-105 was renumbered as Section R18-7-105, amended and readopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-105 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-106. Repealed**Historical Note**

Adopted as an emergency effective December 5, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 86-6). Emergency expired. Amended and adopted as an emergency effective March 6, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-1). Emergency expired. Former Section R9-20-106 was renumbered as Section R18-7-106, amended and readopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-106 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-107. Repealed**Historical Note**

Adopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3).

Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-107 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-108. Repealed**Historical Note**

Adopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-108 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

Editor's Note: Emergency amendment R18-7-109, removed in Supp. 97-3, was reinstated at the request of the Department. Refer to Supp. 97-1 for emergency rule. This Section was subsequently amended under the regular rulemaking process effective (Supp. 97-4). This Section was repealed by summary action (Supp. 98-4).

R18-7-109. Repealed**Historical Note**

Adopted as an emergency effective December 6, 1986, pursuant to A.R.S. § 41-1003 valid for only 90 days. Emergency expired. Amended and adopted as an emergency effective March 6, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-1). Emergency expired. Former Section R9-20-111 was renumbered as Section R18-7-109, amended and readopted as an emergency effective June 18, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). Section amended by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Amendment adopted permanently effective December 4, 1997 (Supp. 97-4). R18-7-109 repealed by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Adopted summary rules filed August 10, 1999; interim effective date of January 22, 1999 now the permanent effective date (Supp. 99-3).

R18-7-110. Expired**Historical Note**

Adopted as an emergency effective June 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-2). Emergency expired. Readopted without change as an emergency effective September 17, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-3). Emergency expired. Amended and adopted as a permanent rule effective December 22, 1987 (Supp. 87-4). R18-7-110 renumbered by summary action with an interim effective date of January 22, 1999; filed in the Office of the Secretary of State December 29, 1998 (Supp. 98-4). Summary renumbering action revoked; former numbering of Sections R18-7-101 and R18-7-110 restored effective January 22, 1999 (Supp. 99-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4298, effective August 31, 2002 (Supp. 02-3).

Editor's Note: Emergency adopted Article 2 removed in Supp. 97-3, was reinstated at the request of the Department. Refer to Supp. 97-1 for emergency Sections. New Sections were subsequently adopted under the regular rulemaking process (Supp. 97-4).

ARTICLE 2. SOIL REMEDIATION STANDARDS**R18-7-201. Definitions**

In addition to the definitions provided in A.R.S. §§ 49-151 and 49-152, the following definitions apply in this Article:

1. "Aquifer Protection Permit Program" means the system of requirements prescribed in A.R.S. Title 49, Chapter 2, Article 3 and A.A.C. Title 18, Chapter 9, Articles 1 through 7.
2. "Background" means a concentration of a naturally occurring contaminant in soils.
3. "Carcinogen" or "carcinogenic" means the potential of a contaminant to cause cancer in humans as determined by lines of evidence in accordance with a narrative classification in "Guidelines for Carcinogen Risk Assessment", EPA/630/P-03/001F, March 2005, (and no future editions), which is incorporated by reference. "Guidelines for Carcinogen Risk Assessment" is available from ADEQ and at <http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=116283>.
4. "Child care facility" means any permanent facility on a property or portion of property in which care or supervision is provided for children below the age of 18, unaccompanied by a parent or guardian, for periods of less than 24 hours per day. Child care facility does not include private homes or facilities that care for fewer than five children.
5. "Contact" means exposure to a contaminant through ingestion, inhalation, or dermal absorption.
6. "Contaminant" means a substance regulated by the programs listed in R18-7-202(A) or R18-7-202(B) or defined in A.R.S. § 49-171(2).
7. "Department" means the Arizona Department of Environmental Quality.
8. "Deterministic risk assessment methodology" means a site-specific human health risk assessment, performed using a specific set of input variables, exposure assumptions, and toxicity criteria, represented by point estimates for each receptor evaluated, which results in a point estimate of risk.
9. "Declaration of Environmental Use Restriction" or "DEUR" means a restrictive covenant as described in A.R.S. § 49-152.
10. "Ecological community" means an assemblage of populations of different species within a specified location in space and time.
11. "Ecological receptor" means a specific ecological community, population, or individual organism, protected by federal or state laws and regulations, or a local population that provides an important natural or economic resource, function, and value.
12. "Ecological risk assessment" means a scientific evaluation of the probability of an adverse effect to ecological receptors from exposure to specific types and concentrations of contaminants. An ecological risk assessment contains four components: identification of potential contaminants; an exposure assessment; a toxicity assessment; and a risk characterization.
13. "Engineering control" means a remediation method, such as a barrier or cap, which is used to prevent or minimize exposure to contaminants, and includes technologies that reduce the mobility or migration of contaminants.
14. "Excess lifetime cancer risk" means the increased risk of developing cancer above the background cancer occurrence levels due to exposure to contaminants.
15. "Exposure" means contact between contaminants and organisms.
16. "Exposure pathway" means the course a contaminant takes from a source to an exposed organism. Each exposure pathway includes a source or release from a source, an exposure point, and an exposure route. If the exposure point differs from the source, transport/exposure media (that is, air, water) are also included.
17. "Exposure point" means a location of potential contact between a contaminant and an organism.
18. "Exposure route" means the way a contaminant comes into contact with an organism (that is, by ingestion, inhalation, or dermal contact).
19. "Groundwater" means water in an aquifer as defined in A.R.S. § 49-201(2).
20. "Hazard Index" means the sum of hazard quotients for multiple substances and/or multiple exposure pathways, or the sum of hazard quotients for chemicals acting by a similar mechanism and/or having the same target organ.
21. "Hazardous Waste Management Program" means the system of requirements prescribed in A.R.S. Title 49, Ch. 5, Article 2 and 18 A.A.C. 8, Article 2.
22. "Hazard quotient" means the value which quantifies non-carcinogenic risk for one chemical for one receptor population for one exposure pathway over a specified exposure period. The hazard quotient is equal to the ratio of a chemical-specific intake to the reference dose.
23. "Imminent and substantial endangerment to the public health or the environment" has the meaning found in A.R.S. § 49-282.02(C)(1).
24. "Institutional control" means a legal or administrative tool or action taken to reduce the potential for exposure to contaminants.
25. "Letter of Completion" means a Departmental statement that indicates whether the property in question has met the soil remediation standards in this Article.
26. "Migrate" or "migration" means the movement of contaminants from the point of release, emission, discharge, or spillage: through the soil profile; by volatilization from soil to air and subsequent dispersion to air; and by water, wind, or other mechanisms.
27. "Non-carcinogen" means a contaminant that has the potential upon exposure to an individual to cause adverse health effects other than cancer.

28. “Non-residential site-specific remediation level” means a level of contaminants remaining in soil after remediation that results in a cumulative excess lifetime cancer risk between 1×10^{-6} and 1×10^{-4} and a Hazard Index no greater than 1 based on non-residential exposure assumptions.
29. “Nuisance” means the activities or conditions that may be subject to A.R.S. § 49-141.
30. “Person” means any public or private corporation, company, partnership, firm, association, or society of persons, the federal government and any of its departments or agencies, this state or any of its agencies, departments, political subdivisions, counties, towns, municipal corporations, as well as a natural person.
31. “Population” means an aggregate of individuals of a species within a specified location in space and time.
32. “Probabilistic risk assessment methodology” means a site-specific human health risk assessment, performed using probability distributions of input variables and exposure assumptions that take into account the variability and uncertainty of these values, which results in a range or distribution of possible risk estimates.
33. “Reasonable Maximum Exposure” or “RME” means the highest human exposure case that is greater than the average, but is still within the range of possible exposures to humans at a site.
34. “Remediate” or “remediation” has the meaning found in A.R.S. § 49-151.
35. “Reference dose” means the toxicity factor expressed as a threshold level in units of (mg/kg-day) at which non-cancer effects are not expected to occur.
36. “Repository” means the Department’s database, established under A.R.S. § 49-152(E), from which the public may view information pertaining to remediation projects.
37. “Residential site-specific remediation level” means a level of contaminants remaining in the soil after remediation that results in a cumulative excess lifetime cancer risk between 1×10^{-6} and 1×10^{-4} and a Hazard Index no greater than 1 based on residential exposure assumptions.
38. “Residential use” has the meaning found in A.R.S. § 49-151.
39. “School” means any public institution under the jurisdiction of the Arizona State Board of Education or the Arizona State Board for Charter Schools, or any non-public institution, established for the purposes of offering instruction to children attending any grade from preschool through grade 12.
40. “Site-specific human health risk assessment” means a scientific evaluation of the probability of an adverse effect to human health from exposure to specific types and concentrations of contaminants. A site-specific human health risk assessment contains four components: identification of potential contaminants; an exposure assessment; a toxicity assessment; and a risk characterization.
41. “Soil” means all earthen materials, including moisture and pore space contained within earthen material, located between the land surface and groundwater including sediments and unconsolidated accumulations produced by the physical and chemical disintegration of rocks.
42. “Soil remediation level” or “SRL” means a pre-determined risk-based standard based upon the total contaminant concentration in soil, developed pursuant to A.R.S. § 49-152(A)(1) and listed in Appendix A or, as applicable, in Appendix B.
43. “Solid Waste Management Program” means the system of requirements prescribed in A.R.S. Title 49, Ch. 4, and the rules adopted under those statutes.
44. “Special Waste Management Program” means the system of requirements prescribed in A.R.S. Title 49, Ch. 4, Article 9 and 18 A.A.C. 13, Articles 13 and 16.
45. “Underground Storage Tank Program” or “UST Program” means the system of requirements prescribed in A.R.S. Title 49, Ch. 6, Article 1 and 18 A.A.C. 12.
46. “Water Quality Assurance Revolving Fund” or “WQARF” means the system of requirements prescribed in A.R.S. Title 49, Ch. 2, Article 5 and 18 A.A.C. 16.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-201 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-202. Applicability

- A.** This Article applies to a person legally required to conduct soil remediation by any of the following regulatory programs administered by the Department:
1. The Aquifer Protection Permit Program.
 2. The Hazardous Waste Management Program.
 3. The Solid Waste Management Program.
 4. The Special Waste Management Program.
 5. The Underground Storage Tank Program.
 6. The Water Quality Assurance Revolving Fund.
 7. Any other program under A.R.S. Title 49 that regulates soil remediation.
- B.** This Article also applies to a person who is not legally required to conduct soil remediation, but who chooses to do so under any program administered by the Department.
- C.** The requirements of this Article apply in addition to any specific requirements of the programs described in subsections (A) or (B).
- D.** This Article is limited to soil remediation.
- E.** A person who is remediating a site shall comply with the numeric soil remediation standards identified in either Appendix A or Appendix B if both of the following conditions are met. If either subsection (1) or subsection (2) is not met, a person who is remediating a site shall comply with the numeric soil remediation standards identified in Appendix A.
1. The site was characterized before May 5, 2007. A site is considered characterized when the laboratory analytical results of the soil samples delineating the nature, degree, and extent of soil contamination have been received by the person conducting the remediation.
 2. The site was remediated or a risk assessment completed before May 5, 2010. A risk assessment or remediation is considered completed when site closure, that meets the conditions in R18-7-209, has been requested.
- F.** Nothing in this Article limits the Department’s authority to establish more stringent soil remediation levels in response to:
1. A nuisance.
 2. An imminent and substantial endangerment to the public health or the environment.

G. This Article does not apply to persons remediating soil to numeric soil remediation levels specified in the following documents and entered into, issued, or approved before May 5, 2007:

1. Orders of the Director;
2. Orders of any Court;
3. Work agreements approved by the Director pursuant to A.R.S. § 49-282.05;
4. Closure plans approved by the Director pursuant to R18-8-265;
5. Post-closure permits approved by the Director pursuant to R18-8-270;
6. Records of Decision approved by the Director pursuant to R18-16-410;
7. Records of Decision approved by the Director pursuant to R18-16-413; and
8. Records of Decision approved by the Director pursuant to 40 CFR 300.430(f)(5).

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-202 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-203. Remediation Standards

- A.** A person subject to this Article shall remediate soil so that any concentration of contaminants remaining in the soil after remediation is less than or equal to one of the following:
1. The background remediation standards prescribed in R18-7-204.
 2. The pre-determined remediation standards prescribed in R18-7-205.
 3. The site-specific remediation standards prescribed in R18-7-206.
- B.** A person who conducts a soil remediation based on the standards in R18-7-205, R18-7-206, R18-7-207 shall remediate soil so that any concentration of contaminants remaining in the soil after remediation does not:
1. Cause or threaten to cause a violation of Water Quality Standards prescribed in 18 A.A.C. 11. If the remediation level for a contaminant in the soil is not protective of aquifer water quality and surface water quality, the person shall remediate soil to an alternative soil remediation level that is protective of aquifer water quality and surface water quality.
 2. Exhibit a hazardous waste characteristic of ignitability, corrosivity, or reactivity as defined in R18-8-261(A). If the remediation level for a contaminant in the soil results in leaving soils that exhibit a hazardous waste characteristic other than toxicity, the person shall remediate soil to an alternative soil remediation level such that the soil does not exhibit a hazardous waste characteristic other than toxicity.
 3. Cause or threaten to cause an adverse impact to ecological receptors. If the Department determines that the remediation level for a contaminant in soil may impact ecological receptors based on the existence of ecological

receptors and complete exposure pathways, the person shall conduct an ecological risk assessment. If the ecological risk assessment indicates that any concentration of contaminants remaining in the soil after remediation causes or threatens to cause an adverse impact to ecological receptors, the person shall remediate soil to an alternative soil remediation level, derived from the ecological risk assessment, that is protective of ecological receptors.

- C.** Soil vapor concentration may be used to estimate the total contaminant concentration in soil if the Department determines that the soil vapor concentration methodology will not be invalidated by the soil, hydrogeology, or other characteristics of the site.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 59; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-203 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-204. Background Remediation Standards

- A.** A person may elect to remediate to a background concentration for a contaminant.
- B.** A person who conducts a remediation to a background concentration for a contaminant shall establish the background concentration using all of the following factors:
1. Site-specific historical information concerning land use.
 2. Site-specific sampling of soils unaffected by a release, but having characteristics similar to those of the soils affected by the release.
 3. Statistical analysis of background concentrations using the 95th percentile upper confidence limit.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-204 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-205. Pre-determined Remediation Standards

- A.** A person may elect to remediate to the residential or non-residential soil remediation levels (SRLs) in Appendix A. If allowed under R18-7-202(E), a person may also elect to remediate to the residential or non-residential SRLs in Appendix B.
- B.** A person who conducts remediation pursuant to this Article shall remediate to the residential SRL on any property where there is residential use at the time remediation is completed.
- C.** A pre-determined contaminant standard established by federal law or regulation may be used for polychlorinated biphenyl cleanups regulated pursuant to the Toxic Substances Control

Act (TSCA) at 40 CFR 761.120 et seq., however, the Department has no regulatory authority to issue a Letter of Completion in TSCA-regulated cleanups.

- D.** A person who elects to utilize a residential or non-residential SRL for the following known human carcinogens shall remediate to a 1×10^{-6} excess lifetime cancer risk: benzene, benzidine, bis (chloromethyl) ether, chromium VI, diethylstilbestrol, direct black 38, direct blue 6, direct brown 95, nickel subsulfide, and vinyl chloride.
- E.** Except as provided below, a person who elects to remediate to a residential SRL may utilize a 1×10^{-5} excess lifetime cancer risk for any carcinogen other than a known human carcinogen. If the current or currently intended future use of the contaminated site is a child care facility or school where children below the age of 18 are reasonably expected to be in frequent, repeated contact with the soil, the person conducting remediation shall remediate to a 1×10^{-6} excess lifetime cancer risk.
- F.** For contaminants that exhibit both carcinogenic and non-carcinogenic effects, the numeric standard that is lower (more protective) shall apply.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-205 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-206. Site-specific Remediation Standards

- A.** A person may elect to remediate to a residential or a non-residential site-specific remediation level derived from a site-specific human health risk assessment.
- B.** A person who conducts a remediation to a residential or a non-residential site-specific remediation level shall use one of the following site-specific human health risk assessment methodologies:
1. A deterministic methodology. If a deterministic methodology is used, reasonable maximum exposures shall be evaluated for future use scenarios.
 2. A probabilistic methodology. If a probabilistic methodology is used, it shall be no less protective than the 95th percentile upper bound estimate of the distribution.
 3. An alternative methodology commonly accepted in the scientific community. An alternative methodology is considered accepted in the scientific community if it is published in peer-reviewed literature, such as a professional journal or publication of standards of general circulation, and there is general consensus within the scientific community that the methodology is sound.
- C.** A person who conducts a remediation to a site-specific remediation level shall remediate to the residential site-specific remediation level on any property where there is residential use at the time remediation is completed.
- D.** A person conducting a remediation to a residential or a non-residential site-specific remediation level shall remediate the contaminants in soil to a Hazard Index no greater than 1 and a cumulative excess lifetime cancer risk from 1×10^{-6} to 1×10^{-4} . The following site-specific factors shall be evaluated when determining the cumulative excess lifetime cancer risk:

1. The presence of multiple contaminants.
2. The existence of multiple pathways of exposure.
3. The uncertainty of exposure.
4. The sensitivity of the exposed population.
5. Other program-related laws and regulations that may apply.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-206 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-207. Site-specific Remediation Standards for Nitrates and Nitrites

A person who conducts remediation of nitrates or nitrites shall remediate to a site-specific remediation level pursuant to R18-7-203(B)(1), (2), and (3).

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-207 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Section repealed; new Section made by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-208. Declaration of Environmental Use Restriction (DEUR)

A property owner who elects to leave contamination on a property that exceeds the applicable residential standard for the property under R18-7-205 or R18-7-206, or elects to use an institutional control or an engineering control to meet the requirements of R18-7-205, R18-7-206, or R18-7-207, shall record a DEUR pursuant to A.R.S. § 49-152 and comply with the related provisions of that statute and applicable rules.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-208 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Former R18-7-208 renumbered to R18-7-209; new R18-7-208 made by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-209. Letter of Completion or Alternative Closure Document

- A.** If a person requests a Letter of Completion or an alternative closure document, a person shall submit, at a minimum, the following information to the applicable Departmental program listed in R18-7-202(A) or described in R18-7-202(B):
1. A description of the actual activities, techniques, and technologies used to remediate soil at the site, including the legal mechanism in place to ensure that any institutional and engineering controls are maintained.
 2. Documentation that requirements prescribed in R18-7-203(A) and R18-7-203(B)(1) and (2) have been satisfied.
 3. If the Department determines pursuant to R18-7-203(B)(3) that an ecological risk assessment is required, documentation that the requirements prescribed in R18-7-203(B)(3) have been satisfied.
 4. Soil sampling analytical results that are representative of the area remediated, including documentation that the laboratory analysis of samples has been performed by a laboratory licensed by the Arizona Department of Health Services under A.R.S. § 36-495 et seq. and 9 A.A.C. 14, Article 6.
 5. A statement signed by the person conducting the remediation certifying the following: I certify under penalty of law that this document and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.
- B.** The applicable Departmental program described in R18-7-202(A) or R18-7-202(B) shall evaluate the information described in R18-7-209(A). The Department may request additional information, or if the Department verifies compliance with the soil remediation standards set forth under this Article and closure requirements of the applicable program or programs identified in R18-7-202(A) or described in R18-7-202(B), the Department shall issue a Letter of Completion, or an alternative closure document provided for by statute or rule that certifies the soil standards in this Article have been achieved.
- C.** The applicable Departmental program described in R18-7-202(A) or R18-7-202(B) may revoke or amend any Letter of Completion or alternative closure document described in R18-7-209(B) if any of the information submitted pursuant to R18-7-208 or R18-7-209(A) is inaccurate or if any condition was unknown to the Department when the Department issued the Letter of Completion or alternative closure document.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-208 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Former R18-7-209 renumbered to R18-7-210; new R18-7-209 renumbered from R18-7-208 and amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

R18-7-210. Notice of Remediation and Repository

- A.** A person conducting soil remediation shall submit a Notice of Remediation to the applicable Departmental program listed in R18-7-202(A) or R18-7-202(B) before beginning remediation. A person conducting a soil remediation to address an immediate and substantial endangerment to public health or the environment and who has notified the Department in accordance with notification requirements prescribed in A.R.S. § 49-284 is not required to submit a Notice of Remediation before beginning remediation. Any person who continues soil remediation after the immediate and substantial endangerment has been abated shall submit a Notice of Remediation. A Notice of Remediation shall include all of the following information:
1. The name and address of the real property owner;
 2. The name and address of the remediating party;
 3. A legal description and street address of the property;
 4. A list of each contaminant to be remediated;
 5. The background concentration, SRL, or site-specific remediation level selected to meet the remediation standards;
 6. A description of the current and post-remediation property use as either residential or non-residential;
 7. The rationale for the selection of residential or non-residential remediation; and
 8. The proposed technologies for remediating the site.
- B.** The Department shall maintain a repository available to the public for information regarding sites where soil is remediated. The Repository shall include a listing of sites for which a Notice of Remediation has been submitted or a Letter of Completion or alternative closure document has been issued.
1. For sites where a Notice of Remediation has been filed, the Repository shall contain the date the notice was filed and the information submitted as described in subsection (A).
 2. For sites where a Letter of Completion or alternative closure document has been issued, the Repository shall contain the following:
 - a. The name and address of the real property owner;
 - b. The name and address of the remediating party;
 - c. A legal description and street address of the property;
 - d. A listing of each contaminant that was remediated;
 - e. The background concentration, SRL, or site-specific remediation level selected to meet the remediation standard;
 - f. A description whether the residential or non-residential standard was achieved;
 - g. A description of any engineering or institutional control used to remediate the site; and
 - h. The date when the Letter of Completion or alternative closure document was issued.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency amendment reinstated at the request of the Department (see Supp. 97-1); historical note from Supp. 97-3 stating emergency expired removed for clarity. Section R18-7-208 adopted permanently effective December 4, 1997, replacing emergency rule (Supp. 97-4). Section R18-7-210 renumbered from R18-7-209 and amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

Appendix A. Soil Remediation Levels (SRLs)

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|----------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Acephate | 30560-19-1 | ca, nc | 63 | 630 | 240 | 2,000 |
| Acetaldehyde | 75-07-0 | ca, nc | 11 | 110 | 50 | 160 |
| Acetochlor | 34256-82-1 | nc | | | 1,200 | 12,000 |
| Acetone | 67-64-1 | nc | | | 14,000 | 54,000 |
| Acetone cyanohydrin | 75-86-5 | nc | | | 49 | 490 |
| Acetonitrile | 75-05-8 | nc | | | 420 | 1,800 |
| Acrolein | 107-02-8 | nc | | | 0.10 | 0.34 |
| Acrylamide | 79-06-1 | ca, nc | 0.12 | 1.2 | | 3.8 |
| Acrylic acid | 79-10-7 | nc | | | 29,000 | 270,000 |
| Acrylonitrile | 107-13-1 | ca, nc | 0.21 | 2.1 | | 4.9 |
| Alachlor | 15972-60-8 | ca, nc | 6.8 | 68 | | 210 |
| Alar | 1596-84-5 | nc | | | 9,200 | 92,000 |
| Aldicarb | 116-06-3 | nc | | | 61 | 620 |
| Aldicarb sulfone | 1646-88-4 | nc | | | 61 | 620 |
| Aldrin | 309-00-2 | ca, nc | 0.032 | 0.32 | | 1.0 |
| Ally | 74223-64-6 | nc | | | 15,000 | 150,000 |
| Allyl alcohol | 107-18-6 | nc | | | 310 | 3,100 |
| Allyl chloride | 107-05-1 | nc | | | 18 | 180 |
| Aluminum | 7429-90-5 | nc | | | 76,000 | 920,000 |
| Aluminum phosphide | 20859-73-8 | nc | | | 31 | 410 |
| Amdro | 67485-29-4 | nc | | | 18 | 180 |
| Ametryn | 834-12-8 | nc | | | 550 | 5,500 |
| Aminodinitrotoluene | 1321-12-6 | nc | | | 12 | 120 |
| m-Aminophenol | 591-27-5 | nc | | | 4,300 | 43,000 |
| 4-Aminopyridine | 504-24-5 | nc | | | 1.2 | 12 |
| Amitraz | 33089-61-1 | nc | | | 150 | 1,500 |
| Ammonium sulfamate | 7773-06-0 | nc | | | 12,000 | 120,000 |
| Aniline | 62-53-3 | ca, nc | 96 | 960 | 430 | 3,000 |
| Antimony and compounds | 7440-36-0 | nc | | | 31 | 410 |
| Apollo | 74115-24-5 | nc | | | 790 | 8,000 |
| Aramite | 140-57-8 | ca, nc | 22 | 220 | | 690 |
| Arsenic¹ | 7440-38-2 | ca, nc | 10 | 10 | 10 | 10 |
| Assure | 76578-12-6 | nc | | | 550 | 5,500 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|-----------------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Asulam | 3337-71-1 | nc | | | 3,100 | 31,000 |
| Atrazine | 1912-24-9 | ca, nc | 2.5 | 25 | | 78 |
| Avermectin B1 | 71751-41-2 | nc | | | 24 | 250 |
| Azobenzene | 103-33-3 | ca | 5.0 | 50 | | 160 |
| Barium and compounds | 7440-39-3 | nc | | | 15,000 | 170,000 |
| Baygon | 114-26-1 | nc | | | 240 | 2,500 |
| Bayleton | 43121-43-3 | nc | | | 1,800 | 18,000 |
| Baythroid | 68359-37-5 | nc | | | 1,500 | 15,000 |
| Benefin | 1861-40-1 | nc | | | 18,000 | 180,000 |
| Benomyl | 17804-35-2 | nc | | | 3,100 | 31,000 |
| Bentazon | 25057-89-0 | nc | | | 1,800 | 18,000 |
| Benzaldehyde | 100-52-7 | nc | | | 6,100 | 62,000 |
| Benzene | 71-43-2 | ca, nc | 0.65 | NA | | 1.4 |
| Benzidine | 92-87-5 | ca, nc | 0.0024 | NA | | 0.0075 |
| Benzoic acid | 65-85-0 | nc | | | 240,000 | 1,000,000 ** |
| Benzotrichloride | 98-07-7 | ca | 0.042 | 0.42 | | 1.3 |
| Benzyl alcohol | 100-51-6 | nc | | | 18,000 | 180,000 |
| Benzyl chloride | 100-44-7 | ca, nc | 0.92 | 9.2 | | 22 |
| Beryllium and compounds | 7440-41-7 | ca, nc | | | 150 | 1,900 |
| Bidrin | 141-66-2 | nc | | | 6.1 | 62 |
| Biphenthrin (Talstar) | 82657-04-3 | nc | | | 920 | 9,200 |
| 1,1-Biphenyl | 92-52-4 | nc | | | 350 * | 350 * |
| Bis(2-chloroethyl)ether | 111-44-4 | ca | 0.23 | 2.3 | | 5.8 |
| Bis(2-chloroisopropyl)ether | 39638-32-9 | nc | | | 790 * | 790 * |
| Bis(chloromethyl)ether | 542-88-1 | ca | 0.00020 | NA | | 0.00043 |
| Bis(2-chloro-1-methylethyl)ether | 108-60-1 | ca, nc | 3.0 | 30 | | 74 |
| Bis(2-ethylhexyl)phthalate (DEHP) | 117-81-7 | ca, nc | 39 | 390 | | 1200 |
| Bisphenol A | 80-05-7 | nc | | | 3,100 | 31,000 |
| Boron | 7440-42-8 | nc | | | 16,000 | 200,000 |
| Bromate | 15541-45-4 | ca, nc | 0.78 | 7.8 | | 25 |
| Bromobenzene | 108-86-1 | nc | | | 28 | 92 |
| Bromodichloromethane | 75-27-4 | ca, nc | 0.83 | 8.3 | | 18 |
| Bromoform (tribromomethane) | 75-25-2 | ca, nc | 69 | 690 | | 2,200 |
| Bromomethane (methyl bromide) | 74-83-9 | nc | | | 3.9 | 13 |
| Bromophos | 2104-96-3 | nc | | | 310 | 3,100 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|------------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Bromoxynil | 1689-84-5 | nc | | | 1,200 | 12,000 |
| Bromoxynil octanoate | 1689-99-2 | nc | | | 1,200 | 12,000 |
| 1,3-Butadiene | 106-99-0 | ca, nc | 0.058 | 0.58 | | 1.2 |
| 1-Butanol | 71-36-3 | nc | | | 6,100 | 61,000 |
| Butylate | 2008-41-5 | nc | | | 3,100 | 31,000 |
| n-Butylbenzene | 104-51-8 | nc | | | 240 * | 240 * |
| sec-Butylbenzene | 135-98-8 | nc | | | 220 * | 220 * |
| tert-Butylbenzene | 98-06-6 | nc | | | 390 * | 390 * |
| Butyl benzyl phthalate | 85-68-7 | nc | | | 12,000 | 120,000 |
| Butylphthalyl butylglycolate | 85-70-1 | nc | | | 61,000 | 620,000 |
| Cadmium and compounds | 7440-43-9 | ca, nc | | | 39 | 510 |
| Caprolactam | 105-60-2 | nc | | | 31,000 | 310,000 |
| Captafol | 2425-06-1 | ca, nc | 64 | 640 | 120 | 1,200 |
| Captan | 133-06-2 | ca, nc | 160 | 1,600 | | 4,900 |
| Carbaryl | 63-25-2 | nc | | | 6,100 | 62,000 |
| Carbazole | 86-74-8 | ca | 27 | 270 | | 860 |
| Carbofuran | 1563-66-2 | nc | | | 310 | 3,100 |
| Carbon disulfide | 75-15-0 | nc | | | 360 | 720 * |
| Carbon tetrachloride | 56-23-5 | ca, nc | 0.25 | 2.5 | 2.2 | 5.5 |
| Carbosulfan | 55285-14-8 | nc | | | 610 | 6,200 |
| Carboxin | 5234-68-4 | nc | | | 6,100 | 62,000 |
| Chloral hydrate | 302-17-0 | nc | | | 6,100 | 62,000 |
| Chloramben | 133-90-4 | nc | | | 920 | 9,200 |
| Chloranil | 118-75-2 | ca | 1.4 | 14 | | 43 |
| Chlordane | 12789-03-6 | ca, nc | 1.9 | 19 | | 65 |
| Chlorimuron-ethyl | 90982-32-4 | nc | | | 1,200 | 12,000 |
| Chloroacetic acid | 79-11-8 | nc | | | 120 | 1,200 |
| 2-Chloroacetophenone | 532-27-4 | nc | | | 0.033 | 0.11 |
| 4-Chloroaniline | 106-47-8 | nc | | | 240 | 2,500 |
| Chlorobenzene | 108-90-7 | nc | | | 150 | 530 |
| Chlorobenzilate | 510-15-6 | ca, nc | 2.0 | 20 | | 64 |
| p-Chlorobenzoic acid | 74-11-3 | nc | | | 12,000 | 120,000 |
| 4-Chlorobenzotrifluoride | 98-56-6 | nc | | | 1,200 | 12,000 |
| 2-Chloro-1,3-butadiene | 126-99-8 | nc | | | 3.6 | 12 |
| 1-Chlorobutane | 109-69-3 | nc | | | 480 * | 480 * |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| 1-Chloro-1,1-difluoroethane | 75-68-3 | nc | | | 340 * | 340 * |
| Chlorodifluoromethane | 75-45-6 | nc | | | 340 * | 340 * |
| Chloroethane | 75-00-3 | ca, nc | 3.0 | 30 | | 65 |
| Chloroform | 67-66-3 | ca, nc | 0.94 | 9.4 | | 20 |
| Chloromethane | 74-87-3 | nc | | | 48 | 160 |
| 4-Chloro-2-methylaniline | 95-69-2 | ca | 0.94 | 9.4 | | 30 |
| 4-Chloro-2-methylaniline hydrochloride | 3165-93-3 | ca | 1.2 | 12 | | 37 |
| beta-Chloronaphthalene | 91-58-7 | nc | | | 110 * | 110 * |
| o-Chloronitrobenzene | 88-73-3 | ca, nc | | | 1.4 | 4.5 |
| p-Chloronitrobenzene | 100-00-5 | ca, nc | | | 10 | 37 |
| 2-Chlorophenol | 95-57-8 | nc | | | 63 | 240 |
| 2-Chloropropane | 75-29-6 | nc | | | 170 | 590 |
| Chlorothalonil | 1897-45-6 | ca, nc | 50 | 500 | | 1600 |
| o-Chlorotoluene | 95-49-8 | nc | | | 160 | 510 * |
| Chlorpropham | 101-21-3 | nc | | | 12,000 | 120,000 |
| Chlorpyrifos | 2921-88-2 | nc | | | 180 | 1,800 |
| Chlorpyrifos-methyl | 5598-13-0 | nc | | | 610 | 6,200 |
| Chlorsulfuron | 64902-72-3 | nc | | | 3,100 | 31,000 |
| Chlorthiophos | 60238-56-4 | nc | | | 49 | 490 |
| Chromium III | 16065-83-1 | nc | | | 120,000 | 1,000,000 ** |
| Chromium VI | 18540-29-9 | ca, nc | 30 | NA | | 65 |
| Cobalt | 7440-48-4 | ca, nc | 900 | 9,000 | 1,400 | 13,000 |
| Copper and compounds | 7440-50-8 | nc | | | 3,100 | 41,000 |
| Crotonaldehyde | 123-73-9 | ca | 0.0053 | 0.053 | | 0.11 |
| Cumene (isopropylbenzene) | 98-82-8 | nc | | | 92 * | 92 * |
| Cyanazine | 21725-46-2 | ca, nc | 0.65 | 6.5 | | 21 |
| Cyanide (free) ² | 57-12-5 | nc | | | 1,200 | 12,000 |
| Cyanide (hydrogen) ³ | 74-90-8 | nc | | | 11 | 35 |
| Cyanogen | 460-19-5 | nc | | | 130 | 430 |
| Cyanogen bromide | 506-68-3 | nc | | | 290 | 970 |
| Cyanogen chloride | 506-77-4 | nc | | | 160 | 540 |
| Cyclohexane | 110-82-7 | nc | | | 140 * | 140 * |
| Cyclohexanone | 108-94-1 | nc | | | 310,000 | 1,000,000 ** |
| Cyclohexylamine | 108-91-8 | nc | | | 12,000 | 120,000 |
| Cyhalothrin/Karate | 68085-85-8 | nc | | | 310 | 3,100 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Cypermethrin | 52315-07-8 | nc | | | 610 | 6,200 |
| Cyromazine | 66215-27-8 | nc | | | 460 | 4,600 |
| Dacthal | 1861-32-1 | nc | | | 610 | 6,200 |
| Dalapon | 75-99-0 | nc | | | 1,800 | 18,000 |
| Danitol | 39515-41-8 | nc | | | 1,500 | 15,000 |
| DDD | 72-54-8 | ca | 2.8 | 28 | | 100 |
| DDE | 72-55-9 | ca | 2.0 | 20 | | 70 |
| DDT | 50-29-3 | ca, nc | 2.0 | 20 | | 70 |
| Decabromodiphenyl ether | 1163-19-5 | nc | | | 610 | 6,200 |
| Demeton | 8065-48-3 | nc | | | 2.4 | 25 |
| Diallate | 2303-16-4 | ca | 9.0 | 90 | | 280 |
| Diazinon | 333-41-5 | nc | | | 55 | 550 |
| Dibenzofuran | 132-64-9 | nc | | | 140 * | 140 * |
| 1,4-Dibromobenzene | 106-37-6 | nc | | | 610 | 6,200 |
| Dibromochloromethane | 124-48-1 | ca, nc | 1.1 | 11 | | 26 |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | ca, nc | 0.53 | 5.3 | 1.5 | 6.5 |
| 1,2-Dibromoethane | 106-93-4 | ca, nc | 0.029 | 0.29 | | 0.63 |
| Dibutyl phthalate | 84-74-2 | nc | | | 6,100 | 62,000 |
| Dicamba | 1918-00-9 | nc | | | 1,800 | 18,000 |
| 1,2-Dichlorobenzene | 95-50-1 | nc | | | 600 * | 600 * |
| 1,3-Dichlorobenzene | 541-73-1 | nc | | | 530 | 600 * |
| 1,4-Dichlorobenzene | 106-46-7 | ca, nc | 3.5 | 35 | | 79 |
| 3,3-Dichlorobenzidine | 91-94-1 | ca | 1.2 | 12 | | 38 |
| 4,4'-Dichlorobenzophenone | 90-98-2 | nc | | | 1,800 | 18,000 |
| 1,4-Dichloro-2-butene | 764-41-0 | ca | 0.0080 | 0.080 | | 0.18 |
| Dichlorodifluoromethane | 75-71-8 | nc | | | 94 | 310 |
| 1,1-Dichloroethane | 75-34-3 | nc | | | 510 | 1,700 * |
| 1,2-Dichloroethane (DCA) | 107-06-2 | ca, nc | 0.28 | 2.8 | | 6.0 |
| 1,1-Dichloroethylene (DCE) | 75-35-4 | nc | | | 120 | 410 |
| 1,2-Dichloroethylene (cis) | 156-59-2 | nc | | | 43 | 150 |
| 1,2-Dichloroethylene (trans) | 156-60-5 | nc | | | 69 | 230 |
| 2,4-Dichlorophenol | 120-83-2 | nc | | | 180 | 1,800 |
| 4-(2,4-Dichlorophenoxy)butyric acid | 94-82-6 | nc | | | 490 | 4,900 |
| 2,4-Dichlorophenoxyacetic Acid (2,4-D) | 94-75-7 | nc | | | 690 | 7,700 |
| 1,2-Dichloropropane | 78-87-5 | ca, nc | 0.34 | 3.4 | | 7.4 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|-------------------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| 1,3-Dichloropropane | 142-28-9 | nc | | | 100 | 360 |
| 1,3-Dichloropropene | 542-75-6 | ca, nc | 0.79 | 7.9 | | 18 |
| 2,3-Dichloropropanol | 616-23-9 | nc | | | 180 | 1,800 |
| Dichlorvos | 62-73-7 | ca, nc | 1.9 | 19 | | 59 |
| Dicofol | 115-32-2 | ca | 1.2 | 12 | | 39 |
| Dicyclopentadiene | 77-73-6 | nc | | | 0.54 | 1.8 |
| Dieldrin | 60-57-1 | ca, nc | 0.034 | 0.34 | | 1.1 |
| Diethylene glycol, monobutyl ether | 112-34-5 | nc | | | 610 | 6,200 |
| Diethylene glycol, monomethyl ether | 111-90-0 | nc | | | 3,700 | 37,000 |
| Diethylformamide | 617-84-5 | nc | | | 24 | 250 |
| Di(2-ethylhexyl)adipate | 103-23-1 | ca, nc | 460 | 4,600 | | 14,000 |
| Diethyl phthalate | 84-66-2 | nc | | | 49,000 | 490,000 |
| Diethylstilbestrol | 56-53-1 | ca | 0.00012 | NA | | 0.0037 |
| Difenzoquat (Avenge) | 43222-48-6 | nc | | | 4,900 | 49,000 |
| Diflubenzuron | 35367-38-5 | nc | | | 1,200 | 12,000 |
| Diisononyl phthalate | 28553-12-0 | nc | | | 1,200 | 12,000 |
| Diisopropyl methylphosphonate | 1445-75-6 | nc | | | 4,900 | 49,000 |
| Dimethipin | 55290-64-7 | nc | | | 1,200 | 12,000 |
| Dimethoate | 60-51-5 | nc | | | 12 | 120 |
| 3,3'-Dimethoxybenzidine | 119-90-4 | ca | 39 | 390 | | 1,200 |
| Dimethylamine | 124-40-3 | nc | | | 0.067 | 0.25 |
| N-N-Dimethylaniline | 121-69-7 | nc | | | 120 | 1,200 |
| 2,4-Dimethylaniline | 95-68-1 | ca | 0.73 | 7.3 | | 23 |
| 2,4-Dimethylaniline hydrochloride | 21436-96-4 | ca | 0.94 | 9.4 | | 30 |
| 3,3'-Dimethylbenzidine | 119-93-7 | ca | 0.24 | 2.4 | | 7.5 |
| N,N-Dimethylformamide | 68-12-2 | nc | | | 6,100 | 62,000 |
| Dimethylphenethylamine | 122-09-8 | nc | | | 61 | 620 |
| 2,4-Dimethylphenol | 105-67-9 | nc | | | 1,200 | 12,000 |
| 2,6-Dimethylphenol | 576-26-1 | nc | | | 37 | 370 |
| 3,4-Dimethylphenol | 95-65-8 | nc | | | 61 | 620 |
| Dimethyl phthalate | 131-11-3 | nc | | | 610,000 | 1,000,000 ** |
| Dimethyl terephthalate | 120-61-6 | nc | | | 6,100 | 62,000 |
| 4,6-Dinitro-o-cyclohexyl phenol | 131-89-5 | nc | | | 120 | 1,200 |
| 1,2-Dinitrobenzene | 528-29-0 | nc | | | 6.1 | 62 |
| 1,3-Dinitrobenzene | 99-65-0 | nc | | | 6.1 | 62 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| 1,4-Dinitrobenzene | 100-25-4 | nc | | | 6.1 | 62 |
| 2,4-Dinitrophenol | 51-28-5 | nc | | | 120 | 1,200 |
| Dinitrotoluene mixture | 25321-14-6 | ca | 0.81 | 8.1 | | 25 |
| 2,4-Dinitrotoluene | 121-14-2 | nc | | | 120 | 1,200 |
| 2,6-Dinitrotoluene | 606-20-2 | nc | | | 61 | 620 |
| Dinoseb | 88-85-7 | nc | | | 61 | 620 |
| di-n-Octyl phthalate | 117-84-0 | nc | | | 2,400 | 25,000 |
| 1,4-Dioxane | 123-91-1 | ca | 50 | 500 | | 1,600 |
| Dioxin (2,3,7,8-TCDD) | 1746-01-6 | ca | 0.0000045 | 0.000045 | | 0.00016 |
| Diphenamid | 957-51-7 | nc | | | 1,800 | 18,000 |
| Diphenylamine | 122-39-4 | nc | | | 1,500 | 15,000 |
| N,N-Diphenyl-1,4 benzenediamine (DPPD) | 74-31-7 | nc | | | 18 | 180 |
| 1,2-Diphenylhydrazine | 122-66-7 | ca | 0.68 | 6.8 | | 22 |
| Diphenyl sulfone | 127-63-9 | nc | | | 180 | 1,800 |
| Diquat | 85-00-7 | nc | | | 130 | 1,400 |
| Direct black 38 | 1937-37-7 | ca | 0.064 | NA | | 0.20 |
| Direct blue 6 | 2602-46-2 | ca | 0.068 | NA | | 0.21 |
| Direct brown 95 | 16071-86-6 | ca | 0.059 | NA | | 0.19 |
| Disulfoton | 298-04-4 | nc | | | 2.4 | 25 |
| 1,4-Dithiane | 505-29-3 | nc | | | 610 | 6,200 |
| Diuron | 330-54-1 | nc | | | 120 | 1,200 |
| Dodine | 2439-10-3 | nc | | | 240 | 2,500 |
| Dysprosium | 7429-91-6 | nc | | | 7,800 | 102,000 |
| Endosulfan | 115-29-7 | nc | | | 370 | 3,700 |
| Endothall | 145-73-3 | nc | | | 1,200 | 12,000 |
| Endrin | 72-20-8 | nc | | | 18 | 180 |
| Epichlorohydrin | 106-89-8 | ca, nc | | | 7.6 | 26 |
| 1,2-Epoxybutane | 106-88-7 | nc | | | 350 | 3,500 |
| EPTC (S-Ethyl dipropylthiocarbamate) | 759-94-4 | nc | | | 1,500 | 15,000 |
| Ethephon (2-chloroethyl phosphonic acid) | 16672-87-0 | nc | | | 310 | 3,100 |
| Ethion | 563-12-2 | nc | | | 31 | 310 |
| 2-Ethoxyethanol | 110-80-5 | nc | | | 24,000 | 250,000 |
| 2-Ethoxyethanol acetate | 111-15-9 | nc | | | 18,000 | 180,000 |
| Ethyl acetate | 141-78-6 | nc | | | 19,000 | 37,000 * |
| Ethyl acrylate | 140-88-5 | ca | 0.21 | 2.1 | | 4.5 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|-------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Ethylbenzene | 100-41-4 | nc | | | 400 * | 400 * |
| Ethyl chloride | 75-00-3 | ca, nc | 3.0 | 30 | | 65 |
| Ethylene cyanohydrin | 109-78-4 | nc | | | 18,000 | 180,000 |
| Ethylene diamine | 107-15-3 | nc | | | 5,500 | 55,000 |
| Ethylene glycol | 107-21-1 | nc | | | 120,000 | 1,000,000 ** |
| Ethylene glycol, monobutyl ether | 111-76-2 | nc | | | 31,000 | 310,000 |
| Ethylene oxide | 75-21-8 | ca | 0.14 | 1.4 | | 3.4 |
| Ethylene thiourea (ETU) | 96-45-7 | ca, nc | | | 4.9 | 49 |
| Ethyl ether | 60-29-7 | nc | | | 1,800 * | 1,800 * |
| Ethyl methacrylate | 97-63-2 | nc | | | 140 * | 140 * |
| Ethyl p-nitrophenyl phenylphosphorothioate | 2104-64-5 | nc | | | 0.61 | 6.2 |
| Ethylphthalyl ethyl glycolate | 84-72-0 | nc | | | 180,000 | 1,000,000 ** |
| Express | 101200-48-0 | nc | | | 490 | 4,900 |
| Fenamiphos | 22224-92-6 | nc | | | 15 | 150 |
| Fluometuron | 2164-17-2 | nc | | | 790 | 8,000 |
| Fluoride | 16984-48-8 | nc | | | 3,700 | 37,000 |
| Fluoridone | 59756-60-4 | nc | | | 4,900 | 49,000 |
| Flurprimidol | 56425-91-3 | nc | | | 1,200 | 12,000 |
| Flutolanil | 66332-96-5 | nc | | | 3,700 | 37,000 |
| Fluvalinate | 69409-94-5 | nc | | | 610 | 6,200 |
| Folpet | 133-07-3 | ca, nc | 160 | 1,600 | | 4,900 |
| Fomesafen | 72178-02-0 | ca | 2.9 | 29 | | 91 |
| Fonofos | 944-22-9 | nc | | | 120 | 1,200 |
| Formaldehyde | 50-00-0 | ca, nc | | | 9,200 | 92,000 |
| Formic Acid | 64-18-6 | nc | | | 110,000 | 1,000,000 ** |
| Fosetyl-al | 39148-24-8 | nc | | | 180,000 | 1,000,000 ** |
| Furan | 110-00-9 | nc | | | 2.5 | 8.5 |
| Furazolidone | 67-45-8 | ca | 0.14 | 1.4 | | 4.5 |
| Furfural | 98-01-1 | nc | | | 180 | 1,800 |
| Furium | 531-82-8 | ca | 0.011 | 0.11 | | 0.34 |
| Furmecyclox | 60568-05-0 | ca | 18 | 180 | | 570 |
| Glufosinate-ammonium | 77182-82-2 | nc | | | 24 | 250 |
| Glycidaldehyde | 765-34-4 | nc | | | 24 | 250 |
| Glyphosate | 1071-83-6 | nc | | | 6,100 | 62,000 |
| Haloxypop-methyl | 69806-40-2 | nc | | | 3.1 | 31 |

Department of Environmental Quality – Remedial Action

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|---|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Harmony | 79277-27-3 | nc | | | 790 | 8,003 |
| Heptachlor | 76-44-8 | ca, nc | 0.12 | 1.2 | | 3.8 |
| Heptachlor epoxide | 1024-57-3 | ca, nc | 0.060 | 0.60 | | 1.9 |
| Hexabromobenzene | 87-82-1 | nc | | | 120 | 1,200 |
| Hexachlorobenzene | 118-74-1 | ca, nc | 0.34 | 3.4 | | 11 |
| Hexachlorobutadiene | 87-68-3 | ca, nc | 7.0 | 70 | 18 | 180 |
| HCH (alpha) | 319-84-6 | ca, nc | 0.10 | 1.0 | | 3.6 |
| HCH (beta) | 319-85-7 | ca, nc | 0.36 | 3.6 | | 13 |
| HCH (gamma) Lindane | 58-89-9 | ca, nc | 0.50 | 5.0 | | 17 |
| HCH-technical | 608-73-1 | ca | 0.36 | 3.6 | | 13 |
| Hexachlorocyclopentadiene | 77-47-4 | nc | | | 370 | 3,700 |
| Hexachloroethane | 67-72-1 | ca, nc | 39 | 390 | 61 | 620 |
| Hexachlorophene | 70-30-4 | nc | | | 18 | 180 |
| Hexahydro-1,3,5-trinitro-1,3,5-triazine | 121-82-4 | ca, nc | 5.0 | 50 | | 160 |
| 1,6-Hexamethylene diisocyanate | 822-06-0 | nc | | | 0.17 | 1.8 |
| n-Hexane | 110-54-3 | nc | | | 110 * | 110 * |
| Hexazinone | 51235-04-2 | nc | | | 2,020 | 20,000 |
| Hydrazine, hydrazine sulfate | 302-01-2 | ca | 0.18 | 1.8 | | 5.7 |
| Hydrazine, monomethyl | 60-34-4 | ca | 0.18 | 1.8 | | 5.7 |
| Hydrazine, dimethyl | 57-14-7 | ca | 0.18 | 1.8 | | 5.7 |
| p-Hydroquinone | 123-31-9 | ca, nc | 9.8 | 98 | | 310 |
| Imazalil | 35554-44-0 | nc | | | 790 | 8,000 |
| Imazaquin | 81335-37-7 | nc | | | 15,000 | 150,000 |
| Iprodione | 36734-19-7 | nc | | | 2,400 | 25,000 |
| Isobutanol | 78-83-1 | nc | | | 13,000 | 40,000 * |
| Isophorone | 78-59-1 | ca, nc | 580 | 5,800 | | 18,000 |
| Isopropalin | 33820-53-0 | nc | | | 920 | 9,200 |
| Isopropyl methyl phosphonic acid | 1832-54-8 | nc | | | 6,100 | 62,000 |
| Isoxaben | 82558-50-7 | nc | | | 3,100 | 31,000 |
| Kepone | 143-50-0 | ca, nc | 0.068 | 0.68 | | 2.2 |
| Lactofen | 77501-63-4 | nc | | | 120 | 1,200 |
| Lead | 7439-92-1 | ca, nc | | | 400 | 800 |
| Lead (tetraethyl) | 78-00-2 | nc | | | 0.0061 | 0.062 |
| Linuron | 330-55-2 | nc | | | 120 | 1,200 |
| Lithium | 7439-93-2 | nc | | | 1,600 | 20,000 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Londax | 83055-99-6 | nc | | | 12,000 | 120,000 |
| Malathion | 121-75-5 | nc | | | 1,200 | 12,000 |
| Maleic anhydride | 108-31-6 | nc | | | 6,100 | 62,000 |
| Maleic hydrazide | 123-33-1 | nc | | | 1,700 | 2,400 * |
| Malononitrile | 109-77-3 | nc | | | 6.1 | 62 |
| Mancozeb | 8018-01-7 | nc | | | 1,800 | 18,000 |
| Maneb | 12427-38-2 | ca, nc | 9.1 | 91 | | 290 |
| Manganese | 7439-96-5 | nc | | | 3,300 | 32,000 |
| Mephosfolan | 950-10-7 | nc | | | 5.5 | 55 |
| Mepiquat | 24307-26-4 | nc | | | 1,800 | 18,000 |
| 2-Mercaptobenzothiazole | 149-30-4 | ca, nc | 19 | 190 | | 590 |
| Mercury and compounds | 7487-94-7 | nc | | | 23 | 310 |
| Mercury (methyl) | 22967-92-6 | nc | | | 6.1 | 62 |
| Merphos | 150-50-5 | nc | | | 1.8 | 18 |
| Merphos oxide | 78-48-8 | nc | | | 1.8 | 18 |
| Metalaxyl | 57837-19-1 | nc | | | 3,700 | 37,000 |
| Methacrylonitrile | 126-98-7 | nc | | | 2.1 | 8.4 |
| Methamidophos | 10265-92-6 | nc | | | 3.1 | 31 |
| Methanol | 67-56-1 | nc | | | 31,000 | 310,000 |
| Methidathion | 950-37-8 | nc | | | 61 | 620 |
| Methomyl | 16752-77-5 | nc | | | 44 | 150 |
| Methoxychlor | 72-43-5 | nc | | | 310 | 3,100 |
| 2-Methoxyethanol | 109-86-4 | nc | | | 61 | 620 |
| 2-Methoxyethanol acetate | 110-49-6 | nc | | | 120 | 1,200 |
| 2-Methoxy-5-nitroaniline | 99-59-2 | ca | 12 | 120 | | 370 |
| Methyl acetate | 79-20-9 | nc | | | 22,000 | 92,000 |
| Methyl acrylate | 96-33-3 | nc | | | 70 | 230 |
| 2-Methylaniline (o-toluidine) | 95-53-4 | ca | 2.3 | 23 | | 72 |
| 2-Methylaniline hydrochloride | 636-21-5 | ca | 3.0 | 30 | | 96 |
| 2-Methyl-4-chlorophenoxyacetic acid | 94-74-6 | nc | | | 31 | 310 |
| 4-(2-Methyl-4-chlorophenoxy) butyric acid (MCPB) | 94-81-5 | nc | | | 610 | 6,200 |
| 2-(2-Methyl-4-chlorophenoxy) propionic acid | 93-65-2 | nc | | | 61 | 620 |
| 2-(2-Methyl-1,4-chlorophenoxy) propionic acid (MCPD) | 16484-77-8 | nc | | | 61 | 620 |

Department of Environmental Quality – Remedial Action

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|---|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Methylcyclohexane | 108-87-2 | nc | | | 230 * | 230 * |
| 4,4'-Methylenebisbenzeneamine | 101-77-9 | ca | 2.2 | 22 | | 69 |
| 4,4'-Methylene bis(2-chloroaniline) | 101-14-4 | ca, nc | 4.2 | 42 | | 130 |
| 4,4'-Methylene bis(N,N'-dimethyl) aniline | 101-61-1 | ca | 12 | 120 | | 370 |
| Methylene bromide | 74-95-3 | nc | | | 67 | 230 |
| Methylene chloride | 75-09-2 | ca, nc | 9.3 | 93 | | 210 |
| 4,4'-Methylenediphenyl diisocyanate | 101-68-8 | nc | | | 10 | 110 |
| Methyl ethyl ketone (MEK) | 78-93-3 | nc | | | 23,000 | 34,000 * |
| Methyl isobutyl ketone (MIBK) | 108-10-1 | nc | | | 5,300 | 17,000 * |
| Methyl mercaptan | 74-93-1 | nc | | | 35 | 350 |
| Methyl methacrylate | 80-62-6 | nc | | | 2,200 | 2,700 * |
| 2-Methyl-5-nitroaniline | 99-55-8 | ca | 17 | 170 | | 520 |
| Methyl parathion | 298-00-0 | nc | | | 15 | 150 |
| 2-Methylphenol | 95-48-7 | nc | | | 3,100 | 31,000 |
| 3-Methylphenol | 108-39-4 | nc | | | 3,100 | 31,000 |
| 4-Methylphenol | 106-44-5 | nc | | | 310 | 3,100 |
| Methyl phosphonic acid | 993-13-5 | nc | | | 1,200 | 12,000 |
| Methyl styrene (mixture) | 25013-15-4 | nc | | | 130 | 540 |
| Methyl styrene (alpha) | 98-83-9 | nc | | | 680 * | 680 * |
| Methyl tertbutyl ether (MTBE) | 1634-04-4 | ca, nc | 32 | 320 | | 710 |
| Metolaclo (Dual) | 51218-45-2 | nc | | | 9,200 | 92,000 |
| Metribuzin | 21087-64-9 | nc | | | 1,500 | 15,000 |
| Mirex | 2385-85-5 | ca, nc | 0.30 | 3.0 | | 9.6 |
| Molinate | 2212-67-1 | nc | | | 120 | 1,200 |
| Molybdenum | 7439-98-7 | nc | | | 390 | 5,100 |
| Monochloramine | 10599-90-3 | nc | | | 6,100 | 62,000 |
| Naled | 300-76-5 | nc | | | 120 | 1,200 |
| Napropamide | 15299-99-7 | nc | | | 6,100 | 62,000 |
| Nickel and compounds | 7440-02-0 | nc | | | 1,600 | 20,000 |
| Nickel subsulfide | 12035-72-2 | ca | 5,200 | NA | | 11,000 |
| 2-Nitroaniline | 88-74-4 | nc | | | 180 | 1,800 |
| 3-Nitroaniline | 99-09-2 | ca, nc | | | 18 | 180 |
| 4-Nitroaniline | 100-01-6 | ca, nc | 26 | 260 | 180 | 820 |
| Nitrobenzene | 98-95-3 | nc | | | 20 | 100 |
| Nitrofurantoin | 67-20-9 | nc | | | 4,300 | 43,000 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Nitrofurazone | 59-87-0 | ca | 0.37 | 3.7 | | 11 |
| Nitroglycerin | 55-63-0 | ca | 39 | 390 | | 1,200 |
| Nitroguanidine | 556-88-7 | nc | | | 6,100 | 62,000 |
| 2-Nitropropane | 79-46-9 | ca, nc | 0.0028 | 0.028 | | 0.061 |
| N-Nitrosodi-n-butylamine | 924-16-3 | ca | 0.025 | 0.25 | | 0.58 |
| N-Nitrosodiethanolamine | 1116-54-7 | ca | 0.20 | 2.0 | | 6.2 |
| N-Nitrosodiethylamine | 55-18-5 | ca | 0.0037 | 0.037 | | 0.11 |
| N-Nitrosodimethylamine | 62-75-9 | ca, nc | 0.011 | 0.11 | | 0.34 |
| N-Nitrosodiphenylamine | 86-30-6 | ca, nc | 110 | 1,100 | | 3,500 |
| N-Nitroso di-n-propylamine | 621-64-7 | ca | 0.078 | 0.78 | | 2.5 |
| N-Nitroso-N-methylethylamine | 10595-95-6 | ca | 0.025 | 0.25 | | 0.78 |
| N-Nitrosopyrrolidine | 930-55-2 | ca | 0.26 | 2.6 | | 8.2 |
| m-Nitrotoluene | 99-08-1 | nc | | | 730 | 1,000 * |
| o-Nitrotoluene | 88-72-2 | ca, nc | 0.93 | 9.3 | | 22 |
| p-Nitrotoluene | 99-99-0 | ca, nc | 13 | 130 | | 300 |
| Norflurazon | 27314-13-2 | nc | | | 2,400 | 25,000 |
| NuStar | 85509-19-9 | nc | | | 43 | 430 |
| Octabromodiphenyl ether | 32536-52-0 | nc | | | 180 | 1,800 |
| Octahydro-1357-tetranitro-1357-tetrazocine (HMX) | 2691-41-0 | nc | | | 3,100 | 31,000 |
| Octamethylpyrophosphoramidate | 152-16-9 | nc | | | 120 | 1,200 |
| Oryzalin | 19044-88-3 | nc | | | 3,100 | 31,000 |
| Oxadiazon | 19666-30-9 | nc | | | 310 | 3,100 |
| Oxamyl | 23135-22-0 | nc | | | 1,500 | 15,000 |
| Oxyfluorfen | 42874-03-3 | nc | | | 180 | 1,800 |
| Paclobutrazol | 76738-62-0 | nc | | | 790 | 8,000 |
| Paraquat | 4685-14-7 | nc | | | 270 | 2,800 |
| Parathion | 56-38-2 | nc | | | 370 | 3,700 |
| Pebulate | 1114-71-2 | nc | | | 3,100 | 31,000 |
| Pendimethalin | 40487-42-1 | nc | | | 2,400 | 25,000 |
| Pentabromo-6-chloro cyclohexane | 87-84-3 | ca | 24 | 240 | | 750 |
| Pentabromodiphenyl ether | 32534-81-9 | nc | | | 120 | 1,200 |
| Pentachlorobenzene | 608-93-5 | nc | | | 49 | 490 |
| Pentachloronitrobenzene | 82-68-8 | ca, nc | 2.1 | 21 | | 66 |
| Pentachlorophenol | 87-86-5 | ca, nc | 3.2 | 32 | | 90 |
| Perchlorate | 7601-90-3 | nc | | | 55 | 720 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Permethrin | 52645-53-1 | nc | | | 3,100 | 31,000 |
| Phenmedipham | 13684-63-4 | nc | | | 15,000 | 150,000 |
| Phenol | 108-95-2 | nc | | | 18,000 | 180,000 |
| Phenothiazine | 92-84-2 | nc | | | 120 | 1,200 |
| m-Phenylenediamine | 108-45-2 | nc | | | 370 | 3,700 |
| o-Phenylenediamine | 95-54-5 | ca | 12 | 120 | | 370 |
| p-Phenylenediamine | 106-50-3 | nc | | | 12,000 | 120,000 |
| Phenylmercuric acetate | 62-38-4 | nc | | | 4.9 | 49 |
| 2-Phenylphenol | 90-43-7 | ca | 280 | 2,800 | | 8,900 |
| Phorate | 298-02-2 | nc | | | 12 | 120 |
| Phosmet | 732-11-6 | nc | | | 1,200 | 12,000 |
| Phosphine | 7803-51-2 | nc | | | 18 | 180 |
| Phosphorus (white) | 7723-14-0 | nc | | | 1.6 | 20 |
| p-Phthalic acid | 100-21-0 | nc | | | 61,000 | 620,000 |
| Phthalic anhydride | 85-44-9 | nc | | | 120,000 | 1,000,000 ** |
| Picloram | 1918-02-1 | nc | | | 4,300 | 43,000 |
| Pirimiphos-methyl | 29232-93-7 | nc | | | 610 | 6,200 |
| Polybrominated biphenyls (PBBs) | NA | ca, nc | 0.062 | 0.62 | 0.43 | 1.9 |
| Polychlorinated biphenyls (PCBs), low-risk mixture ⁴ | 12674-11-2 | ca, nc | | | 3.9 | 37 |
| Polychlorinated biphenyls (PCBs), high-risk mixture ⁵ | 11097-69-1 | ca, nc | 0.25 | 2.5 | 1.1 | 7.4 |
| Polychlorinated terphenyls | 61788-33-8 | ca | 0.12 | 1.2 | | 3.8 |
| Polynuclear aromatic hydrocarbons | | | | | | |
| Acenaphthene | 83-32-9 | nc | | | 3,700 | 29,000 |
| Anthracene | 120-12-7 | nc | | | 22,000 | 240,000 |
| Benz[a]anthracene | 56-55-3 | ca | 0.69 | 6.9 | | 21 |
| Benzo[b]fluoranthene | 205-99-2 | ca | 0.69 | 6.9 | | 21 |
| Benzo[k]fluoranthene | 207-08-9 | ca | 6.9 | 69 | | 210 |
| Benzo[a]pyrene | 50-32-8 | ca | 0.069 | 0.69 | | 2.1 |
| Chrysene | 218-01-9 | ca | 68 | 680 | | 2,000 |
| Dibenz[ah]anthracene | 53-70-3 | ca | 0.069 | 0.69 | | 2.1 |
| Fluoranthene | 206-44-0 | nc | | | 2,300 | 22,000 |
| Fluorene | 86-73-7 | nc | | | 2,700 | 26,000 |
| Indeno[1,2,3-cd]pyrene | 193-39-5 | ca | 0.69 | 6.9 | | 21 |
| Naphthalene | 91-20-3 | nc | | | 56 | 190 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|------------------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Pyrene | 129-00-0 | nc | | | 2,300 | 29,000 |
| Prochloraz | 67747-09-5 | ca, nc | 3.7 | 37 | | 110 |
| Profluralin | 26399-36-0 | nc | | | 370 | 3,700 |
| Prometon | 1610-18-0 | nc | | | 920 | 9,200 |
| Prometryn | 7287-19-6 | nc | | | 240 | 2,500 |
| Pronamide | 23950-58-5 | nc | | | 4,600 | 46,000 |
| Propachlor | 1918-16-7 | nc | | | 790 | 8,000 |
| Propanil | 709-98-8 | nc | | | 310 | 3,100 |
| Propargite | 2312-35-8 | nc | | | 1,200 | 12,000 |
| Propargyl alcohol | 107-19-7 | nc | | | 120 | 1,200 |
| Propazine | 139-40-2 | nc | | | 1,200 | 12,000 |
| Propham | 122-42-9 | nc | | | 1,200 | 12,000 |
| Propiconazole | 60207-90-1 | nc | | | 790 | 8,000 |
| n-Propylbenzene | 103-65-1 | nc | | | 240 * | 240 * |
| Propylene glycol | 57-55-6 | nc | | | 30,000 | 290,000 |
| Propylene glycol, monoethyl ether | 52125-53-8 | nc | | | 43,000 | 430,000 |
| Propylene glycol, monomethyl ether | 107-98-2 | nc | | | 43,000 | 430,000 |
| Propylene oxide | 75-56-9 | ca, nc | 2.2 | 22 | | 66 |
| Pursuit | 81335-77-5 | nc | | | 15,000 | 150,000 |
| Pydrin | 51630-58-1 | nc | | | 1,500 | 15,000 |
| Pyridine | 110-86-1 | nc | | | 61 | 620 |
| Quinalphos | 13593-03-8 | nc | | | 31 | 310 |
| Quinoline | 91-22-5 | ca | 0.18 | 1.8 | | 5.7 |
| RDX (Cyclonite) | 121-82-4 | ca, nc | 5.0 | 50 | | 160 |
| Resmethrin | 10453-86-8 | nc | | | 1,800 | 18,000 |
| Ronnel | 299-84-3 | nc | | | 3,100 | 31,000 |
| Rotenone | 83-79-4 | nc | | | 240 | 2,500 |
| Savey | 78587-05-0 | nc | | | 1,500 | 15,000 |
| Selenious Acid | 7783-00-8 | nc | | | 310 | 3,100 |
| Selenium | 7782-49-2 | nc | | | 390 | 5,100 |
| Selenourea | 630-10-4 | nc | | | 310 | 3,100 |
| Sethoxydim | 74051-80-2 | nc | | | 5,500 | 55,000 |
| Silver and compounds | 7440-22-4 | nc | | | 390 | 5,100 |
| Simazine | 122-34-9 | ca, nc | 4.6 | 46 | | 140 |
| Sodium azide | 26628-22-8 | nc | | | 310 | 4,100 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|------------------------------------|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Sodium diethyldithiocarbamate | 148-18-5 | ca, nc | 2.0 | 20 | | 64 |
| Sodium fluoroacetate | 62-74-8 | nc | | | 1.2 | 12 |
| Sodium metavanadate | 13718-26-8 | nc | | | 61 | 620 |
| Strontium, stable | 7440-24-6 | nc | | | 47,000 | 610,000 |
| Strychnine | 57-24-9 | nc | | | 18 | 180 |
| Styrene | 100-42-5 | nc | | | 1,500 * | 1,500 * |
| 1,1'-Sulfonylbis-(4-chlorobenzene) | 80-07-9 | nc | | | 310 | 3,100 |
| Systhane | 88671-89-0 | nc | | | 1,500 | 15,000 |
| Tebuthiuron | 34014-18-1 | nc | | | 4,300 | 43,000 |
| Temephos | 3383-96-8 | nc | | | 1,200 | 12,000 |
| Terbacil | 5902-51-2 | nc | | | 790 | 8,000 |
| Terbufos | 13071-79-9 | nc | | | 1.5 | 15 |
| Terbutryn | 886-50-0 | nc | | | 61 | 620 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | nc | | | 18 | 180 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | ca, nc | 3.2 | 32 | | 73 |
| 1,1,1,2,2-Tetrachloroethane | 79-34-5 | ca, nc | 0.42 | 4.2 | | 9.3 |
| Tetrachloroethylene (PCE) | 127-18-4 | ca, nc | 0.51 | 5.1 | | 13 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | nc | | | 1,800 | 18,000 |
| p,a,a,a-Tetrachlorotoluene | 5216-25-1 | ca | 0.027 | 0.27 | | 0.86 |
| Tetrachlorovinphos | 961-11-5 | ca, nc | 23 | 230 | | 720 |
| Tetraethyldithiopyrophosphate | 3689-24-5 | nc | | | 31 | 310 |
| Tetrahydrofuran | 109-99-9 | ca, nc | 9.5 | 95 | | 210 |
| Thallium and compounds | 7440-28-0 | nc | | | 5.2 | 67 |
| Thiobencarb | 28249-77-6 | nc | | | 610 | 6,200 |
| Thiocyanate | NA | nc | | | 3,100 | 31,000 |
| Thiofanox | 39196-18-4 | nc | | | 18 | 180 |
| Thiophanate-methyl | 23564-05-8 | nc | | | 4,900 | 49,000 |
| Thiram | 137-26-8 | nc | | | 310 | 3,100 |
| Tin | 7440-31-5 | nc | | | 47,000 | 610,000 |
| Titanium | 7440-32-6 | nc | | | 310,000 | 1,000,000 ** |
| Toluene | 108-88-3 | nc | | | 650 * | 650 * |
| Toluene-2,4-diamine | 95-80-7 | ca | 0.17 | 1.7 | | 5.4 |
| Toluene-2,5-diamine | 95-70-5 | nc | | | 37,000 | 370,000 |
| Toluene-2,6-diamine | 823-40-5 | nc | | | 12,000 | 120,000 |
| p-Toluidine | 106-49-0 | ca | 2.9 | 29 | | 91 |

| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|---|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Toxaphene | 8001-35-2 | ca | 0.50 | 5.0 | | 16 |
| Tralomethrin | 66841-25-6 | nc | | | 460 | 4,600 |
| Triallate | 2303-17-5 | nc | | | 790 | 8,000 |
| Triasulfuron | 82097-50-5 | nc | | | 610 | 6,200 |
| 1,2,4-Tribromobenzene | 615-54-3 | nc | | | 310 | 3,100 |
| Tributyl phosphate | 126-73-8 | ca, nc | 60 | 600 | | 1,900 |
| Tributyltin oxide (TBTO) | 56-35-9 | nc | | | 18 | 180 |
| 2,4,6-Trichloroaniline | 634-93-5 | ca | 16 | 160 | | 510 |
| 2,4,6-Trichloroaniline hydrochloride | 33663-50-2 | ca | 19 | 190 | | 590 |
| 1,2,4-Trichlorobenzene | 120-82-1 | nc | | | 62 | 220 |
| 1,1,1-Trichloroethane | 71-55-6 | nc | | | 1,200 * | 1,200 * |
| 1,1,2-Trichloroethane | 79-00-5 | ca, nc | 0.74 | 7.4 | | 16 |
| Trichloroethylene (TCE) | 79-01-6 | ca, nc | 3.0 | 30 | 17 | 65 |
| Trichlorofluoromethane | 75-69-4 | nc | | | 390 | 1,300 |
| 2,4,5-Trichlorophenol | 95-95-4 | nc | | | 6,100 | 62,000 |
| 2,4,6-Trichlorophenol | 88-06-2 | ca, nc | | | 6.1 | 62 |
| 2,4,5-Trichlorophenoxyacetic Acid | 93-76-5 | nc | | | 610 | 6,200 |
| 2-(2,4,5-Trichlorophenoxy) propionic acid | 93-72-1 | nc | | | 490 | 4,900 |
| 1,1,2-Trichloropropane | 598-77-6 | nc | | | 15 | 51 |
| 1,2,3-Trichloropropane | 96-18-4 | ca, nc | 0.0050 | 0.050 | | 0.11 |
| 1,2,3-Trichloropropene | 96-19-5 | nc | | | 0.71 | 2.3 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113) | 76-13-1 | nc | | | 5,600 * | 5,600 * |
| Tridiphane | 58138-08-2 | nc | | | 180 | 1,800 |
| Triethylamine | 121-44-8 | nc | | | 23 | 86 |
| Trifluralin | 1582-09-8 | ca, nc | 71 | 710 | 460 | 2,200 |
| Trimellitic Anhydride (TMAN) | 552-30-7 | nc | | | 8.6 | 86 |
| 1,2,4-Trimethylbenzene | 95-63-6 | nc | | | 52 | 170 |
| 1,3,5-Trimethylbenzene | 108-67-8 | nc | | | 21 | 70 |
| Trimethyl phosphate | 512-56-1 | ca | 15 | 150 | | 470 |
| 1,3,5-Trinitrobenzene | 99-35-4 | nc | | | 1,800 | 18,000 |
| Trinitrophenylmethyl nitramine | 479-45-8 | nc | | | 610 | 6,200 |
| 2,4,6-Trinitrotoluene | 118-96-7 | ca, nc | 18 | 180 | 31 | 310 |
| Triphenylphosphine oxide | 791-28-6 | nc | | | 1,200 | 12,000 |
| Tris(2-chloroethyl) phosphate | 115-96-8 | ca, nc | 39 | 390 | | 1,200 |
| Tris(2-ethylhexyl) phosphate | 78-42-2 | ca, nc | 170 | 1,700 | | 5,400 |

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| CONTAMINANT | CASRN | Class | Residential (mg/kg) | | | Non-residential (mg/kg) |
|--|------------|--------|-----------------------|-----------------------|----------------|-------------------------|
| | | | Carcinogen | | Non-carcinogen | |
| | | | 10 ⁻⁶ Risk | 10 ⁻⁵ Risk | | |
| Uranium (chemical toxicity only) | 7440-61-0 | nc | | | 16 | 200 |
| Vanadium and compounds | 7440-62-2 | nc | | | 78 | 1,000 |
| Vernam | 1929-77-7 | nc | | | 61 | 620 |
| Vinclozolin | 50471-44-8 | nc | | | 1,500 | 15,000 |
| Vinyl acetate | 108-05-4 | nc | | | 430 | 1,400 |
| Vinyl bromide | 593-60-2 | ca, nc | 0.19 | 1.9 | | 4.2 |
| Vinyl chloride | 75-01-4 | ca, nc | 0.085 | NA | | 0.75 |
| Warfarin | 81-81-2 | nc | | | 18 | 180 |
| Xylenes | 1330-20-7 | nc | | | 270 | 420 * |
| Zinc | 7440-66-6 | nc | | | 23,000 | 310,000 |
| Zinc phosphide | 1314-84-7 | nc | | | 23 | 310 |
| Zineb | 12122-67-7 | nc | | | 3,100 | 31,000 |
| | | | | | | |
| NA indicates not applicable. | | | | | | |
| Class is the classification of the chemical. “ca” indicates carcinogenic effects; “nc” indicates non-carcinogenic effects. Chemicals that have both carcinogenic and non-carcinogenic effects are classified “ca, nc”. | | | | | | |
| * Indicates SRL is based on the chemical-specific saturation level in soil for volatile organic chemicals only. | | | | | | |
| ** Indicates SRL is based on a 100% saturation ceiling limit for non-volatile organic chemicals. | | | | | | |
| ¹ Arsenic standards are not risk-based standards, but based on background. | | | | | | |
| ² Cyanide (free): Free cyanide is a subset of total cyanides. If any ADHS approved method for total cyanide reports a concentration exceeding this standard, further analyses to differentiate free cyanide from other cyanide metal complexes is required. | | | | | | |
| ³ Cyanide (hydrogen): If the cyanide concentrations using any method exceed the hydrogen cyanide standard, then hydrogen cyanide vapor samples should be collected at the site. | | | | | | |
| ⁴ PCBs, low-risk mixture: Use if laboratory analysis confirms that the total PCB concentration consists of 0.5 percent or less of congeners that contain five or more chlorines and that no dioxin-like congeners are present. | | | | | | |
| ⁵ PCBs, high-risk mixture: Use if only total PCB concentration is reported by any ADHS licensed analytical method, or if laboratory analysis confirms that the total PCB concentration consists of more than 0.5 percent congeners that contain five or more chlorines or that dioxin-like congeners are present. | | | | | | |
| Bold indicates adequate evidence to classify the chemical as a known human carcinogen. | | | | | | |
| CASRN is the Chemical Abstract System Registry Number. | | | | | | |

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency appendix reinstated at the request of the Department; historical note from Supp. 97-3 stating emergency expired removed for clarity. Appendix A adopted permanently effective December 4, 1997, replacing emergency appendix (Supp. 97-4). Amended to correct measurement units in columns 5 and 6 from “mg/k” to “mg/kg” (Supp. 01-4). Former Appendix A renumbered to Appendix B; new Appendix A made by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

Appendix B. 1997 Soil Remediation Levels (SRLs)

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|-----------------------------|------------|--------------|---------------------|-------------------------|
| A | | | | | |
| 1 | Acenaphthene | 83-32-9 | D | 3900.0 | 41000.0 |
| 2 | Acephate | 30560-19-1 | C | 260.0 | 2200.0 |
| 3 | Acetaldehyde | 75-07-0 | B2 | 39.0 | 150.0 |
| 4 | Acetochlor | 34256-82-1 | D | 1300.0 | 14000.0 |
| 5 | Acetone | 67-64-1 | D | 2100.0 | 8800.0 |
| 6 | Acetone cyanohydrin | 75-86-5 | D | 52.0 | 550.0 |
| 7 | Acetonitrile | 75-05-8 | D | 220.0 | 1200.0 |
| 8 | Acetophenone | 98-86-2 | D | 0.49 | 1.6 |
| 9 | Acifluorfen | 62476-59-9 | D | 850.0 | 8900.0 |
| 10 | Acrolein | 107-02-8 | C | 0.10 | 0.34 |
| 11 | Acrylamide | 79-06-1 | B2 | 0.98 | 4.2 |
| 12 | Acrylic acid | 79-10-7 | D | 31000.0 | 290000.0 |
| 13 | Acrylonitrile | 107-13-1 | B1 | 1.9 | 4.7 |
| 14 | Alachlor | 15972-60-8 | B2 | 55.0 | 240.0 |
| 15 | Alar | 1596-84-5 | D | 9800.0 | 100000.0 |
| 16 | Aldicarb | 116-06-3 | D | 65.0 | 680.0 |
| 17 | Aldicarb sulfone | 1646-88-4 | D | 65.0 | 680.0 |
| 18 | Aldrin | 309-00-2 | B2 | 0.26 | 1.1 |
| 19 | Ally | 74223-64-6 | D | 16000.0 | 170000.0 |
| 20 | Allyl alcohol | 107-18-6 | D | 330.0 | 3400.0 |
| 21 | Allyl chloride | 107-05-1 | C | 3200.0 | 33000.0 |
| 22 | Aluminum | 7429-90-5 | D | 77000.0 | 1000000.0 |
| 23 | Aluminum phosphide | 20859-73-8 | D | 31.0 | 680.0 |
| 24 | Amdro | 67485-29-4 | D | 20.0 | 200.0 |
| 25 | Ametryn | 834-12-8 | D | 590.0 | 6100.0 |
| 26 | m-Aminophenol | 591-27-5 | D | 4600.0 | 48000.0 |
| 27 | 4-Aminopyridine | 504-24-5 | D | 1.3 | 14.0 |
| 28 | Amitraz | 33089-61-1 | D | 160.0 | 1700.0 |
| 29 | Ammonia | 7664-41-7 | D | 2200.0 | 58000.0 |
| 30 | Ammonium sulfamate | 7773-06-0 | D | 13000.0 | 140000.0 |
| 31 | Aniline | 62-53-3 | B2 | 19.0 | 200.0 |
| 32 | Anthracene | 120-12-7 | D | 20000.0 | 200000.0 |
| 33 | Antimony and compounds | 7440-36-0 | D | 31.0 | 680.0 |
| 34 | Antimony pentoxide | 1314-60-9 | D | 38.0 | 850.0 |
| 35 | Antimony potassium tartrate | 28300-74-5 | D | 69.0 | 1500.0 |
| 36 | Antimony tetroxide | 1332-81-6 | D | 31.0 | 680.0 |
| 37 | Antimony trioxide | 1309-64-4 | D | 31.0 | 680.0 |
| 38 | Apollo | 74115-24-5 | C | 850.0 | 8900.0 |
| 39 | Aramite | 140-57-8 | B2 | 180.0 | 760.0 |
| 40 | ~Arsenic | 7440-38-2 | A | 10.0 | 10.0 |
| 41 | Assure | 76578-14-8 | D | 590.0 | 6100.0 |
| 42 | Asulam | 3337-71-1 | D | 3300.0 | 34000.0 |
| 43 | Atrazine | 1912-24-9 | C | 20.0 | 86.0 |
| 44 | Avermectin B1 | 71751-41-2 | D | 26.0 | 270.0 |
| 45 | Azobenzene | 103-33-3 | B2 | 40.0 | 170.0 |
| B | | | | | |
| 46 | Barium and compounds | 7440-39-3 | D | 5300.0 | 110000.0 |
| 47 | Barium cyanide | 542-62-1 | D | 7700.0 | 170000.0 |
| 48 | Baygon | 114-26-1 | D | 260.0 | 2700.0 |
| 49 | Bayleton | 43121-43-3 | D | 2000.0 | 20000.0 |
| 50 | Baythroid | 68359-37-5 | D | 1600.0 | 17000.0 |
| 51 | Benefin | 1861-40-1 | D | 20000.0 | 200000.0 |
| 52 | Benomyl | 17804-35-2 | D | 3300.0 | 34000.0 |
| 53 | Bentazon | 25057-89-0 | D | 160.0 | 1700.0 |
| 54 | Benzaldehyde | 100-52-7 | D | 6500.0 | 68000.0 |
| 55 | Benz[a]anthracene | 56-55-3 | B2 | 6.1 | 26.0 |
| 56 | Benzene | 71-43-2 | A | 0.62 | 1.4 |

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| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|-----|-----------------------------------|-------------------|---------------------|----------------------------|--------------------------------|
| 57 | Benzidine | 92-87-5 | A | 0.0019 | 0.0083 |
| 58 | Benzo[a]pyrene | 50-32-8 | B2 | 0.61 | 2.6 |
| 59 | Benzo[b]fluoranthene | 205-99-2 | B2 | 6.1 | 26.0 |
| 60 | Benzoic acid | 65-85-0 | D | 260000.0 | 1000000.0 |
| 61 | Benzo[k]fluoranthene | 207-08-9 | B2 | 61.0 | 260.0 |
| 62 | Benzotrichloride | 98-07-7 | B2 | 0.34 | 1.5 |
| 63 | Benzyl alcohol | 100-51-6 | D | 20000.0 | 200000.0 |
| 64 | Benzyl chloride | 100-44-7 | B2 | 8.0 | 20.0 |
| 65 | Beryllium and compounds | 7440-41-7 | B2 | 1.4 | 11.0 |
| 66 | Bidrin | 141-66-2 | D | 6.5 | 68.0 |
| 67 | Biphenthrin (Talstar) | 82657-04-3 | D | 980.0 | 10000.0 |
| 68 | 1,1-Biphenyl | 92-52-4 | D | 3300.0 | 34000.0 |
| 69 | Bis(2-chloroethyl)ether | 111-44-4 | B2 | 0.43 | 0.97 |
| 70 | Bis(2-chloroisopropyl)ether | 39638-32-9 | C | 25.0 | 67.0 |
| 71 | Bis(chloromethyl)ether | 542-88-1 | A | 0.0002 | 0.0004 |
| 72 | Bis(2-chloro-1-methylethyl)ether | 108-60-1 | C | 63.0 | 270.0 |
| 73 | Bis(2-ethylhexyl)phthalate (DEHP) | 117-81-7 | B2 | 320.0 | 1400.0 |
| 74 | Bisphenol A | 80-05-7 | D | 3300.0 | 34000.0 |
| 75 | Boron | 7440-42-8 | D | 5900.0 | 61000.0 |
| 76 | Bromodichloromethane | 75-27-4 | B2 | 6.3 | 14.0 |
| 77 | Bromoform (tribromomethane) | 75-25-2 | B2 | 560.0 | 2400.0 |
| 78 | Bromomethane | 74-83-9 | D | 6.8 | 23.0 |
| 79 | Bromophos | 2104-96-3 | D | 330.0 | 3400.0 |
| 80 | Bromoxynil | 1689-84-5 | D | 1300.0 | 14000.0 |
| 81 | Bromoxynil octanoate | 1689-99-2 | D | 1300.0 | 14000.0 |
| 82 | 1,3-Butadiene | 106-99-0 | B2 | 0.064 | 0.14 |
| 83 | 1-Butanol | 71-36-3 | D | 6500.0 | 68000.0 |
| 84 | Butylate | 2008-41-5 | D | 3300.0 | 34000.0 |
| 85 | Butyl benzyl phthalate | 85-68-7 | C | 13000.0 | 140000.0 |
| 86 | Butylphthalyl butylglycolate | 85-70-1 | D | 65000.0 | 680000.0 |
| | C | | | | |
| 87 | Cacodylic acid | 75-60-5 | D | 200.0 | 2000.0 |
| 88 | Cadmium and compounds | 7440-43-9 | B1 | 38.0 | 850.0 |
| 89 | Calcium cyanide | 592-01-8 | D | 3100.0 | 68000.0 |
| 90 | Caprolactam | 105-60-2 | D | 33000.0 | 340000.0 |
| 91 | Captafol | 2425-06-1 | C | 130.0 | 1400.0 |
| 92 | Captan | 133-06-2 | D | 1300.0 | 5500.0 |
| 93 | Carbaryl | 63-25-2 | D | 6500.0 | 68000.0 |
| 94 | Carbazole | 86-74-8 | B2 | 220.0 | 950.0 |
| 95 | Carbofuran | 1563-66-2 | E | 330.0 | 3400.0 |
| 96 | Carbon disulfide | 75-15-0 | D | 7.5 | 24.0 |
| 97 | Carbon tetrachloride | 56-23-5 | B2 | 1.6 | 5.0 |
| 98 | Carbosulfan | 55285-14-8 | D | 650.0 | 6800.0 |
| 99 | Carboxin | 5234-68-4 | D | 6500.0 | 68000.0 |
| 100 | Chloral (hydrate) | 302-17-0 | D | 130.0 | 1400.0 |
| 101 | Chloramben | 133-90-4 | D | 980.0 | 10000.0 |
| 102 | Chloranil | 118-75-2 | C | 11.0 | 47.0 |
| 103 | Chlordane | 12789-03-6 | B2 | 3.4 | 15.0 |
| 104 | Chlorimuron-ethyl | 90982-32-4 | D | 1300.0 | 14000.0 |
| 105 | Chlorine cyanide | 506-77-4 | D | 3800.0 | 85000.0 |
| 106 | Chloroacetic acid | 79-11-8 | D | 130.0 | 1400.0 |
| 107 | 2-Chloroacetophenone | 532-27-4 | D | 0.56 | 5.9 |
| 108 | 4-Chloroaniline | 106-47-8 | D | 260.0 | 2700.0 |
| 109 | Chlorobenzene | 108-90-7 | D | 65.0 | 220.0 |
| 110 | Chlorobenzilate | 510-15-6 | B2 | 16.0 | 71.0 |
| 111 | p-Chlorobenzoic acid | 74-11-3 | D | 13000.0 | 140000.0 |
| 112 | 4-Chlorobenzotrifluoride | 98-56-6 | D | 1300.0 | 14000.0 |
| 113 | 2-Chloro-1,3-butadiene | 126-99-8 | D | 3.6 | 12.0 |
| 114 | 1-Chlorobutane | 109-69-3 | D | 710.0 | 2400.0 |

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| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|--|-------------|--------------|---------------------|-------------------------|
| 115 | * 1-Chloro-1,1-difluoroethane | 75-68-3 | D | 2800.0 | 2800.0 |
| 116 | * Chlorodifluoromethane | 75-45-6 | D | 2800.0 | 2800.0 |
| 117 | Chloroform | 67-66-3 | B2 | 2.5 | 5.3 |
| 118 | Chloromethane | 74-87-3 | C | 12.0 | 26.0 |
| 119 | 4-Chloro-2-methylaniline | 95-69-2 | B2 | 7.7 | 33.0 |
| 120 | 4-Chloro-2-methylaniline hydrochloride | 3165-93-3 | B2 | 9.7 | 41.0 |
| 121 | beta-Chloronaphthalene | 91-58-7 | D | 5200.0 | 55000.0 |
| 122 | o-Chloronitrobenzene | 88-73-3 | B2 | 180.0 | 760.0 |
| 123 | p-Chloronitrobenzene | 100-00-5 | B2 | 250.0 | 1100.0 |
| 124 | 2-Chlorophenol | 95-57-8 | D | 91.0 | 370.0 |
| 125 | 2-Chloropropane | 75-29-6 | D | 170.0 | 580.0 |
| 126 | Chloroethanol | 1897-45-6 | B2 | 400.0 | 1700.0 |
| 127 | * o-Chlorotoluene | 95-49-8 | D | 160.0 | 550.0 |
| 128 | Chlorpropham | 101-21-3 | D | 13000.0 | 140000.0 |
| 129 | Chlorpyrifos | 2921-88-2 | D | 200.0 | 2000.0 |
| 130 | Chlorpyrifos-methyl | 5598-13-0 | D | 650.0 | 6800.0 |
| 131 | Chlorsulfuron | 64902-72-3 | D | 3300.0 | 34000.0 |
| 132 | Chlorthiophos | 602-38-56-4 | D | 52.0 | 550.0 |
| 133 | Chromium, Total (1/6 ratio Cr VI/Cr III) | N/A | D | 2100.0 | 4500.0 |
| 134 | Chromium III | 16065-83-1 | D | 77000.0 | 1000000.0 |
| 135 | Chromium VI | 7440-47-3 | A | 30.0 | 64.0 |
| 136 | Chrysene | 218-01-9 | B2 | 610.0 | 2600.0 |
| 137 | Cobalt | 7440-48-4 | D | 4600.0 | 97000.0 |
| 138 | Copper and compounds | 7440-50-8 | D | 2800.0 | 63000.0 |
| 139 | Copper cyanide | 544-92-3 | D | 380.0 | 8500.0 |
| 140 | Crotonaldehyde | 123-73-9 | C | 0.052 | 0.11 |
| 141 | Cumene | 98-82-8 | D | 19.0 | 62.0 |
| 142 | Cyanazine | 21725-46-2 | D | 5.3 | 23.0 |
| 143 | Cyanide, Free | 57-12-5 | D | 1300.0 | 14000.0 |
| 144 | Cyanogen | 460-19-5 | D | 2600.0 | 27000.0 |
| 145 | Cyanogen bromide | 506-68-3 | D | 5900.0 | 61000.0 |
| 146 | Cyanogen chloride | 506-77-4 | D | 3300.0 | 34000.0 |
| 147 | Cyclohexanone | 108-94-1 | D | 330000.0 | 1000000.0 |
| 148 | Cyclohexylamine | 108-91-8 | D | 13000.0 | 140000.0 |
| 149 | Cyhalothrin/Karate | 68085-85-8 | D | 330.0 | 3400.0 |
| 150 | Cypermethrin | 52315-07-8 | D | 650.0 | 6800.0 |
| 151 | Cyromazine | 66215-27-8 | D | 490.0 | 5100.0 |
| D | | | | | |
| 152 | Dacthal | 1861-32-1 | D | 650.0 | 6800.0 |
| 153 | Dalapon | 75-99-0 | D | 2000.0 | 20000.0 |
| 154 | Danitol | 39515-41-8 | D | 1600.0 | 17000.0 |
| 155 | DDD | 72-54-8 | B2 | 19.0 | 80.0 |
| 156 | DDE | 72-55-9 | B2 | 13.0 | 56.0 |
| 157 | DDT | 50-29-3 | B2 | 13.0 | 56.0 |
| 158 | Decabromodiphenyl ether | 1163-19-5 | C | 650.0 | 6800.0 |
| 159 | Demeton | 8065-48-3 | D | 2.6 | 27.0 |
| 160 | Diallate | 2303-16-4 | B2 | 73.0 | 310.0 |
| 161 | Diazinon | 333-41-5 | E | 59.0 | 610.0 |
| 162 | Dibenz[ah]anthracene | 53-70-3 | B2 | 0.61 | 2.6 |
| 163 | Dibenzofuran | 132-64-9 | D | 260.0 | 2700.0 |
| 164 | 1,4-Dibromobenzene | 106-37-6 | D | 650.0 | 6800.0 |
| 165 | Dibromochloromethane | 124-48-1 | C | 53.0 | 230.0 |
| 166 | 1,2-Dibromo-3-chloropropane | 96-12-8 | B2 | 3.2 | 14.0 |
| 167 | 1,2-Dibromoethane | 106-93-4 | B2 | 0.049 | 0.2 |
| 168 | Dibutyl phthalate | 84-74-2 | D | 6500.0 | 68000.0 |
| 169 | Dicamba | 1918-00-9 | D | 2000.0 | 20000.0 |
| 170 | * 1,2-Dichlorobenzene | 95-50-1 | D | 1100.0 | 3900.0 |
| 171 | * 1,3-Dichlorobenzene | 541-73-1 | D | 500.0 | 2000.0 |
| 172 | 1,4-Dichlorobenzene | 106-46-7 | C | 190.0 | 790.0 |

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| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|-----|---|-------------------|---------------------|----------------------------|--------------------------------|
| 173 | 3,3-Dichlorobenzidine | 91-94-1 | B2 | 9.9 | 42.0 |
| 174 | 1,4-Dichloro-2-butene | 764-41-0 | B2 | 0.074 | 0.17 |
| 175 | Dichlorodifluoromethane | 75-71-8 | D | 94.0 | 310.0 |
| 176 | 1,1-Dichloroethane | 75-34-3 | C | 500.0 | 1700.0 |
| 177 | 1,2-Dichloroethane (EDC) | 107-06-2 | B2 | 2.5 | 5.5 |
| 178 | 1,1-Dichloroethylene | 75-35-4 | C | 0.36 | 0.8 |
| 179 | 1,2-Dichloroethylene (cis) | 156-59-2 | D | 31.0 | 100.0 |
| 180 | 1,2-Dichloroethylene (trans) | 156-60-5 | D | 78.0 | 270.0 |
| 181 | 1,2-Dichloroethylene (mixture) | 540-59-0 | D | 35.0 | 120.0 |
| 182 | 2,4-Dichlorophenol | 120-83-2 | D | 200.0 | 2000.0 |
| 183 | 4-(2,4-Dichlorophenoxy)butyric Acid (2,4-DB) | 94-82-6 | D | 520.0 | 5500.0 |
| 184 | 2,4-Dichlorophenoxyacetic Acid (2,4-D) | 94-75-7 | D | 650.0 | 6800.0 |
| 185 | 1,2-Dichloropropane | 78-87-5 | B2 | 3.1 | 6.8 |
| 186 | 1,3-Dichloropropene | 542-75-6 | B2 | 2.4 | 5.5 |
| 187 | 2,3-Dichloropropanol | 616-23-9 | D | 200.0 | 2000.0 |
| 188 | Dichlorvos | 62-73-7 | B2 | 15.0 | 66.0 |
| 189 | Dicofol | 115-32-2 | C | 10.0 | 43.0 |
| 190 | Dieldrin | 60-57-1 | B2 | 0.28 | 1.2 |
| 191 | Diethylene glycol, monobutyl ether | 112-34-5 | D | 370.0 | 3900.0 |
| 192 | Diethylene glycol, monoethyl ether | 111-90-0 | D | 130000.0 | 1000000.0 |
| 193 | Diethylformamide | 617-84-5 | D | 720.0 | 7500.0 |
| 194 | Di(2-ethylhexyl)adipate | 103-23-1 | C | 3700.0 | 16000.0 |
| 195 | Diethyl phthalate | 84-66-2 | D | 52000.0 | 550000.0 |
| 196 | Diethylstilbestrol | 56-53-1 | A | 0.0001 | 0.0004 |
| 197 | Difenzoquat (Avenge) | 43222-48-6 | D | 5200.0 | 55000.0 |
| 198 | Diflubenzuron | 35367-38-5 | D | 1300.0 | 14000.0 |
| 199 | Diisopropyl methylphosphonate | 1445-75-6 | D | 5200.0 | 55000.0 |
| 200 | Dimethipin | 55290-64-7 | C | 1300.0 | 14000.0 |
| 201 | Dimethoate | 60-51-5 | D | 13.0 | 140.0 |
| 202 | 3,3'-Dimethoxybenzidine | 119-90-4 | B2 | 320.0 | 1400.0 |
| 203 | Dimethylamine | 124-40-3 | D | 0.07 | 0.24 |
| 204 | N-N-Dimethylaniline | 121-69-7 | D | 130.0 | 1400.0 |
| 205 | 2,4-Dimethylaniline | 95-68-1 | C | 5.9 | 25.0 |
| 206 | 2,4-Dimethylaniline hydrochloride | 21436-96-4 | C | 7.7 | 33.0 |
| 207 | 3,3'-Dimethylbenzidine | 119-93-7 | B2 | 0.48 | 2.1 |
| 208 | 1,1-Dimethylhydrazine (Hydrazine, dimethyl) | 57-14-7 | B, C | 1.7 | 7.3 |
| 209 | 1,2-Dimethylhydrazine | 540-73-8 | B2 | 0.12 | 0.52 |
| 210 | N,N-Dimethylformamide | 68-12-2 | D | 6500.0 | 68000.0 |
| 211 | 2,4-Dimethylphenol | 105-67-9 | D | 1300.0 | 14000.0 |
| 212 | 2,6-Dimethylphenol | 576-26-1 | D | 39.0 | 410.0 |
| 213 | 3,4-Dimethylphenol | 95-65-8 | D | 65.0 | 680.0 |
| 214 | Dimethyl phthalate | 131-11-3 | D | 650000.0 | 1000000.0 |
| 215 | Dimethyl terephthalate | 120-61-6 | D | 6500.0 | 68000.0 |
| 216 | 4,6-Dinitro-o-cyclohexyl phenol | 131-89-5 | D | 130.0 | 1400.0 |
| 217 | 1,3-Dinitrobenzene | 99-65-0 | D | 6.5 | 68.0 |
| 218 | 1,2-Dinitrobenzene | 528-29-0 | D | 26.0 | 270.0 |
| 219 | 1,4-Dinitrobenzene | 100-25-4 | D | 26.0 | 270.0 |
| 220 | 2,4-Dinitrophenol | 51-28-5 | D | 130.0 | 1400.0 |
| 221 | Dinitrotoluene mixture | 25321-14-6 | B2 | 6.5 | 28.0 |
| 222 | 2,4-Dinitrotoluene | 121-14-2 | D | 130.0 | 1400.0 |
| 223 | 2,6-Dinitrotoluene | 606-20-2 | D | 65.0 | 680.0 |
| 224 | Dinoseb | 88-85-7 | D | 65.0 | 680.0 |
| 225 | di-n-Octyl phthalate | 117-84-0 | D | 1300.0 | 14000.0 |
| 226 | 1,4-Dioxane | 123-91-1 | B2 | 400.0 | 1700.0 |
| 227 | Diphenamid | 957-51-7 | D | 2000.0 | 20000.0 |
| 228 | Diphenylamine | 122-39-4 | D | 1600.0 | 17000.0 |
| 229 | 1,2-Diphenylhydrazine | 122-66-7 | B2 | 5.6 | 24.0 |
| 230 | Diquat | 85-00-7 | D | 140.0 | 1500.0 |

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|--|-------------|--------------|---------------------|-------------------------|
| 231 | Direct black 38 | 1937-37-7 | A | 0.052 | 0.22 |
| 232 | Direct blue 6 | 2602-46-2 | A | 0.055 | 0.24 |
| 233 | Direct brown 95 | 16071-86-6 | A | 0.048 | 0.21 |
| 234 | Disulfoton | 298-04-4 | E | 2.6 | 27.0 |
| 235 | 1,4-Dithiane | 505-29-3 | D | 650.0 | 6800.0 |
| 236 | Diuron | 330-54-1 | D | 130.0 | 1400.0 |
| 237 | Dodine | 2439-10-3 | D | 260.0 | 2700.0 |
| E | | | | | |
| 238 | Endosulfan | 115-29-7 | D | 390.0 | 4100.0 |
| 239 | Endothall | 145-73-3 | D | 1300.0 | 14000.0 |
| 240 | Endrin | 72-20-8 | D | 20.0 | 200.0 |
| 241 | Epichlorohydrin | 106-89-8 | B2 | 7.5 | 25.0 |
| 242 | 1,2-Epoxybutane | 106-88-7 | D | 370.0 | 3900.0 |
| 243 | EPTC (S-Ethyl dipropylthiocarbamate) | 759-94-4 | D | 1600.0 | 17000.0 |
| 244 | Ethephon (2-chloroethyl phosphonic acid) | 16672-87-0 | D | 330.0 | 3400.0 |
| 245 | Ethion | 563-12-2 | D | 33.0 | 340.0 |
| 246 | 2-Ethoxyethanol | 110-80-5 | D | 26000.0 | 270000.0 |
| 247 | 2-Ethoxyethanol acetate | 111-15-9 | D | 20000.0 | 200000.0 |
| 248 | * Ethyl acetate | 141-78-6 | D | 18000.0 | 39000.0 |
| 249 | Ethyl acrylate | 140-88-5 | B2 | 2.1 | 4.5 |
| 250 | * Ethylbenzene | 100-41-4 | D | 1500.0 | 2700.0 |
| 251 | Ethylene cyanohydrin | 109-78-4 | D | 20000.0 | 200000.0 |
| 252 | Ethylene diamine | 107-15-3 | D | 1300.0 | 14000.0 |
| 253 | Ethylene glycol | 107-21-1 | D | 130000.0 | 1000000.0 |
| 254 | Ethylene glycol, monobutyl ether | 111-76-2 | D | 370.0 | 3900.0 |
| 255 | Ethylene oxide | 75-21-8 | B1 | 1.3 | 3.2 |
| 256 | Ethylene thiourea (ETU) | 96-45-7 | B2 | 5.2 | 55.0 |
| 257 | * Ethyl chloride | 75-00-3 | D | 1100.0 | 4200.0 |
| 258 | * Ethyl ether | 60-29-7 | D | 3800.0 | 3800.0 |
| 259 | * Ethyl methacrylate | 97-63-2 | D | 210.0 | 690.0 |
| 260 | Ethyl p-nitrophenyl phenylphosphorothioate | 2104-64-5 | D | 0.65 | 6.8 |
| 261 | Ethylphthalyl ethyl glycolate | 84-72-0 | D | 200000.0 | 1000000.0 |
| 262 | Express | 101200-48-0 | D | 520.0 | 5500.0 |
| F | | | | | |
| 263 | Fenamiphos | 22224-92-6 | D | 16.0 | 170.0 |
| 264 | Fluometuron | 2164-17-2 | D | 850.0 | 8900.0 |
| 265 | Fluoranthene | 206-44-0 | D | 2600.0 | 27000.0 |
| 266 | Fluorene | 86-73-7 | D | 2600.0 | 27000.0 |
| 267 | Fluorine (soluble fluoride) | 7782-41-4 | D | 3900.0 | 41000.0 |
| 268 | Fluoridone | 59756-60-4 | D | 5200.0 | 55000.0 |
| 269 | Flurprimidol | 56425-91-3 | D | 1300.0 | 14000.0 |
| 270 | Flutolanil | 66332-96-5 | D | 3900.0 | 41000.0 |
| 271 | Fluvalinate | 69409-94-5 | D | 650.0 | 6800.0 |
| 272 | Folpet | 133-07-3 | B2 | 1300.0 | 5500.0 |
| 273 | Fomesafen | 72178-02-0 | C | 23.0 | 100.0 |
| 274 | Fonofos | 944-22-9 | D | 130.0 | 1400.0 |
| 275 | Formaldehyde | 50-00-0 | B1 | 9800.0 | 100000.0 |
| 276 | Formic Acid | 64-18-6 | D | 130000.0 | 1000000.0 |
| 277 | Fosetyl-al | 39148-24-8 | C | 200000.0 | 1000000.0 |
| 278 | Furan | 110-00-9 | D | 2.5 | 8.5 |
| 279 | Furazolidone | 67-45-8 | B2 | 1.2 | 5.0 |
| 280 | Furfural | 98-01-1 | D | 200.0 | 2000.0 |
| 281 | Furium | 531-82-8 | B2 | 0.089 | 0.38 |
| 282 | Furmecyclox | 60568-05-0 | B2 | 150.0 | 640.0 |
| G | | | | | |
| 283 | Glufosinate-ammonium | 77182-82-2 | D | 26.0 | 270.0 |
| 284 | Glycidaldehyde | 765-34-4 | B2 | 26.0 | 270.0 |
| 285 | Glyphosate | 1071-83-6 | D | 6500.0 | 68000.0 |
| H | | | | | |

Department of Environmental Quality – Remedial Action

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|--|--------------------|---------------------|----------------------------|--------------------------------|
| 286 | Haloxypop-methyl | 69806-40-2 | D | 3.3 | 34.0 |
| 287 | Harmony | 79277-27-3 | D | 850.0 | 8900.0 |
| 288 | Heptachlor | 76-44-8 | B2 | 0.99 | 4.2 |
| 289 | Heptachlor epoxide | 1024-57-3 | B2 | 0.49 | 2.1 |
| 290 | Hexabromobenzene | 87-82-1 | D | 130.0 | 1400.0 |
| 291 | Hexachlorobenzene | 118-74-1 | B2 | 2.8 | 12.0 |
| 292 | Hexachlorobutadiene | 87-68-3 | C | 13.0 | 140.0 |
| 293 | HCH (alpha) | 319-84-6 | B2 | 0.71 | 3.0 |
| 294 | HCH (beta) | 319-85-7 | C | 2.5 | 11.0 |
| 295 | HCH (gamma) Lindane | 58-89-9 | B2-C | 3.4 | 15.0 |
| 296 | HCH-technical | 608-73-1 | B2 | 2.5 | 11.0 |
| 297 | Hexachlorocyclopentadiene | 77-47-4 | D | 450.0 | 4600.0 |
| 298 | Hexachlorodibenzo-p-dioxin (HxCDD) | mixture 19408-74-3 | B2 | 0.00072 | 0.0031 |
| 299 | Hexachloroethane | 67-72-1 | C | 65.0 | 680.0 |
| 300 | Hexachlorophene | 70-30-4 | D | 20.0 | 200.0 |
| 301 | Hexahydro-1,3,5-trinitro-1,3,5-triazine | 121-82-4 | C | 40.0 | 170.0 |
| 302 | * n-Hexane | 110-54-3 | D | 120.0 | 400.0 |
| 303 | Hexazinone | 51235-04-2 | D | 2200.0 | 22000.0 |
| 304 | Hydrazine, hydrazine sulfate | 302-01-2 | B2 | 1.5 | 6.4 |
| 305 | Hydrocarbons (C ₁₀ to C ₃₂) | N/A | N/A | 4100.0 | 18000.0 |
| 306 | Hydrogen chloride | 7647-01-0 | D | 370.0 | 3900.0 |
| 307 | Hydrogen cyanide | 74-90-8 | D | 11.0 | 35.0 |
| 308 | p-Hydroquinone | 123-31-9 | D | 2600.0 | 27000.0 |
| I | | | | | |
| 309 | Imazalil | 35554-44-0 | D | 850.0 | 8900.0 |
| 310 | Imazaquin | 81335-37-7 | D | 16000.0 | 170000.0 |
| 311 | Indeno[1,2,3-cd]pyrene | 193-39-5 | B2 | 6.1 | 26.0 |
| 312 | Iprodione | 36734-19-7 | D | 2600.0 | 27000.0 |
| 313 | * Isobutanol | 78-83-1 | D | 11000.0 | 42000.0 |
| 314 | Isophorone | 78-59-1 | C | 4700.0 | 20000.0 |
| 315 | Isopropalin | 33820-53-0 | D | 980.0 | 10000.0 |
| 316 | Isopropyl methyl phosphonic acid | 1832-54-8 | D | 6500.0 | 68000.0 |
| 317 | Isoxaben | 82558-50-7 | C | 3300.0 | 34000.0 |
| K | | | | | |
| 318 | Kepone | 143-50-0 | B, C | 0.25 | 1.1 |
| L | | | | | |
| 319 | Lactofen | 77501-63-4 | D | 130.0 | 1400.0 |
| 320 | #Lead | 7439-92-1 | B2 | 400.0 | 2000.0 |
| 321 | Lead (tetraethyl) | 78-00-2 | D | 0.0065 | 0.068 |
| 322 | Linuron | 330-55-2 | C | 130.0 | 1400.0 |
| 323 | Lithium | 7439-93-2 | D | 1500.0 | 34000.0 |
| 324 | Londax | 83055-99-6 | D | 13000.0 | 140000.0 |
| M | | | | | |
| 325 | Malathion | 121-75-5 | D | 1300.0 | 14000.0 |
| 326 | Maleic anhydride | 108-31-6 | D | 6500.0 | 68000.0 |
| 327 | Maleic hydrazide | 123-33-1 | D | 33000.0 | 340000.0 |
| 328 | Malononitrile | 109-77-3 | D | 1.3 | 14.0 |
| 329 | Mancozeb | 8018-01-7 | D | 2000.0 | 20000.0 |
| 330 | Maneb | 12427-38-2 | D | 330.0 | 3400.0 |
| 331 | Manganese and compounds | 7439-96-5 | D | 3200.0 | 43000.0 |
| 332 | Mephosfolan | 950-10-7 | D | 5.9 | 61.0 |
| 333 | Mepiquat | 24307-26-4 | D | 2000.0 | 20000.0 |
| 334 | Mercuric chloride | 7487-94-7 | C | 23.0 | 510.0 |
| 335 | Mercury (elemental) | 7439-97-6 | D | 6.7 | 180.0 |
| 336 | Mercury (methyl) | 22967-92-6 | D | 6.5 | 68.0 |
| 337 | Merphos | 150-50-5 | D | 2.0 | 20.0 |
| 338 | Merphos oxide | 78-48-8 | D | 2.0 | 20.0 |
| 339 | Metalaxyl | 57837-19-1 | D | 3900.0 | 41000.0 |

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|-----|--|------------|--------------|---------------------|-------------------------|
| 340 | Methacrylonitrile | 126-98-7 | D | 2.0 | 8.1 |
| 341 | Methamidophos | 10265-92-6 | D | 3.3 | 34.0 |
| 342 | Methanol | 67-56-1 | D | 33000.0 | 340000.0 |
| 343 | Methidathion | 950-37-8 | C | 65.0 | 680.0 |
| 344 | Methomyl | 16752-77-5 | D | 1600.0 | 17000.0 |
| 345 | Methoxychlor | 72-43-5 | D | 330.0 | 3400.0 |
| 346 | 2-Methoxyethanol | 109-86-4 | D | 65.0 | 680.0 |
| 347 | 2-Methoxyethanol acetate | 110-49-6 | D | 130.0 | 1400.0 |
| 348 | 2-Methoxy-5-nitroaniline | 99-59-2 | C | 97.0 | 410.0 |
| 349 | Methyl acetate | 79-20-9 | D | 21000.0 | 88000.0 |
| 350 | Methyl acrylate | 96-33-3 | D | 69.0 | 230.0 |
| 351 | 2-Methylaniline (o-toluidine) | 95-53-4 | B2 | 19.0 | 79.0 |
| 352 | 2-Methylaniline hydrochloride | 636-21-5 | B2 | 25.0 | 110.0 |
| 353 | Methyl chlorocarbonate | 79-22-1 | D | 65000.0 | 680000.0 |
| 354 | 2-Methyl-4-chlorophenoxyacetic acid | 94-74-6 | D | 33.0 | 340.0 |
| 355 | 4-(2-Methyl-4-chlorophenoxy) butyric acid (MCPB) | 94-81-5 | D | 650.0 | 6800.0 |
| 356 | 2-(2-Methyl-4-chlorophenoxy) propionic acid | 93-65-2 | D | 65.0 | 680.0 |
| 357 | 2-(2-Methyl-1,4-chlorophenoxy) propionic acid (MCPB) | 16484-77-8 | D | 65.0 | 680.0 |
| 358 | Methylcyclohexane | 108-87-2 | D | 56000.0 | 590000.0 |
| 359 | 4,4'-Methylenebisbenzeneamine | 101-77-9 | D | 18.0 | 76.0 |
| 360 | 4,4'-Methylene bis(2-chloroaniline) | 101-14-4 | B2 | 34.0 | 150.0 |
| 361 | 4,4'-Methylene bis(N,N'-dimethyl)aniline | 101-61-1 | B2 | 97.0 | 410.0 |
| 362 | Methylene bromide | 74-95-3 | D | 650.0 | 6800.0 |
| 363 | Methylene chloride | 75-09-2 | B2 | 77.0 | 180.0 |
| 364 | Methyl ethyl ketone | 78-93-3 | D | 7100.0 | 27000.0 |
| 365 | Methyl hydrazine | 60-34-4 | B, C | 4.0 | 17.0 |
| 366 | Methyl isobutyl ketone | 108-10-1 | D | 770.0 | 2800.0 |
| 367 | * Methyl methacrylate | 80-62-6 | D | 760.0 | 2800.0 |
| 368 | 2-Methyl-5-nitroaniline | 99-55-8 | C | 130.0 | 580.0 |
| 369 | Methyl parathion | 298-00-0 | D | 16.0 | 170.0 |
| 370 | 2-Methylphenol | 95-48-7 | C | 3300.0 | 34000.0 |
| 371 | 3-Methylphenol | 108-39-4 | C | 3300.0 | 34000.0 |
| 372 | 4-Methylphenol | 106-44-5 | C | 330.0 | 3400.0 |
| 373 | Methyl styrene (mixture) | 25013-15-4 | D | 120.0 | 520.0 |
| 374 | * Methyl styrene (alpha) | 98-83-9 | D | 890.0 | 3100.0 |
| 375 | Methyl tertbutyl ether (MTBE) | 1634-04-4 | D | 320.0 | 3300.0 |
| 376 | Metolacolor (Dual) | 51218-45-2 | D | 9800.0 | 100000.0 |
| 377 | Metribuzin | 21087-64-9 | D | 1600.0 | 17000.0 |
| 378 | Mirex | 2385-85-5 | B2 | 2.5 | 11.0 |
| 379 | Molinate | 2212-67-1 | D | 130.0 | 1400.0 |
| 380 | Molybdenum | 7439-98-7 | D | 380.0 | 8500.0 |
| 381 | Monochloramine N | 10599-90-3 | D | 6500.0 | 68000.0 |
| 382 | Naled | 300-76-5 | D | 130.0 | 1400.0 |
| 383 | Naphthalene | 91-20-3 | D | 2600.0 | 27000.0 |
| 384 | Napropamide | 15299-99-7 | D | 6500.0 | 68000.0 |
| 385 | Nickel and compounds | 7440-02-0 | D | 1500.0 | 34000.0 |
| 386 | Nickel subsulfide | 12035-72-2 | A | 5100.0 | 11000.0 |
| 387 | Nitrapyrin | 1929-82-4 | D | 98.0 | 1000.0 |
| 388 | Nitrate | 14797-55-8 | D | 100000.0 | 1000000.0 |
| 389 | Nitrite | 14797-65-0 | D | 6500.0 | 68000.0 |
| 390 | 2-Nitroaniline | 88-74-4 | D | 3.9 | 41.0 |
| 391 | Nitrobenzene | 98-95-3 | D | 18.0 | 94.0 |
| 392 | Nitrofurantoin | 67-20-9 | D | 4600.0 | 48000.0 |
| 393 | Nitrofurazone | 59-87-0 | B2 | 3.0 | 13.0 |
| 394 | Nitroguanidine | 556-88-7 | D | 6500.0 | 68000.0 |
| 395 | N-Nitrosodi-n-butylamine | 924-16-3 | B2 | 0.22 | 0.55 |

Department of Environmental Quality – Remedial Action

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|-----|--|-------------------|---------------------|----------------------------|--------------------------------|
| 396 | N-Nitrosodiethanolamine | 1116-54-7 | B2 | 1.6 | 6.8 |
| 397 | N-Nitrosodiethylamine | 55-18-5 | B2 | 0.03 | 0.13 |
| 398 | N-Nitrosodimethylamine | 62-75-9 | B2 | 0.087 | 0.37 |
| 399 | N-Nitrosodiphenylamine | 86-30-6 | B2 | 910.0 | 3900.0 |
| 400 | N-Nitroso di-n-propylamine | 621-64-7 | B2 | 0.63 | 2.7 |
| 401 | N-Nitroso-N-methylethylamine | 10595-95-6 | B2 | 0.20 | 0.87 |
| 402 | N-Nitrosopyrrolidine | 930-55-2 | B2 | 2.1 | 9.1 |
| 403 | m-Nitrotoluene | 99-08-1 | D | 650.0 | 6800.0 |
| 404 | p-Nitrotoluene | 99-99-0 | D | 650.0 | 6800.0 |
| 405 | Norflurazon | 27314-13-2 | D | 2600.0 | 27000.0 |
| 406 | NuStar | 85509-19-9 | D | 46.0 | 480.0 |
| | O | | | | |
| 407 | Octabromodiphenyl ether | 32536-52-0 | D | 200.0 | 2000.0 |
| 408 | Octahydro-1357-tetranitro-1357-tetrazocine (HMX) | 2691-41-0 | D | 3300.0 | 34000.0 |
| 409 | Octamethylpyrophosphoramidate | 152-16-9 | D | 130.0 | 1400.0 |
| 410 | Oryzalin | 19044-88-3 | C | 3300.0 | 34000.0 |
| 411 | Oxadiazon | 19666-30-9 | D | 330.0 | 3400.0 |
| 412 | Oxamyl | 23135-22-0 | E | 1600.0 | 17000.0 |
| 413 | Oxyfluorfen | 42874-03-3 | D | 200.0 | 2000.0 |
| | P | | | | |
| 414 | Paclobutrazol | 76738-62-0 | D | 850.0 | 8900.0 |
| 415 | Paraquat | 4685-14-7 | C | 290.0 | 3100.0 |
| 416 | Parathion | 56-38-2 | C | 390.0 | 4100.0 |
| 417 | Pebulate | 1114-71-2 | D | 3300.0 | 34000.0 |
| 418 | Pendimethalin | 40487-42-1 | D | 2600.0 | 27000.0 |
| 419 | Pentabromo-6-chloro cyclohexane | 87-84-3 | C | 190.0 | 830.0 |
| 420 | Pentabromodiphenyl ether | 32534-81-9 | D | 130.0 | 1400.0 |
| 421 | Pentachlorobenzene | 608-93-5 | D | 52.0 | 550.0 |
| 422 | Pentachloronitrobenzene | 82-68-8 | C | 17.0 | 73.0 |
| 423 | Pentachlorophenol | 87-86-5 | B2 | 25.0 | 79.0 |
| 424 | Permethrin | 52645-53-1 | D | 3300.0 | 34000.0 |
| 425 | Phenmedipham | 13684-63-4 | D | 16000.0 | 170000.0 |
| 426 | Phenol | 108-95-2 | D | 39000.0 | 410000.0 |
| 427 | m-Phenylenediamine | 108-45-2 | D | 390.0 | 4100.0 |
| 428 | p-Phenylenediamine | 106-50-3 | D | 12000.0 | 130000.0 |
| 429 | Phenylmercuric acetate | 62-38-4 | D | 5.2 | 55.0 |
| 430 | 2-Phenylphenol | 90-43-7 | C | 2300.0 | 9800.0 |
| 431 | Phorate | 298-02-2 | E | 13.0 | 140.0 |
| 432 | Phosmet | 732-11-6 | D | 1300.0 | 14000.0 |
| 433 | Phosphine | 7803-51-2 | D | 20.0 | 200.0 |
| 434 | Phosphorus, white | 7723-14-0 | D | 1.5 | 34.0 |
| 435 | Phthalic anhydride | 85-44-9 | D | 130000.0 | 1000000.0 |
| 436 | Picloram | 1918-02-1 | D | 4600.0 | 48000.0 |
| 437 | Pirimiphos-methyl | 23505-41-1 | D | 650.0 | 6800.0 |
| 438 | Polybrominated biphenyls (PBBs) | N/A | B2 | 0.46 | 2.1 |
| 439 | Polychlorinated biphenyls (PCBs) | 1336-36-3 | B2 | 2.5 | 13.0 |
| 440 | Potassium cyanide | 151-50-8 | D | 3300.0 | 34000.0 |
| 441 | Potassium silver cyanide | 506-61-6 | D | 13000.0 | 140000.0 |
| 442 | Prochloraz | 67747-09-5 | C | 30.0 | 130.0 |
| 443 | Profluralin | 26399-36-0 | D | 390.0 | 4100.0 |
| 444 | Prometon | 1610-18-0 | D | 980.0 | 10000.0 |
| 445 | Prometryn | 7287-19-6 | D | 260.0 | 2700.0 |
| 446 | Pronamide | 23950-58-5 | C | 4900.0 | 51000.0 |
| 447 | Propachlor | 1918-16-7 | D | 850.0 | 8900.0 |
| 448 | Propanil | 709-98-8 | D | 330.0 | 3400.0 |
| 449 | Propargite | 2312-35-8 | D | 1300.0 | 14000.0 |
| 450 | Propargyl alcohol | 107-19-7 | D | 130.0 | 1400.0 |
| 451 | Propazine | 139-40-2 | C | 1300.0 | 14000.0 |

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|----------|------------------------------------|------------|--------------|---------------------|-------------------------|
| 452 | Propham | 122-42-9 | D | 1300.0 | 14000.0 |
| 453 | Propiconazole | 60207-90-1 | D | 850.0 | 8900.0 |
| 454 | Propylene glycol | 57-55-6 | D | 1000000.0 | 1000000.0 |
| 455 | Propylene glycol, monoethyl ether | 111-35-3 | D | 46000.0 | 480000.0 |
| 456 | Propylene glycol, monomethyl ether | 107-98-2 | D | 46000.0 | 480000.0 |
| 457 | Propylene oxide | 75-56-9 | B2 | 19.0 | 79.0 |
| 458 | Pursuit | 81335-77-5 | D | 16000.0 | 170000.0 |
| 459 | Pydrin | 51630-58-1 | D | 1600.0 | 17000.0 |
| 460 | Pyrene | 129-00-0 | D | 2000.0 | 20000.0 |
| 461 | Pyridine | 110-86-1 | D | 65.0 | 680.0 |
| Q | | | | | |
| 462 | Quinalphos | 13593-03-8 | D | 33.0 | 340.0 |
| 463 | Quinoline | 91-22-5 | C | 0.37 | 1.6 |
| R | | | | | |
| 464 | RDX (Cyclonite) | 121-82-4 | C | 40.0 | 170.0 |
| 465 | Resmethrin | 10453-86-8 | D | 2000.0 | 20000.0 |
| 466 | Ronnel | 299-84-3 | D | 3300.0 | 34000.0 |
| 467 | Rotenone | 83-79-4 | D | 260.0 | 2700.0 |
| S | | | | | |
| 468 | Savey | 78587-05-0 | D | 1600.0 | 17000.0 |
| 469 | Selenious Acid | 7783-00-8 | D | 330.0 | 3400.0 |
| 470 | Selenium | 7782-49-2 | D | 380.0 | 8500.0 |
| 471 | Selenourea | 630-10-4 | D | 330.0 | 3400.0 |
| 472 | Sethoxydim | 74051-80-2 | D | 5900.0 | 61000.0 |
| 473 | Silver and compounds | 7440-22-4 | D | 380.0 | 8500.0 |
| 474 | Silver cyanide | 506-64-9 | D | 6500.0 | 68000.0 |
| 475 | Simazine | 122-34-9 | C | 37.0 | 160.0 |
| 476 | Sodium azide | 26628-22-8 | D | 260.0 | 2700.0 |
| 477 | Sodium cyanide | 143-33-9 | D | 2600.0 | 27000.0 |
| 478 | Sodium diethyldithiocarbamate | 148-18-5 | C | 16.0 | 71.0 |
| 479 | Sodium fluoroacetate | 62-74-8 | D | 1.3 | 14.0 |
| 480 | Sodium metavanadate | 13718-26-8 | D | 65.0 | 680.0 |
| 481 | Strontium, stable | 7440-24-6 | D | 46000.0 | 1000000.0 |
| 482 | Strychnine | 57-24-9 | D | 20.0 | 200.0 |
| 483 | * Styrene | 100-42-5 | C | 3300.0 | 3300.0 |
| 484 | Sythane | 88671-89-0 | D | 1600.0 | 17000.0 |
| T | | | | | |
| 485 | 2,3,7,8-TCDD (dioxin) | 1746-01-6 | B2 | 0.000038 | 0.00024 |
| 486 | Tebuthiuron | 34014-18-1 | D | 4600.0 | 48000.0 |
| 487 | Temephos | 3383-96-8 | D | 1300.0 | 14000.0 |
| 488 | Terbacil | 5902-51-2 | E | 850.0 | 8900.0 |
| 489 | Terbufos | 13071-79-9 | D | 1.6 | 17.0 |
| 490 | Terbutryn | 886-50-0 | D | 65.0 | 680.0 |
| 491 | 1,2,4,5-Tetrachlorobenzene | 95-94-3 | D | 20.0 | 200.0 |
| 492 | 1,1,1,2-Tetrachloroethane | 630-20-6 | C | 23.0 | 54.0 |
| 493 | 1,1,2,2-Tetrachloroethane | 79-34-5 | C | 4.4 | 11.0 |
| 494 | Tetrachloroethylene (PCE) | 127-18-4 | B2 | 53.0 | 170.0 |
| 495 | 2,3,4,6-Tetrachlorophenol | 58-90-2 | D | 2000.0 | 20000.0 |
| 496 | p,a,a,a-Tetrachlorotoluene | 5216-25-1 | B2 | 0.22 | 0.95 |
| 497 | Tetrachlorovinphos | 961-11-5 | C | 190.0 | 790.0 |
| 498 | Tetraethyldithiopyrophosphate | 3689-24-5 | D | 33.0 | 340.0 |
| 499 | Thallic oxide | 1314-32-5 | D | 5.4 | 120.0 |
| 500 | Thallium acetate | 563-68-8 | D | 6.9 | 150.0 |
| 501 | Thallium carbonate | 6533-73-9 | D | 6.1 | 140.0 |
| 502 | Thallium chloride | 7791-12-0 | D | 6.1 | 140.0 |
| 503 | Thallium nitrate | 10102-45-1 | D | 6.9 | 150.0 |
| 504 | Thallium selenite | 12039-52-0 | D | 6.9 | 150.0 |
| 505 | Thallium sulfate | 7446-18-6 | D | 6.1 | 140.0 |
| 506 | Thiobencarb | 28249-77-6 | D | 650.0 | 6800.0 |

Department of Environmental Quality – Remedial Action

| | Chemical Name | CAS Number | Cancer Group | Residential (mg/kg) | Non-residential (mg/kg) |
|-----|--|-------------------|---------------------|----------------------------|--------------------------------|
| 507 | 2-(Thiocyanomethylthio)- benzothiazole (TCMTB) | 3689-24-5 | D | 2000.0 | 20000.0 |
| 508 | Thiofanox | 39196-18-4 | D | 20.0 | 200.0 |
| 509 | Thiophanate-methyl | 23564-05-8 | D | 5200.0 | 55000.0 |
| 510 | Thiram | 137-26-8 | D | 330.0 | 3400.0 |
| 511 | Tin and compounds | 7440-31-5 | D | 46000.0 | 1000000.0 |
| 512 | * Toluene | 108-88-3 | D | 790.0 | 2700.0 |
| 513 | Toluene-2,4-diamine | 95-80-7 | B2 | 1.4 | 6.0 |
| 514 | Toluene-2,5-diamine | 95-70-5 | D | 39000.0 | 410000.0 |
| 515 | Toluene-2,6-diamine | 823-40-5 | C | 13000.0 | 140000.0 |
| 516 | p-Toluidine | 106-49-0 | C | 23.0 | 100.0 |
| 517 | Toxaphene | 8001-35-2 | B2 | 4.0 | 17.0 |
| 518 | Tralomethrin | 66841-25-6 | D | 490.0 | 5100.0 |
| 519 | Triallate | 2303-17-5 | D | 850.0 | 8900.0 |
| 520 | Triasulfuron | 82097-50-5 | D | 650.0 | 6800.0 |
| 521 | 1,2,4-Tribromobenzene | 615-54-3 | D | 330.0 | 3400.0 |
| 522 | Tributyltin oxide (TBTO) | 56-35-9 | D | 2.0 | 20.0 |
| 523 | 2,4,6-Trichloroaniline | 634-93-5 | C | 130.0 | 560.0 |
| 524 | 2,4,6-Trichloroaniline hydrochloride | 33663-50-2 | C | 150.0 | 660.0 |
| 525 | * 1,2,4-Trichlorobenzene | 120-82-1 | D | 570.0 | 4700.0 |
| 526 | * 1,1,1-Trichloroethane | 71-55-6 | D | 1200.0 | 4800.0 |
| 527 | 1,1,2-Trichloroethane | 79-00-5 | C | 6.5 | 15.0 |
| 528 | Trichloroethylene (TCE) | 79-01-6 | B2 | 27.0 | 70.0 |
| 529 | Trichlorofluoromethane | 75-69-4 | D | 380.0 | 1300.0 |
| 530 | 2,4,5-Trichlorophenol | 95-95-4 | D | 6500.0 | 68000.0 |
| 531 | 2,4,6-Trichlorophenol | 88-06-2 | B2 | 400.0 | 1700.0 |
| 532 | 2,4,5-Trichlorophenoxyacetic acid | 93-76-5 | D | 650.0 | 6800.0 |
| 533 | 2-(2,4,5-Trichlorophenoxy) propionic acid | 93-72-1 | D | 520.0 | 5500.0 |
| 534 | 1,1,2-Trichloropropane | 598-77-6 | D | 15.0 | 50.0 |
| 535 | 1,2,3-Trichloropropane | 96-18-4 | B2 | 0.014 | 0.03 |
| 536 | 1,2,3-Trichloropropene | 96-19-5 | D | 11.0 | 38.0 |
| 537 | * 1,1,2-Trichloro-1,2,2-trifluoroethane | 76-13-1 | D | 10000.0 | 10000.0 |
| 538 | Tridiphane | 58138-08-2 | D | 200.0 | 2000.0 |
| 539 | Triethylamine | 121-44-8 | D | 23.0 | 84.0 |
| 540 | Trifluralin | 1582-09-8 | C | 490.0 | 2500.0 |
| 541 | Trimethyl phosphate | 512-56-1 | B2 | 120.0 | 520.0 |
| 542 | 1,3,5-Trinitrobenzene | 99-35-4 | D | 3.3 | 34.0 |
| 543 | Trinitrophenylmethylnitramine | 479-45-8 | D | 650.0 | 6800.0 |
| 544 | 2,4,6-Trinitrotoluene | 118-96-7 | C | 33.0 | 340.0 |
| | V | | | | |
| 545 | Vanadium | 7440-62-2 | D | 540.0 | 12000.0 |
| 546 | Vanadium pentoxide | 1314-62-1 | D | 690.0 | 15000.0 |
| 547 | Vanadium sulfate | 13701-70-7 | D | 1500.0 | 34000.0 |
| 548 | Vernam | 1929-77-7 | D | 65.0 | 680.0 |
| 549 | Vinclozolin | 50471-44-8 | D | 1600.0 | 17000.0 |
| 550 | Vinyl acetate | 108-05-4 | D | 780.0 | 2600.0 |
| 551 | Vinyl bromide | 593-60-2 | B2 | 1.9 | 4.1 |
| 552 | Vinyl chloride | 75-01-4 | A | 0.016 | 0.035 |
| | W | | | | |
| 553 | Warfarin | 81-81-2 | D | 20.0 | 200.0 |
| | X | | | | |
| 554 | * Xylene (mixed) | 1330-20-7 | D | 2800.0 | 2800.0 |
| | Z | | | | |
| 555 | Zinc | 7440-66-6 | D | 23000.0 | 510000.0 |
| 556 | Zinc phosphide | 1314-84-7 | D | 23.0 | 510.0 |
| 557 | Zinc cyanide | 557-21-1 | D | 3300.0 | 34000.0 |
| 558 | Zineb | 12122-67-7 | D | 3300.0 | 34000.0 |

* = 1% free-phase analysis

= Based on IEUBK Model

~ = Based on natural background

N/A = Not Applicable

CARCINOGENICITY CLASSIFICATIONS:

A = Known human carcinogen

B1 = Probable human carcinogen, with limited data indicating human carcinogenicity.

B2 = Probable human carcinogen, with inadequate or no evidence of carcinogenicity in humans. Sufficient evidence for carcinogenicity in laboratory animals.

C = Possible human carcinogen.

D = Not classifiable as to human carcinogenicity.

E = Evidence of noncarcinogenicity in humans.

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency appendix reinstated at the request of the Department; historical note from Supp. 97-3 stating emergency expired removed for clarity. Appendix B adopted permanently effective December 4, 1997, replacing emergency appendix (Supp. 97-4). Former Appendix B repealed; new Appendix B renumbered from Appendix A and amended by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

Appendix C. Repealed

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Interim emergency appendix reinstated at the request of the Department; historical note from Supp. 97-3 stating emergency expired removed for clarity. Appendix C adopted permanently effective December 4, 1997, replacing emergency appendix (Supp. 97-4). Appendix C repealed by final rulemaking at 13 A.A.R. 971, effective May 5, 2007 (Supp. 07-1).

Appendix D. Emergency Expired

Historical Note

Adopted by emergency action effective March 29, 1996, pursuant to A.R.S. § 41-1026 and Laws 1995, Ch. 232, § 5; in effect until permanent rules are adopted and in place no later than August 1, 1997, pursuant to A.R.S. § 49-152 and Laws 1995, Ch. 232, § 5 (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1). Historical note from Supp. 97-3 stating emergency expired removed for clarity; interim emergency rule reinstated at the request of the Department. Emergency expired effective December 4, 1997 (Supp. 97-4).

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

R18-7-301. Prospective Purchaser Agreement Fee

- A.** An applicant for a prospective purchaser agreement with the Department under A.R.S. § 49-285.01 shall pay to the Department the fee prescribed in this Article. The Department shall not refund a fee once it accepts an application.
- B.** An applicant for a prospective purchaser agreement shall pay a fee for each prospective purchaser agreement application submitted to the Department for review. The fee includes:
1. An initial charge as prescribed in subsection (C);
 2. An hourly charge, if the conditions of subsection (D)(1) apply;
 3. The publication costs for the legal notice as prescribed in subsection (F); and
 4. A charge, as prescribed in subsection (D)(2), if an applicant requests a settlement.
- C.** An applicant shall pay an initial charge of \$2,500 for an application for a prospective purchaser agreement requiring minimal review for property within a site that is listed in the Water Quality Assurance Revolving Fund (WQARF) registry under A.R.S. § 49-287.01. For property that is not on the WQARF registry, an applicant shall pay an initial charge of \$3,600 for an application for a prospective purchaser agreement. The initial charge covers direct and indirect Department costs. An application for a prospective purchaser agreement requiring minimal review is one that requires 34 or fewer hours of review time for a site on the WQARF registry or 49 or fewer hours for a site not on the WQARF registry.
- D.** In addition to the initial charge described in subsection (C), the applicant shall pay the following charges, if applicable:

1. An hourly charge for reviewing a prospective purchaser agreement that requires more than the hours for review covered by the initial charge in subsection (C). The additional charge is \$73 per hour for Department staff time and Assistant Attorney General time.
 2. A charge in the amount of \$2,000, to accompany a request for a settlement that includes immunity from contribution claims for existing contamination, if requested under A.R.S. § 49-285.01. If costs for the settlement exceed \$2,000, the remainder of the costs will be paid for through the terms of the settlement.
- E.** The applicant may agree in writing to pay charges that exceed the initial charge described in subsection (C). Unless the applicant has so agreed, when the Department believes that the costs associated with the prospective purchaser agreement have begun to exceed the initial charge, the Department shall stop work on the prospective purchaser agreement and notify the applicant in writing. The applicant shall notify the Department in writing, within 30 days of the Department's notification under this subsection, whether the applicant wishes the Department to continue work on the application and to incur additional costs. The Department shall terminate the application if the applicant does not provide written confirmation within 30 days that it wishes the Department to continue work on the application.
- F.** The Department shall publish a legal notice announcing an opportunity for public comment on the prospective purchaser agreement. The legal notice shall include:
1. A general description of the contents of the agreement;

2. The location where information regarding the agreement can be obtained;
 3. The name and address of the Department contact where comments may be sent; and
 4. The time and date that the comment period closes.
- G.** The initial charge described in subsection (C) is due when the applicant submits the prospective purchaser agreement application to the Department. The publication cost specified in subsection (B)(3), and any hourly charge described in subsection (D)(1), are due within 30 days of the date the invoice is sent by the Department. Fee charges are payable to the state of Arizona, and shall be paid in full before the Department executes a prospective purchaser agreement.

Historical Note

Adopted effective February 7, 1997; filed with the Office of the Secretary of State January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 12 A.A.R. 345, effective March 11, 2006 (Supp. 06-1).

Editor's Note: The heading for the following Article was amended by exempt rulemaking at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

Editor's Note: The following Article was originally adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1997, Ch. 296, §§ 3(E) & (G), 10 & 11. Although exempt from certain provisions of the rulemaking process, the Department was required to submit notice of proposed rulemaking with the Secretary of State for publication in the Arizona Administrative Register and conduct a public hearing (Supp. 97-3).

ARTICLE 4. REPEALED

R18-7-401. Repealed

Historical Note

Adopted effective August 5, 1997, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 1997, Ch. 296, §§ 3(E) & (G), 10 & 11 (Supp. 97-3). Section R18-7-401 repealed; new Section R18-7-401 adopted effective October 21, 1998 (Supp. 98-4). Repealed by final rulemaking at 15 A.A.R. 232, effective March 7, 2009 (Supp. 09-1).

Editor's Note: The rules in the following Article were adopted as interim rules under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 2000, Ch. 225, § 13. Although exempt from certain provisions of the rulemaking process, the Department is required to submit notice of proposed rulemaking with the Secretary of State for publication in the Arizona Administrative Register and conduct a public hearing (Supp. 01-1).

ARTICLE 5. VOLUNTARY REMEDIATION PROGRAM

R18-7-501. Definitions

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

“Applicant” means a person who participates in the Voluntary Remediation Program. Participation in the Voluntary Remediation Program begins when the Department receives an application under A.R.S. § 49-173 and continues until any one of the following occurs:

The Department grants the applicant’s request for a no further action determination.

The applicant provides the Department with notice of the applicant’s intent to withdraw from the program.

The Department terminates the applicant’s participation under A.R.S. § 49-178(B).

“Department” means the Arizona Department of Environmental Quality.

“Voluntary Remediation Program” means the program authorized under A.R.S. Title 49, Chapter 1, Article 5.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-502. Application Fee

- A.** At the time of filing an application to participate in the Voluntary Remediation Program, the applicant shall pay a nonrefundable application fee in the amount of \$2,000.00.
- B.** The application fee shall be in the form of a company check, cashier’s check, certified check, or money order made payable to the Arizona Department of Environmental Quality.
- C.** Except as provided in subsection (D), an application does not meet the requirements in A.R.S. § 49-173 unless accompanied by the application fee. The Department shall not review an application until the application fee is paid in full.
- D.** At the request of an applicant that is a small business as defined under A.R.S. § 41-1001, the Department may review and approve an application upon receipt of a partial payment of the application fee in an amount approved by the Department and an agreement to pay the remainder of the fee in scheduled installments.
- E.** An applicant that withdraws or is terminated from participation in the Voluntary Remediation Program may reapply to the program by submitting an application that meets the requirements of A.R.S. § 49-173, including payment of the application fee.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-503. Deposit

- A.** At the time that an applicant submits a work plan under A.R.S. § 49-175 or a report under A.R.S. § 49-181, the applicant shall submit to the Department an initial deposit of \$4,000.00.
- B.** The deposit shall be in the form of a company check, cashier’s check, certified check, or money order made payable to the Arizona Department of Environmental Quality.
- C.** The Department shall begin review of the applicant’s work plan or the report submitted under A.R.S. § 49-181 upon receipt of the initial deposit.
- D.** Upon receipt of the initial deposit, the Department shall establish a site-specific deposit account identified by a unique account number. The Department shall charge all incurred reimbursable costs attributable to the applicant’s site against the site-specific deposit account.
- E.** If, at any time during the applicant’s participation in the program, the balance in the site-specific deposit account falls below \$1,000.00 and the Department reasonably estimates that the reimbursable costs chargeable to the account will exceed the amount available in the account, the Department shall mail or fax a written request that the applicant submit an additional deposit in an amount not to exceed \$4,000.00. The Department may request any number of additional deposits, in amounts of \$4,000.00 or less, at any time that the conditions of this subsection are met.

- F. If any requested additional deposit is not received within 30 days after the Department mails or faxes the request in subsection (E) and the Department determines that the applicant's site specific account balance is insufficient to support continued program participation, the Department shall mail a written notice of deficiency under A.R.S. § 49-178 and shall notify the applicant that work on the site may be suspended until the additional deposit is received. If the Department does not receive the requested additional deposit within 60 days after the notice of deficiency is mailed or faxed and the applicant does not dispute the Department's determination that the site specific account balance is insufficient to support continued program participation, the Department may terminate the applicant's participation in the program. An applicant whose participation is terminated under this subsection may reapply to the program as provided in R18-7-502(E).

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-504. Voluntary Remediation Program Reimbursement

- A. The applicant shall reimburse the Department, at an hourly reimbursement rate established under R18-7-505, for time spent by Voluntary Remediation Program staff on activities specifically related to the applicant's site, including the following:
1. Review of the application submitted under A.R.S. § 49-173, including review of any modifications requested by the Department or the applicant or additional information submitted by the applicant.
 2. Review of the work plan submitted under A.R.S. § 49-175, including review of any modifications requested by the Department under A.R.S. § 49-177 or by the applicant or the Department under A.R.S. § 49-180.
 3. Review of progress reports submitted as part of a work plan under A.R.S. § 49-175 or as requested by the Department under A.R.S. § 49-177 or A.R.S. § 49-180.
 4. Consideration by the Department under A.R.S. § 49-176(D) of written comments submitted in response to a public notice providing an opportunity to comment or a public meeting.
 5. Participation in public hearings required by the Department under A.R.S. § 49-176(D).
 6. Site inspections under A.R.S. § 49-177 and site investigations under A.R.S. § 49-181, including time spent in travel to and from the site.
 7. Review of the report and request for a no further action determination submitted under A.R.S. § 49-181, including review of any modifications requested by the applicant or the Department.
 8. Time spent in reviewing a request submitted by an applicant under A.R.S. § 49-182 for approval of a remedial action under A.R.S. § 49-285.
 9. Time spent in meetings or discussions requested by the applicant or the Department.
- B. The applicant shall reimburse the Department for the site-specific costs of goods and services contracted by the Department including:
1. Reasonable and necessary attorneys' fees billed to the Department by the Attorney General for legal services, including legal fees billed for representation in regard to appeals or dispute resolution under A.R.S. § 49-185.

2. Costs incurred by the Department for work provided under a contract described in A.R.S. § 49-179(D)(1) or A.R.S. § 49-179(D)(2).
3. Reasonable and necessary travel costs incurred in the performance of activities described in subsections (A)(5), (A)(6), or (A)(9) or performed at the request of the applicant.
4. Other reasonable site related expenses documented in writing by the Department.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-505. Hourly Reimbursement Rate

The hourly reimbursement rate is \$110.00 per hour.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-506. Voluntary Remediation Program Accounting

Within a reasonable time after the end of each calendar quarter, the Department shall mail or fax each applicant a statement itemizing reimbursable costs charged against the site-specific deposit account and a summary of account activity during that quarter. The statement shall be in a form consistent with generally accepted accounting principles.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

R18-7-507. Account Reconciliation

- A. Within a reasonable time after completion of the remediation work at the site, or after termination or withdrawal of the applicant from participation in the program, the Department shall prepare and mail or fax to the applicant a final statement which shall include:
1. An itemization of site-specific reimbursable costs incurred by the Department but not previously reported in a quarterly statement.
 2. The total amount of site-specific reimbursable costs incurred by the Department during the course of the project, including the costs reported in subsection (A)(1).
 3. The total amount submitted as deposits by the applicant and applied by the Department to the applicant's site-specific deposit account during the course of the project, plus the amount paid by the applicant as an application fee.
- B. If the final statement shows that the amounts submitted or paid during the course of the project are less than the Department's reimbursable costs, the applicant shall be responsible for and shall pay, within 30 days after receipt of the final statement, the difference between the costs incurred and the amounts submitted or paid.
- C. If the final statement shows that the amounts submitted or paid during the course of the project are more than the Department's reimbursable costs and the Department's reimbursable costs exceed \$2,000.00, the Department shall return to the applicant, within a reasonable time period, the difference between the amounts submitted or paid and the costs incurred.
- D. If the final statement shows that the amounts submitted or paid during the course of the project are more than the Depart-

ment's reimbursable costs and the Department's reimbursable costs total \$2,000.00 or less, the Department shall retain the applicant's nonrefundable application fee of \$2,000.00 and shall return to the applicant the amount of any deposits submitted.

- E. The Department may withhold any program approval or no further action determination until the applicant has paid any amount due and payable under the final statement.

Historical Note

New Section adopted as interim rules, under an exemption from certain provisions of the Administrative Procedure Act pursuant to Laws 2000, Ch. 225, § 13, at 7 A.A.R. 814, effective February 9, 2001 (Supp. 01-1).

ARTICLE 6. DECLARATION OF ENVIRONMENTAL USE RESTRICTION FEE

Article 6, consisting of R18-7-601 through R18-7-606, made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

R18-7-601. Definitions

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

“APP mine sites” means mining facilities which are subject to the aquifer protection permit provisions of Arizona Revised Statutes Title 49, Chapter 2, Article 3.

“Department” means the Arizona Department of Environmental Quality.

“DEUR” means declaration of environmental use restriction, as described in A.R.S. §§ 49-152 and 49-158. It is an institutional control and a restrictive covenant that runs with and burdens the property, binds the owner and the owner's heirs, successors and assigns, and inures to the benefit of the Department and the state.

“Fee” means the fee authorized by A.R.S. §§ 49-152(K) and 49-158(G).

“Engineering control” has the meaning in A.R.S. § 49-151.

“Institutional control” has the meaning in A.R.S. § 49-151.

“Modification” means modification of a DEUR that continues to address the same spill or release, and the same contaminants, as in the original DEUR. No other changes are considered a modification of a DEUR, but would be the subject of a separate DEUR.

“One-time activities” includes reviewing and/or approving legal descriptions, control areas, contaminants, institutional or engineering controls, and draft DEUR documents.

“Ongoing activities” includes reviewing written reports, conducting site inspections, or otherwise verifying maintenance of institutional or engineering controls.

“Underground storage tanks” means those underground storage tanks defined and regulated under A.R.S. Title 49, Chapter 6, Article 1.

“WQARF sites” means sites that are listed on the site registry specified in A.R.S. § 49-287.01 and are the subject of remedial action pursuant to A.R.S. Title 49, Chapter 2, Article 5. A property that is within a registry site boundary, but does not involve a contaminant of concern identified for that registry site and is not the subject of remedial action pursuant to the above Chapter 2, is not a WQARF site for the purpose of this Section.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R.

573, effective February 20, 2004 (Supp. 04-1).

R18-7-602. Applicability

The provisions of this Article apply to properties where the owner has elected to use an institutional control and/or an engineering control to reduce the potential for exposure to contaminants on the property, or to leave contamination on the property that exceeds the applicable residential soil standard for the property. The owner of such property shall record, in each county where the property is located, a restrictive covenant labeled “declaration of environmental use restriction,” that contains the information required by A.R.S. §§ 49-152 or 49-158, as approved by the Department. The owner shall submit the information on a form provided by the Department.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

R18-7-603. Fee

Except as provided in R18-7-605, before recording the DEUR or DEUR modification, property owners shall pay to the Department a fee as provided in R18-7-604 by company, cashier, or certified check, or money order, or other method approved by the Department.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

R18-7-604. Fee Calculation

- A. Property owners who use only an institutional control shall pay to the Department a fee that is the sum of the following:
1. \$825, representing Department costs to perform one-time activities;
 2. An amount representing the costs of ongoing activities performed by the Department that is one of the following:
 - a. For properties contaminated only by a petroleum release from one or more underground storage tanks: \$110 multiplied by the number of years the Department projects the property will require ongoing activities, not to exceed 30 years; or
 - b. For all other properties: \$220 multiplied by the number of years the Department projects the property will require ongoing activities, not to exceed 30 years;
 3. \$770, representing Department costs to review and render a decision on a request to release a DEUR, and to record the release, pursuant to A.R.S. §§ 49-152(D) or 49-158(L);
 4. \$1,985 per site, representing the property owner's pro-rata share of Department costs to oversee and coordinate its DEUR-related activities; plus
 5. \$550 per site, representing the property owner's pro-rata share of Department costs to administer the repository under A.R.S. § 49-152(E).
- B. Property owners who use an engineering control without groundwater monitoring shall pay a fee to the Department that is the sum of the following:
1. \$1,595, representing Department costs to perform one-time activities;
 2. \$660, representing Department costs of annual ongoing activities, multiplied by the number of years the Department projects the property will require ongoing activities, not to exceed 30 years;
 3. \$1,320, representing Department costs to review and render a decision on a request to release a DEUR, and to record the release, pursuant to A.R.S. §§ 49-152(D) or 49-158(L);

4. \$1,985 per site, representing the property owner's pro-rata share of Department costs to oversee and coordinate its DEUR-related activities; plus
 5. \$550 per site, representing the property owner's pro-rata share of Department costs to administer the repository under A.R.S. § 49-152(E).
- C.** Property owners who use an engineering control with ground-water monitoring, and owners of WQARF sites and APP mine sites, shall pay to the Department a fee that is the sum of the following:
1. \$3,740, representing Department costs for performing one-time activities;
 2. A component of the fee to be determined on a case-by-case basis, at \$55 per hour, based on both:
 - a. The number of hours per year that the Department projects will be required for ongoing activities performed by the Department for the property, not to exceed 70 hours per year; and
 - b. The number of years that the Department projects the property will require ongoing activities, not to exceed 30 years;
 3. \$1,870, representing Department costs to review and render a decision on a request to release a DEUR, and to record the release, pursuant to A.R.S. §§ 49-152(D) or 49-158(L);
 4. \$1,985 per site, representing the property owner's pro-rata share of Department costs to oversee and coordinate its DEUR-related activities; plus
 5. \$550 per site, representing the property owner's pro-rata share of Department costs to administer the repository under A.R.S. § 49-152(E).

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

R18-7-605. Postponement of the Release Portion of the DEUR Fee

Property owners may elect to postpone payment of the portion of the fee to release the DEUR, described in R18-7-604(A)(3), R18-7-604(B)(3), or R18-7-604(C)(3), on the condition that payment of the reasonable and necessary costs of releasing the DEUR is made with the request to the Department to release the DEUR from the property. Property owners electing to use this option acknowledge that the future amount of the release portion of the DEUR fee will be the amount established by this Article at the time the request for the release of the DEUR is filed with the Department, which may be greater than the amount described in R18-7-604(A)(3), R18-7-604(B)(3), or R18-7-604(C)(3) at the time the DEUR is recorded.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

R18-7-606. DEUR Modification Fee

A property owner who wishes to request a modification to an existing DEUR pursuant to A.R.S. §§ 49-152(I)(2), 49-152(J)(2), 49-158(E), or 49-158(F) shall pay to the Department a fee, representing Department costs to review and render a decision on the request to modify the DEUR. The fee shall accompany the proposed modification, and shall be in the form of company, cashier, or certified check, or money order, or other method approved by the Department. The fee shall be the amount specified in R18-7-604(A)(3), R18-7-604(B)(3), or R18-7-604(C)(3), as appropriate for the category of site as described in R18-7-604(A), R18-7-604(B), or R18-7-604(C).

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 573, effective February 20, 2004 (Supp. 04-1).

41-1003. Required rule making

Each agency shall make rules of practice setting forth the nature and requirements of all formal procedures available to the public.

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.

17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.

5. Contract with other agencies, including laboratories, in furthering any department program.

6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.

7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.

8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.

9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.
2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.
3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.
2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-152. Soil remediation standards; restrictions on property use

A. Notwithstanding any other remediation levels established under this title, the director shall approve remediation levels calculated in accordance with this subsection and shall accomplish the following for remediation of contaminated soil to protect public health and the environment in accordance with the applicable provisions of this title and section 33-434.01:

1. Establish predetermined risk based standards by rule. At a minimum, separate standards shall be established for residential and nonresidential exposure assumptions. Until risk based remediation standards are formally established by rule, the director shall establish interim standards adopting:

(a) The Arizona health based guidance levels developed by the department of health services to include a health based standard for total petroleum hydrocarbons as the standards for residential uses.

(b) The guidance levels in subdivision (a) of this paragraph modified to reflect the United States environmental protection agency published assumptions for exposures that are not residential as the standards for nonresidential uses. The initial adoption of these interim standards shall be effective by December 15, 1995 and shall be deemed emergency rules pursuant to section 41-1026.

2. Issue guidance on methods for calculating case-by-case, site specific risk based remediation levels in accordance with risk assessment methodologies that are accepted in the scientific community and shall not preclude the use of newly developed risk assessment methodologies that are accepted in the scientific community.

B. The owner of a property may elect to remediate the property to meet a site specific residential or nonresidential risk based remediation standard or a predetermined residential or nonresidential risk based remediation standard. The property is suitable for unrestricted use if it has been remediated without the use of engineering or institutional controls to meet either of the following:

1. The predetermined residential risk based remediation standard.

2. A site specific risk based hazard index equal to or less than one or a risk of carcinogenic health effects that is less than or equal to the range of risk levels set forth in 40 Code of Federal Regulations section 300.430(e)(2)(i)(A)(2), based on residential exposure.

C. If the owner has elected to use an engineering or institutional control to meet the standards prescribed in subsection B of this section, or if the owner has elected to leave contamination on the property that exceeds the applicable residential standard for the property at a site remediated under programs, settlements or orders administered by the department under this title, the owner shall record in each county where the property is located an institutional control that consists of a restrictive covenant that is labeled "declaration of environmental use restriction" pertaining to the area of the property necessary to protect the public health and the environment. A person who is conducting a remedial action, remediation, corrective action or response action that requires an institutional or engineering control and who is not the owner of the property shall obtain written consent from the owner before implementing the institutional control or constructing the engineering control. On implementation of the institutional or engineering control, the owner shall record a declaration of environmental use restriction in each county where the property is located. If the institutional control or engineering control will affect right-of-way that is owned, maintained or controlled by a public entity for public benefit, the person shall also obtain the public entity's written consent before implementing the institutional control or constructing the engineering control. The declaration of environmental use restriction shall limit by legal description:

1. The area of the property where the institutional control or engineering control shall be maintained.

2. The area of the property to be restricted to nonresidential use, because contamination remains on the property above the standards prescribed in subsection B, paragraph 1 or 2 of this section.

D. At the written request of the owner of property that is subject to a declaration of environmental use restriction, the director shall determine whether release or modification of the declaration of environmental use restriction is appropriate. If a release has been requested, the director shall make this determination within sixty days after the date of the property owner's request. If the director determines that release of the declaration of environmental use restriction is appropriate, the director shall record in each county where the property is located a notice releasing the declaration of environmental use restriction. The declaration of environmental use restriction is perpetual unless released pursuant to this section. The director shall determine that release of a declaration of environmental use restriction is appropriate if the property has been remediated, without the use of institutional controls or engineering controls, to either:

1. Meet predetermined risk based remedial standards for residential exposure assumptions.
2. Present a risk based hazard index equal to or less than one from noncancer health effects and a risk estimate of carcinogenic health effects equal to or less than the range of risk levels set forth in 40 Code of Federal Regulations section 300.430(e)(2)(i)(A)(2).

E. The department shall establish a repository in the department listing sites remediated under programs administered by the department under this title. The repository shall include the name and address of the owner of the property, when the remediation was conducted, the legal description and street address of the property, the applicability of section 33-434.01, the type of financial assurance mechanism that is being used, if applicable, and a description of the purpose of the declaration of environmental use restriction.

F. When recorded, an owner's declaration of environmental use restriction under subsection B of this section is a covenant that runs with and burdens the property, binds the owner and the owner's heirs, successors and assigns and inures to the benefit of the department and the state. If notice of the declaration of environmental use restriction that includes a specific description of the area of the property that is subject to the declaration of environmental use restriction is contained in the repository maintained by the department pursuant to subsection E of this section, a declaration of environmental use restriction may not be extinguished, limited or impaired through any of the following:

1. Sale of a real property tax lien.
2. Foreclosure of a tax lien.
3. Foreclosure of any mortgage, deed of trust or other encumbrance or lien on the property.
4. Adverse possession.
5. Exercise of eminent domain.
6. Application of the doctrine of abandonment, the doctrine of waiver or any other common law doctrine.

G. Each party to a declaration of environmental use restriction shall incorporate the terms of the declaration of environmental use restriction into any lease, license or other agreement that is signed by the party and that grants a right with respect to the property that is subject to the declaration of environmental use restriction. The incorporation may be in full or by reference.

H. A declaration of environmental use restriction is sufficient if it contains all of the following information:

1. A legal description and the address of the area of the property that is subject to the declaration.
2. The date that remediation was completed and a map of the area of the property that is subject to the declaration.
3. A description of the environmental contaminants that were the subject of the remediation, remedial action, corrective action or response action.

4. A statement that more detailed information is available at the department, including the address at which that information will be maintained.
5. A notarized signature of a department official indicating approval of the declaration of environmental use restriction.
6. The notarized signature of the owner.

I. If institutional controls are used in addition to a declaration of environmental use restriction to satisfy the requirements of this section, the declaration of environmental use restriction, in addition to the information required by subsection H of this section, shall include all of the following:

1. A statement documenting any requirements for maintenance of the institutional control, including a description of the institutional control and the reason it must remain in place to protect public health and the environment.
2. A statement indicating that if any person desires to cancel or modify the institutional control in the future, the person must obtain prior written approval from the department pursuant to this section.
3. A statement acknowledging the department's right of access to the property at all reasonable times to verify that institutional controls are being maintained.

J. If engineering controls are used to satisfy the requirements of this section, the declaration of environmental use restriction, in addition to the information required by subsection H of this section, shall include all of the following:

1. A statement of all requirements for maintenance of the engineering control including a description of the control, the date it was constructed and the reason it must remain in place to protect public health and the environment.
2. A statement that if any person desires to change the engineering controls in the future that person shall obtain prior written approval from the department.
3. A statement acknowledging the department's right of access to the property at all reasonable times to verify that engineering controls are being maintained.
4. A brief description of the engineering control plan and financial assurance mechanism prescribed by section 49-152.01, if applicable.

K. When the declaration of environmental use restriction is recorded or modified, an owner electing to use institutional or engineering controls to satisfy the requirements of this section shall pay the department a fee established by rule. If the control is an institutional control, the owner shall submit to the department a written report once each calendar year regarding the status of the institutional control. If the control is an engineering control, the owner shall maintain the engineering control on the property to ensure that it continues to protect public health and the environment and shall inspect each engineering control at least once each calendar year. Within thirty days after each inspection, the owner shall submit to the department a written report that:

1. Describes the condition of the engineering control.
2. States the nature and cost of all restoration made to the engineering control during the calendar year.
3. Includes current photographs of the engineering control.
4. Describes the status of the financial assurance mechanism prescribed by section 49-152.01, if applicable, and a certification that the financial assurance mechanism is being maintained.

L. The department shall provide a copy of the declaration of environmental use restriction to the local jurisdiction with zoning and development plan approval for the property. The receipt of this copy does not create any new obligation or confer additional powers on the local jurisdiction. A declaration of environmental use restriction does not authorize a use of property that is otherwise prohibited by zoning ordinances or other ordinances or laws. A declaration of environmental use restriction may include activity limitations and use restrictions that would otherwise be permitted by zoning ordinances or other ordinances or laws.

M. The department shall adopt rules as necessary to implement this section. These rules may be combined with any rules necessary to implement section 49-158.

N. The department may enter on the property at all reasonable times to assess the condition of each engineering control. When the department enters on property to assess the condition of an engineering control, the department shall:

1. Provide twenty-four hours' advance notice of the entry to the property owner, if practicable.
2. Allow the owner or an authorized representative of the owner to accompany the department representative.
3. Present photographic identification on entry of the property.
4. Provide the owner or an authorized representative of the owner with notice of the right to have a duplicate sample or split of any sample taken during the inspection if the duplicate or split of any sample would not prohibit an analysis from being conducted or render an analysis inconclusive.

O. Nothing in this section shall preclude the department from initiating an action under other provisions of state or federal law.

49-158. Restrictions on property use; enforcement of engineering and institutional controls

A. Notwithstanding any other provisions of this title, if a remedial action, remediation or corrective action performed pursuant to this title or a response action performed pursuant to CERCLA as defined in section 49-201 includes an institutional control or an engineering control and the remedial action, remediation, corrective action or response action is not subject to section 49-152, the owner of the property on which the institutional control or engineering control is located, on implementation of the institutional control or on construction of the engineering control, shall record in each county where the property is located a restrictive covenant that is labeled "declaration of environmental use restriction". A person who is conducting a remedial action, remediation, corrective action or response action that requires an institutional or engineering control and who is not the owner of the property shall obtain written consent from the owner before implementing the institutional control or constructing the engineering control. On implementation of the institutional control or construction of the engineering control, the owner shall record a declaration of environmental use restriction in each county where the property is located. If the institutional control or engineering control will affect right-of-way that is owned, maintained or controlled by a public entity for public benefit, the person shall also obtain the public entity's written consent before implementing the institutional control or constructing the engineering control. The declaration of environmental use restriction shall limit by legal description the area of the property where the institutional control or engineering control shall be maintained.

B. When recorded, an owner's declaration of environmental use restriction under subsection A of this section is a covenant that runs with and burdens the property, binds the owner and the owner's heirs, successors and assigns and inures to the benefit of the department and the state. If notice of the declaration of environmental use restriction that includes a specific description of the area of the property that is subject to the declaration of environmental use restriction is contained in the repository maintained by the department pursuant to section 49-152, subsection E, a declaration of environmental use restriction may not be extinguished, limited or impaired through any of the following:

1. Issuance of a tax deed.
2. Foreclosure of a tax lien.
3. Foreclosure of any mortgage, deed of trust or other encumbrance or lien on the property.
4. Adverse possession.
5. Exercise of eminent domain.
6. Application of the doctrine of abandonment, the doctrine of waiver or any other common law doctrine.

C. Each party to a declaration of environmental use restriction shall incorporate the terms of the declaration of environmental use restriction into any lease, license or other agreement that is signed by the party and that grants a right with respect to the property that is subject to the declaration of environmental use restriction. The incorporation may be in full or by reference.

D. A declaration of environmental use restriction is sufficient if it contains all of the following information:

1. A legal description and the address of the area of the property that is subject to the declaration.
2. The date that remediation, remedial action, corrective action or response action was completed and a map of the area of the property that is subject to the declaration.
3. A description of the environmental contaminants that were the subject of the remediation, remedial action, corrective action or response action.

4. A statement that more detailed information is available at the department including the address at which that information will be maintained.
 5. A notarized signature of a department official indicating approval of the declaration of environmental use restriction.
 6. The notarized signature of the owner or owners of the property.
- E. If institutional controls are used in addition to the declaration of environmental use restriction, the declaration of environmental use restriction, in addition to the information required by subsection D of this section, shall include the same elements required pursuant to section 49-152, subsection I.
- F. If engineering controls are used, the declaration of environmental use restriction, in addition to the information required by subsection D of this section, shall include the same elements required pursuant to section 49-152, subsections F through J and section 49-152.01.
- G. When a declaration of environmental use restriction is recorded or modified, an owner shall pay to the department a fee established by rule. The owner shall follow the same requirements for institutional controls and engineering controls pursuant to section 49-152, subsection K and section 49-152.01.
- H. The department shall provide a copy of the declaration of environmental use restriction to the local jurisdiction with zoning and development plan approval for the property. A declaration of environmental use restriction does not authorize a use of property that is otherwise prohibited by zoning ordinances or other ordinances or laws. A declaration of environmental use restriction may include activity limitations and use restrictions that would otherwise be permitted by zoning ordinances or other ordinances or laws. The receipt of this copy does not create any new obligation or confer additional powers on the local jurisdiction.
- I. The department may enter the property pursuant to section 49-152. The department may also enforce this section as prescribed by section 49-152.02.
- J. The department shall adopt rules as necessary to implement this section.
- K. When the department enters on property pursuant to this section to verify that engineering controls are being maintained, the department shall meet the same requirements pursuant to section 49-152, subsection N.
- L. At the written request of the owner of property that is subject to a declaration of environmental use restriction recorded pursuant to subsection A of this section, the director shall determine whether release or modification of the declaration of environmental use restriction is appropriate. If a release has been requested, the director shall make this determination within sixty days after the date of the property owner's request. If the director determines that release of a declaration of environmental use restriction is appropriate, the director shall record in each county where the property is located a notice releasing the declaration of environmental use restriction. Release by the director under this subsection is appropriate if maintenance of the institutional control or engineering control is no longer necessary to protect public health and the environment.
- M. Nothing in this section shall preclude the department from initiating an action under other provisions of state or federal law.

49-179. Application fees; reimbursement of costs of review

A. Each application submitted under section 49-173 shall be accompanied by a nonrefundable fee to be established by rule.

B. An applicant shall reimburse the department for the reasonable and necessary costs of actions taken by the department pursuant to this section and sections 49-173 through 49-178, 49-180, 49-181, 49-182 and 49-185.

C. Reimbursable costs include time spent by the department's employees and the costs of goods and services contracted by the department to carry out the activities described in subsection B of this section. Time spent by the department's employees shall be reimbursed at a rate to be established by rule based upon the estimated direct and indirect costs to the department of conducting these activities. The department shall provide documentation to the applicant to support its claims for reimbursement consistent with generally accepted accounting principles. The department may require an applicant to pay an advance deposit to be applied against the department's reimbursable costs following the department's approval of an application under section 49-174. If an approved application is terminated or withdrawn pursuant to section 49-178, the applicant shall reimburse the department for its costs incurred prior to the termination or withdrawal.

D. The department may contract with an outside consultant to perform any technical review required to review a work plan submitted pursuant to section 49-175 or a report submitted pursuant to section 49-181 or to oversee work performed pursuant to a work plan approved pursuant to section 49-177 as follows:

1. The department may contract any work for which costs are reimbursable pursuant to subsection B of this section if the contract rate is less than or equal to the rate charged for time spent by the department's employees.
2. The department may contract any work upon the request of an applicant to establish deadlines for a review of a work plan or a task under an approved work plan if the applicant agrees to reimburse the department for the charges of the outside consultant.

49-186. Rules; no licensing

A. The department shall adopt rules as necessary to implement section 49-179. The adoption of rules under this section is not a prerequisite for implementation of this article.

B. Title 41, chapter 6, article 7.1 and section 41-1009 do not apply to this article.

49-285.01. Prospective purchaser agreements; assignment; notice; fees; rules

A. The department may provide, pursuant to section 49-292, to a prospective purchaser of a facility a written release and a covenant not to sue and may also agree to seek an order of the court granting approval of a settlement that includes immunity from contribution claims for any potential liability for existing contamination under this article or CERCLA if all of the following conditions are met:

1. The facility is within a site identified on the registry maintained by the department pursuant to section 49-287.01 or the department has been provided sufficient information to reasonably identify the extent of the contamination at the facility.
2. The person is not currently liable for an existing or threatened release of a hazardous substance at the facility.
3. The proposed redevelopment or reuse of the facility will not contribute to or exacerbate existing known contamination or unreasonably interfere with remedial measures necessary at the facility or cause the contamination to present a substantial health risk to the public.
4. The agreement will provide a substantial public benefit that may include any of the following:
 - (a) An agreement by the prospective purchaser to provide substantial funding or other resources to perform or facilitate remedial measures at the facility pursuant to this chapter.
 - (b) An agreement by the prospective purchaser to perform substantial remedial measures at the facility pursuant to this chapter.
 - (c) Productive reuse of a vacant or abandoned industrial or commercial facility.
 - (d) Development of a facility by a governmental entity or nonprofit organization to address an important public purpose.
 - (e) Creation of conservation or recreation areas.
5. The department consults with local planning and zoning authorities with jurisdiction over the facility and considers reasonably anticipated future land uses at the facility and surrounding properties.

B. If the prospective purchaser of a facility is affiliated with any other person who is a party responsible for the release or threatened release of a hazardous substance under this chapter, through any familial relationship or any corporate or contractual relationship other than a contract to protect a security interest, the director may refuse to provide a written release or covenant not to sue or may refuse to seek an order of the court granting immunity from contribution claims under this section.

C. An agreement between the department and a prospective purchaser shall include provisions deemed necessary by the department and may include:

1. A representation by the prospective purchaser that the purchaser did not cause or contribute to the contamination or otherwise cause or contribute to a release or threatened release of a hazardous substance at the property before the purchaser acquired title.
2. If the prospective purchaser does not undertake remedial action, a representation that the purchaser will not exacerbate or contribute to the existing contamination.
3. An agreement that any activity that the prospective purchaser may conduct or direct on the contaminated property will not unreasonably interfere with any ongoing remedial actions that are being performed by a responsible party or the department and that the purchaser will cooperate with those activities.

4. An agreement to undertake those measures that constitute a public benefit as prescribed by subsection A, paragraph 4 of this section.
 5. If remedial measures are to be performed under the agreement, an agreement to perform those measures in compliance with the applicable statutes and rules, including sections 49-151 and 49-152, and if pursuant to a consent judgment, under the department's supervision.
 6. Unless the contamination was caused by this state, a waiver by the person of any claim or cause of action against this state that arises from contamination at the facility that exists as of the date of acquisition of ownership or operation of the facility.
 7. A grant of an easement to the department and its authorized representatives for purposes of ensuring compliance with the agreement or for remedial measures authorized pursuant to this article in connection with contamination at the facility as of the date of acquisition of ownership or operation of the facility.
 8. A reservation of rights as to any person who is not a party to the agreement.
 9. The legal description of the property.
 10. In any case in which the state conducts remedial actions and there are unrecovered response costs at a property for which the prospective purchaser is not liable, the state as a condition of the agreement may impose a lien upon that property for the unrecovered costs. The priority of the lien is as of the date the lien is recorded in the county where the property is located. The lien becomes due on the sale, assignment or transfer of the property by the prospective purchaser unless the new purchaser, assignee or transferor accepts and assumes the lien as a personal obligation with the department's prior written agreement.
- D. Subject to satisfactory performance of the obligations under the agreement, the prospective purchaser is not liable to this state under this article for any release of a hazardous substance at the facility that exists on the date of acquisition of ownership or operation of the facility. The person shall bear the burden of proving that any hazardous substance existed on the facility as a result of releases of the hazardous substance before the date of acquisition of ownership or operation of the facility. This release from liability may be voided by the director if the person fails to perform any of the provisions of the prospective purchaser agreement.
- E. The purchaser shall provide written notice to the department of any sale, assignment or other transfer of the property at least fifteen business days before the date of the transfer.
- F. An agreement pursuant to this section is assignable if the assignee qualifies pursuant to subsections A and B of this section for a prospective purchaser agreement under this section and notice is given to the department as prescribed by subsection E of this section. On assignment, the assignee assumes the obligations and the benefits of the agreement. Unless the assignor has breached the agreement, the assignor retains the benefits of the agreement.
- G. The department shall provide notice of a prospective purchaser agreement by publication in a newspaper of general circulation in the county in which the property is located at least fifteen business days before the execution of a prospective purchaser agreement. The notice shall include a general description of the contents of the agreement. Any interested person may comment on the proposed agreement in writing to the director.
- H. The department may charge a reasonable fee for the preparation and execution of a prospective purchaser agreement. The director may adopt rules to implement this section.

State of Arizona
Senate
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 225

SENATE BILL 1454

AN ACT

AMENDING SECTION 49-104, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1997, CHAPTER 49, SECTION 6, CHAPTER 287, SECTION 17 AND CHAPTER 296, SECTION 1; AMENDING SECTION 49-104, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 26, SECTION 3; AMENDING SECTIONS 49-151 AND 49-152, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-158 AND 49-159; AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; REPEALING SECTION 49-282.05, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING NEW SECTION 49-282.05; AMENDING SECTIONS 49-282.06 AND 49-285, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTION 49-104, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1997, CHAPTER 49, SECTION 6, CHAPTER 287, SECTION 17 AND CHAPTER 296, SECTION 1 AND SECTION 1 OF THIS ACT; RELATING TO THE VOLUNTARY REMEDIATION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-104, Arizona Revised Statutes, as amended by
3 Laws 1997, chapter 49, section 6, chapter 287, section 17 and chapter 296,
4 section 1, is amended to read:

5 49-104. Powers and duties of the department and director

6 A. The department shall:

7 1. Formulate policies, plans and programs to implement this title to
8 protect the environment.

9 2. Stimulate and encourage all local, state, regional and federal
10 governmental agencies and all private persons and enterprises that have
11 similar and related objectives and purposes, cooperate with those agencies,
12 persons and enterprises and correlate department plans, programs and
13 operations with those of the agencies, persons and enterprises.

14 3. Conduct research on its own initiative or at the request of the
15 governor, the legislature or state or local agencies pertaining to any
16 department objectives.

17 4. Provide information and advice on request of any local, state or
18 federal agencies and private persons and business enterprises on matters
19 within the scope of the department.

20 5. Consult with and make recommendations to the governor and the
21 legislature on all matters concerning department objectives.

22 6. Make annual reports to the governor and the legislature on its
23 activities, its finances and the scope of its operations.

24 7. Promote and coordinate the management of air resources to assure
25 their protection, enhancement and balanced utilization consistent with the
26 environmental policy of this state.

27 8. Promote and coordinate the protection and enhancement of the
28 quality of water resources consistent with the environmental policy of this
29 state.

30 9. Encourage industrial, commercial, residential and community
31 development which maximizes environmental benefits and minimizes the effects
32 of less desirable environmental conditions.

33 10. Assure the preservation and enhancement of natural beauty and
34 man-made scenic qualities.

35 11. Provide for the prevention and abatement of all water and air
36 pollution including that related to particulates, gases, dust, vapors, noise,
37 radiation, odor, nutrients and heated liquids in accordance with article 3 of
38 this chapter and chapters 2 and 3 of this title.

39 12. Promote and recommend methods for the recovery, recycling and reuse
40 or, if recycling is not possible, the disposal of solid wastes consistent
41 with sound health, scenic and environmental quality policies.

42 13. Prevent pollution through the regulation of the storage, handling
43 and transportation of solids, liquids and gases which may cause or contribute
44 to pollution.

45 14. Promote the restoration and reclamation of degraded or despoiled
46 areas and natural resources.

1 15. Assist the department of health services in recruiting and training
2 state, local and district health department personnel.

3 16. Participate in the state civil defense program and develop the
4 necessary organization and facilities to meet wartime or other disasters.

5 ~~17. Establish voluntary remediation programs, if appropriate, that
6 provide for the review by the department of voluntary remediations. The
7 department may adopt rules as necessary to implement the programs, including
8 rules governing the director's waiver of procedural requirements otherwise
9 applicable to remedial actions undertaken pursuant to programs authorized by
10 this title. Any person who requests approval of a remedial action shall
11 reimburse the department for the total reasonable costs for the review of the
12 remedial action, including, if requested, the additional costs to the
13 department to provide expedited review of the remedial action, unless the
14 director waives all or a part of the reimbursement. The department may
15 contract to provide expedited review. Costs that are reimbursed to the
16 department by a party that obtains approval for the remedial action
17 constitute remedial action costs that the party may recover from responsible
18 parties.~~

19 ~~18.~~ 17. Cooperate with the Arizona Mexico commission in the governor's
20 office and with researchers at universities in this state to collect data on
21 issues that are within the scope of the department's duties and that relate
22 to quality of life, trade and economic development in this state in a manner
23 that will help the Arizona Mexico commission to assess the economic
24 competitiveness of this state and of the state of Sonora, Mexico.

25 B. The department, through the director, shall:

26 1. Contract for the services of outside advisers, consultants and
27 aides reasonably necessary or desirable to enable the department to
28 adequately perform its duties.

29 2. Contract and incur obligations reasonably necessary or desirable
30 within the general scope of department activities and operations to enable
31 the department to adequately perform its duties.

32 3. Utilize any medium of communication, publication and exhibition
33 when disseminating information, advertising and publicity in any field of its
34 purposes, objectives or duties.

35 4. Adopt procedural rules that are necessary to implement the
36 authority granted under this title, but that are not inconsistent with other
37 provisions of this title.

38 5. Contract with other agencies including laboratories in furthering
39 any department program.

40 6. Use monies, facilities or services to provide matching
41 contributions under federal or other programs which further the objectives
42 and programs of the department.

43 7. Accept gifts, grants, matching monies or direct payments from
44 public or private agencies or private persons and enterprises for department
45 services and publications and to conduct programs which are consistent with
46 the general purposes and objectives of this chapter. Monies received

1 pursuant to this paragraph shall be deposited in the department fund
2 corresponding to the service, publication or program provided.

3 8. Provide for the examination of any premises if the director has
4 reasonable cause to believe that a violation of any environmental law or rule
5 exists or is being committed on the premises. The director shall give the
6 owner or operator the opportunity for its representative to accompany the
7 director on an examination of those premises. Within forty-five days after
8 the date of the examination, the department shall provide to the owner or
9 operator a copy of any report produced as a result of any examination of the
10 premises.

11 9. Supervise sanitary engineering facilities and projects in this
12 state, authority for which is vested in the department, and own or lease land
13 on which sanitary engineering facilities are located, and operate the
14 facilities, if the director determines that owning, leasing or operating is
15 necessary for the public health, safety or welfare.

16 10. Adopt and enforce rules relating to plans and specifications for
17 constructing, improving and operating sanitary engineering and other
18 facilities for disposing of solid, liquid or gaseous deleterious matter,
19 requiring that the plans and specifications be first approved by the director
20 or his designated agent before any work is begun, requiring inspection of the
21 projects during construction and enforcing compliance with the approved plans
22 and specifications.

23 11. Define and prescribe reasonably necessary rules regarding the water
24 supply, sewage disposal and garbage collection and disposal for
25 subdivisions. The rules shall:

26 (a) Provide for minimum sanitary facilities to be installed in the
27 subdivision and may require that water systems plan for future needs and be
28 of adequate size and capacity to deliver specified minimum quantities of
29 drinking water and to treat all sewage.

30 (b) Provide that the plans and specifications showing or describing
31 the water supply, sewage disposal and garbage collection facilities be
32 submitted with a fee to the department for review and that no lots in any
33 subdivision be offered for sale before compliance with the standards and
34 rules has been demonstrated by approval of the plans and specifications by
35 the department.

36 12. Prescribe reasonably necessary measures to prevent pollution of
37 water used in public or semipublic swimming pools and bathing places and to
38 prevent deleterious conditions at such places. The rules shall prescribe
39 minimum standards for the design of and for sanitary conditions at any public
40 or semipublic swimming pool or bathing place and provide for abatement as
41 public nuisances of premises and facilities which do not comply with the
42 minimum standards. The rules shall be developed in cooperation with the
43 director of the department of health services and shall be consistent with
44 the rules adopted by the director of the department of health services
45 pursuant to section 36-136, subsection H, paragraph 11.

1 13. Prescribe reasonable rules regarding sewage collection, treatment,
2 disposal and reclamation systems to prevent the transmission of sewage borne
3 or insect borne diseases. The rules shall:

4 (a) Prescribe minimum standards for the design of sewage collection
5 systems and treatment, disposal and reclamation systems and for operating the
6 systems.

7 (b) Provide for inspecting the premises, systems and installations and
8 for abating as a public nuisance any collection system, process, treatment
9 plant, disposal system or reclamation system which does not comply with the
10 minimum standards.

11 (c) Require that the plans and specifications for all sewage
12 collection systems, sewage collection system extensions, treatment plants,
13 processes, devices, equipment, disposal systems, on-site wastewater treatment
14 facilities and reclamation systems be submitted with a fee for review to the
15 department and may require that such plans and specifications anticipate and
16 provide for future sewage treatment needs.

17 (d) Prohibit construction, reconstruction, installation or initiation
18 of any sewage collection system, sewage collection system extension,
19 treatment plant, process, device, equipment, disposal system, on-site
20 wastewater treatment facility or reclamation system before the approval of
21 the plans and specifications and of the construction by the department after
22 payment of the appropriate fees.

23 14. Prescribe reasonably necessary rules regarding excreta storage,
24 handling, treatment, transportation and disposal. The rules shall:

25 (a) Prescribe minimum standards for human excreta storage, handling,
26 treatment, transportation and disposal and shall provide for inspection of
27 premises, processes and vehicles and for abating as public nuisances any
28 premises, processes or vehicles which do not comply with the minimum
29 standards.

30 (b) Provide that vehicles transporting human excreta from privies,
31 septic tanks, cesspools and other treatment processes shall be licensed by
32 the department subject to compliance with the rules.

33 15. Perform the responsibilities of implementing and maintaining a data
34 automation management system to support the reporting requirements of title
35 III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499)
36 and title 26, chapter 2, article 3.

37 16. Approve remediation levels pursuant to article 4 of this chapter.

38 ~~17. Establish voluntary remediation programs, if appropriate, that~~
39 ~~provide for the review by the department of voluntary remediations. The~~
40 ~~department may adopt rules as necessary to implement the programs, including~~
41 ~~rules governing the director's waiver of procedural requirements otherwise~~
42 ~~applicable to remedial actions undertaken pursuant to programs authorized by~~
43 ~~this title. Any person who requests approval of a remedial action shall~~
44 ~~reimburse the department for the total reasonable costs for the review of the~~
45 ~~remedial action, including, if requested, the additional costs to the~~
46 ~~department to provide expedited review of the remedial action, unless the~~

~~1 director waives all or a part of the reimbursement. The department may
2 contract to provide expedited review. Costs that are reimbursed to the
3 department by a party that obtains approval for the remedial action
4 constitute remedial action costs that the party may recover from responsible
5 parties.~~

6 C. The department may charge fees to cover the costs of all
7 inspections it performs to insure compliance with rules adopted under
8 subsection B, paragraph 11 or 13 of this section, except that state agencies
9 are exempt from paying the fees. Monies collected pursuant to subsection B,
10 paragraphs 11 and 13 of this section shall be deposited in the water quality
11 fee fund established by section 49-210. After appropriate fees are paid
12 under such paragraphs, the department may approve construction of any
13 facility.

14 D. The director may:

15 1. If he has reasonable cause to believe that a violation of any
16 environmental law or rule exists or is being committed, inspect any person or
17 property in transit through this state and any vehicle in which the person or
18 property is being transported and detain or disinfect the person, property or
19 vehicle as reasonably necessary to protect the environment if a violation
20 exists.

21 2. Authorize in writing any qualified officer or employee in the
22 department to perform any act that the director is authorized or required to
23 do by law.

24 Sec. 2. Section 49-104, Arizona Revised Statutes, as amended by Laws
25 1999, chapter 26, section 3, is amended to read:

26 49-104. Powers and duties of the department and director

27 A. The department shall:

28 1. Formulate policies, plans and programs to implement this title to
29 protect the environment.

30 2. Stimulate and encourage all local, state, regional and federal
31 governmental agencies and all private persons and enterprises that have
32 similar and related objectives and purposes, cooperate with those agencies,
33 persons and enterprises and correlate department plans, programs and
34 operations with those of the agencies, persons and enterprises.

35 3. Conduct research on its own initiative or at the request of the
36 governor, the legislature or state or local agencies pertaining to any
37 department objectives.

38 4. Provide information and advice on request of any local, state or
39 federal agencies and private persons and business enterprises on matters
40 within the scope of the department.

41 5. Consult with and make recommendations to the governor and the
42 legislature on all matters concerning department objectives.

43 6. Make annual reports to the governor and the legislature on its
44 activities, its finances and the scope of its operations.

1 7. Promote and coordinate the management of air resources to assure
2 their protection, enhancement and balanced utilization consistent with the
3 environmental policy of this state.

4 8. Promote and coordinate the protection and enhancement of the
5 quality of water resources consistent with the environmental policy of this
6 state.

7 9. Encourage industrial, commercial, residential and community
8 development which maximizes environmental benefits and minimizes the effects
9 of less desirable environmental conditions.

10 10. Assure the preservation and enhancement of natural beauty and
11 man-made scenic qualities.

12 11. Provide for the prevention and abatement of all water and air
13 pollution including that related to particulates, gases, dust, vapors, noise,
14 radiation, odor, nutrients and heated liquids in accordance with article 3 of
15 this chapter and chapters 2 and 3 of this title.

16 12. Promote and recommend methods for the recovery, recycling and reuse
17 or, if recycling is not possible, the disposal of solid wastes consistent
18 with sound health, scenic and environmental quality policies.

19 13. Prevent pollution through the regulation of the storage, handling
20 and transportation of solids, liquids and gases which may cause or contribute
21 to pollution.

22 14. Promote the restoration and reclamation of degraded or despoiled
23 areas and natural resources.

24 15. Assist the department of health services in recruiting and training
25 state, local and district health department personnel.

26 16. Participate in the state civil defense program and develop the
27 necessary organization and facilities to meet wartime or other disasters.

28 ~~17. Establish voluntary remediation programs, if appropriate, that
29 provide for the review by the department of voluntary remediations. The
30 department may adopt rules as necessary to implement the programs, including
31 rules governing the director's waiver of procedural requirements otherwise
32 applicable to remedial actions undertaken pursuant to programs authorized by
33 this title. Any person who requests approval of a remedial action shall
34 reimburse the department for the total reasonable costs for the review of the
35 remedial action, including, if requested, the additional costs to the
36 department to provide expedited review of the remedial action, unless the
37 director waives all or a part of the reimbursement. The department may
38 contract to provide expedited review. Costs that are reimbursed to the
39 department by a party that obtains approval for the remedial action
40 constitute remedial action costs that the party may recover from responsible
41 parties.~~

42 18. 17. Cooperate with the Arizona Mexico commission in the governor's
43 office and with researchers at universities in this state to collect data on
44 issues that are within the scope of the department's duties and that relate
45 to quality of life, trade and economic development in this state in a manner

1 that will help the Arizona Mexico commission to assess the economic
2 competitiveness of this state and of the state of Sonora, Mexico.

3 B. The department, through the director, shall:

4 1. Contract for the services of outside advisers, consultants and
5 aides reasonably necessary or desirable to enable the department to
6 adequately perform its duties.

7 2. Contract and incur obligations reasonably necessary or desirable
8 within the general scope of department activities and operations to enable
9 the department to adequately perform its duties.

10 3. Utilize any medium of communication, publication and exhibition
11 when disseminating information, advertising and publicity in any field of its
12 purposes, objectives or duties.

13 4. Adopt procedural rules that are necessary to implement the
14 authority granted under this title, but that are not inconsistent with other
15 provisions of this title.

16 5. Contract with other agencies including laboratories in furthering
17 any department program.

18 6. Use monies, facilities or services to provide matching
19 contributions under federal or other programs which further the objectives
20 and programs of the department.

21 7. Accept gifts, grants, matching monies or direct payments from
22 public or private agencies or private persons and enterprises for department
23 services and publications and to conduct programs which are consistent with
24 the general purposes and objectives of this chapter. Monies received
25 pursuant to this paragraph shall be deposited in the department fund
26 corresponding to the service, publication or program provided.

27 8. Provide for the examination of any premises if the director has
28 reasonable cause to believe that a violation of any environmental law or rule
29 exists or is being committed on the premises. The director shall give the
30 owner or operator the opportunity for its representative to accompany the
31 director on an examination of those premises. Within forty-five days after
32 the date of the examination, the department shall provide to the owner or
33 operator a copy of any report produced as a result of any examination of the
34 premises.

35 9. Supervise sanitary engineering facilities and projects in this
36 state, authority for which is vested in the department, and own or lease land
37 on which sanitary engineering facilities are located, and operate the
38 facilities, if the director determines that owning, leasing or operating is
39 necessary for the public health, safety or welfare.

40 10. Adopt and enforce rules relating to approving design documents for
41 constructing, improving and operating sanitary engineering and other
42 facilities for disposing of solid, liquid or gaseous deleterious matter.

43 11. Define and prescribe reasonably necessary rules regarding the water
44 supply, sewage disposal and garbage collection and disposal for subdivisions.
45 The rules shall:

1 (a) Provide for minimum sanitary facilities to be installed in the
2 subdivision and may require that water systems plan for future needs and be
3 of adequate size and capacity to deliver specified minimum quantities of
4 drinking water and to treat all sewage.

5 (b) Provide that the design documents showing or describing the water
6 supply, sewage disposal and garbage collection facilities be submitted with a
7 fee to the department for review and that no lots in any subdivision be
8 offered for sale before compliance with the standards and rules has been
9 demonstrated by approval of the design documents by the department.

10 12. Prescribe reasonably necessary measures to prevent pollution of
11 water used in public or semipublic swimming pools and bathing places and to
12 prevent deleterious conditions at such places. The rules shall prescribe
13 minimum standards for the design of and for sanitary conditions at any public
14 or semipublic swimming pool or bathing place and provide for abatement as
15 public nuisances of premises and facilities which do not comply with the
16 minimum standards. The rules shall be developed in cooperation with the
17 director of the department of health services and shall be consistent with
18 the rules adopted by the director of the department of health services
19 pursuant to section 36-136, subsection H, paragraph 11.

20 13. Prescribe reasonable rules regarding sewage collection, treatment,
21 disposal and reclamation systems to prevent the transmission of sewage borne
22 or insect borne diseases. The rules shall:

23 (a) Prescribe minimum standards for the design of sewage collection
24 systems and treatment, disposal and reclamation systems and for operating the
25 systems.

26 (b) Provide for inspecting the premises, systems and installations and
27 for abating as a public nuisance any collection system, process, treatment
28 plant, disposal system or reclamation system which does not comply with the
29 minimum standards.

30 (c) Require that design documents for all sewage collection systems,
31 sewage collection system extensions, treatment plants, processes, devices,
32 equipment, disposal systems, on-site wastewater treatment facilities and
33 reclamation systems be submitted with a fee for review to the department and
34 may require that the design documents anticipate and provide for future
35 sewage treatment needs.

36 (d) Require that construction, reconstruction, installation or
37 initiation of any sewage collection system, sewage collection system
38 extension, treatment plant, process, device, equipment, disposal system,
39 on-site wastewater treatment facility or reclamation system conform with
40 applicable requirements.

41 14. Prescribe reasonably necessary rules regarding excreta storage,
42 handling, treatment, transportation and disposal. The rules shall:

43 (a) Prescribe minimum standards for human excreta storage, handling,
44 treatment, transportation and disposal and shall provide for inspection of
45 premises, processes and vehicles and for abating as public nuisances any

1 premises, processes or vehicles which do not comply with the minimum
2 standards.

3 (b) Provide that vehicles transporting human excreta from privies,
4 septic tanks, cesspools and other treatment processes shall be licensed by
5 the department subject to compliance with the rules.

6 15. Perform the responsibilities of implementing and maintaining a data
7 automation management system to support the reporting requirements of title
8 III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499)
9 and title 26, chapter 2, article 3.

10 16. Approve remediation levels pursuant to article 4 of this chapter.

11 ~~17. Establish voluntary remediation programs, if appropriate, that~~
12 ~~provide for the review by the department of voluntary remediations. The~~
13 ~~department may adopt rules as necessary to implement the programs, including~~
14 ~~rules governing the director's waiver of procedural requirements otherwise~~
15 ~~applicable to remedial actions undertaken pursuant to programs authorized by~~
16 ~~this title. Any person who requests approval of a remedial action shall~~
17 ~~reimburse the department for the total reasonable costs for the review of the~~
18 ~~remedial action, including, if requested, the additional costs to the~~
19 ~~department to provide expedited review of the remedial action, unless the~~
20 ~~director waives all or a part of the reimbursement. The department may~~
21 ~~contract to provide expedited review. Costs that are reimbursed to the~~
22 ~~department by a party that obtains approval for the remedial action~~
23 ~~constitute remedial action costs that the party may recover from responsible~~
24 ~~parties.~~

25 C. The department may charge fees to cover the costs of all permits
26 and inspections it performs to insure compliance with rules adopted under
27 section 49-203, subsection A, paragraph 6, except that state agencies are
28 exempt from paying the fees. Monies collected pursuant to this subsection
29 shall be deposited in the water quality fee fund established by section
30 49-210.

31 D. The director may:

32 1. If he has reasonable cause to believe that a violation of any
33 environmental law or rule exists or is being committed, inspect any person or
34 property in transit through this state and any vehicle in which the person or
35 property is being transported and detain or disinfect the person, property or
36 vehicle as reasonably necessary to protect the environment if a violation
37 exists.

38 2. Authorize in writing any qualified officer or employee in the
39 department to perform any act that the director is authorized or required to
40 do by law.

41 Sec. 3. Section 49-151, Arizona Revised Statutes, is amended to read:

42 49-151. Definitions

43 In this article, unless the context otherwise requires:

44 1. "ENGINEERING CONTROL" MEANS A REMEDIATION METHOD SUCH AS A BARRIER
45 OR CAP THAT IS USED TO PREVENT OR MINIMIZE EXPOSURE TO CONTAMINANTS AND
46 INCLUDES TECHNOLOGIES THAT REDUCE THE MOBILITY OR MIGRATION OF CONTAMINANTS.

1 2. "INSTITUTIONAL CONTROL" MEANS A LEGAL OR ADMINISTRATIVE TOOL OR
2 ACTION TAKEN TO REDUCE THE POTENTIAL FOR EXPOSURE TO CONTAMINANTS.

3 ~~1-~~ 3. "Nonresidential use" means those uses of property other than
4 residential uses.

5 ~~2-~~ 4. "Remediation" means either:

6 (a) The treatment or removal of contaminated soils to meet
7 predetermined risk levels or site specific risk levels.

8 (b) Soils that meet predetermined risk levels or site specific risk
9 levels as determined by a risk assessment.

10 ~~3-~~ 5. "Residential use" means those uses of remediated property ~~upon~~
11 ~~which there are dwellings~~ where ~~the residents~~ NATURAL PERSONS are reasonably
12 expected to be in frequent, repeated contact with soil, ~~or other uses where~~
13 ~~natural persons are reasonably expected to be in similar contact, such as~~
14 ~~child care centers and elementary schools.~~

15 Sec. 4. Section 49-152, Arizona Revised Statutes, is amended to read:

16 49-152. Soil remediation standards; restrictions on property
17 use

18 A. Notwithstanding any other remediation levels established under this
19 title, the director shall approve remediation levels calculated in accordance
20 with this subsection and shall accomplish the following for remediation of
21 contaminated soil to protect public health and the environment in accordance
22 with the applicable provisions of this title and section 33-434.01:

23 1. Establish predetermined risk based standards by rule. At a
24 minimum, separate standards shall be established for residential and
25 nonresidential exposure assumptions. Until risk based remediation standards
26 are formally established by rule, the director shall establish interim
27 standards adopting:

28 (a) The Arizona health based guidance levels developed by the
29 department of health services to include a health based standard for total
30 petroleum hydrocarbons as the standards for residential uses.

31 (b) The guidance levels in subdivision (a) modified to reflect the
32 United States environmental protection agency published assumptions for
33 exposures that are not residential as the standards for nonresidential
34 uses. The initial adoption of these interim standards shall be effective by
35 December 15, 1995, ~~and~~ and shall be deemed emergency rules pursuant to section
36 41-1026.

37 2. Issue guidance on methods for calculating case-by-case, site
38 specific risk based remediation levels in accordance with risk assessment
39 methodologies that are accepted in the scientific community and shall not
40 preclude the use of newly developed risk assessment methodologies that are
41 accepted in the scientific community.

42 ~~B. The director shall provide that the owner of the property being~~
43 ~~remediated pursuant to subsection A of this section who has voluntarily~~
44 ~~elected to remediate the property for nonresidential uses shall record with~~
45 ~~the county recorder, in the county where the property is located, a voluntary~~
46 ~~environment mitigation use restriction limiting, by legal description, the~~

~~area necessary to protect public health and the environment to nonresidential uses if, after the approval by the director pursuant to subsection A of this section,~~ IF, TO COMPLY WITH SUBSECTION A OF THIS SECTION, THE OWNER OF PROPERTY HAS ELECTED TO REMEDIATE THE PROPERTY TO NONRESIDENTIAL USES OR HAS ELECTED TO USE AN INSTITUTIONAL CONTROL OR ENGINEERING CONTROL, THE OWNER SHALL RECORD IN EACH COUNTY WHERE THE PROPERTY IS LOCATED A RESTRICTIVE COVENANT THAT IS LABELED "DECLARATION OF ENVIRONMENTAL USE RESTRICTION" PERTAINING TO THE AREA OF THE PROPERTY NECESSARY TO PROTECT THE PUBLIC HEALTH AND THE ENVIRONMENT. THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION SHALL LIMIT BY LEGAL DESCRIPTION:

1. THE AREA OF THE PROPERTY WHERE THE INSTITUTIONAL CONTROL OR ENGINEERING CONTROL SHALL BE MAINTAINED.

2. THE AREA OF THE PROPERTY TO BE RESTRICTED TO NONRESIDENTIAL USE, IF contamination remains on the property at or above either of the following:

~~1-~~ (a) Predetermined risk based remediation standards for other than residential exposure assumptions.

~~2-~~ (b) Concentrations resulting in a hazard index greater than one, indicating that there may exist an appreciable risk to human health from noncancer health effects, or a risk of carcinogenic health effects greater than the range of risk levels set forth in 40 Code of Federal Regulations ~~part~~ SECTION 300.430(e)(2)(1)(A)(2).

~~C. A notice cancelling the voluntary environmental mitigation use restriction shall be recorded with the county recorder in the county where the property is located with respect to property which the director has determined to have been remediated to either:~~

C. AT THE WRITTEN REQUEST OF THE OWNER OF PROPERTY THAT IS SUBJECT TO A DECLARATION OF ENVIRONMENTAL USE RESTRICTION, THE DIRECTOR SHALL DETERMINE WHETHER RELEASE OF THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS APPROPRIATE. THE DIRECTOR SHALL MAKE THIS DETERMINATION WITHIN SIXTY DAYS AFTER THE DATE OF THE PROPERTY OWNER'S REQUEST. IF THE DIRECTOR DETERMINES THAT RELEASE OF THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS APPROPRIATE, THE DIRECTOR SHALL RECORD IN EACH COUNTY WHERE THE PROPERTY IS LOCATED A NOTICE RELEASING THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION. THE DIRECTOR SHALL DETERMINE THAT RELEASE OF A DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS APPROPRIATE IF THE PROPERTY HAS BEEN REMEDIATED, WITHOUT THE USE OF INSTITUTIONAL CONTROLS OR ENGINEERING CONTROLS, TO EITHER:

1. Meet predetermined risk based remedial standards for residential exposure assumptions.

2. Present a risk based hazard index equal to or less than one from noncancer health effects and a risk estimate of carcinogenic health effects equal to or less than the range of risk levels set forth in 40 Code of Federal Regulations ~~part~~ SECTION 300.430(e)(2)(1)(A)(2). ~~The director shall make this determination within sixty days from the date the property owner applies to the director for the voluntary environmental mitigation use restriction to be cancelled.~~

1 D. THE DEPARTMENT SHALL ESTABLISH a repository ~~shall be established~~ in
2 the department listing sites remediated under programs administered by the
3 department under this title. The repository shall include the name and
4 address of the owner of the property, when the remediation was conducted, the
5 legal description and street address of the ~~subject real~~ property, and the
6 applicability of ~~subsection B of this section and~~ section 33-434.01 AND A
7 DESCRIPTION OF THE PURPOSE OF THE DECLARATION OF ENVIRONMENTAL USE
8 RESTRICTION.

9 E. WHEN RECORDED, an owner's ~~voluntary~~ DECLARATION OF environmental
10 ~~mitigation~~ use restriction under subsection B of this section ~~shall be~~ IS A
11 COVENANT THAT RUNS WITH AND BURDENS THE PROPERTY, INURES TO THE BENEFIT OF
12 THE DEPARTMENT AND THE STATE AND IS sufficient if it ~~is in substantially the~~
13 ~~following form~~ CONTAINS ALL OF THE FOLLOWING INFORMATION:

~~Notice of Voluntary Environmental Mitigation
Use Restriction by Owner(s)~~

~~The undersigned owner(s) of the following described property:
(Legal description of entire parcel)
pursuant to section 49-152, subsection A, has (have) remediated a portion of
the above described property, which remediated portion is described as
follows:~~

~~(Legal description of remediated portion)~~

~~The date when such remediation was completed was:~~

~~(insert date)~~

~~The undersigned voluntarily agrees to limit and restrict the use of the
remediated portion of the property to nonresidential uses, as defined in
section 49-151, subsection A.~~

~~Date: _____~~

~~(Signature of owner(s))~~

~~Approved:~~

~~_____~~

~~(ADEQ official)~~

~~Date: _____~~

~~(Acknowledgement by notary)~~

~~F. An owner's cancellation of a previously recorded voluntary
environmental mitigation use restriction under subsection C of this section
shall be sufficient if it is in substantially the following form:~~

~~Cancellation of Voluntary Environmental Mitigation
Use Restriction by Owner(s)~~

~~The undersigned owner(s) of the following described property:~~

~~(Legal description of entire parcel)~~

1 ~~pursuant to section 49-152, subsection B, , caused to be recorded at document~~
2 ~~# _____ or docket or book _____ at page _____, records of _____~~
3 ~~county, Arizona, _____, 19__ , a notice of voluntary environmental~~
4 ~~mitigation use restriction by owner(s) affecting the following portion of the~~
5 ~~above described property:~~

6 ~~(Legal description of remediated portion of parcel)~~
7 ~~The undersigned has (have) remediated the above described portion of property~~
8 ~~pursuant to the levels prescribed in section 49-152, subsection C, Arizona~~
9 ~~Revised Statutes. Accordingly the above described property may now be used~~
10 ~~for any lawful purpose.~~

11 ~~The date when such remediation was completed was:~~
12 ~~(insert date)~~

13 ~~pursuant to section 49-152, subsection C, , the undersigned hereby cancel(s)~~
14 ~~the above described notice and declare(s) said notice to be of no further~~
15 ~~force and effect as of this _____ day of _____, 19__.~~

16 _____
17 _____

18
19 ~~(ADEQ official)~~

20
21 ~~Date: _____~~

22
23 ~~(Acknowledgement by notary)~~

24 1. A LEGAL DESCRIPTION AND THE ADDRESS OF THE AREA OF THE PROPERTY
25 THAT IS SUBJECT TO THE DECLARATION.

26 2. THE DATE THAT REMEDIATION WAS COMPLETED AND A MAP OF THE AREA OF
27 THE PROPERTY THAT IS SUBJECT TO THE DECLARATION.

28 3. A DESCRIPTION OF THE ENVIRONMENTAL CONTAMINANTS THAT WERE
29 REMEDIATED.

30 4. A STATEMENT THAT MORE DETAILED INFORMATION IS AVAILABLE AT THE
31 DEPARTMENT INCLUDING THE ADDRESS AT WHICH THAT INFORMATION WILL BE
32 MAINTAINED.

33 5. A NOTARIZED SIGNATURE OF A DEPARTMENT OFFICIAL INDICATING APPROVAL
34 OF THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION.

35 6. THE NOTARIZED SIGNATURE OF THE OWNER OF THE PROPERTY.

36 F. IF INSTITUTIONAL CONTROLS ARE USED BY THE OWNER TO SATISFY THE
37 REQUIREMENTS OF THIS SECTION, THE DECLARATION OF ENVIRONMENTAL USE
38 RESTRICTION, IN ADDITION TO THE INFORMATION REQUIRED BY SUBSECTION E OF THIS
39 SECTION, SHALL INCLUDE ALL OF THE FOLLOWING:

40 1. A STATEMENT DOCUMENTING ANY REQUIREMENTS FOR MAINTENANCE OF THE
41 INSTITUTIONAL CONTROL, INCLUDING A DESCRIPTION OF THE INSTITUTIONAL CONTROL
42 AND THE REASON IT MUST REMAIN IN PLACE TO PROTECT PUBLIC HEALTH AND THE
43 ENVIRONMENT.

44 2. A STATEMENT INDICATING THAT IF ANY PERSON DESIRES TO CANCEL OR
45 MODIFY THE INSTITUTIONAL CONTROL IN THE FUTURE, THE PERSON MUST OBTAIN PRIOR
46 WRITTEN APPROVAL FROM THE DEPARTMENT PURSUANT TO THIS SECTION.

1 3. A STATEMENT ACKNOWLEDGING THE DEPARTMENT'S RIGHT OF ACCESS TO THE
2 PROPERTY AT ALL REASONABLE TIMES TO VERIFY THAT INSTITUTIONAL CONTROLS ARE
3 BEING MAINTAINED.

4 G. IF ENGINEERING CONTROLS ARE USED BY THE OWNER TO SATISFY THE
5 REQUIREMENTS OF THIS SECTION, THE DECLARATION OF ENVIRONMENTAL USE
6 RESTRICTION, IN ADDITION TO THE INFORMATION REQUIRED BY SUBSECTION E OF THIS
7 SECTION, SHALL INCLUDE ALL OF THE FOLLOWING:

8 1. A STATEMENT OF ALL REQUIREMENTS FOR MAINTENANCE OF THE ENGINEERING
9 CONTROL INCLUDING A DESCRIPTION OF THE CONTROL, THE DATE IT WAS CONSTRUCTED
10 AND THE REASON IT MUST REMAIN IN PLACE TO PROTECT PUBLIC HEALTH AND THE
11 ENVIRONMENT.

12 2. A STATEMENT THAT IF ANY PERSON DESIRES TO CHANGE THE ENGINEERING
13 CONTROLS IN THE FUTURE THAT PERSON SHALL OBTAIN PRIOR WRITTEN APPROVAL FROM
14 THE DEPARTMENT.

15 3. A STATEMENT ACKNOWLEDGING THE DEPARTMENT'S RIGHT OF ACCESS TO THE
16 PROPERTY AT ALL REASONABLE TIMES TO VERIFY THAT ENGINEERING CONTROLS ARE
17 BEING MAINTAINED.

18 H. WHEN THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS RECORDED,
19 AN OWNER ELECTING TO USE INSTITUTIONAL OR ENGINEERING CONTROLS TO SATISFY THE
20 REQUIREMENTS OF THIS SECTION SHALL PAY THE DEPARTMENT A FEE ESTABLISHED BY
21 RULE. IF THE CONTROL IS AN INSTITUTIONAL CONTROL, THE OWNER SHALL SUBMIT TO
22 THE DEPARTMENT A WRITTEN REPORT ONCE EACH CALENDAR YEAR REGARDING THE STATUS
23 OF THE INSTITUTIONAL CONTROL. IF THE CONTROL IS AN ENGINEERING CONTROL, THE
24 OWNER SHALL MAINTAIN THE ENGINEERING CONTROL ON THE PROPERTY TO ENSURE THAT
25 IT CONTINUES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND SHALL INSPECT
26 EACH ENGINEERING CONTROL AT LEAST ONCE EACH CALENDAR YEAR. WITHIN THIRTY
27 DAYS AFTER EACH INSPECTION, THE OWNER SHALL SUBMIT TO THE DEPARTMENT A
28 WRITTEN REPORT THAT:

29 1. DESCRIBES THE CONDITION OF THE ENGINEERING CONTROL.

30 2. STATES THE NATURE AND COST OF ALL REPAIRS MADE TO THE ENGINEERING
31 CONTROL DURING THE CALENDAR YEAR.

32 3. INCLUDES CURRENT PHOTOGRAPHS OF THE ENGINEERING CONTROL.

33 I. THE DEPARTMENT MAY ENTER ON THE PROPERTY AT ALL REASONABLE TIMES TO
34 ASSESS THE CONDITION OF EACH ENGINEERING CONTROL. IF THE DEPARTMENT
35 DETERMINES THAT REPAIR OR RESTORATION OF THE ENGINEERING CONTROL IS NECESSARY
36 TO ENSURE THE PROTECTION OF PUBLIC HEALTH OR THE ENVIRONMENT, THE DEPARTMENT
37 SHALL GIVE NOTICE TO THE OWNER. IF THE OWNER FAILS TO INITIATE REPAIR OR
38 RESTORATION OF THE ENGINEERING CONTROL WITHIN SIXTY DAYS OF THE NOTICE OR
39 FAILS TO COMPLETE THE REQUIRED REPAIR OR RESTORATION WITHIN A REASONABLE TIME
40 SET BY THE DEPARTMENT, THE DEPARTMENT MAY SEEK INJUNCTIVE RELIEF TO COMPEL
41 THE OWNER TO REPAIR OR RESTORE THE ENGINEERING CONTROL OR ENTER THE PROPERTY
42 AND REPAIR OR RESTORE THE ENGINEERING CONTROL AT THE DEPARTMENT'S EXPENSE.
43 THE DIRECTOR MAY RECOVER FROM THE OWNER ALL REASONABLE COSTS INCURRED IN
44 CONNECTION WITH THE REPAIR OR RESTORATION OF THE ENGINEERING CONTROL.

45 J. THE DEPARTMENT SHALL PROVIDE A COPY OF THE DECLARATION OF
46 ENVIRONMENTAL USE RESTRICTION TO THE LOCAL JURISDICTION WITH ZONING AND

1 DEVELOPMENT PLAN APPROVAL FOR THE PROPERTY. THE RECEIPT OF THIS COPY DOES
2 NOT CREATE ANY NEW OBLIGATION OR CONFER ADDITIONAL POWERS ON THE LOCAL
3 JURISDICTION.

4 K. THE DEPARTMENT SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS
5 SECTION. THESE RULES MAY BE COMBINED WITH ANY RULES NECESSARY TO IMPLEMENT
6 SECTION 49-158.

7 L. WHEN THE DEPARTMENT ENTERS ON PROPERTY PURSUANT TO THIS SECTION TO
8 VERIFY THAT ENGINEERING CONTROLS ARE BEING MAINTAINED, THE DEPARTMENT SHALL:

9 1. PROVIDE TWENTY-FOUR HOURS' ADVANCE NOTICE OF THE ENTRY TO THE
10 PROPERTY OWNER, IF PRACTICABLE.

11 2. ALLOW THE OWNER OR AN AUTHORIZED REPRESENTATIVE OF THE OWNER TO
12 ACCOMPANY THE DEPARTMENT REPRESENTATIVE.

13 3. PRESENT PHOTOGRAPHIC IDENTIFICATION ON ENTRY OF THE PROPERTY.

14 4. PROVIDE THE OWNER OR AN AUTHORIZED REPRESENTATIVE OF THE OWNER WITH
15 NOTICE OF THE RIGHT TO HAVE A DUPLICATE SAMPLE OR SPLIT OF ANY SAMPLE TAKEN
16 DURING THE INSPECTION IF THE DUPLICATE OR SPLIT OF ANY SAMPLE WOULD NOT
17 PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN ANALYSIS INCONCLUSIVE.

18 Sec. 5. Title 49, chapter 1, article 4, Arizona Revised Statutes, is
19 amended by adding sections 49-158 and 49-159, to read:

20 49-158. Restrictions on property use; enforcement of
21 engineering and institutional controls

22 A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE, IF A REMEDIAL
23 ACTION, REMEDIATION OR CORRECTIVE ACTION PERFORMED PURSUANT TO THIS TITLE OR
24 A RESPONSE ACTION PERFORMED PURSUANT TO CERCLA AS DEFINED IN SECTION 49-201
25 INCLUDES AN INSTITUTIONAL CONTROL OR AN ENGINEERING CONTROL AND THE REMEDIAL
26 ACTION, REMEDIATION, CORRECTIVE ACTION OR RESPONSE ACTION IS NOT SUBJECT TO
27 SECTION 49-152, THE OWNER OF THE PROPERTY ON WHICH THE INSTITUTIONAL CONTROL
28 OR ENGINEERING CONTROL IS LOCATED SHALL RECORD IN EACH COUNTY WHERE THE
29 PROPERTY IS LOCATED A RESTRICTIVE COVENANT THAT IS LABELED "DECLARATION OF
30 ENVIRONMENTAL USE RESTRICTION". THE DECLARATION OF ENVIRONMENTAL USE
31 RESTRICTION SHALL LIMIT BY LEGAL DESCRIPTION THE AREA OF THE PROPERTY
32 NECESSARY TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT WHERE THE
33 INSTITUTIONAL CONTROL OR ENGINEERING CONTROL SHALL BE MAINTAINED.

34 B. WHEN RECORDED, AN OWNER'S DECLARATION OF ENVIRONMENTAL USE
35 RESTRICTION UNDER SUBSECTION A OF THIS SECTION IS A COVENANT THAT RUNS WITH
36 AND BURDENS THE PROPERTY, INURES TO THE BENEFIT OF THE DEPARTMENT AND THE
37 STATE AND IS SUFFICIENT IF IT CONTAINS ALL OF THE FOLLOWING INFORMATION:

38 1. A LEGAL DESCRIPTION AND THE ADDRESS OF THE AREA OF THE PROPERTY
39 THAT IS SUBJECT TO THE DECLARATION.

40 2. THE DATE THAT REMEDIATION, REMEDIAL ACTION, CORRECTIVE ACTION OR
41 RESPONSE ACTION WAS COMPLETED AND A MAP OF THE AREA OF THE PROPERTY THAT IS
42 SUBJECT TO THE DECLARATION.

43 3. A DESCRIPTION OF THE ENVIRONMENTAL CONTAMINANTS THAT WERE THE
44 SUBJECT OF THE REMEDIATION, REMEDIAL ACTION, CORRECTIVE ACTION OR RESPONSE
45 ACTION.

1 4. A STATEMENT THAT MORE DETAILED INFORMATION IS AVAILABLE AT THE
2 DEPARTMENT INCLUDING THE ADDRESS AT WHICH THAT INFORMATION WILL BE
3 MAINTAINED.

4 5. A NOTARIZED SIGNATURE OF A DEPARTMENT OFFICIAL INDICATING APPROVAL
5 OF THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION.

6 6. THE NOTARIZED SIGNATURE OF THE OWNER OR OWNERS OF THE PROPERTY.

7 C. IF INSTITUTIONAL CONTROLS ARE USED, THE DECLARATION OF
8 ENVIRONMENTAL USE RESTRICTION, IN ADDITION TO THE INFORMATION REQUIRED BY
9 SUBSECTION B OF THIS SECTION, SHALL INCLUDE THE SAME ELEMENTS REQUIRED
10 PURSUANT TO SECTION 49-152, SUBSECTION F.

11 D. IF ENGINEERING CONTROLS ARE USED, THE DECLARATION OF ENVIRONMENTAL
12 USE RESTRICTION, IN ADDITION TO THE INFORMATION REQUIRED BY SUBSECTION B OF
13 THIS SECTION, SHALL INCLUDE THE SAME ELEMENTS REQUIRED PURSUANT TO SECTION
14 49-152, SUBSECTION G.

15 E. WHEN A DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS RECORDED, AN
16 OWNER SHALL PAY TO THE DEPARTMENT A FEE ESTABLISHED BY RULE. THE OWNER SHALL
17 FOLLOW THE SAME REQUIREMENTS FOR INSTITUTIONAL CONTROLS AND ENGINEERING
18 CONTROLS PURSUANT TO SECTION 49-152, SUBSECTION H.

19 F. THE DEPARTMENT MAY ENTER ON THE PROPERTY AT ALL REASONABLE TIMES TO
20 ASSESS THE CONDITION OF EACH ENGINEERING CONTROL. THE SAME REQUIREMENTS APPLY
21 TO THE DEPARTMENT AND THE OWNER AS STATED IN SECTION 49-152, SUBSECTION I.

22 G. THE DEPARTMENT SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS
23 SECTION.

24 H. WHEN THE DEPARTMENT ENTERS ON PROPERTY PURSUANT TO THIS SECTION TO
25 VERIFY THAT ENGINEERING CONTROLS ARE BEING MAINTAINED, THE DEPARTMENT SHALL
26 MEET THE SAME REQUIREMENTS PURSUANT TO SECTION 49-152, SUBSECTION L.

27 I. AT THE WRITTEN REQUEST OF THE OWNER OF PROPERTY THAT IS SUBJECT TO
28 A DECLARATION OF ENVIRONMENTAL USE RESTRICTION RECORDED PURSUANT TO
29 SUBSECTION A OF THIS SECTION, THE DIRECTOR SHALL DETERMINE WHETHER RELEASE OF
30 THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS APPROPRIATE. THE
31 DIRECTOR SHALL MAKE THIS DETERMINATION WITHIN SIXTY DAYS AFTER THE DATE OF
32 THE PROPERTY OWNER'S REQUEST. IF THE DIRECTOR DETERMINES THAT RELEASE OF A
33 DECLARATION OF ENVIRONMENTAL USE RESTRICTION IS APPROPRIATE, THE DIRECTOR
34 SHALL RECORD IN EACH COUNTY WHERE THE PROPERTY IS LOCATED A NOTICE RELEASING
35 THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION. RELEASE BY THE DIRECTOR
36 UNDER THIS SECTION IS APPROPRIATE IF MAINTENANCE OF THE INSTITUTIONAL CONTROL
37 OR ENGINEERING CONTROL IS NO LONGER NECESSARY TO PROTECT PUBLIC HEALTH AND
38 THE ENVIRONMENT.

39 49-159. Institutional and engineering control fund; purpose

40 A. THE INSTITUTIONAL AND ENGINEERING CONTROL FUND IS ESTABLISHED TO BE
41 ADMINISTERED BY THE DIRECTOR. THE FUND CONSISTS OF MONIES FROM THE FOLLOWING
42 SOURCES:

- 43 1. FEES COLLECTED PURSUANT TO SECTION 49-152, SUBSECTION H.
- 44 2. FEES COLLECTED PURSUANT TO SECTION 49-158, SUBSECTION E.
- 45 3. COSTS OF REPAIRING OR RESTORING ENGINEERING CONTROLS THAT ARE
46 RECOVERED PURSUANT TO SECTION 49-152, SUBSECTION I.

1 4. COSTS OF REPAIRING OR RESTORING ENGINEERING CONTROLS THAT ARE
2 RECOVERED PURSUANT TO SECTION 49-158, SUBSECTION F.

3 5. GIFTS, GRANTS AND DONATIONS.

4 6. LEGISLATIVE APPROPRIATIONS.

5 B. MONIES IN THE INSTITUTIONAL AND ENGINEERING CONTROL FUND ARE
6 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
7 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON NOTICE FROM THE DIRECTOR,
8 THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY
9 SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE
10 FUND.

11 C. MONIES IN THE INSTITUTIONAL AND ENGINEERING CONTROL FUND SHALL BE
12 USED FOR THE FOLLOWING PURPOSES:

13 1. FOR ALL REASONABLE AND NECESSARY COSTS TO IMPLEMENT SECTION 49-152,
14 SUBSECTIONS B THROUGH L AND SECTION 49-158.

15 2. FOR THE REASONABLE AND NECESSARY COSTS TO ADMINISTER THE FUND.

16 3. FOR THE REPAIR OR RESTORATION OF ENGINEERING CONTROLS AS PROVIDED
17 BY SECTION 49-152, SUBSECTION I.

18 4. FOR THE REPAIR OR RESTORATION OF ENGINEERING CONTROLS AS PROVIDED
19 BY SECTION 49-158, SUBSECTION F.

20 Sec. 6. Title 49, chapter 1, Arizona Revised Statutes, is amended by
21 adding article 5, to read:

22 ARTICLE 5. VOLUNTARY REMEDIATION PROGRAM

23 49-171. Definitions

24 A. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

25 1. "CHARACTERIZATION" MEANS A PROCESS TO DETERMINE THE NATURE, DEGREE
26 AND EXTENT OF CONTAMINANTS AT A SITE OR A PORTION OF A SITE.

27 2. "CONTAMINANT" MEANS ANY SUBSTANCE THAT HAS BEEN RELEASED TO THE
28 ENVIRONMENT AND THAT QUALIFIES AS ANY OF THE FOLLOWING:

29 (a) A HAZARDOUS SUBSTANCE AS DEFINED IN SECTION 49-201.

30 (b) A POLLUTANT AS DEFINED IN SECTION 49-201.

31 3. "ENGINEERING CONTROL" HAS THE SAME MEANING PRESCRIBED IN SECTION
32 49-151.

33 4. "ENVIRONMENTAL CLAIM" MEANS A CLAIM FOR DEFENSE OR INDEMNITY
34 SUBMITTED UNDER A GENERAL LIABILITY INSURANCE POLICY BY AN INSURED IN
35 RESPONSE TO A CLAIM OF POTENTIAL LIABILITY FOR BODILY INJURY OR PROPERTY
36 DAMAGE ARISING FROM A RELEASE OF POLLUTANTS ONTO OR INTO LAND, AIR OR WATER.

37 5. "INSTITUTIONAL CONTROL" HAS THE SAME MEANING PRESCRIBED IN SECTION
38 49-151.

39 6. "INSURED" MEANS ANY PERSON WHO IS INCLUDED AS A NAMED INSURED ON A
40 GENERAL LIABILITY INSURANCE POLICY AND WHO HAS OR HAD A PROPERTY INTEREST IN
41 A SITE IN THIS STATE THAT INVOLVES AN ENVIRONMENTAL CLAIM.

42 7. "PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION 49-201.

43 8. "REMEDIATION" MEANS ACTION TAKEN TO ADDRESS A CONTAMINANT BY
44 REDUCING THE LEVEL OF THE CONTAMINANT IN THE ENVIRONMENT OR PREVENTING OR
45 REDUCING EXPOSURE TO THE CONTAMINANT.

46 9. "SITE" MEANS THE AREAL EXTENT OF CONTAMINATION.

1 10. "SOURCE" MEANS A SITE OR PORTION OF A SITE WHERE A CONTAMINANT IS
2 OR MAY BE RELEASED TO WATERS OF THE STATE.

3 11. "WATERS OF THE STATE" HAS THE SAME MEANING PRESCRIBED IN SECTION
4 49-201.

5 49-172. Applicability

6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, ANY PERSON MAY
7 REQUEST THE DEPARTMENT TO REVIEW AND APPROVE WORK TO BE PERFORMED OR ALREADY
8 PERFORMED THAT ADDRESSES OR HAS ADDRESSED A RELEASE OF A CONTAMINANT TO THE
9 ENVIRONMENT BY SUBMITTING AN APPLICATION TO PARTICIPATE IN THE VOLUNTARY
10 REMEDIATION PROGRAM ESTABLISHED BY THIS ARTICLE.

11 B. THIS ARTICLE SHALL NOT APPLY TO ANY OF THE FOLLOWING ACTIVITIES:

12 1. CORRECTIVE ACTION AT OR CLOSURE OF A FACILITY THAT HAS QUALIFIED
13 FOR INTERIM STATUS OR TO WHICH A PERMIT HAS BEEN ISSUED PURSUANT TO SECTION
14 49-922.

15 2. CORRECTIVE ACTION PURSUANT TO SECTION 49-1005, UNLESS THE PERSON
16 WAIVES ANY RIGHT TO REIMBURSEMENT OF COSTS FROM THE STATE ASSURANCE FUND.

17 3. REMEDIAL ACTIONS REQUIRED BY THE TERMS OF ANY OF THE FOLLOWING:

18 (a) A WRITTEN AGREEMENT BETWEEN THE APPLICANT AND THE DIRECTOR ENTERED
19 INTO BEFORE THE DATE OF AN APPLICATION UNDER THIS ARTICLE.

20 (b) A JUDICIAL JUDGMENT OR DECREE.

21 (c) AN ADMINISTRATIVE ORDER ISSUED BEFORE THE DATE OF AN APPLICATION
22 UNDER THIS ARTICLE.

23 4. REMEDIAL ACTIONS SOUGHT TO BE REQUIRED IN THE COMPLAINT IN A
24 JUDICIAL ACTION FILED AND SERVED BY THE STATE BEFORE THE DATE OF THE
25 APPLICATION UNDER THIS ARTICLE.

26 5. REMEDIAL ACTIONS AT A SITE OR PORTION OF A SITE LISTED ON THE
27 REGISTRY MAINTAINED PURSUANT TO SECTION 49-287.01, SUBSECTION D THAT ADDRESS
28 A CONTAMINANT OF CONCERN AT THAT SITE, EXCEPT THAT THE DEPARTMENT MAY ACCEPT
29 AN APPLICATION UNDER THIS ARTICLE FOR REMEDIATION OF A SITE OR A PORTION OF A
30 SITE FOR WHICH A PRELIMINARY INVESTIGATION HAS BEEN COMMENCED OR COMPLETED
31 PURSUANT TO SECTION 49-287.01 BUT THAT HAS NOT BEEN LISTED ON THE REGISTRY
32 MAINTAINED PURSUANT TO SECTION 49-287.01, SUBSECTION D.

33 49-173. Application requirements

34 A. EACH APPLICATION TO PARTICIPATE IN A VOLUNTARY REMEDIATION PROGRAM
35 SHALL CONTAIN THE FOLLOWING INFORMATION:

36 1. THE NAME AND ADDRESS OF THE PERSON FILING THE APPLICATION AND THE
37 NATURE OF THE RELATIONSHIP OF THE PERSON TO THE SITE, IF ANY.

38 2. A DESCRIPTION OF THE LOCATION AND BOUNDARIES OF THE SITE OR PORTION
39 OF A SITE THAT IS THE SUBJECT OF THE REMEDIATION.

40 3. A DESCRIPTION OF CHARACTERIZATION PERFORMED AT THE SITE OR PORTION
41 OF THE SITE, IF KNOWN.

42 4. A GENERAL DESCRIPTION OF THE WORK TO BE PERFORMED OR ALREADY
43 PERFORMED BY THE APPLICANT. THE APPLICATION SHALL STATE WHETHER THE
44 APPLICANT IS REQUESTING ONE OR MORE OF THE FOLLOWING:

45 (a) APPROVAL OF REMEDIAL ACTIONS TO BE PERFORMED.

46 (b) APPROVAL OF REMEDIAL ACTIONS ALREADY PERFORMED.

1 5. A LIST OF THE ACTIONS OF THE DIRECTOR TO COMPEL REMEDIATION THAT
2 THE APPLICANT PROPOSES TO BE SUSPENDED BY THE APPROVAL.

3 6. INFORMATION TO CONFIRM THAT THE WORK TO BE PERFORMED OR ALREADY
4 PERFORMED IS ELIGIBLE PURSUANT TO SECTION 49-172.

5 7. THE FEE REQUIRED PURSUANT TO SECTION 49-179, SUBSECTION A.

6 8. AN AGREEMENT IN WHICH THE APPLICANT AGREES:

7 (a) TO GRANT ACCESS TO THE SITE OR PORTION OF A SITE TO THE DEPARTMENT
8 AT REASONABLE TIMES TO VERIFY THAT THE WORK IS BEING PERFORMED IN ACCORDANCE
9 WITH THE WORK PLAN APPROVED PURSUANT TO SECTION 49-177 OR HAS BEEN PERFORMED
10 IN ACCORDANCE WITH THE REPORT SUBMITTED PURSUANT TO SECTION 49-181.

11 (b) TO REIMBURSE THE DEPARTMENT FOR THE DEPARTMENT'S COSTS, PURSUANT
12 TO SECTION 49-179 FOR REVIEW OF, ACTION ON, AND OVERSIGHT OF THE WORK PLAN
13 PURSUANT TO SECTION 49-175 AND 49-177 OR THE REPORT PURSUANT TO SECTION
14 49-181.

15 (c) TO CARRY OUT THE TASKS DESCRIBED IN THE WORK PLAN PURSUANT TO
16 SECTION 49-175 IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN THE WORK PLAN, OR
17 TO SUBMIT A REPORT PURSUANT TO SECTION 49-181.

18 (d) TO MEET AND CONFER WITH THE DEPARTMENT REGARDING THE PROGRESS OF
19 THE TASKS PERFORMED IN ACCORDANCE WITH THE WORK PLAN APPROVED PURSUANT TO
20 SECTION 49-177, IF APPLICABLE.

21 (e) TO SUBMIT AN ADVANCE DEPOSIT TO BE APPLIED AGAINST THE
22 DEPARTMENT'S REIMBURSABLE COSTS PURSUANT TO SECTION 49-179 FOR REVIEW OF,
23 ACTION ON, AND OVERSIGHT OF THE WORK PLAN SUBMITTED PURSUANT TO SECTION
24 49-175 OR THE REPORT SUBMITTED PURSUANT TO SECTION 49-181.

25 49-174. Application review and approval

26 A. AFTER RECEIPT OF AN APPLICATION SUBMITTED PURSUANT TO SECTION
27 49-173, THE DEPARTMENT SHALL PROMPTLY REVIEW THE APPLICATION AND APPROVE,
28 DENY OR REQUEST MODIFICATIONS TO DETERMINE THE APPLICANT'S ELIGIBILITY TO
29 PARTICIPATE IN THE VOLUNTARY REMEDIATION PROGRAM ESTABLISHED BY THIS ARTICLE.
30 AN APPLICANT IS ELIGIBLE TO PARTICIPATE IF THE APPLICATION CONTAINS ALL OF
31 THE INFORMATION LISTED IN SECTION 49-173 AND THE WORK PERFORMED OR TO BE
32 PERFORMED DOES NOT INCLUDE ACTIVITIES LISTED IN SECTION 49-172, SUBSECTION B.

33 B. AN APPLICATION SHALL BE DEEMED COMPLETE UNLESS THE DEPARTMENT,
34 WITHIN SIXTY DAYS OF RECEIPT, NOTIFIES THE APPLICANT THAT THE APPLICATION IS
35 INCOMPLETE OR HAS BEEN DENIED. IF THE DEPARTMENT DETERMINES THAT ADDITIONAL
36 INFORMATION IS NECESSARY TO EVALUATE OR TO TAKE FINAL ACTION ON THE
37 APPLICATION, THE DEPARTMENT MAY REQUEST SUCH INFORMATION IN WRITING AND SET A
38 REASONABLE DEADLINE FOR A RESPONSE.

39 C. AFTER AN APPLICATION IS APPROVED, THE APPLICANT SHALL, WITHIN A
40 REASONABLE TIME PERIOD, SUBMIT A WORK PLAN PURSUANT TO SECTION 49-175 OR A
41 REPORT PURSUANT TO SECTION 49-181, WHICHEVER IS APPLICABLE.

42 49-175. Work plans

43 A. A WORK PLAN TO ADDRESS A RELEASE OF A CONTAMINANT TO THE
44 ENVIRONMENT SHALL INCLUDE THE FOLLOWING:

45 1. A SUMMARY OF EXISTING INFORMATION ON SITE CHARACTERIZATION,
46 INCLUDING REFERENCES TO KNOWN SITE CHARACTERIZATION AND ASSESSMENT

1 INFORMATION AND INFORMATION REGARDING ANY REMEDIATION PREVIOUSLY CONDUCTED AT
2 THE SITE OR PORTION OF THE SITE. THE APPLICANT SHALL PROVIDE COPIES OF THE
3 REFERENCED REPORTS TO THE DEPARTMENT.

4 2. IF THE SITE OR PORTION OF THE SITE ADDRESSED IN THE APPLICATION HAS
5 NOT BEEN CHARACTERIZED, A PLAN TO CONDUCT SITE CHARACTERIZATION AND A
6 SCHEDULE FOR COMPLETION. THE APPLICANT SHALL PROVIDE A SCHEDULE FOR THE
7 SUBMISSION OF A WORK PLAN FOR REMEDIATION FOLLOWING APPROVAL OF SITE
8 CHARACTERIZATION.

9 3. IF SITE CHARACTERIZATION IS COMPLETED FOR THE SITE OR PORTION OF
10 THE SITE ADDRESSED IN THE APPLICATION, A PLAN FOR REMEDIATION WHICH WILL
11 COMPLY WITH SUBSECTION B OF THIS SECTION AND A SCHEDULE FOR COMPLETION AS
12 FOLLOWS:

13 (a) THE WORK PLAN SHALL DESCRIBE HOW THE REMEDIATION WILL COMPLY WITH
14 SUBSECTION B OF THIS SECTION AND HOW THE COMPLETION OF REMEDIATION WILL BE
15 VERIFIED. THE APPLICANT AND THE DEPARTMENT MAY AGREE ON INTERIM PERFORMANCE
16 GOALS. THE INTERIM PERFORMANCE GOALS SHALL BE GUIDELINES USED TO DETERMINE
17 THE ONGOING EFFECTIVENESS OF THE REMEDIATION TOWARD REACHING THE FINAL
18 REMEDIATION LEVELS.

19 (b) THE WORK PLAN MAY PROVIDE FOR THE REMEDIATION TO BE CONDUCTED IN
20 PHASES OR TASKS THAT, IF AGREED TO BY THE APPLICANT, PROVIDE FOR THE
21 DEPARTMENT TO REVIEW AND APPROVE A COMPLETED PHASE OR TASK BEFORE INITIATION
22 OF THE NEXT PHASE OR TASK OF THE WORK PLAN.

23 4. A SCHEDULE FOR SUBMISSION OF PROGRESS REPORTS TO THE DEPARTMENT.
24 THE PROGRESS REPORTS SHALL BE SUFFICIENT TO ALLOW THE DEPARTMENT TO DETERMINE
25 THE EFFECTIVENESS OF THE CHARACTERIZATION IF IT HAS NOT BEEN COMPLETED,
26 FOLLOWED BY THE REMEDIATION.

27 5. A PROPOSAL FOR COMMUNITY INVOLVEMENT AS PRESCRIBED BY SECTION
28 49-176.

29 6. IF KNOWN, A LIST OF INSTITUTIONAL OR ENGINEERING CONTROLS NECESSARY
30 DURING REMEDIATION AND AFTER COMPLETION OF THE PROPOSED REMEDIATION TO
31 CONTROL EXPOSURE TO CONTAMINANTS.

32 7. A PROPOSAL FOR MONITORING OF A SITE OR PORTION OF A SITE DURING THE
33 REMEDIATION AND AFTER THE REMEDIATION IF NECESSARY TO VERIFY WHETHER THE
34 APPROVED REMEDIATION LEVELS OR CONTROLS HAVE BEEN ATTAINED AND WILL BE
35 MAINTAINED.

36 8. A LIST OF ANY PERMITS OR LEGAL REQUIREMENTS KNOWN BY THE APPLICANT
37 TO APPLY TO THE WORK TO BE PERFORMED OR ALREADY PERFORMED BY THE APPLICANT.

38 9. IF REQUESTED BY THE DEPARTMENT, INFORMATION REGARDING THE FINANCIAL
39 CAPABILITY OF THE APPLICANT TO CONDUCT THE WORK IDENTIFIED IN THE
40 APPLICATION.

41 B. REMEDIATION LEVELS OR CONTROLS FOR REMEDIATION CONDUCTED PURSUANT
42 TO THIS ARTICLE SHALL BE ESTABLISHED IN ACCORDANCE WITH RULES ADOPTED
43 PURSUANT TO SECTION 49-282.06 UNLESS ONE OR MORE OF THE FOLLOWING APPLIES:

44 1. THE APPLICANT DEMONSTRATES THAT REMEDIATION LEVELS, INSTITUTIONAL
45 CONTROLS OR ENGINEERING CONTROLS FOR REMEDIATION OF CONTAMINATED SOIL COMPLY
46 WITH SECTION 49-152 AND THE RULES ADOPTED PURSUANT TO THAT SECTION.

1 2. THE APPLICANT DEMONSTRATES THAT REMEDIATION LEVELS, INSTITUTIONAL
2 CONTROLS OR ENGINEERING CONTROLS FOR REMEDIATION OF LANDFILLS OR OTHER
3 FACILITIES THAT CONTAIN MATERIALS THAT ARE NOT SUBJECT TO SECTION 49-152 AND
4 THE RULES ADOPTED PURSUANT TO THAT SECTION WILL RESULT IN A CONDITION THAT
5 DOES NOT EXCEED A CUMULATIVE EXCESS LIFETIME CANCER RISK BETWEEN 1×10^{-4} AND
6 1×10^{-6} , AND A HAZARD INDEX NO GREATER THAN 1. THE EXCESS LIFETIME CANCER
7 RISK SHALL BE SELECTED BASED ON SITE-SPECIFIC FACTORS INCLUDING THE PRESENCE
8 OF MULTIPLE CONTAMINANTS, THE EXISTENCE OF MULTIPLE PATHWAYS OF EXPOSURE, THE
9 UNCERTAINTY OF EXPOSURE AND THE SENSITIVITY OF THE EXPOSED POPULATION.
10 APPROVAL OF THE USE OF INSTITUTIONAL OR ENGINEERING CONTROLS SHALL REQUIRE A
11 DEMONSTRATION THAT THE CONTROLS WILL BE MAINTAINED AND THAT THE REQUIREMENTS
12 OF SECTION 49-158 HAVE BEEN MET.

13 3. THE APPLICANT DEMONSTRATES THAT ON ACHIEVING REMEDIATION LEVELS OR
14 CONTROLS FOR A SOURCE OR POTENTIAL SOURCE OF CONTAMINATION TO A NAVIGABLE
15 WATER, THE SOURCE OF CONTAMINATION WILL NOT CAUSE OR CONTRIBUTE TO AN
16 EXCEEDANCE OF SURFACE WATER QUALITY STANDARDS, OR IF A PERMIT IS REQUIRED
17 PURSUANT TO 33 UNITED STATES CODE SECTION 1342 FOR ANY DISCHARGE FROM THE
18 SOURCE, THAT ANY DISCHARGES FROM THE SOURCE WILL COMPLY WITH THE PERMIT.
19 APPROVAL OF THE USE OF INSTITUTIONAL OR ENGINEERING CONTROLS SHALL REQUIRE A
20 DEMONSTRATION THAT THE CONTROLS WILL BE MAINTAINED AND THAT THE REQUIREMENTS
21 OF SECTION 49-158 HAVE BEEN MET.

22 4. THE APPLICANT DEMONSTRATES THAT, ON ACHIEVING REMEDIATION LEVELS OR
23 CONTROLS FOR A SOURCE OF CONTAMINATION TO AN AQUIFER, THE SOURCE WILL NOT
24 CAUSE OR CONTRIBUTE TO AN EXCEEDANCE OF AQUIFER WATER QUALITY STANDARDS
25 BEYOND THE BOUNDARY OF THE FACILITY WHERE THE SOURCE IS LOCATED. IN
26 DETERMINING WHETHER REMEDIATION LEVELS OR CONTROLS SATISFY THIS REQUIREMENT,
27 THE DEPARTMENT SHALL CONSIDER A DEMONSTRATION BY THE APPLICANT THAT AQUIFER
28 WATER QUALITY STANDARDS ARE EXCEEDED BEYOND THE BOUNDARY OF THE FACILITY DUE
29 TO NATURALLY OCCURRING CONTAMINATION OR FROM SOURCES OUTSIDE OF THE BOUNDARY.
30 THE APPLICANT IS NOT REQUIRED TO IDENTIFY OR EVALUATE OTHER
31 SOURCES. APPROVAL OF THE USE OF INSTITUTIONAL OR ENGINEERING CONTROLS SHALL
32 REQUIRE A DEMONSTRATION THAT THE CONTROLS WILL BE MAINTAINED AND THAT THE
33 REQUIREMENTS OF SECTION 49-158 HAVE BEEN MET.

34 C. THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY WAIVE ANY WORK PLAN
35 REQUIREMENT UNDER THIS SECTION THAT IT DETERMINES TO BE UNNECESSARY TO MAKE
36 ANY OF THE DETERMINATIONS REQUIRED UNDER SECTION 49-177. DECISIONS UNDER
37 THIS SUBSECTION ARE NOT SUBJECT TO APPEAL OR DISPUTE RESOLUTION UNDER SECTION
38 49-185.

39 49-176. Community involvement requirements

40 A. A WORK PLAN SUBMITTED PURSUANT TO SECTION 49-175 SHALL INCLUDE A
41 PLAN TO PROVIDE TO THE PUBLIC REASONABLE NOTICE AND INFORMATION REGARDING THE
42 REMEDIATION. A REPORT SUBMITTED PURSUANT TO SECTION 49-181 SHALL DESCRIBE THE
43 ACTIVITIES PREVIOUSLY UNDERTAKEN TO NOTIFY THE PUBLIC OF THE REMEDIATION.
44 PLANS AND ACTIVITIES UNDERTAKEN AFTER THE EFFECTIVE DATE OF THIS ARTICLE TO
45 NOTIFY THE PUBLIC SHALL BE CONSISTENT WITH THE FOLLOWING GUIDELINES:

1 1. FOR REMEDIATION WHERE THE REMEDIATION LEVELS AND CONTROLS ARE
2 ESTABLISHED IN ACCORDANCE WITH THE RULES ADOPTED PURSUANT TO SECTION
3 49-282.06, COMMUNITY INVOLVEMENT SHALL BE CONSISTENT WITH THE REQUIREMENTS OF
4 THOSE RULES.

5 2. FOR REMEDIATION WHERE THE REMEDIATION LEVELS AND CONTROLS ARE
6 ESTABLISHED IN ACCORDANCE WITH SECTION 49-175, SUBSECTION B, PARAGRAPH 1, 2,
7 3, OR 4, COMMUNITY INVOLVEMENT ACTIVITIES SHALL BE CONDUCTED APPROPRIATE TO
8 THE SCOPE AND SCHEDULE OF THE REMEDIATION, INCLUDING, AS APPLICABLE, ALL OF
9 THE FOLLOWING:

10 (a) FOR FIELD WORK CONDUCTED TO REMOVE CONTAMINANTS OF CONCERN OR THAT
11 MAY RESULT IN NOISE, LIGHT, ODOR, DUST AND OTHER ADVERSE IMPACTS OFF OF THE
12 SITE, PROVIDE GENERAL PUBLIC NOTICE. THE GENERAL PUBLIC NOTICE SHALL BE IN
13 THE FORM OF VISIBLE SIGNAGE AND DIRECT MAILING, DOOR HANGINGS, OR A SIMILAR
14 FORM OF NOTICE THAT IS DISTRIBUTED IN A MANNER SUFFICIENT TO REACH THOSE WHO
15 MAY BE IMPACTED. THE GENERAL PUBLIC NOTICE SHALL IDENTIFY THE NAME AND
16 TELEPHONE NUMBER OF A PERSON WHO MAY BE CONTACTED FOR INFORMATION REGARDING
17 THE FIELD WORK.

18 (b) FOR REMEDIATION THAT WILL TAKE MORE THAN ONE HUNDRED EIGHTY DAYS
19 TO COMPLETE, PROVIDE GENERAL NOTICE REGARDING THE NATURE AND PROGRESS OF THE
20 ACTION AND ESTABLISH A DOCUMENT REPOSITORY ACCESSIBLE TO THE PUBLIC WHERE
21 INFORMATION REGARDING THE SITE AND THE REMEDIATION IS AVAILABLE FOR REVIEW.
22 THE GENERAL NOTICE MAY BE IN THE FORM OF FACT SHEETS, NEWSLETTERS, OR NEWS
23 ARTICLES DISTRIBUTED BY DIRECT MAILINGS, DOOR HANGINGS OR ANY OTHER METHOD OF
24 DISTRIBUTION SUFFICIENT TO REACH OR BE ACCESSIBLE TO LOCAL GOVERNMENT
25 AGENCIES, PERSONS WITHIN THE COMMUNITY SURROUNDING THE SITE AND OTHER PERSONS
26 WHO HAVE REQUESTED INFORMATION REGARDING THE SITE AND DIRECT MAIL TO AFFECTED
27 WATER PROVIDERS. THE GENERAL NOTICE SHALL IDENTIFY THE NAME AND TELEPHONE
28 NUMBER OF A PERSON WHO MAY BE CONTACTED FOR INFORMATION REGARDING THE
29 REMEDIATION. THE DOCUMENT REPOSITORY SHALL BE ACCESSIBLE DURING NORMAL
30 BUSINESS HOURS OR BY APPOINTMENT AND SHALL CONTAIN ALL DOCUMENTS AND
31 INFORMATION REQUIRED TO BE PREPARED OR MAINTAINED BY THIS PROGRAM AND ANY
32 OTHER DOCUMENTS AND INFORMATION DEEMED APPROPRIATE BY THE PERSON CONDUCTING
33 THE WORK.

34 3. FOR REMEDIATION LEVELS OR CONTROLS SELECTED PURSUANT TO SECTION
35 49-175, SUBSECTION B, PARAGRAPHS 3 AND 4 OR REMEDIATION THAT INCLUDES AN
36 INSTITUTIONAL OR ENGINEERING CONTROL TO SATISFY THE REQUIREMENTS OF SECTION
37 49-152 OR SECTION 49-158 AND THE RULES ADOPTED PURSUANT TO THOSE SECTIONS,
38 NOTICE OF A WORK PLAN PURSUANT TO SECTION 49-175 OR A REPORT PURSUANT TO
39 SECTION 49-181 AND AN OPPORTUNITY FOR PUBLIC COMMENTS TO BE SUBMITTED FOR A
40 PERIOD OF FORTY-FIVE DAYS AFTER THE NOTICE SHALL BE PUBLISHED IN A NEWSPAPER
41 OF GENERAL CIRCULATION AND SHALL BE PROVIDED INDIVIDUALLY TO AFFECTED WATER
42 PROVIDERS, AFFECTED WELL OWNERS, LOCAL GOVERNMENT AGENCIES, ADJACENT
43 RESIDENTS, AND THE DEPARTMENT OF WATER RESOURCES.

44 B. IF THE APPLICANT REQUESTS A NO FURTHER ACTION DETERMINATION
45 PURSUANT TO SECTION 49-181, THE APPLICANT SHALL PROVIDE GENERAL NOTICE OF THE

1 REQUEST, THE REPORT SUBMITTED TO THE DEPARTMENT, AND THE OPPORTUNITY FOR
2 COMMENT.

3 C. COMMUNITY INVOLVEMENT ACTIVITIES UNDERTAKEN PURSUANT TO THIS
4 ARTICLE MAY BE COORDINATED OR COMBINED WITH SIMILAR PROCEDURES REQUIRED UNDER
5 OTHER LAWS APPLICABLE TO THE WORK TO AVOID DUPLICATION.

6 D. THE DIRECTOR SHALL CONSIDER WRITTEN COMMENTS IN RESPONSE TO A
7 PUBLIC NOTICE PROVIDING AN OPPORTUNITY TO COMMENT OR ANY PUBLIC MEETING HELD
8 PRIOR TO APPROVING A WORK PLAN PURSUANT TO SECTION 49-177 OR ISSUING A NO
9 FURTHER ACTION DETERMINATION PURSUANT TO SECTION 49-181. THE DIRECTOR MAY
10 REQUIRE THE APPLICANT TO CONDUCT A PUBLIC MEETING PRIOR TO APPROVING A WORK
11 PLAN FOR WHICH NOTICE IS REQUIRED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF
12 THIS SECTION OR ISSUING A NO FURTHER ACTION DETERMINATION.

13 E. THE DIRECTOR MAY REQUIRE ADDITIONAL COMMUNITY INVOLVEMENT
14 ACTIVITIES APPROPRIATE TO THE SCHEDULE AND SCOPE OF THE WORK AFTER
15 CONSIDERATION OF THE FOLLOWING FACTORS:

- 16 1. ACTUAL OR POTENTIAL IMPACT TO WATER SUPPLY.
- 17 2. EXTENT AND TOXICITY OF THE CONTAMINATION.
- 18 3. DURATION OF THE WORK.
- 19 4. LEVEL OF PUBLIC INTEREST.
- 20 5. NOISE, LIGHT, ODOR AND OTHER ADVERSE IMPACTS.
- 21 6. LIKELIHOOD OF CONTAMINANT EXPOSURE TO HUMAN OR ECOLOGICAL
22 RECEPTORS.

23 49-177. Work plan review and approval

24 A. AFTER RECEIPT OF A WORK PLAN SUBMITTED PURSUANT TO SECTION 49-175,
25 THE DEPARTMENT SHALL EXPEDITIOUSLY REVIEW, APPROVE, DENY OR REQUEST
26 MODIFICATIONS TO THE WORK PLAN. THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN
27 WRITING OF ANY DEFICIENCIES IN THE WORK PLAN OR MODIFICATIONS NECESSARY FOR
28 APPROVAL.

29 B. THE DEPARTMENT SHALL APPROVE A WORK PLAN IF, AFTER CONSIDERING THE
30 INFORMATION IN THE WORK PLAN AND ANY PUBLIC COMMENTS THE DIRECTOR FINDS THAT:

31 1. IF CHARACTERIZATION HAS NOT BEEN COMPLETED, THAT CHARACTERIZATION
32 WILL BE COMPLETED IN A TIMELY MANNER.

33 2. IF CHARACTERIZATION HAS BEEN COMPLETED, THAT THE PROPOSED
34 REMEDIATION IS REASONABLY LIKELY TO ACHIEVE THE REMEDIATION LEVELS OR
35 CONTROLS ESTABLISHED PURSUANT TO SECTION 49-175, SUBSECTION B IN A TIMELY
36 MANNER.

37 3. THE PROPOSED COMMUNITY INVOLVEMENT MEETS THE REQUIREMENTS OF
38 SECTION 49-176.

39 4. THE WORK TO BE PERFORMED COMPLIES WITH ANY APPLICABLE CORRECTIVE OR
40 REMEDIAL ACTION REQUIREMENTS OF ANY APPLICABLE PERMIT REQUIRED UNDER THIS
41 TITLE. IF PROPOSED REMEDIATION UNDER THIS ARTICLE REQUIRES A PERMIT, A SOLID
42 WASTE FACILITY PLAN APPROVAL PURSUANT TO SECTION 49-762.03, OR A
43 MODIFICATION, THE PERMIT, PLAN APPROVAL, OR MODIFICATION SHALL BE OBTAINED
44 THROUGH THE APPLICABLE PROGRAM.

45 5. THE PROPOSED REMEDIATION IS CONSISTENT WITH TITLE 45, CHAPTER 2.

1 6. THE WORK TO BE PERFORMED COMPLIES WITH ANY OTHERWISE APPLICABLE
2 LAWS AND RULES.

3 C. THE DEPARTMENT MAY DENY A WORK PLAN IF THE APPLICANT FAILS OR
4 REFUSES TO CORRECT DEFICIENCIES OR MAKE MODIFICATIONS REQUIRED FOR APPROVAL,
5 IF THE PROPOSED REMEDIATION WOULD INTERFERE WITH OR SUBSTANTIALLY INCREASE
6 THE COST OF A REMEDIAL ACTION THAT THE DEPARTMENT MAY CONDUCT TO ADDRESS
7 WATERS OF THE STATE PURSUANT TO CHAPTER 2, ARTICLE 5 OF THIS TITLE, OR IF THE
8 DIRECTOR DETERMINES THAT THE APPLICANT IS NOT FINANCIALLY CAPABLE OF
9 CONDUCTING THE WORK PROPOSED IN THE WORK PLAN.

10 D. IF APPROVED, THE WORK PROPOSED IN THE WORK PLAN, INCLUDING THE
11 COMMUNITY INVOLVEMENT REQUIREMENTS, SHALL BE PERFORMED ACCORDING TO THE
12 REQUIREMENTS AND SCHEDULE SET FORTH IN THE WORK PLAN. ANY PERMITS OR PERMIT
13 MODIFICATIONS NEEDED TO IMPLEMENT AN APPROVED PLAN SHALL BE OBTAINED AS
14 REQUIRED THROUGH THE APPLICABLE PROGRAM. THE APPROVAL SUSPENDS ANY REMEDIAL
15 ACTION BY THE DIRECTOR AT THE SITE OR PORTION OF THE SITE DESCRIBED IN THE
16 APPROVED WORK PLAN, INCLUDING THE ISSUANCE OF ANY ORDER OR THE FILING OF ANY
17 ACTION TO COMPEL THE WORK APPROVED IN THE WORK PLAN, TO THE EXTENT DETERMINED
18 BY THE DIRECTOR TO BE APPROPRIATE. THE ACTIONS TO BE SUSPENDED SHALL BE
19 SPECIFICALLY STATED IN THE DIRECTOR'S APPROVAL.

20 E. THE DEPARTMENT MAY INSPECT SITES APPROVED UNDER THIS SECTION AT
21 REASONABLE TIMES AND REQUIRE REPORTING. THE DEPARTMENT MAY ALSO REQUEST
22 MODIFICATIONS PURSUANT TO SECTION 49-180.

23 F. AFTER APPROVAL OF THE WORK PLAN, THE DEPARTMENT SHALL NOT TAKE ANY
24 ACTION AGAINST THE APPLICANT THAT HAS BEEN SUSPENDED UNLESS THE APPLICANT
25 NOTIFIES THE DEPARTMENT THAT IT IS WITHDRAWING FROM THE VOLUNTARY REMEDIATION
26 PROGRAM OR THE DEPARTMENT TERMINATES AN APPLICANT'S PARTICIPATION IN THE
27 PROGRAM PURSUANT TO SECTION 49-178.

28 G. APPROVAL OF A WORK PLAN UNDER THIS SECTION THAT INCLUDES THE
29 WITHDRAWAL OF GROUNDWATER QUALIFIES THE APPLICANT FOR REMEDIATED GROUNDWATER
30 INCENTIVES SET FORTH IN LAWS 1997, CHAPTER 287, SECTIONS 51 AND 52 ONLY IF
31 THE REMEDIAL ACTION IS DESIGNED PRIMARILY TO ADDRESS A RELEASE OF A
32 CONTAMINANT THAT IS A HAZARDOUS SUBSTANCE.

33 H. IF THE DEPARTMENT DENIES THE WORK PLAN, THE APPLICANT MAY INITIATE
34 DISPUTE RESOLUTION UNDER SECTION 49-185, SUBSECTION B OR C.

35 49-178. Termination and withdrawal

36 A. AN APPLICANT MAY WITHDRAW FROM THE VOLUNTARY REMEDIATION PROGRAM AT
37 ANY TIME.

38 B. AFTER COMPLYING WITH SUBSECTION C OF THIS SECTION, THE DEPARTMENT
39 MAY TERMINATE AN APPLICANT'S PARTICIPATION IN THE VOLUNTARY REMEDIATION
40 PROGRAM IF THE APPLICANT DOES ANY OF THE FOLLOWING:

41 1. FAILS TO SUBMIT A WORK PLAN PURSUANT TO SECTION 49-175 OR A REPORT
42 PURSUANT TO SECTION 49-181 WITHIN A REASONABLE TIME PERIOD, WHICHEVER IS
43 APPLICABLE.

44 2. FAILS TO COMPLY WITH THE WORK PLAN REQUIREMENTS APPROVED UNDER
45 SECTION 49-177.

1 3. FAILS TO SUBSTANTIALLY COMPLY WITH THE SCHEDULE FOR COMPLETION
2 SUBMITTED PURSUANT TO SECTION 49-175, SUBSECTION A, PARAGRAPHS 2 OR 3 AND
3 APPROVED PURSUANT TO SECTION 49-177.

4 4. FAILS TO REIMBURSE THE DEPARTMENT FOR ITS COSTS AS REQUIRED BY
5 SECTION 49-179.

6 5. FAILS TO MODIFY THE WORK PLAN PURSUANT TO THE DEPARTMENT'S REQUEST
7 UNDER SECTION 49-180.

8 6. FAILS TO SUBMIT AND OBTAIN APPROVAL FOR PHASES OF WORK OR OTHER
9 TASKS DESCRIBED IN THE WORK PLAN IF SUCH APPROVAL IS A CONDITION OF THE WORK
10 PLAN.

11 7. SUBMITS FALSE INFORMATION, MISREPRESENTS INFORMATION OR FAILS TO
12 DISCLOSE MATERIAL INFORMATION.

13 C. BEFORE TERMINATING AN APPLICANT'S PARTICIPATION IN THE VOLUNTARY
14 REMEDIATION PROGRAM FOR ANY REASON PURSUANT TO THIS SECTION, THE DEPARTMENT
15 SHALL SEND TO THE APPLICANT A WRITTEN NOTICE OF DEFICIENCY AND SHALL PROVIDE
16 THE APPLICANT A REASONABLE OPPORTUNITY TO CORRECT THE DEFICIENCY. IF THE
17 DEFICIENCY IS NOT CORRECTED WITHIN A REASONABLE TIME SET BY THE DEPARTMENT,
18 THE DEPARTMENT MAY TERMINATE AN APPLICANT'S PARTICIPATION IN THE PROGRAM AS
19 PROVIDED IN SUBSECTION B OF THIS SECTION.

20 D. IF AN APPROVED APPLICATION IS TERMINATED OR WITHDRAWN, THE
21 SUSPENSION OF ACTIONS PURSUANT TO SECTION 49-177, SUBSECTION F IS WITHDRAWN.

22 49-179. Reimbursement of costs of review

23 A. EACH APPLICATION SUBMITTED UNDER SECTION 49-173 SHALL BE
24 ACCOMPANIED BY A NONREFUNDABLE FEE TO BE ESTABLISHED BY RULE.

25 B. AN APPLICANT SHALL REIMBURSE THE DEPARTMENT FOR THE REASONABLE AND
26 NECESSARY COSTS OF ACTIONS TAKEN BY THE DEPARTMENT PURSUANT TO THIS SECTION
27 AND SECTIONS 49-173 THROUGH 49-178, 49-180, 49-181, 49-182 AND 49-185.

28 C. REIMBURSABLE COSTS INCLUDE TIME SPENT BY THE DEPARTMENT'S EMPLOYEES
29 AND THE COSTS OF GOODS AND SERVICES CONTRACTED BY THE DEPARTMENT TO CARRY OUT
30 THE ACTIVITIES DESCRIBED IN SUBSECTION B OF THIS SECTION. TIME SPENT BY THE
31 DEPARTMENT'S EMPLOYEES SHALL BE REIMBURSED AT A RATE TO BE ESTABLISHED BY
32 RULE BASED UPON THE ESTIMATED DIRECT AND INDIRECT COSTS TO THE DEPARTMENT OF
33 CONDUCTING THESE ACTIVITIES. THE DEPARTMENT SHALL PROVIDE DOCUMENTATION TO
34 THE APPLICANT TO SUPPORT ITS CLAIMS FOR REIMBURSEMENT CONSISTENT WITH
35 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. THE DEPARTMENT MAY REQUIRE AN
36 APPLICANT TO PAY AN ADVANCE DEPOSIT TO BE APPLIED AGAINST THE DEPARTMENT'S
37 REIMBURSABLE COSTS FOLLOWING THE DEPARTMENT'S APPROVAL OF AN APPLICATION
38 UNDER SECTION 49-174. IF AN APPROVED APPLICATION IS TERMINATED OR WITHDRAWN
39 PURSUANT TO SECTION 49-178, THE APPLICANT SHALL REIMBURSE THE DEPARTMENT FOR
40 ITS COSTS INCURRED PRIOR TO THE TERMINATION OR WITHDRAWAL.

41 D. THE DEPARTMENT MAY CONTRACT WITH AN OUTSIDE CONSULTANT TO PERFORM
42 ANY TECHNICAL REVIEW REQUIRED TO REVIEW A WORK PLAN SUBMITTED PURSUANT TO
43 SECTION 49-175 OR A REPORT SUBMITTED PURSUANT TO SECTION 49-181 OR TO OVERSEE
44 WORK PERFORMED PURSUANT TO A WORK PLAN APPROVED PURSUANT TO SECTION 49-177 AS
45 FOLLOWS:

1 1. THE DEPARTMENT MAY CONTRACT ANY WORK FOR WHICH COSTS ARE
2 REIMBURSABLE PURSUANT TO SUBSECTION B OF THIS SECTION IF THE CONTRACT RATE IS
3 LESS THAN OR EQUAL TO THE RATE CHARGED FOR TIME SPENT BY THE DEPARTMENT'S
4 EMPLOYEES.

5 2. THE DEPARTMENT MAY CONTRACT ANY WORK UPON THE REQUEST OF AN
6 APPLICANT TO ESTABLISH DEADLINES FOR A REVIEW OF A WORK PLAN OR A TASK UNDER
7 AN APPROVED WORK PLAN IF THE APPLICANT AGREES TO REIMBURSE THE DEPARTMENT FOR
8 THE CHARGES OF THE OUTSIDE CONSULTANT.

9 49-180. Modification of work plan

10 A. AN APPLICANT MAY PROPOSE A MODIFICATION TO A WORK PLAN AT ANY TIME
11 BY SUBMITTING AN AMENDED WORK PLAN OR PORTIONS OF THE WORK PLAN. SECTIONS
12 49-175 AND 49-177, AS APPLICABLE, GOVERN THE AMENDED WORK PLAN.

13 B. BASED UPON THE PROGRESS REPORTS SUBMITTED BY THE APPLICANT, THE
14 DEPARTMENT MAY REQUEST AN APPLICANT TO SUBMIT A PROPOSED MODIFICATION TO THE
15 WORK PLAN PURSUANT TO THIS SECTION IF THE DEPARTMENT DETERMINES THAT A
16 MODIFICATION IS NECESSARY IN ORDER TO MEET THE REMEDIATION LEVELS OR
17 OBJECTIVES WITHIN THE APPROVED WORK PLAN AND SCHEDULE, INCLUDING ANY INTERIM
18 GOALS. IF THE APPLICANT OBJECTS TO THE REQUESTED MODIFICATIONS, THE
19 APPLICANT MAY SEEK DISPUTE RESOLUTION REGARDING THE REQUESTED MODIFICATIONS
20 PURSUANT TO SECTION 49-185, SUBSECTION B OR C, OR MAY WITHDRAW FROM THE
21 PROGRAM. IF THE APPLICANT DOES NOT MAKE THE MODIFICATIONS REQUESTED BY THE
22 DEPARTMENT, AND IF DISPUTE RESOLUTION IS NOT SUCCESSFUL OR IF THE APPLICANT
23 DOES NOT SEEK DISPUTE RESOLUTION WITHIN THE TIME PERIOD PROVIDED BY SECTION
24 49-185, SUBSECTION B OR C, THE DEPARTMENT MAY TERMINATE AN APPLICANT'S
25 PARTICIPATION IN THE PROGRAM PURSUANT TO SECTION 49-178.

26 C. MINOR CHANGES TO THE APPROVED WORK PLAN THAT DO NOT SUBSTANTIALLY
27 CHANGE THE SCOPE, NATURE OR DURATION OF THE WORK TO BE PERFORMED MAY BE
28 APPROVED IN WRITING BY THE DEPARTMENT AND ARE NOT SUBJECT TO SECTION 49-177.
29 MINOR CHANGES INCLUDE CHANGES IN THE SCHEDULE FOR SPECIFIC ACTIONS FOR GOOD
30 CAUSE SHOWN BY THE APPLICANT AS LONG AS THE OVERALL DURATION OF THE TASKS IN
31 THE WORK PLAN ARE NOT SUBSTANTIALLY AFFECTED.

32 49-181. Requests for no further action determination

33 A. UPON ACHIEVING THE REMEDIATION LEVELS AND CONTROLS DETERMINED
34 PURSUANT TO SECTION 49-175, SUBSECTION B, AN APPLICANT APPROVED PURSUANT TO
35 SECTION 49-174 MAY REQUEST THE DEPARTMENT TO PROVIDE A DETERMINATION THAT NO
36 FURTHER ACTION IS NEEDED FOR A SITE OR PORTION OF A SITE BY SUBMITTING A
37 REPORT TO THE DEPARTMENT. THE REPORT SHALL INCLUDE:

38 1. A DESCRIPTION OF THE SPECIFIC CONTAMINANTS FOR WHICH A NO FURTHER
39 ACTION DETERMINATION IS BEING SOUGHT.

40 2. A DESCRIPTION OF THE ACTIONS TAKEN TO ACHIEVE REMEDIATION LEVELS OR
41 CONTROLS DETERMINED IN ACCORDANCE WITH SECTION 49-175, SUBSECTION B.

42 3. A DESCRIPTION OF ANY SOIL, WATER, OR SOIL AND WATER TREATMENT
43 SYSTEMS USED AS PART OF THE REMEDIATION.

44 4. WHENEVER INSTITUTIONAL OR ENGINEERING CONTROLS ARE PLACED ON THE
45 SITE:

1 (a) A DEMONSTRATION THAT ANY ENGINEERING CONTROL OR COMBINATION OF
2 ENGINEERING CONTROLS HAS BEEN CONSTRUCTED, IS FUNCTIONING, AND WILL BE
3 MAINTAINED.

4 (b) A DESCRIPTION OF THE PROPOSED LAND USE FOR THE SITE AND A
5 DEMONSTRATION THAT THE USE WILL NOT COMPROMISE THE INTEGRITY OF THE
6 ENGINEERING CONTROLS AND WILL BE IN ACCORDANCE WITH ANY INSTITUTIONAL
7 CONTROLS.

8 5. IF POST-REMEDATION MONITORING IS PROPOSED, A DESCRIPTION OF THE
9 TYPE OF MONITORING, MONITORING LOCATIONS, CONTAMINANTS TO BE MONITORED,
10 MONITORING FREQUENCY AND SAMPLING PROCEDURES.

11 6. A DESCRIPTION OF COMMUNITY INVOLVEMENT ACTIVITIES UNDERTAKEN TO
12 MEET THE REQUIREMENTS OF SECTION 49-176.

13 7. A LIST OF PERMITS UNDER THIS TITLE OBTAINED FOR THE REMEDIAL ACTION
14 OR HELD BY THE APPLICANT PERTAINING TO THE SITE.

15 B. AFTER RECEIPT OF A REQUEST FOR A NO FURTHER ACTION DETERMINATION,
16 THE DEPARTMENT SHALL REVIEW, APPROVE, DENY OR REQUEST MODIFICATIONS TO THE
17 REQUEST. THE DIRECTOR MAY REQUEST ADDITIONAL INFORMATION BEFORE ACTING ON
18 THE REQUEST FOR A DETERMINATION OF NO FURTHER ACTION, MAY CONDUCT AN
19 INVESTIGATION OF THE SITE OR PORTION OF THE SITE, AND SHALL BE GIVEN ACCESS
20 TO THE SITE AT REASONABLE TIMES FOR THE PURPOSE OF VERIFYING THE COMPLETION
21 OF THE REMEDIAL ACTION.

22 C. THE DIRECTOR SHALL GRANT A REQUEST FOR A NO FURTHER ACTION
23 DETERMINATION IF, AFTER CONSIDERING ANY PUBLIC COMMENTS, THE DIRECTOR
24 DETERMINES THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

25 1. THE REMEDIATION HAS ACHIEVED REMEDIATION LEVELS OR CONTROLS
26 DETERMINED IN ACCORDANCE WITH SECTION 49-175, SUBSECTION B.

27 2. THE COMMUNITY INVOLVEMENT REQUIREMENTS OF SECTION 49-176 HAVE BEEN
28 SATISFIED.

29 3. IF INSTITUTIONAL OR ENGINEERING CONTROLS ARE PROPOSED, PROOF THAT
30 THE DECLARATION OF ENVIRONMENTAL USE RESTRICTION HAS BEEN FILED THAT COMPLIES
31 WITH THE REQUIREMENTS OF SECTION 49-152 OR 49-158.

32 4. THE WORK PERFORMED COMPLIES WITH ANY APPLICABLE CORRECTIVE OR
33 REMEDIAL ACTION REQUIREMENTS OF ANY APPLICABLE PERMIT REQUIRED UNDER THIS
34 TITLE. IF REMEDIATION UNDER THIS ARTICLE REQUIRES A PERMIT, A SOLID WASTE
35 FACILITY PLAN APPROVAL PURSUANT TO SECTION 49-762.03, OR A MODIFICATION, THE
36 PERMIT, PLAN APPROVAL, OR MODIFICATION SHALL BE OBTAINED THROUGH THE
37 APPLICABLE PROGRAM.

38 5. THE REMEDIATION IS CONSISTENT WITH TITLE 45, CHAPTER 2.

39 6. THE WORK PERFORMED COMPLIES WITH ANY OTHERWISE APPLICABLE LAWS AND
40 RULES.

41 7. THE REMEDIATION WILL NOT INTERFERE WITH OR SUBSTANTIALLY INCREASE
42 THE COST OF A REMEDIAL ACTION THAT THE DEPARTMENT MAY CONDUCT TO ADDRESS
43 WATERS OF THE STATE PURSUANT TO CHAPTER 2, ARTICLE 5 OF THIS TITLE.

44 E. THE DEPARTMENT MAY ISSUE A CONDITIONAL NO FURTHER ACTION
45 DETERMINATION AT A SITE WHERE REMEDIATION LEVELS HAVE BEEN MET THROUGH THE
46 USE OF INSTITUTIONAL CONTROLS OR ENGINEERING CONTROLS BUT POST-REMEDATION

1 CARE OBLIGATIONS SUCH AS MONITORING OR MAINTENANCE OF ENGINEERING CONTROLS
2 MUST BE PERFORMED.

3 F. THE DEPARTMENT MAY RESCIND OR AMEND THE DETERMINATION OF NO FURTHER
4 ACTION UNDER THIS SECTION AND REQUIRE REMEDIAL ACTION PURSUANT TO APPLICABLE
5 LAW FOR ANY OF THE FOLLOWING REASONS:

6 1. ON DISCOVERY OF NEW INFORMATION THAT, BASED ON THE CRITERIA IN
7 SUBSECTION C OF THIS SECTION, WOULD RESULT IN THE POTENTIAL DENIAL OF A NO
8 FURTHER ACTION REQUEST.

9 2. THAT INFORMATION SUBMITTED PURSUANT TO SUBSECTION A OR B OF THIS
10 SECTION WAS INACCURATE, MISLEADING, OR INCOMPLETE.

11 3. THE REOPENING OF AN INVESTIGATION OR THE TAKING OF A REMEDIAL
12 ACTION IS NECESSARY TO RESPOND TO A RELEASE OR THE THREAT OF A RELEASE OF A
13 CONTAMINANT THAT MAY PRESENT AN IMMINENT AND SUBSTANTIAL DANGER TO THE PUBLIC
14 HEALTH OR WELFARE OR THE ENVIRONMENT.

15 G. A DETERMINATION OF NO FURTHER ACTION UNDER THIS SECTION MEANS THAT
16 NO FURTHER ACTION SHALL BE TAKEN BY THE DEPARTMENT UNDER THIS TITLE TO
17 REMEDIATE OR REQUIRE REMEDIATION OF THE SITE OR PORTION OF THE SITE COVERED
18 BY THE NO FURTHER ACTION DETERMINATION, UNLESS THE NO FURTHER ACTION
19 DETERMINATION IS RESCINDED OR AMENDED PURSUANT TO SUBSECTION F OF THIS
20 SECTION. A NO FURTHER ACTION DETERMINATION UNDER THIS SECTION DOES NOT
21 RELEASE OR DISCHARGE ANY PERSON FROM LIABILITY UNDER THIS TITLE OR ANY OTHER
22 LAW FOR A RELEASE OF CONTAMINANTS NOT COVERED BY THE WORK PLAN APPROVED
23 PURSUANT TO SECTION 49-177 OR OUTSIDE THE BOUNDARY OF THE SITE OR PORTION OF
24 THE SITE COVERED BY THE DETERMINATION. A DETERMINATION OF NO FURTHER ACTION
25 SHALL NOT PRECLUDE THE DIRECTOR FROM OBTAINING ACCESS TO THE AREA COVERED BY
26 THE DETERMINATION UNDER THIS SECTION OR ANY OTHER LAW.

27 49-182. Approval of remediations for cost recovery

28 ANY WORK NECESSARY TO CONDUCT REMEDIATION PURSUANT TO THIS ARTICLE MAY
29 QUALIFY AS A REMEDIAL ACTION FOR PURPOSES OF SECTION 49-285. ANY PERSON MAY
30 SUBMIT A REQUEST TO THE DEPARTMENT FOR APPROVAL OF A REMEDIAL ACTION FOR
31 PURPOSES OF SECTION 49-285 BY FILING AN APPLICATION IN ACCORDANCE WITH THE
32 RULES ADOPTED PURSUANT TO SECTION 49-282.06. A REQUEST MAY BE COMBINED WITH
33 ANY APPLICATION PURSUANT TO THIS ARTICLE, AND THE DEPARTMENT SHALL BE
34 REIMBURSED FOR THE COST OF REVIEWING THE APPLICATION AS PROVIDED IN THIS
35 ARTICLE. THE DIRECTOR'S APPROVAL UNDER THIS SECTION IS NOT REQUIRED TO
36 PRESERVE ANY RIGHT TO RECOVER REMEDIAL COSTS UNDER SECTION 49-285.

37 49-183. Insurance

38 INSURANCE COVERAGE SHALL NOT BE DENIED AN INSURED SOLELY ON THE BASIS
39 OF THE INSURED'S PARTICIPATION IN THE VOLUNTARY REMEDIATION PROGRAM PURSUANT
40 TO THIS ARTICLE OR CHAPTER 2, ARTICLE 5 OF THIS TITLE.

41 49-184 Reservation of rights

42 A. NOTHING IN THIS ARTICLE MAY BE CONSTRUED TO ABRIDGE OR ALTER ANY
43 RIGHT A PERSON MAY HAVE TO ENGAGE IN REMEDIAL ACTION PURSUANT TO OTHER
44 PROVISIONS OF THIS TITLE OR ANY OTHER PROVISIONS OF STATUTORY OR COMMON LAW.

45 B. NOTHING IN THIS ARTICLE MAY BE CONSTRUED TO ABRIDGE OR ALTER THE
46 DEPARTMENT'S AUTHORITY TO RECOVER PENALTIES OR TO TAKE ANY ACTION AUTHORIZED

1 BY LAW FOR ANY VIOLATION OF THIS TITLE, EXCEPT THAT THE DEPARTMENT SHALL NOT
2 TAKE AN ACTION TO COMPEL REMEDIAL ACTION OR CORRECTIVE ACTION THAT IS THE
3 SUBJECT OF AN APPLICATION APPROVED PURSUANT TO THIS ARTICLE UNLESS THE
4 APPROVAL IS WITHDRAWN OR TERMINATED PURSUANT TO SECTION 49-178.

5 C. UNLESS A REMEDY IS SELECTED IN ACCORDANCE WITH THE RULES ADOPTED
6 PURSUANT TO SECTION 49-282.06, THE AFFIRMATIVE DEFENSE UNDER SECTION 49-262,
7 SUBSECTION F APPLIES ONLY TO THE SITE OR PORTION OF THE SITE WHERE
8 REMEDIATION IS OR WILL BE CONDUCTED PURSUANT TO A WORK PLAN APPROVED PURSUANT
9 TO THIS ARTICLE.

10 49-185. Appeals and dispute resolution

11 A. UNDER THIS ARTICLE, ONLY THE DENIAL OR RESCISSION OF A NO FURTHER
12 ACTION DETERMINATION IS AN APPEALABLE AGENCY ACTION AS DEFINED IN SECTION
13 41-1092, A CONTESTED CASE AS DEFINED IN SECTION 41-1001, OR AN ACTION AGAINST
14 A PARTY AS DEFINED IN SECTION 41-1092.12.

15 B. IN A DISPUTE CONCERNING AN ISSUE OF GEOLOGIC, HYDROLOGIC, CHEMICAL,
16 BIOLOGICAL OR OTHER SCIENTIFIC INTERPRETATION UNDER THIS ARTICLE, THE
17 APPLICANT MAY REQUEST DISPUTE RESOLUTION UNDER THIS SUBSECTION. THE
18 APPLICANT AND THE DEPARTMENT SHALL SEEK IN GOOD FAITH TO RESOLVE THE DISPUTE
19 INFORMALLY. IF THE DISPUTE CANNOT BE RESOLVED INFORMALLY WITHIN THIRTY DAYS,
20 THE APPLICANT MAY SUBMIT A WRITTEN STATEMENT DESCRIBING THE DISPUTE, THE
21 APPLICANT'S PROPOSED RESOLUTION AND ANY SUPPORTING INFORMATION TO THE
22 DEPARTMENT WITHIN TWENTY DAYS AFTER THE END OF INFORMAL DISPUTE RESOLUTION.
23 WITHIN THIRTY DAYS AFTER RECEIPT OF THE APPLICANT'S WRITTEN STATEMENT, THE
24 DEPARTMENT SHALL DELIVER OR MAIL A WRITTEN RESPONSE TO THE APPLICANT. THE
25 APPLICANT'S STATEMENT AND THE DEPARTMENT'S RESPONSE MAY THEN BE SUBMITTED TO
26 A QUALIFIED PROFESSIONAL OTHER THAN A PROFESSIONAL RETAINED BY THE APPLICANT
27 OR AN EMPLOYEE OF THE DEPARTMENT. THE DEPARTMENT SHALL MAINTAIN A LIST OF
28 QUALIFIED PROFESSIONALS WHO MAY BE SELECTED TO PERFORM A REVIEW UNDER THIS
29 SUBSECTION. THE PROFESSIONAL SHALL REVIEW THE MATTER AND PROVIDE A
30 RECOMMENDED RESOLUTION TO THE DIRECTOR WITHIN THIRTY DAYS AFTER RECEIPT OF
31 THE INFORMATION REGARDING THE DISPUTE. THE APPLICANT SHALL PAY THE COST OF
32 THE REVIEW. WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF THE PROFESSIONAL'S
33 RECOMMENDATIONS, THE DIRECTOR SHALL SELECT THE APPLICANT'S, THE DEPARTMENT'S
34 OR THE PROFESSIONAL'S PROPOSED RESOLUTION OF THE DISPUTE AND SHALL ISSUE A
35 WRITTEN EXPLANATION OF THE DECISION. DEADLINES UNDER THIS SUBSECTION MAY BE
36 EXTENDED BY AGREEMENT OF THE PARTIES.

37 C. ANY DISPUTE BETWEEN AN APPLICANT AND THE DEPARTMENT THAT ARISES
38 UNDER THIS ARTICLE MAY BE RESOLVED AS PROVIDED IN THIS SUBSECTION. BEFORE
39 MAKING ANY REQUEST UNDER THIS SUBSECTION, THE APPLICANT AND THE DEPARTMENT
40 SHALL SEEK IN GOOD FAITH TO RESOLVE THE DISPUTE INFORMALLY. IF THE DISPUTE
41 CANNOT BE RESOLVED IN THIRTY DAYS, THE APPLICANT MAY SUBMIT A WRITTEN
42 STATEMENT DESCRIBING THE DISPUTE AND THE APPLICANT'S PROPOSED RESOLUTION OF
43 THE DISPUTE TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER CONCLUSION OF THE
44 INFORMAL DISPUTE RESOLUTION. WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF THE
45 APPLICANT'S STATEMENT, THE DEPARTMENT SHALL DELIVER OR MAIL A WRITTEN
46 RESPONSE TO THE APPLICANT PROPOSING A RESOLUTION OF THE DISPUTE. THE

1 APPLICANT MAY SUBMIT A WRITTEN REQUEST FOR A DECISION ON THE DISPUTE BY THE
2 DIRECTOR. WITHIN TWENTY DAYS AFTER RECEIPT OF THE APPLICANT'S PROPOSAL, THE
3 DIRECTOR SHALL SELECT THE APPLICANT'S OR THE DEPARTMENT'S PROPOSED RESOLUTION
4 OF THE DISPUTE AND SHALL ISSUE A WRITTEN EXPLANATION OF THE DECISION.
5 DEADLINES UNDER THIS SUBSECTION MAY BE EXTENDED BY AGREEMENT OF THE PARTIES.

6 D. A DISPUTE REGARDING BILLINGS BY THE DEPARTMENT FOR REIMBURSEMENT OF
7 COSTS PURSUANT TO SECTION 49-179 SHALL BE RESOLVED PURSUANT TO SUBSECTION C
8 OF THIS SECTION. ANY DISPUTE REGARDING A BILLING SHALL BE RAISED IN WRITING
9 WITHIN THIRTY DAYS AFTER A BILL IS RECEIVED. THE DEPARTMENT SHALL NOT
10 REQUIRE PAYMENT OF THE DISPUTED PORTION OF THE BILL TO INVOKE DISPUTE
11 RESOLUTION. THE DEPARTMENT SHALL NOT TERMINATE AN APPLICATION PURSUANT TO
12 SECTION 49-178 FOR NONPAYMENT OF A DISPUTED PORTION OF A BILL WHILE DISPUTE
13 RESOLUTION IS BEING CONDUCTED UNTIL AFTER THE DIRECTOR ISSUES A DECISION.

14 49-186. Rules; program termination; no licensing

15 A. THE DEPARTMENT SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT SECTION
16 49-179. THE ADOPTION OF RULES UNDER THIS SECTION IS NOT A PREREQUISITE FOR
17 IMPLEMENTATION OF THIS ARTICLE.

18 B. THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2010
19 PURSUANT TO SECTION 41-3102.

20 C. TITLE 41, CHAPTER 6, ARTICLE 7.1 AND SECTION 41-1009 DO NOT APPLY
21 TO THIS ARTICLE.

22 49-187. Voluntary remediation fund

23 A. THE VOLUNTARY REMEDIATION FUND IS ESTABLISHED. THE DIRECTOR SHALL
24 ADMINISTER THE FUND. THE FUND CONSISTS OF MONIES FROM THE FOLLOWING SOURCES:

- 25 1. FEES COLLECTED PURSUANT TO SECTION 49-179.
- 26 2. COSTS REIMBURSED TO THE DEPARTMENT PURSUANT TO SECTION 49-179.
- 27 3. GIFTS, GRANTS AND DONATIONS.
- 28 4. LEGISLATIVE APPROPRIATIONS.
- 29 5. UNTIL JULY 1, 2004, THE WATER QUALITY ASSURANCE REVOLVING FUND
30 PURSUANT TO SECTION 49-282, SUBSECTION E, PARAGRAPH 10, PROVIDED THAT NO MORE
31 THAN THREE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED FROM THE WATER
32 QUALITY ASSURANCE REVOLVING FUND TO THE VOLUNTARY REMEDIATION FUND IN ANY
33 FISCAL YEAR.

34 B. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT
35 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
36 APPROPRIATIONS. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL
37 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND
38 MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

39 C. MONIES IN THE VOLUNTARY REMEDIATION FUND SHALL BE USED FOR THE
40 FOLLOWING PURPOSES:

- 41 1. FOR ALL REASONABLE AND NECESSARY COSTS TO IMPLEMENT THIS ARTICLE.
- 42 2. FOR THE REASONABLE AND NECESSARY COSTS OF ADMINISTERING THE FUND.

1 49-188. Department access to private property

2 A REPRESENTATIVE OF THE DEPARTMENT WHO ENTERS PRIVATE PROPERTY PURSUANT
3 TO THIS ARTICLE OR PURSUANT TO AN AGREEMENT ENTERED INTO PURSUANT TO THIS
4 ARTICLE SHALL:

5 1. ON ENTRY OF THE PREMISES, PRESENT PHOTOGRAPHIC IDENTIFICATION AND
6 STATE THE PURPOSE FOR THE INSPECTION.

7 2. ALLOW AN AUTHORIZED REPRESENTATIVE OF THE OWNER TO ACCOMPANY THE
8 DEPARTMENT REPRESENTATIVE, EXCEPT DURING CONFIDENTIAL INTERVIEWS. IF THE
9 DEPARTMENT HAS REASON TO BELIEVE THAT NO ON-SITE REPRESENTATIVE OF THE OWNER
10 WILL BE PRESENT AT A SITE AT THE TIME OF AN INSPECTION, THE DEPARTMENT SHALL
11 MAKE REASONABLE EFFORTS TO PROVIDE NOTICE SUFFICIENT TO ALLOW A REPRESENTATIVE
12 OF THE OWNER TO BE PRESENT DURING THE INSPECTION.

13 3. PROVIDE NOTICE OF THE RIGHT TO HAVE:

14 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN BY THE DEPARTMENT
15 REPRESENTATIVE DURING THE INSPECTION IF THE REPRESENTATIVE IS PERMITTED BY
16 LAW TO TAKE ORIGINAL DOCUMENTS.

17 (b) A SPLIT OF ANY SAMPLES TAKEN DURING THE SITE VISIT IF THE SPLIT
18 WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN ANALYSIS
19 INCONCLUSIVE.

20 (c) COPIES OF ANY ANALYSES PERFORMED ON SAMPLES TAKEN DURING THE
21 INSPECTION.

22 4. INFORM EACH PERSON INTERVIEWED DURING THE INSPECTION THAT
23 STATEMENTS MADE BY THE PERSON MAY BE INCLUDED IN THE INSPECTION REPORT.

24 5. INFORM EACH PERSON WHOSE CONVERSATION WITH THE REPRESENTATIVE
25 DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS BEING
26 RECORDED.

27 6. PROMPTLY NOTIFY THE APPLICANT IN WRITING OF ANY INCONSISTENCIES OR
28 DEFICIENCIES NOTED DURING THE INSPECTION.

29 Sec. 7. Repeal

30 Section 49-282.05, Arizona Revised Statutes, is repealed.

31 Sec. 8. Title 49, chapter 2, article 5, Arizona Revised Statutes, is
32 amended by adding a new section 49-282.05, to read:

33 49-282.05. Agreements for work; suspension of remedial action

34 A. THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH ANY PERSON TO
35 PERFORM WORK AT A SITE ON THE SITE REGISTRY IF THE WORK WILL BE CONDUCTED IN
36 ACCORDANCE WITH THE RULES ADOPTED PURSUANT TO SECTION 49-282.06. THE TERMS
37 AND CONDITIONS OF THE AGREEMENT MAY INCLUDE A SUSPENSION OF ANY REMEDIAL
38 ACTION BY THE DIRECTOR AT THE SITE TO THE EXTENT DETERMINED BY THE DIRECTOR
39 TO BE APPROPRIATE. THE SUSPENSION SHALL BE SPECIFICALLY STATED IN THE
40 AGREEMENT OR THE APPROVAL OF WORK UNDER THE AGREEMENT AND SHALL CONTINUE AS
41 LONG AS THE PERSON IS IN COMPLIANCE WITH THE AGREEMENT.

42 B. AS A CONDITION OF AN AGREEMENT UNDER THIS SECTION, THE DEPARTMENT
43 MAY REQUIRE THE PERSON CONDUCTING THE WORK TO REIMBURSE THE DIRECTOR FOR THE
44 REASONABLE AND NECESSARY COSTS INCURRED IN REVIEWING AND OVERSEEING THE WORK,
45 INCLUDING COSTS CONSISTING OF SALARIES AND BENEFITS PAID TO STATE EMPLOYEES
46 AND OTHER DIRECT AND INDIRECT COSTS. A PERSON WHO REIMBURSES THE DEPARTMENT

1 FOR COSTS PURSUANT TO THIS SUBSECTION MAY RECOVER THOSE COSTS IN ANY ACTION
2 BROUGHT PURSUANT TO SECTION 49-285, SUBSECTION H.

3 Sec. 9. Section 49-282.06, Arizona Revised Statutes, is amended to
4 read:

5 49-282.06. Remedial action criteria; rules

6 A. Remedial actions shall:

7 1. Assure the protection of public health and welfare and the
8 environment.

9 2. To the extent practicable, provide for the control, management or
10 cleanup of the hazardous substances ~~so as~~ IN ORDER to allow the maximum
11 beneficial use of the waters of the state.

12 3. Be reasonable, necessary, cost-effective and technically feasible.

13 B. The director shall adopt rules necessary to implement this article.
14 The director may adopt CERCLA rules, guidelines or procedures by reference to
15 the extent consistent with this article. Rules adopted pursuant to this
16 subsection shall include rules for:

17 1. The use of monies from the fund, including establishing priorities
18 for the use of the monies from the fund.

19 2. The scoring and rescoring of sites or portions of sites.

20 3. The criteria for a finding of no further action for sites pursuant
21 to section 49-287.01.

22 4. The selection of remedial actions including the establishment of
23 the level and extent of cleanup at a site or a portion of a site. The rules
24 shall provide for the selection of a remedial action by comparison of
25 alternative remedial actions, which may include no action, monitoring, source
26 control, controlled migration, physical containment, plume remediation and
27 the consideration of the criteria in subsection C of this section. The rules
28 also shall provide that the selected remedial action meet the requirements of
29 subsection A of this section and the following:

30 (a) For remediation of soil, the selected remedial action shall be
31 consistent with the soil remediation standards adopted pursuant to section
32 49-152.

33 (b) For remediation of waters of the state, the selected remedial
34 action shall address, at a minimum, any well that at the time of selection of
35 the remedial action either supplies water for municipal, domestic,
36 industrial, irrigation or agricultural uses or is part of a public water
37 system if the well would now or in the reasonably foreseeable future produce
38 water that would not be fit for its current or reasonably foreseeable end
39 uses without treatment due to the release of hazardous substances. The
40 specific measures to address any such well shall not reduce the supply of
41 water available to the owner of the well.

42 5. Incentives for initiating early remedial actions, ~~AND~~ implementing
43 innovative remedial technologies ~~and initiating voluntary remedial actions.~~

44 C. In adopting the rules required by this section and in selecting
45 remedial actions, the director shall consider the following factors:

46 1. Population, environmental and welfare concerns at risk.

1 2. Routes of exposure.

2 3. Amount, concentration, hazardous properties, environmental fate,
3 such as the ability to bioaccumulate, persistence and probability of reaching
4 the waters of the state, and the form of the substance present.

5 4. Physical factors affecting human and environmental exposure such as
6 hydrogeology, climate and the extent of previous and expected migration.

7 5. The extent to which the amount of water available for beneficial
8 use will be preserved by a particular type of remedial action.

9 6. The technical practicality and cost-effectiveness of alternative
10 remedial actions applicable to a site.

11 7. The availability of other appropriate federal or state remedial
12 action and enforcement mechanisms, including, to the extent consistent with
13 this article, funding sources established under CERCLA, to respond to the
14 release.

15 D. Notwithstanding this article, the director may approve a remedial
16 action that may result in water quality exceeding water quality standards
17 after the completion of the remedy if the director finds that the remedial
18 action meets the requirements of this section.

19 E. The director's approval pursuant to this section does not affect
20 the classification of an aquifer pursuant to section 49-224.

21 F. Remedial actions required by this article shall be consistent with
22 the requirements of title 45, chapter 2, except as provided in section
23 49-290.01.

24 Sec. 10. Section 49-285, Arizona Revised Statutes, is amended to read:

25 49-285. Liability for remedial actions costs: limitation of
26 actions

27 A. Except as otherwise provided in section 49-283, a person who is a
28 responsible party shall be strictly and severally liable for such reasonable,
29 necessary and cost-effective expenditures for remedial actions as are
30 incurred by this state, a political subdivision of this state or any other
31 person in a manner consistent with the rules and procedures adopted under
32 section 49-282.06, but not including nonrecoverable costs. A responsible
33 party may be held liable for remedial action costs for a release of a
34 hazardous substance even though the conduct that resulted in the release or
35 the release itself occurred before August 13, 1986.

36 B. In order to preserve any right to recover remedial action costs
37 from responsible parties, remedial actions conducted by this state, a
38 political subdivision of this state or any other person shall when evaluated
39 as a whole be in substantial compliance with the rules and procedures adopted
40 pursuant to section 49-282.06. The director's approval of a remedial action
41 that is conducted by a person other than the state is not required to
42 preserve any right to recover remedial action costs from potentially
43 responsible parties. Any person other than the state who undertakes a
44 remedial action may request that the director approve the remedial action **AS**
45 **PRESCRIBED BY RULES ADOPTED PURSUANT TO SECTION 49-282.06** at any time before,
46 during or after the remedial action. The director's decision shall be in

1 writing and shall specify the basis of the decision. Any remedial action so
2 approved by the director shall be deemed to be in substantial compliance with
3 the rules and procedures adopted pursuant to section 49-282.06. Any person
4 who requests the director's approval of a remedial action shall reimburse the
5 department for the total reasonable cost to the department for the review of
6 the remedial action unless the director waives all or a part of the
7 reimbursement. These monies shall be deposited in the water quality
8 assurance revolving fund established by section 49-282. Costs that are
9 reimbursed to the department by a party that obtains the director's approval
10 of remedial actions pursuant to this subsection constitute remedial action
11 costs that may be recovered from responsible parties.

12 C. Any person who is a defendant in an enforcement proceeding brought
13 under section 49-287 may join in the action any other person who is or may be
14 a responsible party.

15 D. Except as prescribed by section 49-283.01, this article does not
16 affect or modify in any way the obligations or liability of any person, by
17 reason of subrogation or otherwise, under any other provision of state or
18 federal law, including common law, for damages, injury or loss resulting from
19 a release of any hazardous substance or for remedial action costs, except
20 that any person who receives compensation for remedial action costs pursuant
21 to this article is precluded from recovering compensation for the same
22 remedial action costs pursuant to any other federal or state law. Any person
23 who receives compensation for remedial action costs pursuant to any other
24 federal or state law is precluded from receiving compensation for the same
25 remedial action costs as provided in this article.

26 E. In allocating several liability between two or more potentially
27 responsible parties, the department, an allocator pursuant to section
28 49-287.06 or a court shall consider the following to determine each
29 responsible party's allocated shares and the orphan shares:

- 30 1. The amount and concentration of each hazardous substance involved.
- 31 2. The degree of toxicity of each hazardous substance involved.
- 32 3. The degree of involvement by the responsible parties in the
33 generation, transportation, treatment, storage or disposal of the hazardous
34 substance.

35 F. After the allocated shares and the orphan shares are determined
36 pursuant to subsection E of this section and reduced to writing, the
37 department, an allocator or the court may consider the following factors to
38 adjust the allocated shares of the responsible parties, except that any
39 adjustment under this subsection shall not adjust the amount allocated to
40 orphan shares:

- 41 1. The magnitude of the risk to human health or the environment caused
42 by each hazardous substance involved.
- 43 2. The degree of cooperation by the responsible party with federal,
44 state or local officials to prevent any harm to the public health or the
45 environment.

1 3. Any other factors deemed relevant by the department, an allocator
2 or the court in determining the liability of the parties under this section.

3 G. An action brought by a person other than the state to recover
4 remedial action costs from a responsible party shall be brought within three
5 years of the completion of the remedial action or within six years of the
6 initiation of on-site physical construction activities for the remediation,
7 removal or disposal of hazardous substances, whichever is earlier.

8 H. In an action brought for recovery of remedial action costs incurred
9 at a site not on the registry maintained pursuant to section 49-287.01 or
10 that is brought pursuant to section 49-287.07, subsection A, paragraph 3,
11 subdivision (a), (b) or (d), the court shall initially allocate costs among
12 the responsible parties based on the factors listed in subsection E of this
13 section. To the extent that the allocation results in costs being allocated
14 to orphan shares, those costs shall be reallocated to the responsible parties
15 based on such equitable factors as the court deems appropriate, including:

16 1. The factors listed in subsection F of this section.

17 2. Each responsible party's ability to pay.

18 3. The degree of care exercised by each responsible party with respect
19 to the hazardous substance of concern and taking into account the
20 characteristics of that substance.

21 Sec. 11. Voluntary remediation program intent

22 A. The legislature recognizes that in various circumstances certain
23 federal and state laws, rules and regulations impose a legal liability and
24 obligation on parties to investigate and remediate environmental property
25 damage. It is the intent of this act to establish a remediation program that
26 encourages actions that will reduce the risk to public health and the
27 environment and that allows contaminated sites to be remediated more quickly,
28 with lower transaction costs and with more cooperation between the
29 department, private parties and the public.

30 B. The legislature finds that there are many insurance coverage
31 disputes involving insureds who face potential liability for their ownership
32 of or roles at contaminated sites in this state. This state has a
33 substantial public interest in promoting the fair and efficient resolution of
34 environmental claims while encouraging voluntary compliance and regulatory
35 cooperation.

36 C. It is the intent of this act to ensure an appropriate level of
37 departmental supervision and public participation so that remedial actions
38 conducted under this program address relevant cleanup criteria and any public
39 concerns.

40 Sec. 12. Adequacy of funding for the voluntary remediation
41 program; report; suspension; termination

42 A. The department of environmental quality shall prepare and submit a
43 report to the governor, the president of the senate and the speaker of the
44 house of representatives evaluating the adequacy of funding for the voluntary
45 remediation program established pursuant to title 49, chapter 1, article 5,
46 Arizona Revised Statutes, as added by this act. The report shall be

1 submitted on or before December 1, 2002 and shall include an evaluation of
2 whether the fees and reimbursements collected pursuant to section 49-179,
3 Arizona Revised Statutes, as added by this act, are sufficient to sustain the
4 program or whether some other source is necessary to sustain administration
5 of the program.

6 B. If the fees and reimbursements collected pursuant to section
7 49-179, Arizona Revised Statutes, are not sufficient to sustain the program
8 and another source to sustain administration of the program is not obtained
9 by July 1, 2004, the department of environmental quality shall no longer
10 implement the voluntary remediation program.

11 C. If monies in the voluntary remediation fund pursuant to section
12 49-187, Arizona Revised Statutes, as added by this act, are inadequate to
13 administer the program, the review of pending applications is suspended, no
14 new applications will be accepted and the time frame for the review of
15 pending applications is tolled.

16 Sec. 13. Interim rules; expedited process

17 A. Notwithstanding title 41, chapter 6, article 3, Arizona Revised
18 Statutes, the director of the department of environmental quality shall adopt
19 the rules required by section 49-152, subsection H, Arizona Revised Statutes,
20 as amended by this act, and section 49-158, subsection G and section 49-179,
21 subsections A and C, Arizona Revised Statutes, as added by this act, as
22 interim rules by submitting the text of the rules to the office of the
23 secretary of state for publication in the Arizona administrative register,
24 and the secretary of state shall publish the rules. The director shall
25 provide for reasonable notice and at least one public hearing on the proposed
26 interim rules. The rules become effective no earlier than the thirtieth day
27 after the last public hearing.

28 B. Within ninety days after the director of the department of
29 environmental quality files the interim rules with the secretary of state,
30 the director shall file notice of docket opening for the permanent rule
31 making. The notice of proposed rule making for the permanent rules shall be
32 filed with the secretary of state within thirty days after the filing of the
33 notice of docket opening. The rules published pursuant to subsection A of
34 this section expire and are automatically repealed on the date that the
35 permanent rules become effective.

36 Sec. 14. Applicability of insurance provision

37 Section 49-183, Arizona Revised Statutes, as added by this act, applies
38 only to causes of action and civil actions filed after the effective date of
39 this act.

40 Sec. 15. Delayed repeal

41 Section 49-104, Arizona Revised Statutes, as amended by Laws 1997,
42 chapter 49, section 6, chapter 287, section 17 and chapter 296, section 1 and
43 section 1 of this act, is repealed from and after December 31, 2000.

44 Sec. 16. Effective date

S.B. 1454

1 Section 49-104, Arizona Revised Statutes, as amended by Laws 1999,
2 chapter 26, section 3 and section 2 of this act, is effective from and after
3 December 31, 2000.

APPROVED BY THE GOVERNOR APRIL 10, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2000.

D-12.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 18, Chapter 9

Amend: R18-9-101

New Section: R18-9-A215



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 9

New Section: R18-9-A215

Amend: R18-9-101

Summary:

This regular rulemaking from the Department of Environmental Quality (Department) seeks to amend one (1) rule and add one (1) rule in Title 18, Chapter 9, regarding Aquifer Water Quality Standards.

Specifically, the amended rule will be to add the defined term of "New or adjusted aquifer water quality standard" or "New or adjusted AWOS" and to amend other definitions to accommodate the addition of the new term.

The new rule R18-9-A215 is intended to create a process for Aquifer Protection Permit (APP) holders to implement new or adjusted aquifer water quality standards (AWQS), and to update their permits with these new standards. The Department has indicated when either the Department adopts new or amends existing AWQSs there is no process in place for when an APP holder has to comply with the new standards or what steps they need to take to begin compliance. The Department has also indicated that these rules, while primarily impacting APP holders, may impact some remediation projects as well.

The new rule will cover both permit holder and Department responsibilities. The Department will be required to issue schedules for amending permits for new adjusted AWQSs and permit holders will be required to submit a complete application within that scheduled timeframe. An APP holder is expected to begin baseline monitoring within three months of the Department approving a new or amended AWQS. The Department indicated that this timeframe has caused some concern with stakeholders and that APP holders can apply for an alternative timeframe upon a showing of reasonable cause that the three month time period cannot be reached. The Department has also indicated that the new rule will detail what is required for baseline monitoring and what is required in the baseline monitoring report that is sent to the Department. Additionally, permit holders will be provided an opportunity to show why certain pollutants may not exist in their facilities and may receive an exemption from testing. The Department expects the cost for the new rule to be approximately \$15,000 for APP holders. There are 500 APP holders in the state.

The Department has indicated that they received a total 63 public comments regarding these rules, and the Department has indicated to Council Staff that these stakeholders were able to view and discuss the changes that were made as a result of these comments.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did not review any study relevant to this rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department states that this rulemaking is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to establish a clear procedure for implementation of new or adjusted Aquifer Water Quality Standards (AWQS) to the issued and existing individual Aquifer Protection Permits (APP). The Department says that before this rulemaking, such implementation was unaddressed and unclear. The Department states that the new or adjusted Aquifer Water Quality Standards (AWQS) are added to an existing list when the Federal Environmental Protection Agency (EPA) establishes new or adjusts existing Safe Drinking Water Act Maximum Contaminant Levels (MCL). The Department indicates that the AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (see A.R.S. § 49-224(B)).

The Department states the AWQs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the voluntary Remediation Program (VRP), and elsewhere.

The Department states that the full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, and, to a lesser extent, regulated parties under certain remediation projects, such as WQARF and VRP. The Department indicates that while not all costs and benefits are borne evenly, these are the identified groups generally impacted from this "AWQS Implementation" rulemaking. The Department believes a general benefit is provided to the State of Arizona and its constituents, due to this rulemaking's functional part in protecting the state's aquifers, allowing them to remain a viable asset to community water portfolios and individual well users alike.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states it worked closely with stakeholders in the development of this new or adjusted AWQS implementation rule, focusing on the goal of clarity in administration and expectation for the Department and the applicable permittees, respectively. The Department indicates that neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement those new or adjusted AWQs into the existing and issued permits. The Department says for that reason ADEQ receive overwhelming support for this clarifying rule from the regulated parties. The Department states that after years of drafting, editing and stakeholder feedback ADEQ believes the structure of this rule properly balances the agency's mission of protecting public health and the environment with any requisite costs to stakeholders.

6. What are the economic impacts on stakeholders?

The Department says general costs to permittees as a result of this new or adjusted AWQS implementation rule are likely minimal, potentially significant and indeterminate at this time. The Department states that benefits to stakeholders include significant clarity in administering and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQs are to be implemented into existing and issued permits. The Department indicates that applicable permittees will be required to conduct Baseline Monitoring at discharge and groundwater monitoring locations, which could come at a considerable cost. The Department says, however, permittees will have much of the infrastructure to conduct this monitoring already in place, as the rule requires monitoring to occur at existing established locations. In addition, with that said, the Department estimates that the analytical laboratory fees for applicable permittees will cost \$4,500 for eight monitoring events for all seven of the new or adjusted AWQs at one monitoring location. The Department estimates that monitoring equipment could cost

around \$1,500 which includes rental for a water quality meter, meter and depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The Department estimates the employee labor costs at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. The Department states that this was estimated to cost \$5,600 for all eight monitoring events. Then the Department estimated the employee labor costs for preparing the Baseline Monitoring

Report with a request to establish Alert Levels, Discharge Limitations and/or Aquifer Quality Limits for all seven parameters. The Department indicates that this effort includes a draft report, internal review, final report edits, and submission by the permittee to the Department. The Department states that the employee effort for the Baseline Monitoring Report was estimated at \$3,400. The Department estimates that altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for an estimated total of \$15,000. The Department believes that although many facilities will absorb the additional work load and infrastructure/incidental needed into their existing labor force and equipment on site, certain permittees may need to acquire additional employees to help achieve the requirements.

The Department believes there should be little to no cost to private persons and consumers as this rule compels permittees to conduct Baseline Monitoring for all new or adjusted AWQSSs. The Department says it is conceivable that a Wastewater Treatment Plant may increase the rates in their service area as a result of the requirement to conduct Baseline Monitoring, but that would be a relatively small amount due to the cost estimates projected for Baseline Monitoring.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Department indicates that there were changes between the proposed draft and final rules before the Council. The changes can be found in full at pg.(13-23) of the NFR preamble, and the comments with responses are attached as part of the materials.

For R18-9-101, the Department made strictly grammatical changes with the exception of updating a cross reference.

For R18-9-A215, the Department made changes that went beyond grammatical changes. These changes were mostly a result of stakeholder input. Council staff reviewed the NPR and the NFR, and do not consider these changes to be substantively different because the persons affected by the rule understood why these changes were made, the subject matter did not change, and the effects of the rule do not appear to change.

Council staff does not believe these changes make the current rules in the Notice of Final Expedited Rulemaking substantially different from the proposed rules in the Notice of Proposed

Expedited Rulemaking pursuant to A.R.S. § 41-1025.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals? Pg 23-57

The Department indicates it received 63 public comments as it relates to this rulemaking, with 55 of those comments resulting in revisions to the rules. The Department indicates that they conducted stakeholder meetings on 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, and 2/20/25. The Department has also indicated to Council staff that stakeholders were able to review and comment on changes made as a result of these 63 comments. These comments and their responses can be found in the NFR in Item 12, pgs. (23-57). The comments were made by utilities, interest groups, and industry stakeholders.

The four most common concerns were:

- **Baseline Reporting Requirements:** The language in the NPR required APP holders to submit reports during the entirety of the baseline reporting period, which stakeholders stated were overly burdensome. The Department agreed and removed this language and clarified that a baseline monitoring report must be submitted at the conclusion of the three month implementation period.
- **Baseline Monitoring Time Period:** Stakeholders were concerned with the three month effective date for when APP holders must begin monitoring for new or revised AWQS. The Department responded by adding language to the rule for an alternative timeframe if an APP holders shows a reasonable reason for why additional time is needed. Additionally, the Department has indicated to Department staff that because AWQS come from EPA rulemaking activities, APP holders are made aware of the possibility of new or amended AWQS when the EPA begins its rulemaking. The Department has indicated to Department staff that between EPA rulemaking and Department rulemaking, all stakeholders would effectively have at least a year's notice of potential changes.
- **Sampling Conducted if No Department of Health Services (DHS) approved method:** Stakeholders raised concerns that DHS may not have implemented rules for testing for certain pollutants. The Department clarified that should DHS not have a testing method in place, stakeholders can either use an EPA approved method or another method approved by the Department.
- **Absence of Pollutants:** Stakeholders were concerned with the existing language regarding testing requirements for pollutants that would not be found in their facilities. The Department amended the rule to clarify the requirements for a not likely demonstration.

Council staff believes that the department adequately addressed the comments in accordance with A.R.S. § 41-1052(D)(7).

9. Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

This specific rulemaking does not create a permit or a license.

10. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Department indicates that the rules are not more stringent than federal law.

11. Conclusion

This regular rulemaking by the Department seeks to amend one rule and add one rule concerning the process that Aquifer Protection Permit (APP) holders need to do to receive a revised permit that considers the implementation of new or adjusted aquifer water quality standards (AWQS). Specifically, the Department will be creating a process for APP holders to show that they are in compliance with the new or amended AWQS, allowing APP holders to show that they need additional time to implement baseline reporting requirements, or if they need an alternative testing method.

The Department is seeking a standard 60-day delayed effective date.

Council staff recommends approval of this rulemaking.

March 13, 2025

Jessica Klein, Chair
Governor's Regulatory Review Council
100 N. 15th Ave., Ste. 302
Phoenix, AZ 85007

Re: Aquifer Water Quality Standards Update Regular Rulemaking: Title 18,
Environmental Quality, Chapters 9 and 11

Dear Chair Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits this final rulemaking package to the Governor's Regulatory Review Council (GRRC) for consideration and approval at the Council Meeting scheduled for May 6th, 2025.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. §§ 41-1039, 41-1052 and A.A.C. R1-6-201:

I. Information required under A.A.C. R1-6-201(A)(1):

- (A)(1)(a) The public record closed for all rules on December 16th, 2024 at 11:59 p.m.
- (A)(1)(b) The rulemaking activity does relate to a five-year review report. The report on 18 AAC 11, Articles 4 and 5 was approved on November 3rd, 2020.
- (A)(1)(c) The rulemaking activity does not establish a new fee.
- (A)(1)(d) The rulemaking does not contain a fee increase.
- (A)(1)(e) An immediate effective date is not requested.
- (A)(1)(f) The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- (A)(1)(g) The Department's preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council, pursuant to A.R.S. § 41-1055(B)(3) (a) (see subheading IV, below).
- (A)(1)(h) A list of documents is enclosed (see subheading IV, below).

II. Information required under A.A.C. R1-6-201(A)(2) through (8):

- (A)(2) Five (5) Notices of Final Rulemaking (NFRMs), including the preamble, table of contents, and text of each rule (*see* subheading IV, below);
- (A)(3) The preambles contain economic, small business, and consumer impact statements that contain the information required by A.R.S. § 41-1055 (*see* subheading IV, below);
- (A)(4) The preambles contain comments received by the agency, both written and oral, concerning the proposed rule (*see* subheading IV, below);
- (A)(5) No analyses were submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
- (A)(6) No materials were incorporated by reference in this rulemaking;
- (A)(7) The general and specific statutes authorizing the rule, including relevant statutory definitions (*see* subheading IV, below);
- (A)(8) All statutes referred to in the definitions are represented in the general and specific statutes authorizing the rule.

III. Governor's office approvals pursuant to A.R.S. § 41-1039:

- (A) ADEQ received prior written approval from the Governor's Office twice. Once for Title 18, Chapter 11, Article 4 on August 24, 2022 and then again for Title 18, Chapter 9, Articles 1 and 2 on February 5th, 2024 (*see* subheading IV, below);
- (B) ADEQ received written final approval from the Governor's Office for this rulemaking on March 11th, 2025 (*see* subheading IV, below).

IV. List of documents enclosed (25 documents total):

- One (1) Cover Letter (R1-6-201(A)(1));
 - AWQS_CL.pdf
- One (1) JLBC email (R1-6-201(A)(1)(g));
 - AWQS_JLBC.pdf
- Five (5) NFRMs (R1-6-201(A)(2));
 - AWQS_NFRM_18_AAC_9_Impl.pdf
 - AWQS_NFRM_18_AAC_11_As.pdf
 - AWQS_NFRM_18_AAC_11_U.pdf
 - AWQS_NFRM_18_AAC_11_DBP.pdf
 - AWQS_NFRM_18_AAC_11_MBC.pdf
- Five (5) EISs (R1-6-201(A)(3));
 - AWQS_EIS_18_AAC_9_Impl.pdf
 - AWQS_EIS_18_AAC_11_As.pdf
 - AWQS_EIS_18_AAC_11_U.pdf
 - AWQS_EIS_18_AAC_11_DBP.pdf
 - AWQS_EIS_18_AAC_11_MBC.pdf
- Five (5) Public Comments Received Documents (R1-6-201(A)(4));

- AWQS_Cmts_18_AAC_9_Impl.pdf
- AWQS_Cmts_18_AAC_11_As.pdf
- AWQS_Cmts_18_AAC_11_U.pdf
- AWQS_Cmts_18_AAC_11_DBP.pdf
- AWQS_Cmts_18_AAC_11_MBC.pdf
- Five (5) General and Specific Authorizing Statutes (R1-6-201(A)(7));
 - 49-104 - Powers and duties of the department and director.pdf
 - 49-203 - Powers and duties of the director and department.pdf
 - 49-221 - Water quality standards in general; protected surface waters list.pdf
 - 49-223 - Aquifer water quality standards.pdf
 - 49-224 - Aquifer identification, classification and reclassification.pdf
- Three (3) A.R.S. § 41-1039 Governor's Approvals
 - 8_24_22_Gov_Approval.pdf
 - 2_5_24_Gov_Approval.pdf
 - 25_3_11_Gov_Approval.pdf

Thank you for your timely review and approval. Please contact Jon Rezabek, Legal Specialist, Water Quality Division, 602-771-8219 or rezabek.jon@azdeq.gov if you have any questions.

Sincerely,



Karen Peters, Director
Arizona Department of Environmental Quality

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER POLLUTION CONTROL

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &

February 5, 2024

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

R18-9-101

Amend

R18-9-A215

New Section

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

Authorizing statute: A.R.S. §§ 49-104(B)(13), 49-203(A)(5), (A)(8), (A)(10), 49-221, 49-223, 49-224

Implementing statutes: A.R.S. §§ 49-221, 49-223

4. The effective date of the rule:

July 7, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Proposed Rulemaking: 30 A.A.R. 3402, Issue Date: November 15, 2024, Issue Number: 46, File Number: R24-228.

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

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

Name: Jon Rezabek
Title: Legal Specialist
Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awp-rulemaking>

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

General Explanation of this Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSS) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. AWQSS for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium with corresponding MCLs are either unestablished as AWQSS or are established but currently have a misaligned value as the standard. In the four (4) associated *Notices of Final Rulemaking* (NFRM) for Title 18, Chapter 11, Article 4, ADEQ adopts the MCLs for the above listed contaminants or, in one case, an alternative MCL (Microbiological Contaminants). Please see the above-mentioned NFRMs for details.

Neither the AWQS statute at A.R.S. § 49-223, nor the rules that make up the Aquifer Protection Program (APP) address how ADEQ should implement new or adjusted AWQSS once the APP program is established. As of the writing of this NFRM, the APP has close to 500 individual permits, a majority of which have requirements for discharge and / or groundwater monitoring based on the AWQSS. In order to determine whether an amendment to an APP permit to effectuate the new or adjusted AWQSS is necessary (in accordance with A.R.S. § 49-243(B)) and to properly and orderly implement such a process, ADEQ proposes with this NFRM a new rule in Title 18, Chapter 9, Article 2 (Aquifer Protection Permits - Individual Permits) and a few new or adjusted associated definitions in Title 18, Chapter 9, Article 1 (Aquifer Protection Permits - General Provisions).

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or "AWQSS" are protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona's aquifer

quality for drinking water-protected use (see A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQSs are used in ADEQ’s Aquifer Protection Program (APP), and, to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

How does the proposed new or adjusted AWQS implementation rule work?

Subsection A: Subsection (A) of the proposed rule at R18-9-A215 requires the ADEQ Director to develop a schedule to amend Individual APP permits that were issued on or before a new or adjusted AWQSs’ effective date.

Subsection B: Subsection (B) requires the APP permittee to submit an administratively complete application to amend their permit to reflect new or adjusted AWQS pursuant to the schedule specified in Subsection A. It further specifies that an administratively complete application shall be submitted to the Department no later than four years after a new or adjusted AWQS effective date. Also, a waiver of the application submission is made available to permittees that can demonstrate that a pollutant with a new or adjusted AWQS is not likely to be in their discharge pursuant to Subsection (H) and A.R.S. § 49-223(G).

Subsection C: Subsection (C) requires permittees with issued individual APP permits at the time of a new or adjusted AWQS effective date to begin Baseline Monitoring for new or adjusted AWQS within three months, unless the permit has no ongoing monitoring requirements, the permittee has not begun ongoing monitoring, the permittee has submitted a request for an alternative timeframe, duration or frequency pursuant to subsection (D), or the permittee has submitted a demonstration pursuant to subsection (H). The rule continues to define “ongoing monitoring” for the purposes of subsection (C) as permit-required monitoring at groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.

Subsection D: Subsection (D) allows permittees subject to Baseline Monitoring to submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and/or sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.

Subsection E: Subsection (E) provides all of the detailed requirements necessary to conduct Baseline Monitoring, if the permittee is applicable to Baseline Monitoring as is detailed in subsection (C).

Subsection F: Subsection (F) provides detail on the requirements of the Baseline Monitoring Report that is required to be developed at the conclusion of Baseline Monitoring.

Subsection G: Subsection (G) provides detail on the requirement to submit the Baseline Monitoring Report to the Department as a central component of a permit amendment application in accordance with the amendment schedule specified by the Department, itself detailed in subsection (A). This subsection also details the Department’s requirement to review, process and

determine whether Alert Levels, Discharge Limitations and / or Aquifer Quality Limits are necessary parts of the pending amendment.

Subsection H: Subsection (H) provides detail on a permitted right to remove a pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring if a demonstration is made showing the pollutant is not likely to be present in a facility’s discharge.

Subsection I: Subsection (I) provides detail on the Department’s right to require permittees with issued individual APP permits that do not have ongoing monitoring to characterize their discharge if the Department has a reasonable basis to believe that the pollutant is likely to be in the facility’s discharge. The subsection further defines “ongoing monitoring” for the purposes of the subsection in the exact same manner as it is defined in subsection (C) and allows a subjected permittee to this subsection the right to remove a pollutant with a new or adjusted AWQS upon a subsection (H) demonstration.

Sampling and Analytical Methodologies. In the Baseline Monitoring Requirement subsection of the final rule at R18-9-A215(E)(4), the following is provided,

“[s]ampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.”

At the time this NFRM was compiled, wastewater methods for some of the pollutants with new or adjusted AWQSS were not ADHS-Approved (*see* A.A.C. Title 9, Chapter 14, Article 6, Tables 6.2.A and 6.2.B). In March 2025, ADEQ formally requested that the following sampling methods be reviewed and considered for addition to ADHS’s “Director Approved” list of sampling methods pursuant to A.A.C. R9-14-610, found published outside of the rule on ADHS’s website, here: <https://www.azdhs.gov/documents/preparedness/state-laboratory/lab-licensure-certification/environmental-laboratory/application/application-part-e.pdf>

Table 1. Analytical Methods for Baseline Monitoring

| Analyte | Analytical Method |
|-----------------------|--|
| Arsenic | EPA 200.8, SM 3113B, SM 3114B |
| Bromate | EPA 300.1, EPA 317.0 Rev 2.0, EPA 321.8, EPA 326.0 |
| Chlorite | EPA 300.0, EPA 300.1, EPA 317.0 Rev 2.0, EPA 326.0 |
| Haloacetic Acids | EPA 552.1, EPA 552.2, EPA 552.3, SM 6251B |
| Fecal coliform | SM 9223B |
| <i>E. coli</i> | SM 9223B |
| Total Trihalomethanes | EPA 502.2, EPA 524.2, EPA 551.1, SM 6251B |
| Uranium (Total) | EPA 200.8 |

* “EPA” - Environmental Protection Agency; “SM” - Standard Methods

Applicability of Microbiological Contaminants AWQS Indicator Parameters to Baseline Monitoring. In Final Rule R18-9-A215(C), all persons with issued individual permits as of a new or adjusted AWQS effective date shall begin Baseline Monitoring, pursuant to R18-9-A215(E), for a new or adjusted AWQS within three months. The associated NFRM for Title 18, Chapter 11, Article 4 (specifically for Microbiological Contaminants) specifies that either Fecal Coliform or *E. coli* may be used in routine monitoring as indicator parameters. ADEQ understands that for various reasons, issued APP permits may be sampling for one or both or none of these indicator parameters already. In accordance with the rule, ADEQ's expectation is that an applicable permittee may choose one or both indicator parameters for the purpose of Baseline Monitoring under Final Rule R18-9-A215.

Who are the stakeholders in this rulemaking? The stakeholders for this rulemaking are predominantly the permittees of the APP, and to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF) and the Voluntary Remediation Program (VRP). Other stakeholders include private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state's aquifers being protected for drinking water use.

What has been the stakeholder process for this rulemaking? ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. In particular, the Department met with representatives of the Arizona Mining Association and the Arizona Chamber of Commerce and Industry over the implementation rule language which is the subject of this rulemaking. After a collaborative effort, ADEQ is confident that the requirements of the proposed implementation rule put the least amount of burden on stakeholders that is necessary to achieve the goal of proper, orderly and environmentally protective implementation of new or adjusted AWQSs.

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

Not applicable

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

Not applicable.

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

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of adding a new section at R18-9-A215 in Title 18, Chapter 9, Article 2 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to establish a clear procedure for implementation of new or adjusted Aquifer Water Quality Standards (AWQS) to the issued and existing individual Aquifer Protection Permits (APP). Before this rulemaking, such implementation was unaddressed and unclear. New or adjusted Aquifer Water Quality Standards (AWQS) are added to an existing list when the Federal Environmental Protection Agency (EPA) establishes new or adjusts existing Safe Drinking Water Act Maximum Contaminant Levels (MCL). Pursuant to Arizona Revised Statutes (A.R.S.) § 49-223, upon this EPA action, ADEQ must, within one year, open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. However, neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement those new or adjusted AWQs into the existing and issued permits. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact public health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting a rule on the implementation of new or adjusted AWQs into applicable, existing and issued individual APPs. The AWQs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees (hereinafter: "permittees"), such as Mines, Industrial Facilities and Wastewater Treatment Plants, and, to a lesser extent, regulated parties under certain remediation projects, such as WQARF and VRP. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from this "AWQS Implementation" rulemaking.

A general benefit includes the State of Arizona and its constituents, due to this rulemaking's functional part in protecting the state's aquifers, allowing them to remain a viable asset to community water portfolios and individual well users alike.

General costs to permittees as a result of this new or adjusted AWQS implementation rule are likely minimal, potentially significant and indeterminate at this time. According to the proposed rule, applicable permittees with permit-required discharge

and/or groundwater monitoring at the effective date of a new or adjusted AWQS would be required to begin “Baseline Monitoring” for any and all new or adjusted AWQSs with three months unless an alternative Baseline Monitoring timeframe, duration and/or frequency is proposed or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility’s discharge pursuant to A.R.S. § 49-223(G). At the conclusion of Baseline Monitoring, a requirement to submit a Baseline Monitoring report to the Department as a component of an application to amend the individual permit comes into effect; where, after review, the Department determines whether new or adjusted Alert Levels, Discharge Limitations or Aquifer Quality Limits based on the AWQS are necessary pursuant to A.A.C. R18-9-A205.

Specific Impacts

Benefits to Stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQSs are to be implemented into existing and issued permits. Applicable permittees will be required to conduct Baseline Monitoring at discharge and groundwater monitoring locations, which could come as a considerable cost. However, permittees will have much of the infrastructure to conduct this monitoring already in place, as the rule requires the monitoring to occur at existing and established locations. With that said, the Department estimates that the analytical laboratory fees for applicable permittees will cost \$4,500 for (eight) 8 monitoring events for all seven (7) of the new or adjusted AWQSs at one monitoring location. The seven (7) new or adjusted AWQSs are detailed in the other four (4) Notices of Final Rulemaking (NFRMs) associated with this NFRM. The Department estimates that monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The Department estimates the employee labor costs at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all (eight) 8 monitoring events. Then, the Department estimated the employee labor costs for preparing the Baseline Monitoring Report with a request to establish Alert Levels, Discharge Limitations and/or Aquifer Quality Limits for all 7 parameters. This effort includes a draft report, internal review, final report edits, and submission by the permittee to the Department. The employee effort for the Baseline Monitoring Report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for an estimated total of \$15,000.

Although many facilities will absorb the additional work load and infrastructure / incidentals needed into their existing labor force and equipment on site, certain permittees may need to acquire additional employees to help achieve the requirements.

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening

sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials is published on ADEQ’s dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Permittees will be the primary bearers of costs associated with this rulemaking. Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Benefits to Stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQs are to be implemented into existing and issued permits. Generally, the state and the constituents of the state benefit through the efficiency unto which protection of the aquifer resource is administered, safeguarding aquifers as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224.

D. Benefit/Cost Analysis:

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|------------------|-------------------------|---------------------|--|
| \$10,000 or less | \$10,001 to \$1,000,000 | \$1,000,001 or more | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|---|---|----------------------------------|-------------------------------------|
| Permittees: Mines, Industrial Facilities, Wastewater Treatment Plants | Applicable permittees will be required to conduct Baseline discharge and/or groundwater monitoring for new or adjusted AWQs, which entail sampling and analytical costs | Minimal to Moderate | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing | Minimal to Moderate | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|----------------------------------|-------------------------------------|
| | permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQS. Any additional costs incurred would generally be covered by increased fees paid by permittees. | | |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Minimal to Moderate | |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees

Permittees could see minimal to moderate costs due to this rulemaking. Applicable permittees will be required to conduct Baseline discharge and/or groundwater monitoring for new or adjusted AWQSs, which entail sampling and analytical costs. The Department estimates that monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The Department estimates the employee labor costs at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then, the Department estimated the employee labor costs for preparing the Baseline Monitoring Report with a request to establish Alert Levels, Discharge Limitations and/or Aquifer Quality Limits for all 7 parameters. This effort includes a draft report, internal review, final report edits, and submission by the permittee to the Department as a component of a permit amendment application. The employee effort for the Baseline Monitoring Report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for an estimated total of \$15,000. Additional costs include an internally or externally developed amendment application and Departmental hourly fees for application review, permit writing, etcetera – pursuant to A.A.C. R18-14-102(B).

Small businesses as a segmented category

Generally, the same as the Permittees section above; albeit, taking into account the fact that small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases.

ADEQ

ADEQ could see minimal to moderate costs due to this rulemaking. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQS. Any additional costs incurred would generally be covered by increased fees paid by permittees.

In order to process the large number of individual APP permits that will need to be amended as a product of this rule and new or adjusted AWQS, ADEQ will incur costs for AWP-related staff expansion and performance of new AWQS-associated administrative responsibilities needed. ADEQ currently anticipates that it will need to hire new staff with the necessary technical expertise. These positions will include permit reviewers with engineering and hydrogeologic backgrounds, as well as, non-engineer staff for administrative tasks.

In order to support the implementation of this new rule, ADEQ plans on hiring 3 new full-time employees (FTE). Funding those positions will incur moderate costs to ADEQ annually which will be offset by permit service fees and annual fees.

Benefits to Stakeholders:

Permittees, Small Businesses as a segmented category & ADEQ

Benefits to stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQSs are to be implemented into existing and issued permits. Generally, the state and the constituents of the state benefit through the efficiency unto which protection of the aquifer resource is administered, safeguarding aquifers as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

ADEQ estimates that, for the most part, this rulemaking will not have much of an impact on public or private employment. As is noted above, some permittees may need to hire additional help to meet the requirements of Baseline Monitoring for new or adjusted AWQSs, but, in most cases, will be able to absorb the responsibility through existing employees, infrastructure and equipment. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permit applications is already in place. ADEQ anticipates that potentially hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQS. Any additional costs incurred would generally be covered by increased fees paid by permittees.

However, and as mentioned above, all applicable permittees, whether public or private, stand to benefit through the state establishment of a streamlined new or adjusted AWQS implementation process. As explained in subsection A of this EIS above,

neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement new or adjusted AWQSs into the existing and issued permits, which would lead to significant confusion and waste for ADEQ and the permittees.

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with the new or adjusted AWQS implementation rule that are borne by small businesses may be minimal to moderate. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Many small businesses subject to this rule likely have personnel, infrastructure and equipment already in place for conducting Baseline Monitoring. It is possible that permittees may need to hire additional personnel or a contractor in complying with these rules. Also, samples must be analyzed at a laboratory at a cost to the permittee. Additionally, permittees may choose to hire a consultant in developing their Baseline Monitoring Report, an alternative Baseline Monitoring timeframe, duration and/or frequency request or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G).

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ estimates that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed new or adjusted AWQS implementation rule.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large likely have personnel, infrastructure and equipment already in place for conducting Baseline Monitoring. It is possible that permittees may need to hire additional personnel or a contractor in complying with these rules. Also, samples must be analyzed at a laboratory at a cost to the permittee. Additionally, permittees may choose to hire a consultant in developing their Baseline Monitoring Report, an alternative Baseline Monitoring timeframe, duration and/or frequency request or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G).

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|---|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Used for all applicable permittees. Through stakeholder input, the Department removed from a previous draft a requirement for all applicable permittees to report throughout Baseline Monitoring in lieu of simply reporting all at once through the Baseline Monitoring Report at the end of the Baseline Monitoring period. The rule also allows permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS. |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Used for all applicable permittees. Through stakeholder input, the Department built more flexibility into the rule through the allowance of an alternative Baseline Monitoring timeframe, duration and/or frequency request, as well as an ability for a permittee to make a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G), which results in the pollutant not being subject to Baseline Monitoring. |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Used for all applicable permittees. Through stakeholder input, the Department removed from a previous draft a requirement for all applicable permittees to report throughout Baseline Monitoring in lieu of simply reporting all at once through the Baseline Monitoring Report at the end of the Baseline Monitoring period. The rule also allows permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS. |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more prescriptive than necessary (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

There should be little to no costs to private persons and consumers as this rule compels permittees to conduct Baseline Monitoring for all new or adjusted AWQSS. It is conceivable that a Wastewater Treatment Plant may increase the rates in their service area as a result of the requirement to conduct Baseline Monitoring, but that would be a relatively small amount due to the cost estimates projected for Baseline Monitoring outlined above.

G. A statement of the probable effect on state revenues:

This rulemaking will not result in a significant increase, nor decrease in state revenues. Increased and decreased costs to ADEQ are expected to be minimal, as explained above in the analysis of costs and benefits to ADEQ. Investments in sampling, analytical

and report / request / demonstration work through employees or consultants could result in the generation of additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

ADEQ worked closely with stakeholders in the development of this new or adjusted AWQS implementation rule, focusing on the goal of clarity in administration and expectation for the Department and the applicable permittees, respectively. Neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement those new or adjusted AWQSs into the existing and issued permits. For this reason, ADEQ received overwhelming support for this clarifying rule from the regulated parties. After years of drafting, editing and stakeholder feedback, ADEQ believes the structure of this rule properly balances the agency’s mission of protecting public health and the environment with any requisite costs to stakeholders.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

No data was used in the development of this rule. ADEQ closely examined the relevant and existing statutes and rules, as well as multiple rounds of stakeholder feedback.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Generally: As a result of meeting with stakeholders between the proposed and final rules, some restructuring and clarification was made to draft rules, R18-9-101 and R18-9-A215. However, concerning R18-9-A215, it is important to note that changes to the rule are limited to logical re-arrangement and clarification. Upon careful comparison between the proposed and final rule, ADEQ believes the two versions of the rules do not differentiate substantially. Briefly overviewing the changes to R18-9-A215 can be described as follows: the Baseline Monitoring requirements in proposed subsection (C) are broken into four subsections in final rule, specifically subsections (C), (D), (E) and (F). This was done at the request of the stakeholders for clarification, flexibility and functionality purposes by way of developing dedicated Baseline Monitoring applicability language in final subsection (C), dedicated alternative Baseline Monitoring timeframe, duration and/or frequency request language in final subsection (D), dedicated Baseline Monitoring requirements language in final subsection (E), and dedicated Baseline Monitoring Report language in final subsection (F). Proposed subsections (A), (B), (D), (E) and (F) are largely the same in the final rule, although proposed subsections (D), (E) and (F) have moved to final subsections (G), (H) and (I) due to the breaking up of proposed subsection (C), as is described above.

Specifically:

Final Rule R18-9-101(4) - Definitions - “Aquifer Protection Permit”

- Removed “or ‘APP’ or ‘APPs’” because the acronym is not used in the Article.
- Revised “...means an individual or general permit or permits issued under...” to “...means an individual or general permit issued under...” for clarity.

Final Rule R18-9-101(31) - Definitions - “New or adjusted aquifer water quality standard”

- Changed “...an established AWQS for the purposes...” to “...an established AWQS, pursuant to R18-9-101(5), for the purposes...” for clarity.
- Changed “APP” to “Aquifer Protection Permit” for clarity.
- Changed citation “R18-9-A215(D)” to “(G)” to conform with final rule restructure.

Final Rule R18-9-A215(A) - New or Adjusted Aquifer Water Quality Standards

- Added subsection title, “Permit Amendment Schedule” for clarity in rule navigation.
- Replaced “Individual APPs” with “issued individual permits” to make more clear the temporal applicability.
- Replaced “[u]pon the establishment of a new or adjusted AWQS, the Director shall develop a schedule to amend Individual APPs that were issued as of the effective date of a new or adjusted AWQS pursuant to R18-9-A211” with “[u]pon the effective date of a new or adjusted AWQS, the Director shall develop a schedule to amend issued individual permits to reflect the new or adjusted AWQS pursuant to R18-9-A211”. This was done due to stakeholder feedback in order to increase clarity and to add the purpose of the schedule’s creation into the rule.

Final Rule R18-9-A215(B) - New or Adjusted Aquifer Water Quality Standards

- Added subsection title, “Permit Amendment” for clarity in rule navigation.
- Replaced “Individual APPs” with “issued individual permits” due to stakeholder feedback in order to make more clear the temporal applicability.

Final Rule R18-9-A215(B)(2) - New or Adjusted Aquifer Water Quality Standards

- Replaced, “[t]he subsection (B)(1) requirement may be waived if a demonstration is submitted to and approved by the Department that a pollutant with a new or adjusted AWQS is not likely to be present in a facility’s discharge pursuant to subsection (E)” with “[t]he requirement to submit an application to amend in subsection (B) is not applicable for pollutants with a new or adjusted AWQS that are within the scope of a demonstration submitted pursuant to subsection (H)” due to stakeholder feedback in order to supplant the waiving of the four year amendment application submission with the waiving of the requirement to submit an amendment application altogether for a particular pollutant as the effect of a subsection (H) demonstration indicates waiver of more than just the four year application submission deadline.

Final Rule R18-9-A215(C) - New or Adjusted Aquifer Water Quality Standards

- Final rule, subsection (C) is the first of four subsections that were split out from proposed rule due to stakeholder feedback, subsection (C) in order to add clarification, flexibility and functionality to Baseline Monitoring (*see* Heading No. 11, subheading “Generally”, above). Proposed subsection (C) language, “[p]ersons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS ... shall begin Baseline Discharge and/or Groundwater Monitoring ... within three months of the effective date...” is largely retained in final rule, subsection (C). Much of the language which was in proposed subsection (C) can be found in final rule, subsection (C); specifically, below final subsection (C)(4), as part of the definition of “ongoing monitoring”. Additionally, proposed subsection (C)'s language, “unless a demonstration is approved by the Department pursuant to subsection (E)” can be found in final subsection (C)(4), now referencing final subsection (H). Further clarifications brought up by stakeholders are represented in final subsections (C)(1), (2) and (3).

Final Rule R18-9-A215(C), (E) and (F) - New or Adjusted Aquifer Water Quality Standards

- “[A]ctive” was replaced with “issued” due to stakeholder feedback in order to make more clear the temporal applicability in four locations in these three subsections.

Final Rule R18-9-A215(D) - New or Adjusted Aquifer Water Quality Standards

- Final subsection (D) was added to address stakeholder concerns about flexibility when it comes to Baseline Monitoring, including flexibility in timeframes, duration and frequency.

Final Rule R18-9-A215(E) - New or Adjusted Aquifer Water Quality Standards

- The requirement to report Baseline Monitoring to the Director throughout the monitoring period (proposed subsection (C)(1)(a)) was removed from the final rule due to stakeholder feedback and a determination that reporting during the Baseline Monitoring periods is unnecessary as the results of the Baseline Monitoring periods will be submitted to the Department through the Baseline Monitoring Report and the amendment application pursuant to final subsection (F) and (G)
- The language in final rule, subsection (E)(1) was moved from proposed rule, subsection (C)(1)(c) for clarity, functionality and structural purposes.
- The language in final rule, subsection (E)(2) was moved from proposed rule, subsection (C)(1)(d) for clarity, functionality and structural purposes.
- The language in final rule, subsection (E)(3) was moved from proposed rule, subsection (C)(1)(f) for clarity, functionality and structural purposes.

- The language in final rule, subsection (E)(3), “[p]ermittees that have collected relevant samples prior to the Baseline Monitoring period at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205...” was changed from proposed language in subsection (C)(1)(f) “[p]ermittees that have collected samples prior to a Baseline Discharge and/or Groundwater Monitoring period at active discharge, groundwater point of compliance and/or other monitoring locations specified in the permit that are subject to limits based on AWQs...” due to stakeholder feedback because:
 - “Baseline Monitoring” captures both Discharge and Groundwater Monitoring;
 - “permit-required” adds more clarity to which monitoring locations are applicable than the word “active”;
 - “...subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205...” is a more exacting, clarifying phrase, further specifying which monitoring locations are applicable, as opposed to “...specified in the permit that are subject to limits based on AWQs...”
- The language in final rule, subsection (E)(3), “[p]reviously collected data may be used to shorten or eliminate a Baseline Monitoring period if all data components...” was changed from proposed language in subsection (C)(1)(f), “[p]reviously collected data submissions may result in a reduction of the sampling duration...” because stakeholders asked for criteria in submitting previously collected data and the language needed to set up a subsequent list.
- Final rule, subsections (E)(3)(a), (b), (c) and (d) were developed due to stakeholder feedback in order to add clarity in submitting previously collected data for Baseline Monitoring credit.
 - (E)(3)(a) references appropriate sampling and analytical methodologies in final rule, subsection (E)(4);
 - (E)(3)(b) establishes a standard for quality assurance and quality control procedures;
 - (E)(3)(c) establishes that while previous data may be used to shorten or eliminate a Baseline Monitoring period, the Baseline Monitoring Report and component submission must collectively be representative of a complete data set per the applicable requirements of Baseline Monitoring in R18-9-A215.
 - (E)(3)(d) establishes that while previous data may be used to shorten or eliminate a Baseline Monitoring period, the Baseline Monitoring Report and component submission must collectively meet the other applicable requirements of Baseline Monitoring in R18-9-A215.
- The language in final rule, subsection (E) no longer includes proposed subsection (C)(1)(E), “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available...” due to stakeholder feedback. Monitoring data beyond the requirements of Baseline Discharge and Groundwater monitoring may be submitted as part of a Baseline Monitoring Report in final subsection (F), as “additional information” (*see* final subsection (F)(5)).

- The language in final rule, subsection (E)(4) was moved from proposed rule, subsection (C)(1)(h) for clarity, functionality and structural purposes due to stakeholder feedback. While final subsection (E)(4) is similar to proposed (C)(1)(h), a citation to the Arizona Department of Health Services (ADHS) approved methods rule, R9-14-610, was added, along with a reference to the ADHS “Director Approved” list, due to stakeholder feedback in order to functionally capture the current and future state of appropriate sampling and analytical methodologies for the purposes of Baseline Monitoring pursuant to R18-9-A215.
- The language in final rule, subsection (E)(5) was moved from proposed rule, subsection (C)(1)(d) for clarity, functionality and structural purposes due to stakeholder feedback. Final subsection (E)(5) adds a subsection title, “Groundwater Monitoring” for clarity in rule navigation. The applicability language in final subsection (E)(5) was changed from “[p]ermittees that monitor groundwater at their site, pursuant to an existing Individual APP, shall conduct sampling for baseline groundwater monitoring at the applicable point(s) of compliance for eight quarters...” to “[p]ermittees that are required to monitor groundwater shall conduct Baseline Monitoring for a new or adjusted AWQS at the point of compliance monitoring location(s) for eight quarters...” due to stakeholder feedback in order to add clarity by specifying the permit’s monitoring requirements and the scope of the new or adjusted AWQSs. Final subsection (E)(5) adds language recognizing the exception to this requirement, which is an alternative timeframe, duration or frequency request approved by the Department (*see* final subsection (D)). Also, the following was removed from final subsection (E)(5) based on stakeholder feedback and reconsideration of the need, “[p]ermittees shall continue quarterly monitoring under this subsection until a determination is made by the Department on whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required pursuant to subsection (D) of this section.” Additionally, the following language in final subsection (E)(5) was changed from, “[t]he Director may shorten or lengthen the monitoring period if one or more of the following events occur...” to “[t]he Director may lengthen the monitoring period if one or more of the following events occur...” due to stakeholder feedback and Departmental reconsideration of the inappropriate nature of setting Alert Levels, Discharge Limits and/or AQLs based on a shortened data set. The list or criteria in final subsections (E)(5)(a), (b), (c), (d) and (e) were slightly edited due to stakeholder feedback in order to provide clarity:
 - (E)(5)(a) - “individual” was removed due to the tradition that the usage of “permit” in A.A.C. Title 18, Chapter 9, Article 2 refers to the namesake, individual aquifer protection permit, through a contextual certainty;
 - (E)(5)(b) - “alert or” was removed after a determination that “alert” level exceedances are not appropriate for lengthening the Baseline Monitoring period;
 - (E)(5)(c) - Typo fix. Proposed subsection (C)(1)(d)(iii) read, “[a]n exceedance of a new of adjusted AWQS”; final rule, subsection (E)(5)(c) reads, “[a]n exceedance of a new or adjusted AWQS”;

- (E)(5)(d) - “increasing” was replaced with “significant” to better scope the events that might appropriately lead to lengthening the Baseline Monitoring period;
- (E)(5)(e) - “increasing” was replaced with “significant” to better scope the events that might appropriately lead to lengthening the Baseline Monitoring period.
- The language in final rule, subsection (E)(6) was moved from proposed rule, subsection (C)(1)(g) for clarity, functionality and structural purposes due to stakeholder feedback. Final subsection (E)(6) adds a subsection title, “Discharge Monitoring” for clarity in rule navigation.” The applicability language in final subsection (E)(6) was changed from “[p]ermittees that monitor their discharge, pursuant to an existing Individual APP, shall conduct baseline discharge monitoring for newly established or adjusted AWQSs on a monthly frequency for one year” to “[p]ermittees that are required to monitor discharge or water quality shall conduct Baseline Monitoring for a new or adjusted AWQS at the discharge monitoring location(s) on a monthly frequency for one year...” due to stakeholder feedback in order to add clarity by using more inclusive language that encompasses the full scope of APP facilities specifying the permit’s monitoring requirements and the scope of the new or adjusted AWQSs. Final subsection (E)(6) adds language recognizing the exception to this requirement, which is an alternative timeframe, duration or frequency request that is approved by the Department. Final subsection (E)(6) adds the following language, “[i]f a permittee conducting Discharge Baseline Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware...” in order to address the original Departmental concern that led to the “shorten or lengthen” language in proposed subsections (C)(1)(d) and (g), specifically “shorten”. After receiving stakeholder feedback expressing concern that setting Alert Levels, Discharge Limits and/or AQLs based on a shortened data set is inappropriate, the Department added the notification language above to final subsection (E)(6). In both cases (“notification” & “shorten” language), the Department aimed and now aims to ascertain information from the permittee in the case where a facility is discharging at or above a new or adjusted AWQS during Baseline Monitoring. This is because, when a permittee notifies the Department of discharges at or above the new or adjusted AWQS, ADEQ can not only become aware, but be prompted to monitor the discharges in the meantime before an amendment application is submitted, in order to be properly informed of the potential impacts to local groundwater. Additionally, the following language in final subsection (E)(6) was changed from, “[t]he Director may shorten or lengthen the monitoring period if one or more of the following events occur...” to “[t]he Director may lengthen the monitoring period if one or more of the following events occur...” due to stakeholder feedback and Departmental reconsideration of the inappropriate nature of setting Alert Levels, Discharge Limits and/or AQLs based on a shortened data set. The list or criteria in final subsections (E)(6)(a), (b), (c), (d) and (e) were slightly edited due to stakeholder feedback in order to provide clarity:

- (E)(6)(a) - “individual” was removed due to the tradition that the usage of “permit” in A.A.C. Title 18, Chapter 9, Article 2 refers to the namesake, individual aquifer protection permit, through a contextual certainty;
- (E)(6)(b) - “alert or” was removed after a determination that “alert” level exceedances are not appropriate for lengthening the Baseline Monitoring period;
- (E)(6)(c) - Typo fix. Proposed subsection (C)(1)(g)(iii) read, “[a]n exceedance of a new of adjusted AWQS”; final rule, subsection (E)(5)(c) reads, “[a]n exceedance of a new or adjusted AWQS”.
- (E)(6)(d) - “increasing” was replaced with “significant” to better scope the events that might appropriately lead to lengthening the Baseline Monitoring period;
- (E)(5)(e) - “[a]ny other significant issue that affects baseline monitoring” was replaced with “[a]ny other significant issue that affects the representativeness of Baseline Monitoring” to better scope the events that might appropriately lead to lengthening the Baseline Monitoring period.

Final Rule R18-9-A215(F) - New or Adjusted Aquifer Water Quality Standards

- The language in final rule, subsection (F) was moved from proposed rule, subsection (C)(2) for clarity, functionality and structural purposes due to stakeholder feedback.
- The language in final rule, subsection (F)(1) was moved from proposed rule, subsection (C)(2)(a) for clarity, functionality and structural purposes due to stakeholder feedback. Final subsection (F)(1) was changed from, “[a]t the conclusion of the baseline discharge and/or groundwater monitoring, permittees shall submit to the Department a Baseline Monitoring Report within three months of the date of the last sample collected” to “[a]t the conclusion of Baseline Monitoring, or upon the compilation of a complete and representative data set pursuant to subsection (E)(3) above, permittees shall develop a Baseline Monitoring Report within three months of receipt of the last sample result” due to stakeholder feedback in order to clarify the ability of a permittee to use certain previously recorded data for the purposes of Baseline Monitoring pursuant to final subsection (E)(3), as well as, to change “submit” to “develop” so as to reflect the Baseline Monitoring Report’s status as a component of the amendment application, specified in final subsection (G), and the fact that the report and amendment application are subject to the amendment schedule specified in final subsection (A) and to change “..of the date of the last sample collected...” to “...of receipt of the last sample result...” due to stakeholder feedback / preference.

- The language in final rule, subsection (F)(2) was added due to stakeholder feedback pointing out that permittees subject to both Baseline Discharge and Groundwater Monitoring would have staggered start and finish dates (per the final rule, Baseline Discharge Monitoring lasts for 1 year, whereas Baseline Groundwater Monitoring lasts for 2 years). In the case where a permittee is subject to both monitoring periods, the Department found no issue clarifying that such permittees shall develop a Baseline Monitoring Report within three months of receipt of the last sample result between the two monitoring periods.
- The language in final rule, subsection (F)(3) was moved from proposed rule, subsection (C)(2)(b) for clarity, functionality and structural purposes due to stakeholder feedback. Final subsection (F)(3) was changed from, “[t]he samples collected and the report shall, at a minimum, characterize the discharge and/or groundwater quality at the compliance monitoring locations in the permit in relation to the pollutants with new or adjusted AWQs...” to “[t]he report shall characterize the discharge and/or groundwater quality at the permit-required monitoring locations pursuant to subsections (C) and (E) of this section...” due to stakeholder concern about clarity.
- The language in final rule, subsection (F) no longer includes proposed subsection (C)(2)(c), “[c]haracterization may also include up, cross or down gradient wells in relation to the facility that were sampled for the purposes of baseline groundwater monitoring, if available....” due to stakeholder feedback. Monitoring data beyond the requirements of Baseline Discharge and Groundwater monitoring may be submitted as part of a Baseline Monitoring Report pursuant to final subsection (F)(5), “[a] permittee may include additional information in a Baseline Monitoring Report...”.
- The language in final rule, subsection (F)(4) was moved from proposed rule, subsection (C)(2)(d) for clarity, functionality and structural purposes due to stakeholder feedback. The list of items to be included in the report, final subsections (F)(4)(a), (b) and (d), were slightly edited through stakeholder feedback to provide additional clarity:
 - (F)(4)(a) - “The sampling results of any pollutants with new or adjusted AWQs detected through discharge or groundwater monitoring...” was changed to “[t]he sampling results of discharge and/or groundwater monitoring for a pollutant with a new or adjusted AWQ...” for purpose of alignment with the scopes and language in the other subsections in the rule;
 - (F)(4)(b) - “A demonstration of the baseline concentrations of each new or adjusted AWQ at the applicable point(s) of compliance and other locations subject to active discharge and/or groundwater monitoring in the permit...” was changed to “[a] demonstration of the baseline concentration of a new or adjusted AWQ at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205...” for purpose of alignment with the scopes and language in the other subsections in the rule;

- (F)(4)(d) - “An Alert Level, Discharge Limit and AQL proposal, as applicable, for each pollutant with a new or adjusted AWQS...” was changed to “[a]n Alert Level, Discharge Limitation and/or AQL proposal in accordance with R18-9-A205, as applicable, for each pollutant with a new or adjusted AWQS...” for purpose of scoping the proposals to the relevant rule, R18-9-A205;
- The language in final rule, subsection (F)(5) was added in order to allow for additional information to be submitted as part of the report, if a permittee sees merit in doing so; such as, including data from up, cross or down gradient wells in relation to the facility.
- The language in final rule, subsection (F)(6) was added in order to allow the Department to require monitoring data in a specified manner so as to keep quality assurance and quality control of the monitoring data. This addition reflects a component of the now removed proposed subsection (C)(1)(a) which was not commented upon by stakeholders. Proposed (C)(1)(a) read, “[b]aseline discharge and groundwater monitoring shall be reported to the Director throughout the monitoring period in a method specified by the Director...”. Monitoring throughout Baseline Monitoring was removed due to stakeholder feedback. The submission manner remains in the final rule here.
- The language in final rule, subsection (F)(7) was moved from proposed rule, subsection (C)(2)(e) for clarity, functionality and structural purposes due to stakeholder feedback. Final subsection (F)(7) was changed from, “[f]ollowing receipt of the Baseline Monitoring Report and review by the Department, additional information may be required...” to “[a]fter review by the Department, additional information may be required...” in order to clarify that “review” not “receipt” is the event that would occur before additional information would be required.

Final Rule R18-9-A215(G) - New or Adjusted Aquifer Water Quality Standards

- Added subsection title, “Report Review and Permit Amendment” for clarity in rule navigation.
- The language in final rule, subsection (G) was moved from proposed rule, subsection (D) for clarity, functionality and structural purposes due to stakeholder feedback.
- Added subsection title, “Report Review and Permit Amendment” for clarity in rule navigation.

- Due to stakeholder feedback on a lack of clarity and guidelines for both the permittee and the Department in proposed subsection (D), the language in the beginning of final subsection (G) was changed to specify when the report should be compiled, that the report is a component of the amendment application, and that the amendment application should be submitted in accordance with the amendment schedule pursuant to final subsection (A). The language in the second half of final subsection (G) more clearly specifies, in relation to proposed subsection (D), the requirements of the Department upon receipt of the amendment application, including the reviewing, processing, determination and incorporation of the report and any Alert Levels, Discharge Limitations and/or AQLs in the permit for any new or adjusted AWQs in accordance with R18-9-A205.

Final Rule R18-9-A215(H) - New or Adjusted Aquifer Water Quality Standards

- Added subsection title, “Unlikely to be Present in Discharge Demonstration” for clarity in rule navigation.
- The language in final rule, subsection (H) was moved from proposed rule, subsection (E) for clarity, functionality and structural purposes due to stakeholder feedback.
- Added subsection title, “Unlikely to be Present in Discharge Demonstration” for clarity in rule navigation.
- Due to stakeholder feedback, the language in final subsection (H) removes the requirement for the “unlikely” demonstration to be “successful” as the statutory right to not be subject to monitoring if a pollutant is not likely to be in a facility’s discharge, pursuant to A.R.S. § 49-223(G), does not grant the Department a right to gatekeep whether a pollutant is likely or not to be in a permittee’s discharge. Therefore, “may” was changed to “shall”, in addition to the removal of the “successful demonstration” language. The requirement to demonstrate that a pollutant is not likely to be in a facility’s discharge remains. However, language was added for clarity which allows the Department to require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWQS after review of an “unlikely” demonstration if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Lastly, final rule (H)(3), one of three examples of what a demonstration could include, was changed due to stakeholder feedback from, “[a] demonstration of the background concentrations of the pollutant at the facility’s site” to “[p]rocess or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site” because the final language is simply a more appropriate demonstrative example.

Final Rule R18-9-A215(I) - New or Adjusted Aquifer Water Quality Standards

- Added subsection title, “Permits Without Monitoring” for clarity in rule navigation.
- The language in final rule, subsection (I) was moved from proposed rule, subsection (F) for clarity, functionality and structural purposes due to stakeholder feedback.

- Final rule, subsection (I) is based on proposed rule, subsection (F). Final subsection (I) uses similar language to proposed (F), but, at the request of stakeholders, puts a standard on when the Department may require a reasonable characterization, “...if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility’s discharge.” Also, in accord with a subsection-specific definition for “ongoing monitoring” being added to final rule subsection (C), the same subsection-specific definition is added to this subsection for clarity, under final subsection (I)(1). Lastly, final subsection (I)(2) recognizes a permittee’s right to remove a pollutant from the scope of a reasonable characterization if it is unlikely to be present in the facility’s discharge. Similarly to final subsection (H), language was added for clarity which allows the Department to require an applicable permittee to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS if, after review of a subsection (H) demonstration, the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility’s discharge. These additions were the result of stakeholder feedback.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Comment 1: Utility

Proposed R18-9-Preamble and R18-9-A215. New or Adjusted Aquifer Water Quality Standard

30 AAR 3403 - Paragraph 9 – Subsection C

“Preliminary estimates on the cost of baseline monitoring based on an eight quarter time period at one sampling location for all seven (7) of the new AWQSs that are being established in the associated NPRMs is around \$15,000...”.

We request ADEQ share the information used to determine the cost of the new or adjusted AWQSs baseline monitoring with stakeholders.

ADEQ Response 1:

ADEQ appreciates the comment. ADEQ estimated that the analytical laboratory fees would cost \$4,500 for 8 monitoring events for all seven (7) of the new or adjusted AWQSs at one monitoring location. The monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The employee labor costs were estimated at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then ADEQ estimated the employee labor costs for preparing the baseline monitoring report with a request to establish Alert Levels and Aquifer Quality Limits for all 7 parameters. This effort included a draft report, internal review, final

report edits, and submission to ADEQ. The employee effort for the baseline monitoring report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for a total of \$15,000.

Comment 2: Utility

R18-9-A215. New or Adjusted Aquifer Water Quality Standard

30 AAR 3407 - Paragraph C.1.A --“Baseline discharge and groundwater monitoring shall be reported to the Director throughout the monitoring period in a method specified by the director.”

We request ADEQ clarify how the permittee is going to be notified of the method specified by the director to report baseline discharge and groundwater monitoring since it is not defined in the proposed rule or in the permittee’s current permit.

ADEQ Response 2:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 3: Utility

30 AAR 3407 - Paragraph C.2.A --“...permittees shall submit to the Department a Baseline Monitoring Report within three months of the date of the last sample collection.”

Our individual APP permits have discharge and groundwater monitoring locations. Please clarify if two separate baseline monitoring reports will be required since the frequency for baseline discharge and groundwater monitoring are different. We request ADEQ consider allowing flexibility for permittees with both discharge and groundwater monitoring locations to align the baseline monitoring schedules to eliminate preparing and submitting two separate baseline monitoring reports.

We request ADEQ revise the statement “within three months of the date of the last sample collection” to “within three months of receipt of the last sample result” since analytical results may take up to 30 days to be reported by the laboratory after sample collection.

ADEQ Response 3:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant language. Final Rule, subsection (F)(2) states, “[p]ermittees subject to both Groundwater and Discharge Baseline Monitoring may develop a combined, comprehensive Baseline Monitoring Report within three months of receipt of the last sample

result.” Additionally, concerning flexibility, Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 4: Utility

Currently, an ADHS - approved method for wastewater does not exist for Chlorite, Bromate or Haloacetic acids. Until there is an approved wastewater method, these parameters should not be required to have baseline monitoring or permitted monitoring on effluent discharge. Is ADEQ collaborating with ADHS to make sure this will occur prior to when monitoring will be required?

ADEQ Response 4:

ADEQ appreciates the comment. ADEQ has notified ADHS of the proposed establishment of Bromate, Chlorite, Haloacetic acids and Uranium as Aquifer Water Quality Standards (AWQSs). ADEQ agrees that at the time of this rulemaking, there are no ADHS - approved wastewater methods for Bromate, Chlorite, nor Haloacetic acids. However, the final rule accounts for this situation with the following language, “[s]ampling shall be conducted using an [ADHS] approved method for each pollutant with a newly established or adjusted [Aquifer Water Quality Standard] AWQSs, if available. If an [ADHS] approved method for a pollutant with a newly established or adjusted AWQSs does not exist, sampling shall be conducted using an EPA approved method or a method specified by the Director.” For example, EPA Method 300.1 is an appropriate method for chlorite and bromite baseline monitoring in drinking water and groundwater. Additionally, Standard Methods 6251 for Haloacetic acids (HAAs) is an appropriate method for determining the concentration of HAAs in water and wastewater. Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 5: Utility

The rule allows for the submission of a demonstration showing a pollutant with a new or adjusted AWQS is not likely to be present in the discharge in order to waive monitoring; however, the demonstrations allowed require submitting data from monitoring...

How can ADEQ require monitoring to prove, “not likely to be present”? Is there another example demonstration of not likely to be present that does not include monitoring?

ADEQ Response 5:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration language. Final Rule R18-9-A215, subsection (H) reads, “[a] pollutant with a new or adjusted AWQS shall be removed from the scope of Baseline Monitoring upon a demonstration that the pollutant is not likely to be present in a facility’s discharge. The Department may require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWQS after review of the demonstration if the Department has a

reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge. Demonstrations may include, but are not limited to: (1) [a] characterization of the facility's discharge in relation to the pollutant with a new or adjusted AWQS; (2) [p]ast monitoring and sampling data at the facility and the facility's site; or (3) [p]rocess or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site." This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration.

Comment 6: Utility

Permittees are expected to initiate baseline monitoring within 3 months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department. Three months is a very brief amount of time for a permittee to submit a demonstration and the agency to approve it. How does ADEQ realistically plan to process these waiver requests, or are they not anticipating many? May a permittee pause monitoring if a demonstration is submitted (while waiting for approval)?

ADEQ Response 6:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, "Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein." While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee to conduct and submit a "not likely" demonstration pursuant to subsection (H). The submission of an Alternative Baseline Monitoring Timeframe, Duration and Frequency Request does not pause the Baseline Monitoring requirement until ADEQ approves or denies. However, scheduling a meeting with the Department to discuss any concerns with the Baseline Monitoring requirement is welcomed and encouraged. Additionally, the rule language (*see* Final Rule R18-9-A215, subsection (H)) for the "not likely" demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a "not likely" demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Comment 7: Utility

We're thinking through our complicated permits and trying to understand where Baseline Monitoring would occur. Our facilities

have impoundments so... we're thinking about the perceived differences between initial characterization and Baseline Monitoring.

ADEQ Response 7:

ADEQ appreciates the comment. The Department believes the revisions made to the proposed rule, represented in Final Rule R18-9-A215, subsections (C), (H) and (I), address your concern.

Comment 8: Utility

Proposed rule R18-9-A215(C)(1) says baseline monitoring will be reported throughout the monitoring period in a method specified by the Director. How will the permittee be expected to submit the monitoring throughout the monitoring period and at what frequency?

ADEQ Response 8:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 9: Utility

Will there be notification to permittees of the effective date of the new/adjusted limits (now and in the future) for permittees to know when to start the baseline monitoring?

ADEQ Response 9:

ADEQ appreciates the comment. Yes, there will be notification to permittees of upcoming effective dates of new or adjusted AWQSs. Please be on the lookout for those communications in the future. Also, yes, ADEQ is aware that communicating the commencement dates is critical to the function of the rule and will be communicated for this AWQS rulemaking and all future AWQS rulemakings. At a minimum, these communications will specify the effective date for the AWQSs and when baseline monitoring should start according to the final rule.

Comment 10: Utility

Will a Self Monitoring Report Form (SMRF) template be available for permittees or will they be submitted through myDEQ?

ADEQ Response 10:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore, no Self Monitoring Report Form (SMRF) template is necessary. However, the development of a Baseline Monitoring Report within

three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 11: Utility

With respect to implementation - Is there any intention to require baseline monitoring for permits that don't currently require any discharge or groundwater compliance monitoring?

ADEQ Response 11:

ADEQ appreciates the comment. The answer is: Potentially. The final rule does not mandate, but gives the Department the discretion to require permittees without ongoing monitoring requirements in their permit to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS within a reasonable amount of time if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility's discharge (*See* Final Rule R18-9-A215(I)). This requirement applies to issued APP permits as of the AWQS effective date and that do not have permit-issued groundwater point of compliance, discharge, nor other monitoring locations specified in their permit which are, themselves, subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205. ADEQ plans to notify these permittees on a case-by-case basis. Also, the requirement to reasonably characterize does not apply upon the demonstration that a pollutant is not likely to be present in a facility's discharge; unless, upon demonstration review, the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge (*See* Final Rule R18-9-A215(H)).

Comment 12: Utility

How soon after the effective date of the new rule would ADEQ have the amendment schedule so permittees can budget for the APP amendment application?

ADEQ Response 12:

ADEQ appreciates the comment. ADEQ plans to notify permittees of the effective date of the new or adjusted limits, as well as the permit amendment schedule, as soon as possible after the establishment or effective date of a new or adjusted AWQS. Please be on the lookout for these communications. At a minimum, these communications will specify the effective date for the AWQSs, when baseline monitoring should begin according to Final Rule R18-9-A215 and will lay out the amendment schedule.

Comment 13: Utility

Proposed Rule R18-9-A215(C)(1)(c) - Please clarify what an "active" discharge is. Is use of the word "active" meant to exclude contingency monitoring locations?

ADEQ Response 13:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.

Comment 14: Utility

Proposed Rule R18-9-A215(C)(1)(c) - Suggest deletion of "that are subject to limits based on AWQs." Is it ADEQ's intent that baseline monitoring is not required at locations where a permit limit is set at a level greater than the AWQS?

ADEQ Response 14:

ADEQ appreciates the comment. The Final Rule language at R18-9-A215(E)(1) states that, “[b]aseline Monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205.” It is not the intention of the Department to not require Baseline Monitoring at locations where a permit limit is set at a level greater than the AWQS. The language “based on AWQs” is intended to distinguish any monitoring that may be required outside of compliance monitoring for an AWQS. Furthermore, the language “pursuant to R18-9-A205” includes the scenario referenced by the commenter, where an AQL is set at a level greater than the AWQS. If a parameter with an adjusted AWQS, such as Arsenic or Total Trihalomethanes, has an AQL set higher than the corresponding AWQS, the parameter is required to be within the scope of Baseline Monitoring, barring an exception outlined in R18-9-A215.

Comment 15: Utility

Proposed Rule R18-9-A215(C)(1)(d) - Include an option to add the new or adjusted parameters at the sampling frequency in the current APP. For example, if semi-annual groundwater sampling is conducted under the current APP, the permittee could add parameters to the existing sampling schedule rather than sample quarterly.

ADEQ Response 15:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 16: Utility

Proposed Rule R18-9-A215(C)(1)(e) - Please clarify if use of the word "may" in this provision allows the permittee (not ADEQ) to

decide whether or not up, cross or down gradient wells will be sampled.

ADEQ Response 16:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(1)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements: [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 17: Utility

Proposed Rule R18-9-A215(C)(1)(h)(i) - Please clarify if "a method specified by the Director" requires the permittee to request and receive approval from the Director of ADEQ prior to use of a method that is not ADHS-approved.

ADEQ Response 17:

ADEQ appreciates the comment. The final rule language specifies that sampling for Baseline Monitoring “...shall be conducted using an Arizona Department of Health Services (ADHS) approved method for each pollutant with a new or adjusted AWQS, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the Director.” Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 18: Utility

Proposed Rule R18-9-A215(E) - According to the proposed rule, a pollutant may be removed from baseline discharge and groundwater monitoring “upon a successful demonstration ...”. Does "successful" mean the demonstration is "approved by ADEQ"? Suggest using the same language as proposed in R18-9-A215(B)(2): " ... if a demonstration is submitted to and approved by the Department. ... " If the demonstration is not "successful," is the permittee required to begin baseline discharge and/or groundwater monitoring upon receipt of ADEQ's denial? Baseline monitoring is required to begin within three months of the effective date of a new or adjusted AWQS and it will likely take a permittee time to prepare the demonstration. Therefore, will ADEQ review a facility's demonstration and issue an approval or denial within three months of the effective date of a new or adjusted AWQS? If ADEQ's review extends beyond three months from the effective date of a new or adjusted AWQS, is the permittee required to conduct baseline discharge and/or groundwater monitoring while ADEQ is reviewing the demonstration? Is ADEQ's decision to approve or deny the demonstration subject to public notice (R18-9-108) and/or public participation

(R18-9-109)?

ADEQ Response 18:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. The submission of an Alternative Baseline Monitoring Timeframe, Duration and Frequency Request does not pause the Baseline Monitoring requirement until ADEQ approves or denies. However, scheduling a meeting with the Department to discuss any concerns with the Baseline Monitoring requirement is welcomed and encouraged. A Final Rule subsection (D) request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language (*see* Final Rule R18-9-A215, subsection (H)) for the “not likely” demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 19: Utility

The proposed rule does not mention how new or adjusted AWQSs fit into the APP closure (R18-9-A209(B)) and post-closure (R18-9-A209(C)) process. Would a permittee be required to complete baseline monitoring before submitting a closure plan to ADEQ?

ADEQ Response 19:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C) and (D). The answer to this question is “yes, generally”. The final rule governing Baseline Monitoring requires persons with issued individual permits as of a new or adjusted AWQS effective date to begin Baseline Monitoring within three months unless: (1) [t]he permit has no ongoing monitoring requirements, (2) [t]he permittee has not begun ongoing monitoring, (3) [t]he permittee has received approval of a submitted request for an alternative timeframe, duration or frequency pursuant to subsection (D) below, or (4) [t]he permittee has submitted a demonstration pursuant to subsection (H). The subsection continues, stating that for the purposes of this subsection,

“ongoing monitoring” means permit-required monitoring at groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.

Despite a permittee’s intention to close, if a permittee is applicable to Baseline Monitoring per Final Rule R18-9-A215, Baseline Monitoring is required. However, in the case of a permittee either planning on closing soon or currently in a permitted closure process, Final Rule R18-9-A215(D) allows for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and/or frequency, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include, for example, the adjustment of when to begin Baseline Monitoring, a proposal to combine Baseline Monitoring with a closure plan or another reasonable orientation that meets the applicable rule requirements, subject to review and approval by the Department. Additionally, the Department notes that the statute governing APP closure is A.R.S. § 49-252 and the rule governing APP closure is R18-9-A209.

Comment 20: Interest Group

We understand that if the required baseline monitoring envisioned under the NPRM (see proposed A.A.C. R18-9-A215(C)) confirms that a pollutant with a new or adjusted AWQS already exceeds the AWQS at the applicable POC, then no alert level will be set and the aquifer quality limit (“AQL”) for that pollutant will be established at an appropriate level higher than the new or adjusted AWQS and the pollutant will be subject to the “no further degradation” standard in A.R.S. § 49-243(B)(3). We request that ADEQ confirm and clarify this intent in the rule and preamble when ADEQ publishes the final version of the rule.

ADEQ Response 20:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (G). Yes, after the conclusion of Baseline Monitoring, a permittee shall submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS in accordance with R18-9-A205. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS in accordance with R18-9-A205. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3).

Comment 21: Interest Group

Although we support what appears to be the Notice of Proposed Rulemaking’s (NPRM’s) statutorily-based approach of implementing new or adjusted AWQS into existing individual APPs consistent with the statutory language at A.R.S. § 49-243(B)(2) and (3) and the implementing regulatory language at A.A.C. R18-9-A205(C), we are concerned that some of the language in the NPRM appears to be inconsistent with this approach.

ADEQ Response 21:

ADEQ appreciates the comment. Due to this comment and others submitted on the propped rule language showing concern over whether the language is in accord with the governing statute at A.R.S. § 49-243(B)(2) and (3), ADEQ has revised the rule language to make clear that it is in accord. For example, consider Final Rule R18-9-A215, subsection (G), which requires a permittee, after the conclusion of Baseline Monitoring, to submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS *in accordance with R18-9-A205*. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS *in accordance with R18-9-A205*. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3). While difficult to address with specificity a broad concern like the one in this comment, ADEQ believes the edits to the rule incorporating R18-9-A205 (including R18-9-A205’s reference to A.R.S. § 49-243(B)(2) and (3)) address this stakeholder concern.

Comment 22: Interest Group

We are also concerned, as applied particularly to the required monthly discharge monitoring, that the rule will create increased costs and regulatory burdens for permittees that may not be necessary in all situations. For instance, many facilities with discharges subject to limits based on AWQS have stable discharges with consistent quality. Consequently, we recommend that language be added to the discharge baseline monitoring requirements to clarify that the frequency and duration of monitoring for discharges can be negotiated with ADEQ on a case-by-case basis. This would, in part, address the increased cost concern.

ADEQ Response 22:

ADEQ appreciates the comment. See generally, Final Rule R18-9-A215, subsection (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and/or frequency. Final Rule, subsection (D) reads as follows, “...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative

timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 23: Interest Group

We support the recognition in the NPRM of the statutory language at A.R.S. § 49-223(G), which provides that monitoring or any other APP-related requirements cannot be imposed on pollutants with AWQS that are not likely to be present in a facility’s discharge (see proposed R18-9-A215(E)). Although we support this aspect of the NPRM, some of the language in the proposal is not consistent with the statutory language in A.R.S. § 49-223(G).

ADEQ Response 23:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G).

Comment 24: Interest Group

The suggestion that ADEQ “may” waive monitoring in proposed R18-9-A215(B)(2) and (E), the requirement in proposed R18-9-A215(B)(2) and (C) that ADEQ “approve” submittals showing that a certain pollutant is not likely to be present in a facility’s discharge, and the concept of a “successful” demonstration in proposed R18-9-A215(E) are not consistent with the statutory language in A.R.S. 49-223(G). The statutory language simply provides that ADEQ may impose APP monitoring requirements only for pollutants for which AWQS have been established that are likely to be present in a discharge. There is no requirement under the statute to obtain ADEQ’s approval for such a demonstration or for the agency to decide whether or not to waive monitoring when presented with a demonstration or what demonstrations are “successful.” Accordingly, we request that any suggestion or requirement that a demonstration under A.R.S. § 49-223(G) must be approved, determined to be “successful”, or subject to administrative discretion be removed. Obviously, if ADEQ disagrees or has concerns with a particular demonstration it can raise its concerns with the submitter and request additional information.

ADEQ Response 24:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G). The final rule language allows the submission of a “not likely” demonstration itself to be sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 25: Interest Group

The use of the term “active discharge” is confusing and it is not clear how the term relates to the statutory definition of “discharge” in A.R.S. § 49-201(12). We believe that the intent of the rule is to apply the baseline monitoring requirements to existing groundwater point of compliance monitoring locations or discharge monitoring locations specified in an existing individual permit for which monitoring has commenced. Also, the baseline monitoring requirements should not apply to facilities that have been permitted but not yet constructed. Consequently, in lieu of referring to “active discharge, groundwater points of compliance, and/or other monitoring locations,” we recommend that the following phrase be used in R18-9-A215: “existing groundwater point of compliance monitoring locations, discharge monitoring locations, or other monitoring locations specified in the permit.” We also recommend that the phrase “and that have commenced monitoring pursuant to the permit” be added to R18-9-A215(C).

ADEQ Response 25:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C), (D) and (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations. Additionally, the final rule exempts from Baseline Monitoring permittees who have not begun permit-required, ongoing monitoring. This includes facilities that are permitted, but have yet to be constructed and other circumstances where ongoing monitoring is not occurring.

Comment 26: Interest Group

It is not clear what is meant by “limits based on AWQS” since different terms are used in A.A.C. R18-9-A205, namely alert levels, discharge limitations, and aquifer quality limits (“AQLs”). To eliminate this confusion, we request that the phrase “limits based on AWQS” be replaced with the phrase “alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205.” The NPRM inconsistently uses and intermingles the terms “baseline monitoring” and “baseline discharge and/or groundwater monitoring.” We request that a single term (i.e., “baseline monitoring”) be used to include both baseline groundwater and baseline discharge monitoring.

ADEQ Response 26:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “limits based on AWQS” with “alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205.” Additionally, the inconsistency in usage of “Baseline Monitoring” has been addressed in the final rule. As is suggested by the commenter, the single term, “Baseline Monitoring” is used throughout.

Comment 27: Interest Group

Because it may be difficult in some instances (such as with complex individual APPs) to initiate baseline monitoring or to prepare

a demonstration under R18-9-A215(E) within three months after the effective date of new or adjusted AWQSSs, we request that language be added to the rule to give permittees and ADEQ flexibility to reach agreements to extend the three month period for initiating baseline monitoring or for submitting a demonstration under R18-9-A215(E).

ADEQ Response 27:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Comment 28: Interest Group

To provide more clarity to permittees with respect to baseline monitoring, we believe that the general baseline monitoring subsections in R18-9-A215(C)(1) should be grouped upfront and then followed by the language that distinguishes between groundwater versus discharge monitoring. We recommend the following reorganization: move subsection (c) to (a); move subsection (f) to (c); move subsection (h) to (d); and then put subsections (d) and (g) at the end.

ADEQ Response 28:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E). Due to this comment and others submitted on the proposed rule language, ADEQ has reorganized the structure of the Baseline Monitoring Requirements as is recommended by the commenter above.

Comment 29: Interest Group

We request that the discharge monitoring section of the baseline monitoring section include the ability for permittees with discharges subject to limits based on AWQSSs to negotiate a different frequency and duration of baseline monitoring on a permit-by-permit basis. This addition to the rule is critical to reduce unnecessary costs and burdens and to recognize that many discharges are stable and consistent in quality.

ADEQ Response 29:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and

others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Comment 30: Interest Group

We request that the language in this subsection should be removed. The language creates an unnecessary regulatory burden to report data that will eventually be submitted to ADEQ as part of the required baseline monitoring report. Current existing individual permits do not require intermittent reporting of ambient monitoring data. Rather, such data is submitted at the end of the required monitoring period. In addition, early submittal of such data ignores the technical reality that sufficient numbers of sampling events spread across an appropriate timeframe is required to establish an accurate baseline of either groundwater or effluent discharge. Early submittal of data before completing full baseline monitoring is therefore improper and could be used by ADEQ or others to support incorrect assertions regarding the state of groundwater or discharges at monitoring locations specified in the permit for new or adjusted AWQs.

ADEQ Response 30:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed rule language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). Additionally, proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language

reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring’s representative scope is larger, including natural background concentration and sources, as well as, off-property sources of a constituent.

Comment 31: Interest Group

ADEQ appears to have added language to the specific groundwater monitoring and discharge monitoring sections that was not in prior stakeholder drafts of the implementation rule. This language appears to give ADEQ broad discretion to set limits in permits even before the full baseline monitoring period has concluded for certain reasons, including an exceedance of a new or adjusted AWQS or an increasing trend in the monitoring data. Arbitrarily cutting short the baseline monitoring period is not only inconsistent with the statutory process in A.R.S. 49-243(B)(2) and (3) but also creates permit implementation concerns and other problems. This language must be removed as it appears to disregard the intended purpose of the rule as represented by ADEQ. A potential alternative to this language is to provide that the baseline monitoring period may be shortened or lengthened if the permittee so requests and ADEQ approves the request.

ADEQ Response 31:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring

shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring's representative scope is larger, including natural background concentration and sources, as well as, off-property sources of a constituent.

Comment 32: Interest Group

Although this language makes collection of groundwater monitoring at up, cross, or down gradient wells discretionary, the language should be removed because it creates unexplained suggestions contrary to the statutory process for setting limits at applicable points of compliance in A.R.S. § 49-243(B)(3). For instance, although the rule explains where groundwater sampling should be conducted for purposes of baseline monitoring (i.e., at applicable point of compliance monitoring locations), this language in proposed (C)(1)(e) suggests that baseline monitoring can be conducted at other locations, which creates confusion.

ADEQ Response 32:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E). Due to comments submitted on this proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(1)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 33: Interest Group

The requirement to provide “a demonstration of the background concentrations of the pollutant at the facility’s site” to support a demonstration that a pollutant is not likely to be present in a facility’s discharge is counterintuitive and should be removed. The requirement appears to require background monitoring of groundwater or effluent when the purpose of the demonstration is to exempt a permittee from background or baseline monitoring. This requirement should be removed from the text of the rule.

In its place, we recommend inserting the following: “Process or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.”

ADEQ Response 33:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has endorsed the commenter’s suggested language in the final rule.

Comment 34: Interest Group

Proposed rule R18-9-A215(F) appears to give ADEQ broad authority to require facilities without discharge or groundwater monitoring locations in their existing individual APPs to mandate installation of groundwater monitoring wells or discharge

monitoring when prior determinations were made that such monitoring was not required. This language should be removed or at least some type of reasonable criteria should be added to ensure that ADEQ only exercises the authority envisioned under the language when appropriate based on the presence of other relevant and reliable information.

ADEQ Response 34:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (I). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the language in the final rule to include a central criterion for when the Department may require permittees *without* ongoing monitoring specified in their individual permit to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS. That criterion is “...if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility’s discharge.” In preparation for this rulemaking, ADEQ scrutinized the individual permits and found that around 30 permits (out of approximately 500) do not have ongoing monitoring requirements. In most cases, this was specified in the permits due to the fact that the facilities released process water into sealed and contained, double-lined impoundments which can be assumed with reasonable certainty that no release or discharge from them can occur to the surrounding soils, vadose zone or aquifers under the approved design, construction and operation. With that said, and despite the fact that it is unlikely ADEQ would exercise this right, the Department wishes to retain the ability to require the reasonable characterization of such a facility’s discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS if the above criterion is present. This is because the determinations to not require discharge and/or groundwater monitoring during the original application review and permit issuance were made under a previous set of Aquifer Water Quality Standards. Given the new and adjusted AWQSs being added through this collective set of rulemakings to the previous set of AWQSs, the Department’s determinations concerning ongoing monitoring and other aspects of the permit may need to be re-evaluated as the factors relied upon in making those determinations have changed.

Comment 35: Industry

We support ADEQ’s apparent intent to incorporate new or adjusted AWQS into existing individual APPs consistent with the statutory language at A.R.S. § 49-243(B)(2) and (3) and the implementing regulatory language at A.A.C. R18-9-A205(C). For groundwater points of compliance (“POCs”), this approach calls for a determination of existing aquifer water quality at the POCs before aquifer quality limits are imposed in the permit. However, we request that this approach could be reflected more clearly in the proposed rule, and that some elements of the proposed rule are confusing and not fully consistent with the overall approach.

ADEQ Response 35:

ADEQ appreciates the comment. Due to this comment and others submitted on the propped rule language showing concern over whether the language is in accord with the governing statute at A.R.S. § 49-243(B)(2) and (3), ADEQ has revised the rule

language to make clear that it is in accord. For example, consider Final Rule R18-9-A215, subsection (G), which requires a permittee, after the conclusion of Baseline Monitoring, to submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS in accordance with R18-9-A205. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS in accordance with R18-9-A205. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3).

Comment 36: Industry

ADEQ should not have to “approve” a demonstration under A.R.S. § 49-223(G) that a particular pollutant with a new or adjusted AWQS is not likely to be present in a discharge.

ADEQ Response 36:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G). The final rule language allows the submission of a “not likely” demonstration itself to be sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 37: Industry

ADEQ should have the flexibility to allow for different schedules for commencement of baseline monitoring or submission of demonstrations under A.R.S. § 49-223(G).

ADEQ Response 37:

ADEQ appreciates the comment. Due to this comment and others, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which

would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language (*see* Final Rule, subsection (H)) for the “not likely” demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 38: Industry

ADEQ should not have the ability to cut short the baseline monitoring period unless the permittee concurs with this decision.

ADEQ Response 38:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule.

However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). Additionally, proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring’s representative scope is larger, including natural background concentration and sources, as well as, off-property sources of a constituent.

Comment 39: Industry

Permittees should not have to submit baseline monitoring data during the monitoring period, but instead only at the end of that

period as part of the baseline monitoring report (note that periodic monitoring for some pollutants covered in the new proposals, such as arsenic, will be occurring under existing permits, and that data will be promptly reported to ADEQ under those permits).

ADEQ Response 39:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 40: Industry

A.A.C. R18-9-A215(C)(1) would benefit from reorganization to improve clarity.

ADEQ Response 40:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E). Due to this comment and others submitted on the proposed rule language, ADEQ has reorganized the structure of the Baseline Monitoring Requirements.

Comment 41: Industry

References to monitoring at up, down or cross gradient wells, even if such monitoring is not mandatory, create confusion and should be eliminated.

ADEQ Response 41:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(1)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 42: Industry

The criteria for making a demonstration under A.R.S. § 49-223(G) should be modified.

ADEQ Response 42:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration language. Final Rule R18-9-A215,

subsection (H) reads, “[a] pollutant with a new or adjusted AWQS shall be removed from the scope of Baseline Monitoring upon a demonstration that the pollutant is not likely to be present in a facility’s discharge. The Department may require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWQS after review of the demonstration if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Demonstrations may include, but are not limited to: (1) [a] characterization of the facility’s discharge in relation to the pollutant with a new or adjusted AWQS; (2) [p]ast monitoring and sampling data at the facility and the facility’s site; or (3) [p]rocess or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.” This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration. This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration. It should be noted that the submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 43: Utility

While we support the agency’s goal of ensuring environmental protection, we believe the proposed measures will lead to significant operational challenges and unintended consequences for regulated facilities, other stakeholders, and analytical laboratories.

ADEQ Response 43:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsections (D), (E) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule language for proposed R18-9-A215, specifically addressing stakeholder concerns pertaining to operational challenges, unintended consequences for regulated facilities and analytical laboratory considerations. Concerning operational challenges, the Department notes that subsections (D) and (H) address many of the concerns stakeholders have cited on this topic. For example, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the

adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Final Rule, subsection (E)(4) addresses approved sampling methods for new or adjusted AWQS. ADEQ has notified the Arizona Department of Health Services (ADHS) of the proposed establishment of Bromate, Chlorite, Haloacetic acids and Uranium as new Aquifer Water Quality Standards (AWQSs). ADEQ agrees that at the time of this rulemaking, there are no ADHS - approved wastewater methods for Bromate, Chlorite nor Haloacetic acids. However, the final rule accounts for this situation with the following language, “[s]ampling shall be conducted using an [ADHS] approved method for each pollutant with a newly established or adjusted [Aquifer Water Quality Standard] AWQSs, if available. If an [ADHS] approved method for a pollutant with a newly established or adjusted AWQSs does not exist, sampling shall be conducted using an EPA approved method or a method specified by the Director.” For example, EPA Method 300.1 is an appropriate method for chlorite and bromite baseline monitoring in drinking water and groundwater. Additionally, Standard Methods 6251 for Haloacetic acids (HAAs) is an appropriate method for determining the concentration of HAAs in water and wastewater. Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 44: Utility

Monthly Discharge Sampling Frequency. The requirement for monthly discharge sampling is excessively burdensome, especially for facilities with consistent, stable discharge characteristics. In cases where there are no significant operational or process changes, the value of frequent sampling is minimal and does not justify the associated costs or effort. Less frequent sampling, such as semiannually, would provide sufficient data for regulatory oversight while reducing undue strain on facilities and laboratories and control the potential for undue costs to be passed on to utility customers. Recommendation: Adopt a tiered or site-specific sampling frequency that reflects discharge stability and operational changes rather than imposing a uniform monthly requirement.

ADEQ Response 44:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 45: Utility

Challenges with Empty Impoundments. Another area of concern involves the treatment of impoundments that are routinely kept in an empty state (e.g., stormwater ponds). Facilities often face significant challenges in addressing these structures due to the

practical inability to collect samples when no water is present. This limitation could lead to delays in site characterization or, worse, unintentional noncompliance if the agency does not approve a facility's demonstration that specific pollutants are absent from its discharge. Providing clearer guidance and flexibility in demonstrating pollutant absence is essential to prevent unnecessary compliance risks and operational disruptions. Recommendation: Provide guidance for addressing empty impoundments that ensures compliance while recognizing the practical limitations of sampling under such conditions.

ADEQ Response 45:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, "...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein." While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a "not likely" demonstration pursuant to subsection (H). Additionally, the rule language for the "not likely" demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a "not likely" demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge. Furthermore, a request for an alternative baseline monitoring timeframe, duration and frequency could leverage or include in a proposal a similar approach to that specified in the individual APP "Technical Requirements" rule, specifically R18-9-A202(A)(4), R18-9-A202(A)(8)(B)(vi), etcetera.

Comment 46: Utility

Substantial Increase in Costs, Personnel, and Backlog. The proposed rule changes will result in a substantial increase in costs at the site level and resource demands for analytical laboratories. The heightened sampling and analytical requirements will necessitate additional personnel, equipment, and infrastructure to manage the increased workload. Due to other routine job functions, on site personnel do not have the bandwidth to address the increased sampling and this task will require hiring additional contractors at an increased cost. Smaller facilities, in particular, may struggle to comply due to limited budgets and

resources, leading to potential backlogs and delays in meeting regulatory deadlines.

ADEQ Response 46:

ADEQ appreciates the comment. While ADEQ acknowledges that the Final Rule at R18-9-A215 will result in a cost increase for applicable permittees and a resource demand for analytical laboratories, the Department believes this rule language and its structure represent the least burdensome orientation necessary to properly implement new or adjusted AWQSs into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

In preparation for this rulemaking, ADEQ estimated that the analytical laboratory fees would cost \$4,500 for 8 monitoring events for all seven (7) of the new or adjusted AWQSs at one monitoring location. The monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The employee labor costs were estimated at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then, ADEQ estimated the employee labor costs for preparing the baseline monitoring report with a request to establish Alert Levels and Aquifer Quality Limits for all 7 parameters. This effort included a draft report, internal review, final report edits, and submission to ADEQ. The employee effort for the baseline monitoring report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report for a total of \$15,000.

Additionally, due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see* generally, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if

the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Comment 47: Utility

Submittal of Baseline Discharge and Groundwater Monitoring Data Throughout Monitoring Period. Given the objective of characterizing discharges and associated impacts, submittal of incomplete/partial data throughout the monitoring period is unwarranted, burdensome, and does not contribute to regulatory compliance. The data set as a whole will be presented in the Baseline Monitoring Report where it can be properly evaluated, and conclusions supported.

ADEQ Response 47:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 48: Utility

Consider developing clear, streamlined procedures for facilities to demonstrate the absence of pollutants without requiring extensive sampling or lengthy approval processes.

ADEQ Response 48:

Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see generally*, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if

the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Comment 49: Utility

We appreciate the agency's commitment to stakeholder engagement and urge you to carefully weigh the potential impacts of these proposals on the regulated community. By incorporating greater flexibility and clarity into the rulemaking process, the agency can achieve its regulatory objectives without imposing undue burdens.

ADEQ Response 49:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to be more flexible and clear while still achieving regulatory objectives in an orientation that the Department believes is the least burdensome necessary to properly implement new or adjusted AWQS into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

Comment 50: Local Government / Utility

Due to the number of APP permitted facilities operated by us and thereby the number of compliance monitoring locations, we are concerned that section R18-9-A215(C) will require us to begin baseline monitoring for routine discharge and groundwater within 3 months from the effective date of new or adjusted AWQS. This will also be a requirement each time that ADEQ releases new or adjusted AWQS in the future. Due to the extra burden this will place on our already tight budget, we request that ADEQ modify this timeline to allow for the baseline monitoring for a given permit to begin within 18 months from the effective date of new or adjusted AWQS. This would allow entities with many permits to begin baseline monitoring for one permit at a later date than another permit, and across several budget years.

This modification will not interfere with ADEQ's requirement to have all permit holders submit an administratively complete amendment application no later than four years after the effective date as proposed in R18-9-A215(B). Because the baseline monitoring will take 24 months of sampling, even a permit holder who begins baseline monitoring at the very end of our proposed 18 months would be able to complete the baseline monitoring at 42 months. In the given example, this permit holder would complete their monitoring with 6 months until the application deadline. Extending this time line is a justified request, and will allow entities with many permits to balance their baseline monitoring efforts across the four year implementation instead of starting baseline monitoring for all permits within the first 3 months.

ADEQ Response 50:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see* generally, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, "...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline

Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. While ADEQ acknowledges that the Final Rule at R18-9-A215 (including the changes described above) will result in a cost increase at facilities, the Department believes this rule represents the least burdensome orientation necessary to properly implement new or adjusted AWQSs into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

Comment 51: Interest Group

Concerns About Timelines and Exemptions. ADEQ’s proposed timelines for compliance - up to four years - are excessive, given that many federal standards have been in place for decades. Additionally, provisions allowing exemptions under R18-9-A215 undermine the effectiveness of these standards. We recommend that ADEQ:

- Reduce compliance timelines to no more than two years.
- Eliminate exemptions that weaken the protective intent of AWQS.
- Conduct immediate reviews of high-risk facilities, prioritizing those with documented violations.

ADEQ Response 51:

ADEQ appreciates the comment. ADEQ followed the lead of EPA in allowing individually permitted facilities a reasonable number of years to come into compliance with new water quality standards (*see* 89 *Federal Register* 32533). In EPA’s Final Rule for the new PFAS MCLs (effective 6/25/24) under the Safe Drinking Water Act (SDWA) regulating Public Water Systems (PWSs) the following timeline for compliance is laid out, including conducting monitoring within approximately 3 years of the effective date and installation of any necessary capital improvements in order to come into compliance within approximately 5 years of the effective date,

Consistent with the timelines set out under [Safe Drinking Water Act] SDWA, [Public Water Systems] PWSs are required to conduct their initial monitoring by April 26, 2027, and to conduct [Public Notice] PN and include PFAS information in the [Consumer Confidence Reports] CCR. After carefully considering public comment, the EPA is extending the

compliance deadline for all systems nationwide to meet the MCL to allow additional time for capital improvements. As such, PWSs are required to make any necessary capital improvements and comply with the PFAS MCLs by April 26, 2029 [89 FR 32533].

The only exemption present in the final rule at R18-9-A215 is for a “not likely” demonstration (*see* Final Rule, subsection (H)). This exemption is mandated by Arizona statute at A.R.S. § 49-223(G). The Department is considering a risk-based priority in the development of an amendment schedule pursuant to Final Rule subsection (A). ADEQ believes the structure of this rule properly balances the agency’s mission of protecting public health and the environment with a reasonable time frame for compliance for the regulated community.

Comment 52: Interest Group

Environmental Justice Considerations. We are concerned that the draft rule does not adequately address environmental justice impacts. Communities near high-risk facilities, such as the Havasupai Tribe near the Pinyon Plain Mine, face disproportionate risks of groundwater contamination. ADEQ must incorporate environmental justice analyses and engage directly with impacted communities, particularly Tribal nations, to ensure equitable protections.

ADEQ Response 52:

ADEQ appreciates the comment. Concerning Environmental Justice (EJ), in the case of this rulemaking, A.R.S. § 49-223 mandates that ADEQ open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency’s (EPA’s) establishment of new or adjusted MCLs. Through the Aquifer Protection Program (APP), the AWQSs apply to facilities discharging regulated pollutants to the ground in all Arizona lands under state jurisdiction. No special application of the standards exists beyond the specifics of the individual APP permits themselves. Besides the ability of the Department to establish an alternative AWQS upon receipt of “substantial opposition” from stakeholders, the AWQS statutory mandate from the Department is clear and simple. ADEQ carefully considered and took actions to ensure both fair treatment and meaningful involvement as part of the AWQS rulemaking. All stakeholders, including communities near high-risk facilities, tribes and other interested parties were welcome to participate in ADEQ’s extensive public participation process for this rulemaking. As part of this process, ADEQ held a 30 day public comment period in accordance with A.R.S. 41-1023(B), as well as, held nine formal stakeholder events over the course of over 2 years (9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25). With respect to tribal outreach, ADEQ Leadership presented a rulemaking briefing on the AWQS rulemaking at the Intertribal Council of Arizona (ITCA) - Tribal Leaders’ Water Policy Council Meeting on 8/23/23 (the Havasupai Tribe is a member of ITCA). Additionally, the Department held dedicated Tribal Listening Sessions throughout the development of the rule; specifically on 9/11/23, 12/12/23 and 11/20/24. ADEQ has for years aimed to meet the requirements in statute for tribal relation responsibilities pursuant to A.R.S. § 41-2051(C).

ADEQ believes the terms in the current tribal consultation and collaboration policy were followed while conducting this rulemaking. The policy can be reviewed here: https://static.azdeq.gov/policy/ADEQ_Tribal_Policy.pdf.

Comment 53: Utility

We encourage ADEQ to consider the timing of the process by which a regulated entity subject to R18-9-A215 would make a demonstration pursuant to R18-9-A215(E). As written, APP permittees subject to the rule must initiate Baseline Monitoring within three months of the effective date of a new or adjusted AWQS unless a demonstration is made pursuant to R18-9-A215(E). It is unclear exactly what this demonstration must entail, and it is likely that permittees will seek a pre-demonstration meeting with ADEQ to better understand the requirements. Three months does not leave sufficient time to compile a demonstration and obtain approval from ADEQ – particularly if there are multiple entities seeking to make similar demonstrations.

ADEQ Response 53:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Also, the Department has plans to release an amendment schedule pursuant to Final Rule R18-9-A215(A), and other guidance on Baseline Monitoring and the “not likely” demonstration, pursuant to Final Rule R18-9-A215(H).

Comment 54: Utility

It is less clear how the Proposed Rule would be applied to complex permits. A Baseline Monitoring plan will likely need to be tailored to capture relevant information that ADEQ seeks. It may not be relevant or necessary to conduct Baseline Monitoring at all groundwater points of compliance, discharge monitoring locations, and/or other monitoring locations identified in a complex

APP. ADEQ should provide a process for complex permits to develop a Baseline Monitoring plan in consultation with ADEQ.

ADEQ Response 54:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for clarity. The Department believes the Final Rule at R18-9-A215 delineates the requirements of Baseline Monitoring at subsection (E), while also providing sufficient and functional rule language for Baseline Monitoring timing and applicability at subsection (C), an opportunity for submission of a request for an alternative Baseline Monitoring timeframe, duration and/or frequency at subsection (D) and the Baseline Monitoring report requirements at subsection (G). The Department notes that Final Rule R18-9-A215(E) specifies which monitoring locations are required for baseline monitoring, limiting the scope to “...permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205.” The addition of Final Rule R18-9-A215, subsection (D), allows for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency, “...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 55: Utility

Usage of the Terms “Active Discharge” and “Limits Based on AWQS”. We recommend that ADEQ remove the term “active discharge” from the Proposed Rule. The term “active discharge” is undefined and differs from the definition of discharge in A.R.S. § 49-201(12), leading to confusion. Instead of referring to “active discharge, groundwater points of compliance and/or other monitoring locations” in R18-9-A215, we recommend that ADEQ refer to “groundwater points of compliance, discharge monitoring locations, or other monitoring locations specified in the permit.”

ADEQ Response 55:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.

Comment 56: Utility

It is not clear what is meant by “limits based on AWQS.” We recommend that ADEQ utilize the terms from R18-9-A205 and replace the language “limits based on AWQS” with “alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205.”

ADEQ Response 56:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “limits based on AWQS” with “alert levels, discharge limitations or AQLs based on AWQSS pursuant to R18-9-A205”.

Comment 57: Utility

Definition of “Baseline Monitoring”. The Proposed Rule is inconsistent in its use of the terms Baseline Monitoring, Baseline Discharge and/or Groundwater Monitoring. We believe that Baseline Monitoring should be a defined term meant to encompass baseline groundwater monitoring and baseline discharge and/or other monitoring locations.

ADEQ Response 57:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215. Due to this comment and others submitted on the proposed rule language, ADEQ has made its usage of the term “Baseline Monitoring” more consistent in the final rule. ADEQ does not believe the term “Baseline Monitoring” needs to be defined for the purposes of final rule as the term inherently describes its function for the purpose of developing data to be used to appropriately implement new or adjusted AWQS into the applicable, issued individual permits.

Comment 58: Utility

Waivers and Demonstrations of Constituents Not Likely to be Present. A demonstration that a pollutant is not likely to be present in a facility’s discharge, per proposed rule subsection (E), provides only examples where monitoring has already occurred and submitted as evidence. We suggest adding language to allow for operational or design practices to demonstrate that pollutants with new or adjusted AWQS are not likely to be present. For example, if a facility does not utilize disinfection products, a facility should not be required to have data establishing the absence of disinfection byproducts.

ADEQ Response 58:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration rule language to more closely reflect A.R.S. § 49-223(G). Additionally, the revised rule makes more clear that the submission of a demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Also, the final rule language allows demonstrations to include, but to not be limited to, (1) a characterization of the facility’s discharge in relation to the pollutant with a new or adjusted AWQS, (2) past monitoring and sampling data at the facility and the facility’s site; or (3) process or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.

Comment 59: Utility

Monitoring Timeline. Proposed rule R18-9-A215(B)(2) requires monitoring to begin “within three months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department.” As noted above, three months is an insufficient amount of time for a facility to make, and for ADEQ to approve, a demonstration. In addition, regulated entities should not be required to conduct baseline sampling while waiting for ADEQ to review and make a decision regarding a demonstration.

Consistent with its comments above, we suggest the following revision:

R18-9-A215(C) - *Persons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS with ~~active discharge~~ groundwater points of compliance, discharge monitoring locations and/or other monitoring locations specified in the permit that are subject to ~~limits~~ alert levels, discharge limitations, or AQLs based on AWQSs pursuant to R18-9-A205 shall begin Baseline Discharge and/or Groundwater Monitoring for all new or adjusted AWQS or submit a demonstration pursuant to subsection (E) to the Department within three months of the effective date of a new or adjusted AWQS ~~unless a demonstration is approved by the Department.~~*

ADEQ Response 59:

ADEQ appreciates the comment. See generally, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Additionally, at Final Rule, R18-9-A215, subsection (E)(1), ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations. Also, at Final Rule R18-9-A215, subsection (E)(1), ADEQ has replaced “limits based on

AWQS” with “alert levels, discharge limitations or AQLs pursuant to R18-9-A205”.

Comment 60: Utility

Clarification of Sample Collection Requirements. We request that ADEQ improve the clarity of the Baseline Monitoring sampling requirement by specifying whether samples should be discrete or “grab” samples, or composite samples.

ADEQ Response 60:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E)(2). Similarly to the applicability of Baseline Monitoring on individual APP permittees in subsection (C), the type of sampling (when it comes to discrete or grab or composite) expected when conducting Baseline Monitoring remains the same as the original permit’s routine discharge or groundwater monitoring sampling requirements, pursuant to R18-9-A206.

Comment 61: Utility

Clarification is necessary on the Baseline Monitoring Report submittal as to when a permit that has both discharge and groundwater monitoring specified in the permit should submit the report. Provided that the baseline report is to be submitted within three months following the last sample collection and that the discharge and monitoring well points are on different monitoring schedules, clarification is necessary as to whether separate baseline reports are required or a baseline report including both.

ADEQ Response 61:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant language. Final Rule, subsection (F)(2) states, “[p]ermittees subject to both Groundwater and Discharge Baseline Monitoring may develop a combined, comprehensive Baseline Monitoring Report within three months of receipt of the last sample result.” Additionally, Final Rule, subsection (G) requires, “[a]fter the conclusion of Baseline Monitoring, a permittee shall submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in subsection (A). The Baseline Monitoring Report shall be a component of the amendment application...” Also, concerning flexibility, Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 62: Utility

Clarification is necessary if analytes can be excluded or not from Baseline Monitoring if the compound is already on the permit and significant historical data sets already exist. For example, Arsenic and *E. coli* are already listed in our permits for both

discharge and groundwater monitoring, with significant historical data sets in existence.

ADEQ Response 62:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsections (D), (E) and (F). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule. Final Rule, subsection (E)(3) allows, “[p]ermittees that have collected relevant samples prior to the Baseline Monitoring period at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs pursuant to R18-9-A205, may use that data to develop the Baseline Monitoring Report. Previously collected data may be used to shorten or eliminate a Baseline Monitoring period if all data components are (a) [m]ethodologically sound, (b) [r]epresent a complete data set per the applicable requirements of Baseline Monitoring, and (c) [m]eets other applicable requirements of Baseline Monitoring.” Additionally, Final Rule, subsection (F)(1) states, “[a]t the conclusion of Baseline Monitoring, or upon the compilation of a complete and representative data set pursuant to subsection (E)(3) above, permittees shall develop a Baseline Monitoring Report within three months of receipt of the last sample result.” Also, concerning flexibility, Final Rule, subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 63: Utility

Proposed Rule R18-9-A215(F) - The term "active discharge" is used. Please refer to the comment above under R18-9-A215(C)(1)(c).

ADEQ Response 63:

ADEQ appreciates the comment. *See generally*, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.

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

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This rulemaking does not create a requirement for a permit.

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

Federal law is not applicable to the subject matter of the rule.

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

Not applicable.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rule follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS

Section

R18-9-101. Definitions

ARTICLE 2. AQUIFER PROTECTION PERMITS - INDIVIDUAL PERMITS

Section

R18-9-A215. New or Adjusted Aquifer Water Quality Standards

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS

Section

R18-9-101. Definitions

1. "Aggregate" No Change
2. "Alert level" No Change
3. "AQL" means an aquifer quality limit and is a permit limitation set for aquifer water quality measured at the point of compliance that either represents an Aquifer Water Quality Standard or, if an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance or amendment to incorporate a new or adjusted aquifer water quality standard, represents the ambient or baseline water quality for that pollutant.
4. "Aquifer Protection Permit" means an individual ~~permit~~ or a general permit issued under A.R.S. §§ 49-203, 49-241 through 49-252, and Articles 1, 2, and 3 of this Chapter.
5. "Aquifer Water Quality Standard" or "AWQS" or "AWQSS" means a standard or standards established under A.R.S. §§ 49-221 and 49-223.
6. "AZPDES" No Change
7. "BADCT" No Change
8. "Bedroom" No Change
9. "Book net worth" No Change
10. "CCR" No Change
11. "CCR landfill" No Change
12. "CCR surface impoundment" No Change
13. "CCR unit" No Change

14. “Cesspool” No Change
15. “Chamber technology” No Change
16. “CMOM plan” No Change
17. “Design capacity” No Change
18. “Design flow” No Change
19. “Direct reuse site” No Change
20. “Disposal works” No Change
21. “Drywell” No Change
22. “Dwelling” No Change
23. “Final permit determination” No Change
24. “Gray water” No Change
25. “Groundwater quality protection permit” No Change
26. “Homeowner’s association” No Change
27. “Injection well” No Change
28. “Intermediate stockpile” No Change
29. “Land treatment facility” No Change
30. “Mining site” No Change
31. “New or adjusted aquifer water quality standard” or “New or adjusted AWQS” means a standard or standards established under A.R.S. §§ 49-221 and/or 49-223 after January 1, 2025, for the purposes of R18-9-A215. A “New or adjusted AWQS” becomes an established AWQS, pursuant to R18-9-101(5), for the purposes of an individual Aquifer Protection Permit when a determination is made by the Department on whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required pursuant to R18-9-A215(G).
32. “Nitrogen Management Area” means an area designated by the Director for which the Director prescribes measures on an area-wide basis to control sources of nitrogen, including cumulative discharges from on-site wastewater treatment facilities, that threaten to cause or have caused an exceedance of the Aquifer Water Quality Standard for nitrate.
33. “Notice of Disposal” means a document submitted to the Arizona Department of Health Services or the Department before September 27, 1989, giving notification of a pollutant discharge that may affect groundwater.
34. “On-site wastewater treatment facility” means a conventional septic tank system or alternative system that is installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site. A.R.S. § 49-201(29). An on-site

wastewater treatment facility does not include a pre-fabricated, manufactured treatment works that typically uses an activated sludge unit process and has a design flow of 3000 gallons per day or more.

35. "Operational life" means the designed or planned period during which a facility remains operational while being subject to permit conditions, including closure requirements. Operational life does not include post-closure activities.
36. "Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. A.R.S. § 49-201(33). For the purposes of permitting a sewage treatment facility under Article 2 of this Chapter, person does not include a homeowner's association.
37. "Pilot project" means a short-term, limited-scale test designed to gain information regarding site conditions, project feasibility, or application of a new technology.
38. "Process solution" means a pregnant leach solution, barren solution, raffinate, or other solution uniquely associated with the mining or metals recovery process.
39. "Residential soil remediation level" means the applicable predetermined standard established in 18 A.A.C. 7, Article 2, Appendix A.
- ~~39~~40. "Seasonal high water table" means the free surface representing the highest point of groundwater rise within an aquifer due to seasonal water table changes over the course of a year.
40. "Setback" means a minimum horizontal distance maintained between a feature of a discharging facility and a potential point of impact.
41. "Sewage" means untreated wastes from toilets, baths, sinks, lavatories, laundries, other plumbing fixtures, and waste pumped from septic tanks in places of human habitation, employment, or recreation. Sewage does not include gray water as defined in A.R.S. § 49-201(20), if the gray water is reused according to 18 A.A.C. 9, Article 7.
42. "Sewage collection system" means a system of pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devices, and appurtenances that collect, contain, and convey sewage from its sources to the entry of a sewage treatment facility or on-site wastewater treatment facility serving sources other than a single-family dwelling.
43. "Sewage treatment facility" means a plant or system for sewage treatment and disposal, except for an on-site wastewater treatment facility, that consists of treatment works, disposal works and appurtenant pipelines, conduits, pumping stations, and related subsystems and devices. A sewage treatment facility does not include components of the sewage collection system or the reclaimed water distribution system.

445. "Surface impoundment" means a pit, pond, or lagoon with a surface dimension equal to or greater than its depth, and used for the storage, holding, settling, treatment, or discharge of liquid pollutants or pollutants containing free liquids.
456. "Tracer" means a substance, such as a dye or other chemical, used to change the characteristic of water or some other fluid to detect movement.
467. "Tracer study" means a test conducted using a tracer to measure the flow velocity, hydraulic conductivity, flow direction, hydrodynamic dispersion, partitioning coefficient, or other property of a hydrologic system.
478. "Treatment works" means a plant, device, unit process, or other works, regardless of ownership, used for treating, stabilizing, or holding municipal or domestic sewage in a sewage treatment facility or on-site wastewater treatment facility.
489. "Typical sewage" means sewage conveyed to an on-site wastewater treatment facility in which the total suspended solids (TSS) content does not exceed 430 mg/l, the five-day biochemical oxygen demand (BOD5) does not exceed 380 mg/l, the total nitrogen does not exceed 53 mg/l, and the content of oil and grease does not exceed 75 mg/l.
4950. "Underground storage facility" means a constructed underground storage facility or a managed underground storage facility. A.R.S. § 45-802.01(21).
501. "Waters of the United States" means:
- a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
 - b. All interstate waters, including interstate wetlands;
 - c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
 - i. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. That are used or could be used for industrial purposes by industries in interstate commerce;
 - d. All impoundments of waters defined as waters of the United States under this definition;
 - e. Tributaries of waters identified in subsections (a) through (d);
 - f. The territorial sea; and
 - g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (a) through (f).

ARTICLE 2. AQUIFER PROTECTION PERMITS – INDIVIDUAL PERMITS

PART A. APPLICATION AND GENERAL PROVISIONS

Section

Revision: 6/14/2024

R18-9-A215. New or Adjusted Aquifer Water Quality Standards

A. Permit Amendment Schedule. Upon the effective date of a new or adjusted AWQS, the Director shall develop a schedule to amend issued individual permits to reflect the new or adjusted AWQS pursuant to R18-9-A211.

B. Permit Amendment Requirement. Persons holding issued individual permits as of the effective date of a new or adjusted AWQS shall submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in subsection (A).

1. Notwithstanding the amendment schedule described in subsection (A) above, administratively complete applications shall be submitted to the Department no later than four years after a new or adjusted AWQS effective date.

2. The requirement to submit an application to amend in subsection (B) is not applicable for pollutants with a new or adjusted AWQS that are within the scope of a demonstration submitted pursuant to subsection (H).

C. Baseline Monitoring. Persons with issued individual permits as of a new or adjusted AWQS effective date shall begin Baseline Monitoring, pursuant to subsection (E) below, for a new or adjusted AWQS within three months, unless:

1. The permit has no ongoing monitoring requirements.

2. The permittee has not begun ongoing monitoring.

3. The permittee has submitted a request for an alternative timeframe, duration or frequency pursuant to subsection (D) below, or

4. The permittee has submitted a demonstration pursuant to subsection (H).

For the purposes of this subsection, “ongoing monitoring” means permit-required monitoring at groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWOSs pursuant to R18-9-A205.

D. Alternative Baseline Monitoring Timeframe, Duration and/or Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and/or sampling frequency within three months of a new or adjusted AWOS effective date with reasonable cause for the request included therein.

E. Baseline Monitoring Requirements.

1. Baseline Monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWOSs pursuant to R18-9-A205.

2. Subsection R18-9-A206(B) applies to Baseline Monitoring.

3. Permittees that have collected relevant samples prior to the Baseline Monitoring period at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWOSs pursuant to R18-9-A205, may use that data to develop the Baseline Monitoring Report. Previously collected data may be used to shorten or eliminate a Baseline Monitoring period if all data components:

- a. Are sampled pursuant to subsection (E)(4) below.
 - b. Are analyzed using industry standard quality assurance and quality control procedures.
 - c. Collectively, are representative of a complete data set per the applicable requirements of Baseline Monitoring, and
 - d. Collectively, meet other applicable requirements of Baseline Monitoring.
4. Sampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.
5. Groundwater Monitoring. Permittees that are required to monitor groundwater shall conduct Baseline Monitoring for a new or adjusted AWQS at the point of compliance monitoring location(s) for eight quarters unless an alternative timeframe, duration or frequency is approved by the Department pursuant to subsection (D) above. The Director may lengthen the monitoring period if one or more of the following events occur:
- a. A deviation from an operational practice or design authorized in the permit;
 - b. An exceedance of any discharge limitation;
 - c. An exceedance of a new or adjusted AWQS;
 - d. A significant trend in the monitoring data; or
 - e. Any other significant issue that affects the representativeness of Baseline Monitoring.
6. Discharge Monitoring. Permittees that are required to monitor discharge or water quality shall conduct Baseline Monitoring for a new or adjusted AWQS at the discharge monitoring location(s) on a monthly frequency for one year unless an alternative timeframe, duration or frequency is approved by the Department pursuant to subsection (D) above. If a permittee conducting Discharge Baseline Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware. The Director may lengthen the monitoring period if one or more of the following events occur:
- a. A deviation from an operational practice or design authorized in the permit;
 - b. An exceedance of any discharge limitation;
 - c. An exceedance of a new or adjusted AWQS;
 - d. A significant trend in the monitoring data; or
 - e. Any other significant issue that affects the representativeness of Baseline Monitoring.

E. Baseline Monitoring Report.

- 1. At the conclusion of Baseline Monitoring, or upon the compilation of a complete and representative data set pursuant to

subsection (E)(3) above, permittees shall develop a Baseline Monitoring Report within three months of receipt of the last sample result.

2. Permittees subject to both Groundwater and Discharge Baseline Monitoring may develop a combined, comprehensive Baseline Monitoring Report within three months of receipt of the last sample result.
3. The report shall characterize the discharge and/or groundwater quality at the permit-required monitoring locations pursuant to subsections (C) and (E) of this section.
4. The report shall include:
 - a. The sampling results of discharge and/or groundwater monitoring for a pollutant with a new or adjusted AWQS.
 - b. A demonstration of the baseline concentration of a new or adjusted AWQS at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AOLs based on AWQSS pursuant to R18-9-A205.
 - c. Laboratory data from the entire Baseline Monitoring period, and
 - d. An Alert Level, Discharge Limitation and/or AOL proposal in accordance with R18-9-A205, as applicable, for each pollutant with a new or adjusted AWQS.
5. A permittee may include additional information in a Baseline Monitoring Report.
6. The permittee shall submit the monitoring data in a manner prescribed by the Director.
7. After review by the Department, additional information may be required.

G. Report Review and Permit Amendment. After the conclusion of Baseline Monitoring, a permittee shall submit an administratively complete application to amend their permit to reflect a new or adjusted AWOS in accordance with the amendment schedule described in subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AOL is required for a new or adjusted AWOS in accordance with R18-9-A205. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AOL for a new or adjusted AWOS in accordance with R18-9-A205.

H. Unlikely to be Present in Discharge Demonstration. A pollutant with a new or adjusted AWOS shall be removed from the scope of Baseline Monitoring upon a demonstration that the pollutant is not likely to be present in a facility's discharge. The Department may require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWOS after review of the demonstration if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Demonstrations may include, but are not limited to:

1. A characterization of the facility's discharge in relation to the pollutant with a new or adjusted AWOS:

2. Past monitoring and sampling data at the facility and the facility's site; or
 3. Process or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.
- I. Permits Without Monitoring. The Department may require persons with issued individual permits as of the effective date of a new or adjusted AWQS without ongoing monitoring to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS within a reasonable amount of time if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility's discharge.
1. For the purposes of this subsection, "ongoing monitoring" means permit-required monitoring at groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AOLs based on AWQSs pursuant to R18-9-A205.
 2. A requirement to reasonably characterize discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS does not apply upon the submission of a demonstration pursuant to subsection (H). The Department may require a permittee to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS if, after review of a subsection (H) demonstration, the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

AWP NFRM Economic Impact Statement (EIS) - 18 AAC 9 - Implementation

A summary of the economic, small business, and consumer impact:

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of adding a new section at R18-9-A215 in Title 18, Chapter 9, Article 2 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to establish a clear procedure for implementation of new or adjusted Aquifer Water Quality Standards (AWQS) to the issued and existing individual Aquifer Protection Permits (APP). Before this rulemaking, such implementation was unaddressed and unclear. New or adjusted Aquifer Water Quality Standards (AWQS) are added to an existing list when the Federal Environmental Protection Agency (EPA) establishes new or adjusts existing Safe Drinking Water Act Maximum Contaminant Levels (MCL). Pursuant to Arizona Revised Statutes (A.R.S.) § 49-223, upon this EPA action, ADEQ must, within one year, open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. However, neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement those new or adjusted AWQSs into the existing and issued permits. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact public health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting a rule on the implementation of new or adjusted AWQSs into applicable, existing and issued individual APPs. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees (hereinafter: "permittees"), such as Mines, Industrial Facilities and Wastewater Treatment Plants, and, to a lesser extent, regulated parties under certain remediation projects, such as WQARF and VRP. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from this "AWQS Implementation" rulemaking.

A general benefit includes the State of Arizona and its constituents, due to this rulemaking's functional part in protecting the state's aquifers, allowing them to remain a viable asset to community water portfolios and individual well users alike.

General costs to permittees as a result of this new or adjusted AWQS implementation rule are likely minimal, potentially significant and indeterminate at this time. According to the proposed rule, applicable permittees with permit-required discharge and/or groundwater monitoring at the effective date of a new or adjusted AWQS would be required to begin "Baseline Monitoring" for any and all new or adjusted AWQSs with three months unless an alternative Baseline Monitoring timeframe, duration and/or frequency is proposed or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G). At the conclusion of Baseline Monitoring, a requirement to submit a Baseline Monitoring report to the Department as a component of an application to amend the individual permit comes into effect; where, after review, the Department determines whether new or adjusted Alert Levels, Discharge Limitations or Aquifer Quality Limits based on the AWQS are necessary pursuant to A.A.C. R18-9-A205.

Specific Impacts

Benefits to Stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQSs are to be implemented into existing and issued permits. Applicable permittees will be required to conduct Baseline Monitoring at discharge and groundwater monitoring locations, which could come as a considerable cost. However, permittees will have much of the infrastructure to conduct this monitoring already in place, as the rule requires the monitoring to occur at existing and established locations. With that said, the Department estimates that the analytical laboratory fees for applicable permittees will cost \$4,500 for (eight) 8 monitoring events for all seven (7) of the new or adjusted AWQSs at one monitoring location. The seven (7) new or adjusted AWQSs are detailed in the other four (4) Notices of Final Rulemaking (NFRMs) associated with this NFRM. The Department estimates that monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The Department estimates the employee labor costs at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all (eight) 8 monitoring events. Then, the Department estimated the employee labor costs for preparing the Baseline Monitoring Report with a request to establish Alert Levels, Discharge Limitations and/or Aquifer Quality Limits

for all 7 parameters. This effort includes a draft report, internal review, final report edits, and submission by the permittee to the Department. The employee effort for the Baseline Monitoring Report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for an estimated total of \$15,000.

Although many facilities will absorb the additional work load and infrastructure / incidentals needed into their existing labor force and equipment on site, certain permittees may need to acquire additional employees to help achieve the requirements.

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials is published on ADEQ’s dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Permittees will be the primary bearers of costs associated with this rulemaking. Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Benefits to Stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQs are to be implemented into existing and issued permits. Generally, the state and the constituents of the state benefit through the efficiency unto which protection of the aquifer resource is administered, safeguarding aquifers as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224.

D. Benefit/Cost Analysis:

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|------------------|-------------------------|---------------------|--|
| \$10,000 or less | \$10,001 to \$1,000,000 | \$1,000,001 or more | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|---|--|----------------------------------|-------------------------------------|
| Permittees: Mines, Industrial Facilities, Wastewater Treatment Plants | Applicable permittees will be required to conduct Baseline discharge and/or groundwater monitoring for new or adjusted AWQs, which entail sampling and analytical costs | Minimal to Moderate | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQs. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Minimal to Moderate | |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Minimal to Moderate | |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees

Permittees could see minimal to moderate costs due to this rulemaking. Applicable permittees will be required to conduct Baseline discharge and/or groundwater monitoring for new or adjusted AWQs, which entail sampling and analytical costs. The Department estimates that monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The Department estimates the employee labor costs at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then, the Department estimated the employee labor costs for preparing the Baseline Monitoring Report with a request to establish Alert Levels, Discharge Limitations and/or Aquifer Quality Limits for all 7 parameters. This effort includes a draft report, internal review, final report edits, and submission by the permittee to the Department as a component of a permit amendment application. The employee effort for the Baseline Monitoring Report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for an estimated total of \$15,000. Additional costs include an internally or externally developed amendment application and Departmental hourly fees for application review, permit writing, etcetera – pursuant to A.A.C. R18-14-102(B).

Small businesses as a segmented category

Generally, the same as the Permittees section above; albeit, taking into account the fact that small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases.

ADEQ

ADEQ could see minimal to moderate costs due to this rulemaking. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQs. Any additional costs incurred would generally be covered by increased fees paid by permittees.

In order to process the large number of individual APP permits that will need to be amended as a product of this rule and new or adjusted AWQs, ADEQ will incur costs for AWP-related staff expansion and performance of new AWQs-associated administrative responsibilities needed. ADEQ currently anticipates that it will need to hire new staff with the necessary technical expertise. These positions will include permit reviewers with engineering and hydrogeologic backgrounds, as well as, non-engineer staff for administrative tasks.

In order to support the implementation of this new rule, ADEQ plans on hiring 3 new full-time employees (FTE). Funding those positions will incur moderate costs to ADEQ annually which will be offset by permit service fees and annual fees.

Benefits to Stakeholders:

Permittees, Small Businesses as a segmented category & ADEQ

Benefits to stakeholders include significant clarity in administration and expectation for the Department and the applicable permittees, respectively, as to how new or adjusted AWQs are to be implemented into existing and issued permits. Generally, the state and the constituents of the state benefit through the efficiency unto which protection of the aquifer resource is administered, safeguarding aquifers as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

ADEQ estimates that, for the most part, this rulemaking will not have much of an impact on public or private employment. As is noted above, some permittees may need to hire additional help to meet the requirements of Baseline Monitoring for new or adjusted AWQs, but, in most cases, will be able to absorb the responsibility through existing employees, infrastructure and equipment. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permit applications is already in place. ADEQ anticipates that potentially hundreds of permits may need to be amended to update monitoring tables associated with new or adjusted AWQs. Any additional costs incurred would generally be covered by increased fees paid by permittees.

However, and as mentioned above, all applicable permittees, whether public or private, stand to benefit through the state establishment of a streamlined new or adjusted AWQs implementation process. As explained in subsection A of this EIS above, neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement new or adjusted AWQs into the existing and issued permits, which would lead to significant confusion and waste for ADEQ and the permittees.

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with the new or adjusted AWQs implementation rule that are borne by small businesses may be minimal to moderate. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Many small businesses subject to this rule likely have personnel, infrastructure and equipment already in place for conducting Baseline Monitoring. It is possible that permittees may need to hire additional personnel or a contractor in complying with these rules. Also, samples must be analyzed at a laboratory at a cost to the permittee. Additionally, permittees may choose to hire a consultant in developing their Baseline

Monitoring Report, an alternative Baseline Monitoring timeframe, duration and/or frequency request or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G).

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ estimates that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed new or adjusted AWQS implementation rule.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large likely have personnel, infrastructure and equipment already in place for conducting Baseline Monitoring. It is possible that permittees may need to hire additional personnel or a contractor in complying with these rules. Also, samples must be analyzed at a laboratory at a cost to the permittee. Additionally, permittees may choose to hire a consultant in developing their Baseline Monitoring Report, an alternative Baseline Monitoring timeframe, duration and/or frequency request or a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G).

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|---|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Used for all applicable permittees. Through stakeholder input, the Department removed from a previous draft a requirement for all applicable permittees to report throughout Baseline Monitoring in lieu of simply reporting all at once through the Baseline Monitoring Report at the end of the Baseline Monitoring period. The rule also allows permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS. |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Used for all applicable permittees. Through stakeholder input, the Department built more flexibility into the rule through the allowance of an alternative Baseline Monitoring timeframe, duration and/or frequency request, as well as an ability for a permittee to make a demonstration that a pollutant with a new or adjusted AWQS is not likely to be in a facility's discharge pursuant to A.R.S. § 49-223(G), which results in the pollutant not being subject to Baseline Monitoring. |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Used for all applicable permittees. Through stakeholder input, the Department removed from a previous draft a requirement for all applicable permittees to report throughout Baseline Monitoring in lieu of simply reporting all at once through the Baseline Monitoring Report at the end of the Baseline Monitoring period. The rule also allows permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS. |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more prescriptive than necessary (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

There should be little to no costs to private persons and consumers as this rule compels permittees to conduct Baseline Monitoring for all new or adjusted AWQSs. It is conceivable that a Wastewater Treatment Plant may increase the rates in their service area as a result of the requirement to conduct Baseline Monitoring, but that would be a relatively small amount due to the cost estimates projected for Baseline Monitoring outlined above.

G. A statement of the probable effect on state revenues:

This rulemaking will not result in a significant increase, nor decrease in state revenues. Increased and decreased costs to ADEQ are expected to be minimal, as explained above in the analysis of costs and benefits to ADEQ. Investments in sampling, analytical and report / request / demonstration work through employees or consultants could result in the generation of additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

ADEQ worked closely with stakeholders in the development of this new or adjusted AWQS implementation rule, focusing on the goal of clarity in administration and expectation for the Department and the applicable permittees, respectively. Neither A.R.S. § 49-223 nor the rules in the individual APP article at Title 18, Chapter 9, Article 2 of the A.A.C. address how to implement those new or adjusted AWQSs into the existing and issued permits. For this reason, ADEQ received overwhelming support for this clarifying rule from the regulated parties. After years of drafting, editing and stakeholder feedback, ADEQ believes the structure of this rule properly balances the agency's mission of protecting public health and the environment with any requisite costs to stakeholders.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

No data was used in the development of this rule. ADEQ closely examined the relevant and existing statutes and rules, as well as multiple rounds of stakeholder feedback.

AWP NFRM Public Comments - 18 AAC 9 - Implementation

Comment 1: Utility

Proposed R18-9-Preamble and R18-9-A215. New or Adjusted Aquifer Water Quality Standard
30 AAR 3403 - Paragraph 9 – Subsection C

“Preliminary estimates on the cost of baseline monitoring based on an eight quarter time period at one sampling location for all seven (7) of the new AWQs that are being established in the associated NPRMs is around \$15,000...”

We request ADEQ share the information used to determine the cost of the new or adjusted AWQs baseline monitoring with stakeholders.

ADEQ Response 1:

ADEQ appreciates the comment. ADEQ estimated that the analytical laboratory fees would cost \$4,500 for 8 monitoring events for all seven (7) of the new or adjusted AWQs at one monitoring location. The monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The employee labor costs were estimated at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then ADEQ estimated the employee labor costs for preparing the baseline monitoring report with a request to establish Alert Levels and Aquifer Quality Limits for all 7 parameters. This effort included a draft report, internal review, final report edits, and submission to ADEQ. The employee effort for the baseline monitoring report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report, for a total of \$15,000.

Comment 2: Utility

R18-9-A215. New or Adjusted Aquifer Water Quality Standard

30 AAR 3407 - Paragraph C.1.A --“Baseline discharge and groundwater monitoring shall be reported to the Director throughout the monitoring period in a method specified by the director.”

We request ADEQ clarify how the permittee is going to be notified of the method specified by the director to report baseline discharge and groundwater monitoring since it is not defined in the proposed rule or in the permittee’s current permit.

ADEQ Response 2:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 3: Utility

30 AAR 3407 - Paragraph C.2.A --“...permittees shall submit to the Department a Baseline Monitoring Report within three months of the date of the last sample collection.”

Our individual APP permits have discharge and groundwater monitoring locations. Please clarify if two separate baseline monitoring reports will be required since the frequency for baseline discharge and groundwater monitoring are different. We request ADEQ consider allowing flexibility for permittees with both discharge and groundwater monitoring locations to align the baseline monitoring schedules to eliminate preparing and submitting two separate baseline monitoring reports. We request ADEQ revise the statement “within three months of the date of the last sample collection” to “within three months of receipt of the last sample result” since analytical results may take up to 30 days to be reported by the laboratory after sample collection.

ADEQ Response 3:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant language. Final Rule, subsection (F)(2) states, “[p]ermittees subject to both Groundwater and Discharge Baseline Monitoring may develop a combined, comprehensive Baseline Monitoring Report within three months of receipt of the last sample result.” Additionally, concerning flexibility, Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 4: Utility

Currently, an ADHS - approved method for wastewater does not exist for Chlorite, Bromate or Haloacetic acids. Until there is an approved wastewater method, these parameters should not be required to have baseline monitoring or permitted monitoring on effluent discharge. Is ADEQ collaborating with ADHS to make sure this will occur prior to when monitoring will be required?

ADEQ Response 4:

ADEQ appreciates the comment. ADEQ has notified ADHS of the proposed establishment of Bromate, Chlorite, Haloacetic acids and Uranium as Aquifer Water Quality Standards (AWQSs). ADEQ agrees that at the time of this rulemaking, there are no ADHS - approved wastewater methods for Bromate, Chlorite, nor Haloacetic acids. However, the final rule accounts for this situation with the following language, “[s]ampling shall be conducted using an [ADHS] approved method for each pollutant with a newly established or adjusted [Aquifer Water Quality Standard] AWQSs, if available. If an [ADHS] approved method for a pollutant with a newly established or adjusted AWQSs does not exist, sampling shall be conducted using an EPA approved method or a method specified by the Director.” For example, EPA Method 300.1 is an appropriate method for chlorite and bromite baseline monitoring in drinking water and groundwater. Additionally, Standard Methods 6251 for Haloacetic acids (HAAs) is an appropriate method for determining the concentration of HAAs in water and wastewater. Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 5: Utility

The rule allows for the submission of a demonstration showing a pollutant with a new or adjusted AWQS is not likely to be present in the discharge in order to waive monitoring; however, the demonstrations allowed require submitting data from monitoring... How can ADEQ require monitoring to prove, “not likely to be present”? Is there another example demonstration of not likely to be present that does not include monitoring?

ADEQ Response 5:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration language. Final Rule R18-9-A215, subsection (H) reads, “[a] pollutant with a new or adjusted AWQS shall be removed from the scope of Baseline Monitoring upon a demonstration that the pollutant is not likely to be present in a facility’s discharge. The Department may require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWQS after review of the demonstration if the Department has reason to believe the pollutant is, or is likely to be, present in the facility’s discharge. Demonstrations may include, but are not limited to: (1) [a] characterization of the facility’s discharge in relation to the pollutant with a new or adjusted AWQS; (2) [p]ast monitoring and sampling data at the facility and the facility’s site; or (3) [p]rocess or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.” This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration.

Comment 6: Utility

Permittees are expected to initiate baseline monitoring within 3 months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department. Three months is a very brief amount of time for a permittee to submit a demonstration and the agency to approve it. How does ADEQ realistically plan to process these waiver requests, or are they not anticipating many? May a permittee pause monitoring if a demonstration is submitted (while waiting for approval)?

ADEQ Response 6:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee to conduct and submit a “not likely” demonstration pursuant to subsection (H). The submission of an Alternative Baseline Monitoring Timeframe, Duration and Frequency Request does not pause the Baseline Monitoring requirement until ADEQ approves or denies. However, scheduling a meeting with the Department to discuss any concerns with the Baseline Monitoring requirement is welcomed and encouraged. Additionally, the rule language (*see* Final Rule R18-9-A215, subsection (H)) for the “not likely” demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 7: Utility

We’re thinking through our complicated permits and trying to understand where Baseline Monitoring would occur. Our facilities have impoundments so... we’re thinking about the perceived differences between initial characterization and Baseline Monitoring.

ADEQ Response 7:

ADEQ appreciates the comment. The Department believes the revisions made to the proposed rule, represented in Final Rule R18-9-A215, subsections (C), (H) and (I), address your concern.

Comment 8: Utility

Proposed rule R18-9-A215(C)(1) says baseline monitoring will be reported throughout the monitoring period in a method specified by the Director. How will the permittee be expected to submit the monitoring throughout the monitoring period

and at what frequency?

ADEQ Response 8:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 9: Utility

Will there be notification to permittees of the effective date of the new/adjusted limits (now and in the future) for permittees to know when to start the baseline monitoring?

ADEQ Response 9:

ADEQ appreciates the comment. Yes, there will be notification to permittees of upcoming effective dates of new or adjusted AWQSS. Please be on the lookout for those communications in the future. Also, yes, ADEQ is aware that communicating the commencement dates is critical to the function of the rule and will be communicated for this AWQS rulemaking and all future AWQS rulemakings. At a minimum, these communications will specify the effective date for the AWQSS and when baseline monitoring should start according to the final rule.

Comment 10: Utility

Will a Self Monitoring Report Form (SMRF) template be available for permittees or will they be submitted through myDEQ?

ADEQ Response 10:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore, no Self Monitoring Report Form (SMRF) template is necessary. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 11: Utility

With respect to implementation - Is there any intention to require baseline monitoring for permits that don't currently require any discharge or groundwater compliance monitoring?

ADEQ Response 11:

ADEQ appreciates the comment. The answer is: Potentially. The final rule does not mandate, but gives the Department the discretion to require permittees without ongoing monitoring requirements in their permit to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS within a reasonable amount of time if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility's discharge (*See* Final Rule R18-9-A215(I)). This requirement applies to issued APP permits as of the AWQS effective date and that do not have permit-issued groundwater point of compliance, discharge, nor other monitoring locations specified in their permit which are, themselves, subject to alert levels, discharge limitations or AQLs based on AWQSS pursuant to R18-9-A205. ADEQ plans to notify these permittees on a case-by-case basis. Also, the requirement to reasonably characterize does not apply upon the demonstration that a pollutant is not likely to be present in a facility's discharge; unless, upon demonstration review, the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge (*See* Final Rule R18-9-A215(H)).

Comment 12: Utility

How soon after the effective date of the new rule would ADEQ have the amendment schedule so permittees can budget for the APP amendment application?

ADEQ Response 12:

ADEQ appreciates the comment. ADEQ plans to notify permittees of the effective date of the new or adjusted limits, as well as the permit amendment schedule, as soon as possible after the establishment or effective date of a new or adjusted AWQS. Please be on the lookout for these communications. At a minimum, these communications will specify the effective date for the AWQSS, when baseline monitoring should begin according to Final Rule R18-9-A215 and will lay out the amendment schedule.

Comment 13: Utility

Proposed Rule R18-9-A215(C)(l)(c) - Please clarify what an "active" discharge is. Is use of the word "active" meant to exclude contingency monitoring locations?

ADEQ Response 13:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced "active" with "permit-required". The new term's usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.

Comment 14: Utility

Proposed Rule R18-9-A215(C)(l)(c) - Suggest deletion of "that are subject to limits based on AWQSS." Is it ADEQ's

intent that baseline monitoring is not required at locations where a permit limit is set at a level greater than the AWQS?

ADEQ Response 14:

ADEQ appreciates the comment. The Final Rule language at R18-9-A215(E)(1) states that, “[b]aseline Monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.” It is not the intention of the Department to not require Baseline Monitoring at locations where a permit limit is set at a level greater than the AWQS. The language “based on AWQSs” is intended to distinguish any monitoring that may be required outside of compliance monitoring for an AWQS. Furthermore, the language “pursuant to R18-9-A205” includes the scenario referenced by the commenter, where an AQL is set at a level greater than the AWQS. If a parameter with an adjusted AWQS, such as Arsenic or Total Trihalomethanes, has an AQL set higher than the corresponding AWQS, the parameter is required to be within the scope of Baseline Monitoring, barring an exception outlined in R18-9-A215.

Comment 15: Utility

Proposed Rule R18-9-A215(C)(l)(d) - Include an option to add the new or adjusted parameters at the sampling frequency in the current APP. For example, if semi-annual groundwater sampling is conducted under the current APP, the permittee could add parameters to the existing sampling schedule rather than sample quarterly.

ADEQ Response 15:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 16: Utility

Proposed Rule R18-9-A215(C)(l)(e) - Please clarify if use of the word "may" in this provision allows the permittee (not ADEQ) to decide whether or not up, cross or down gradient wells will be sampled.

ADEQ Response 16:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(l)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements: [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 17: Utility

Proposed Rule R18-9-A215(C)(1)(h)(i) - Please clarify if "a method specified by the Director" requires the permittee to request and receive approval from the Director of ADEQ prior to use of a method that is not ADHS-approved.

ADEQ Response 17:

ADEQ appreciates the comment. The final rule language specifies that sampling for Baseline Monitoring “...shall be conducted using an Arizona Department of Health Services (ADHS) approved method for each pollutant with a new or adjusted AWQS, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the Director.” Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 18: Utility

Proposed Rule R18-9-A215(E) - According to the proposed rule, a pollutant may be removed from baseline discharge and groundwater monitoring “upon a successful demonstration ...”. Does "successful" mean the demonstration is "approved by ADEQ"? Suggest using the same language as proposed in R18-9-A215(B)(2): “... if a demonstration is submitted to and approved by the Department. ...” If the demonstration is not "successful," is the permittee required to begin baseline discharge and/or groundwater monitoring upon receipt of ADEQ's denial? Baseline monitoring is required to begin within three months of the effective date of a new or adjusted AWQS and it will likely take a permittee time to prepare the demonstration. Therefore, will ADEQ review a facility's demonstration and issue an approval or denial within three months of the effective date of a new or adjusted AWQS? If ADEQ's review extends beyond three months from the effective date of a new or adjusted AWQS, is the permittee required to conduct baseline discharge and/or groundwater monitoring while ADEQ is reviewing the demonstration? Is ADEQ's decision to approve or deny the demonstration subject to public notice (R18-9-108) and/or public participation (R18-9-109)?

ADEQ Response 18:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the

requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. The submission of an Alternative Baseline Monitoring Timeframe, Duration and Frequency Request does not pause the Baseline Monitoring requirement until ADEQ approves or denies. However, scheduling a meeting with the Department to discuss any concerns with the Baseline Monitoring requirement is welcomed and encouraged. A Final Rule subsection (D) request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language (*see* Final Rule R18-9-A215, subsection (H)) for the “not likely” demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has reason to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 19: Utility

The proposed rule does not mention how new or adjusted AWQSs fit into the APP closure (R18-9-A209(B)) and post-closure (R18-9-A209(C)) process. Would a permittee be required to complete baseline monitoring before submitting a closure plan to ADEQ?

ADEQ Response 19:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C) and (D). The answer to this question is “yes, generally”. The final rule governing Baseline Monitoring requires persons with issued individual permits as of a new or adjusted AWQS effective date to begin Baseline Monitoring within three months unless: (1) [t]he permit has no ongoing monitoring requirements, (2) [t]he permittee has not begun ongoing monitoring, (3) [t]he permittee has received approval of a submitted request for an alternative timeframe, duration or frequency pursuant to subsection (D) below, or (4) [t]he permittee has submitted a demonstration pursuant to subsection (H). The subsection continues, stating that for the purposes of this subsection, “ongoing monitoring” means permit-required monitoring at groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.

Despite a permittee’s intention to close, if a permittee is applicable to Baseline Monitoring per Final Rule R18-9-A215, Baseline Monitoring is required. However, in the case of a permittee either planning on closing soon or currently in a permitted closure process, Final Rule R18-9-A215(D) allows for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and/or frequency, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include, for example, the adjustment of when to begin Baseline Monitoring, a proposal to combine Baseline Monitoring with a closure plan or another reasonable orientation that meets the applicable rule requirements, subject to review and approval by the Department. Additionally, the Department notes that the statute governing APP closure is A.R.S. § 49-252 and the rule governing APP closure is R18-9-A209.

Comment 20: Interest Group

We understand that if the required baseline monitoring envisioned under the NPRM (*see* proposed A.A.C. R18-9-A215(C)) confirms that a pollutant with a new or adjusted AWQS already exceeds the AWQS at the applicable POC, then no alert level will be set and the aquifer quality limit (“AQL”) for that pollutant will be established at an appropriate level higher than the new or adjusted AWQS and the pollutant will be subject to the “no further degradation” standard in A.R.S. § 49-243(B)(3). We request that ADEQ confirm and clarify this intent in the rule and preamble when ADEQ publishes the final version of the rule.

ADEQ Response 20:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (G). Yes, after the conclusion of Baseline Monitoring, a permittee shall submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS in accordance with R18-9-A205. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS in accordance with R18-9-A205. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3).

Comment 21: Interest Group

Although we support what appears to be the Notice of Proposed Rulemaking’s (NPRM’s) statutorily-based approach of implementing new or adjusted AWQS into existing individual APPs consistent with the statutory language at A.R.S. § 49-243(B)(2) and (3) and the implementing regulatory language at A.A.C. R18-9-A205(C), we are concerned that some of the language in the NPRM appears to be inconsistent with this approach.

ADEQ Response 21:

ADEQ appreciates the comment. Due to this comment and others submitted on the propped rule language showing concern over whether the language is in accord with the governing statute at A.R.S. § 49-243(B)(2) and (3), ADEQ has revised the rule language to make clear that it is in accord. For example, consider Final Rule R18-9-A215, subsection (G), which requires a permittee, after the conclusion of Baseline Monitoring, to submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS *in accordance with R18-9-A205*. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS *in accordance with R18-9-A205*. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3). While difficult to address with specificity a broad concern like the one in this comment, ADEQ believes the edits to the rule incorporating R18-9-A205 (including R18-9-A205's reference to A.R.S. § 49-243(B)(2) and (3)) address this stakeholder concern.

Comment 22: Interest Group

We are also concerned, as applied particularly to the required monthly discharge monitoring, that the rule will create increased costs and regulatory burdens for permittees that may not be necessary in all situations. For instance, many facilities with discharges subject to limits based on AWQS have stable discharges with consistent quality. Consequently, we recommend that language be added to the discharge baseline monitoring requirements to clarify that the frequency and duration of monitoring for discharges can be negotiated with ADEQ on a case-by-case basis. This would, in part, address the increased cost concern.

ADEQ Response 22:

ADEQ appreciates the comment. See generally, Final Rule R18-9-A215, subsection (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and/or frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 23: Interest Group

We support the recognition in the NPRM of the statutory language at A.R.S. § 49-223(G), which provides that monitoring or any other APP-related requirements cannot be imposed on pollutants with AWQS that are not likely to be present in a facility's discharge (see proposed R18-9-A215(E)). Although we support this aspect of the NPRM, some of the language in the proposal is not consistent with the statutory language in A.R.S. § 49-223(G).

ADEQ Response 23:

ADEQ appreciates the comment. See generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G).

Comment 24: Interest Group

The suggestion that ADEQ “may” waive monitoring in proposed R18-9-A215(B)(2) and (E), the requirement in proposed R18-9-A215(B)(2) and (C) that ADEQ “approve” submittals showing that a certain pollutant is not likely to be present in a facility's discharge, and the concept of a “successful” demonstration in proposed R18-9-A215(E) are not consistent with the statutory language in A.R.S. 49-223(G). The statutory language simply provides that ADEQ may impose APP monitoring requirements only for pollutants for which AWQS have been established that are likely to be present in a discharge. There is no requirement under the statute to obtain ADEQ's approval for such a demonstration or for the agency to decide whether or not to waive monitoring when presented with a demonstration or what demonstrations are “successful.” Accordingly, we request that any suggestion or requirement that a demonstration under A.R.S. § 49-223(G) must be approved, determined to be “successful”, or subject to administrative discretion be removed. Obviously, if ADEQ disagrees or has concerns with a particular demonstration it can raise its concerns with the submitter and request additional information.

ADEQ Response 24:

ADEQ appreciates the comment. See generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G). The final rule language allows the submission of a “not likely” demonstration itself to be sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Comment 25: Interest Group

The use of the term “active discharge” is confusing and it is not clear how the term relates to the statutory definition of “discharge” in A.R.S. § 49-201(12). We believe that the intent of the rule is to apply the baseline monitoring requirements to existing groundwater point of compliance monitoring locations or discharge monitoring locations specified in an existing individual permit for which monitoring has commenced. Also, the baseline monitoring

requirements should not apply to facilities that have been permitted but not yet constructed. Consequently, in lieu of referring to “active discharge, groundwater points of compliance, and/or other monitoring locations,” we recommend that the following phrase be used in R18-9-A215: “existing groundwater point of compliance monitoring locations, discharge monitoring locations, or other monitoring locations specified in the permit.” We also recommend that the phrase “and that have commenced monitoring pursuant to the permit” be added to R18-9-A215(C).

ADEQ Response 25:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C), (D) and (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations. Additionally, the final rule exempts from Baseline Monitoring permittees who have not begun permit-required, ongoing monitoring. This includes facilities that are permitted, but have yet to be constructed and other circumstances where ongoing monitoring is not occurring.

Comment 26: Interest Group

It is not clear what is meant by “limits based on AWQS” since different terms are used in A.A.C. R18-9-A205, namely alert levels, discharge limitations, and aquifer quality limits (“AQLs”). To eliminate this confusion, we request that the phrase “limits based on AWQS” be replaced with the phrase “alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205.” The NPRM inconsistently uses and intermingles the terms “baseline monitoring” and “baseline discharge and/or groundwater monitoring.” We request that a single term (i.e., “baseline monitoring”) be used to include both baseline groundwater and baseline discharge monitoring.

ADEQ Response 26:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “limits based on AWQS” with “alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205.” Additionally, the inconsistency in usage of “Baseline Monitoring” has been addressed in the final rule. As is suggested by the commenter, the single term, “Baseline Monitoring” is used throughout.

Comment 27: Interest Group

Because it may be difficult in some instances (such as with complex individual APPs) to initiate baseline monitoring or to prepare a demonstration under R18-9-A215(E) within three months after the effective date of new or adjusted AWQSs, we request that language be added to the rule to give permittees and ADEQ flexibility to reach agreements to extend the three month period for initiating baseline monitoring or for submitting a demonstration under R18-9-A215(E).

ADEQ Response 27:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Comment 28: Interest Group

To provide more clarity to permittees with respect to baseline monitoring, we believe that the general baseline monitoring subsections in R18-9-A215(C)(1) should be grouped upfront and then followed by the language that distinguishes between groundwater versus discharge monitoring. We recommend the following reorganization: move subsection (c) to (a); move subsection (f) to (c); move subsection (h) to (d); and then put subsections (d) and (g) at the end.

ADEQ Response 28:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E). Due to this comment and others submitted on the proposed rule language, ADEQ has reorganized the structure of the Baseline Monitoring Requirements as is recommended by the commenter above.

Comment 29: Interest Group

We request that the discharge monitoring section of the baseline monitoring section include the ability for permittees with discharges subject to limits based on AWQSs to negotiate a different frequency and duration of baseline monitoring on a permit-by-permit basis. This addition to the rule is critical to reduce unnecessary costs and burdens and to recognize that many discharges are stable and consistent in quality.

ADEQ Response 29:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the

requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Comment 30: Interest Group

We request that the language in this subsection should be removed. The language creates an unnecessary regulatory burden to report data that will eventually be submitted to ADEQ as part of the required baseline monitoring report. Current existing individual permits do not require intermittent reporting of ambient monitoring data. Rather, such data is submitted at the end of the required monitoring period. In addition, early submittal of such data ignores the technical reality that sufficient numbers of sampling events spread across an appropriate timeframe is required to establish an accurate baseline of either groundwater or effluent discharge. Early submittal of data before completing full baseline monitoring is therefore improper and could be used by ADEQ or others to support incorrect assertions regarding the state of groundwater or discharges at monitoring locations specified in the permit for new or adjusted AWQSS.

ADEQ Response 30:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed rule language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). Additionally, proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring’s representative scope is larger, including natural background concentration and sources, as well as, off-property sources of a constituent.

Comment 31: Interest Group

ADEQ appears to have added language to the specific groundwater monitoring and discharge monitoring sections that was not in prior stakeholder drafts of the implementation rule. This language appears to give ADEQ broad discretion to set limits in permits even before the full baseline monitoring period has concluded for certain reasons, including an exceedance of a new or adjusted AWQS or an increasing trend in the monitoring data. Arbitrarily cutting short the baseline monitoring period is not only inconsistent with the statutory process in A.R.S. 49-243(B)(2) and (3) but also creates permit implementation concerns and other problems. This language must be removed as it appears to disregard the intended purpose of the rule as represented by ADEQ.

A potential alternative to this language is to provide that the baseline monitoring period may be shortened or lengthened if the permittee so requests and ADEQ approves the request.

ADEQ Response 31:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring’s representative scope is larger, including natural background concentration and sources, as well as, off-property sources of a constituent.

Comment 32: Interest Group

Although this language makes collection of groundwater monitoring at up, cross, or down gradient wells discretionary, the language should be removed because it creates unexplained suggestions contrary to the statutory process for setting limits at applicable points of compliance in A.R.S. § 49-243(B)(3). For instance, although the rule explains where groundwater sampling should be conducted for purposes of baseline monitoring (i.e., at applicable point of compliance monitoring locations), this language in proposed (C)(1)(e) suggests that baseline monitoring can be conducted at other locations, which creates confusion.

ADEQ Response 32:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E). Due to comments submitted on this proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(1)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 33: Interest Group

The requirement to provide “a demonstration of the background concentrations of the pollutant at the facility’s site” to support a demonstration that a pollutant is not likely to be present in a facility’s discharge is counterintuitive and should be removed. The requirement appears to require background monitoring of groundwater or effluent when the purpose of the demonstration is to exempt a permittee from background or baseline monitoring. This requirement should be removed from the text of the rule.

In its place, we recommend inserting the following: “Process or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.”

ADEQ Response 33:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has endorsed the commenter’s suggested language in the final rule.

Comment 34: Interest Group

Proposed rule R18-9-A215(F) appears to give ADEQ broad authority to require facilities without discharge or groundwater monitoring locations in their existing individual APPs to mandate installation of groundwater monitoring wells or discharge monitoring when prior determinations were made that such monitoring was not required. This language should be removed or at least some type of reasonable criteria should be added to ensure that ADEQ only exercises the authority envisioned under the language when appropriate based on the presence of other relevant and reliable information.

ADEQ Response 34:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (I). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the language in the final rule to include a central criterion for when the Department may require permittees *without* ongoing monitoring specified in their individual permit to reasonably characterize their discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS. That criterion is “...if the Department has a reasonable basis to believe a pollutant with a new or adjusted AWQS is, or is likely to be, present in the facility’s discharge.” In preparation for this rulemaking, ADEQ scrutinized the individual permits and found that around 30 permits (out of approximately 500) do not have ongoing monitoring requirements. In most cases, this was specified in the permits due to the fact that the facilities released process water into sealed and contained, double-lined impoundments which can be assumed with reasonable certainty that no release or discharge from them can occur to the surrounding soils, vadose zone or aquifers under the approved design, construction and operation. With that said, and despite the fact that it is unlikely ADEQ would exercise this right, the Department wishes to retain the ability to require the reasonable characterization of such a facility’s discharge and/or groundwater quality in relation to a pollutant with a new or adjusted AWQS if the above criterion is present. This is because the determinations to not require discharge and/or groundwater monitoring during the original application review and permit issuance were made under a previous set of Aquifer Water Quality Standards. Given the new and adjusted AWQSs being added through this collective set of rulemakings to the previous set of AWQSs, the Department’s determinations concerning ongoing monitoring and other aspects of the permit may need to be re-evaluated as the factors relied upon in making those determinations have changed.

Comment 35: Industry

We support ADEQ’s apparent intent to incorporate new or adjusted AWQS into existing individual APPs consistent with the statutory language at A.R.S. § 49-243(B)(2) and (3) and the implementing regulatory language at A.A.C. R18-9-A205(C). For groundwater points of compliance (“POCs”), this approach calls for a determination of existing aquifer water quality at the POCs before aquifer quality limits are imposed in the permit. However, we request that this approach could be reflected more clearly in the proposed rule, and that some elements of the proposed rule are confusing and not fully consistent with the overall approach.

ADEQ Response 35:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language showing concern over whether the language is in accord with the governing statute at A.R.S. § 49-243(B)(2) and (3), ADEQ has

revised the rule language to make clear that it is in accord. For example, consider Final Rule R18-9-A215, subsection (G), which requires a permittee, after the conclusion of Baseline Monitoring, to submit an administratively complete application to amend their permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). The Baseline Monitoring Report shall be a component of the amendment application. Upon receipt, the Department shall review, process and determine whether a new or adjusted Alert Level, Discharge Limitation and/or AQL is required for a new or adjusted AWQS in accordance with R18-9-A205. Thereafter, the Department may incorporate, through a permit amendment, a new or adjusted Alert Level, Discharge Limitation and/or AQL for a new or adjusted AWQS in accordance with R18-9-A205. R18-9-A205(C) allows ADEQ to establish in individual permits an AQL that is higher than the corresponding AWQS in order to meet the criteria in A.R.S. § 49-243(B)(2) or (3).

Comment 36: Industry

ADEQ should not have to “approve” a demonstration under A.R.S. § 49-223(G) that a particular pollutant with a new or adjusted AWQS is not likely to be present in a discharge.

ADEQ Response 36:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to more closely align with the governing statute, A.R.S. § 49-223(G). The final rule language allows the submission of a “not likely” demonstration itself to be sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 37: Industry

ADEQ should have the flexibility to allow for different schedules for commencement of baseline monitoring or submission of demonstrations under A.R.S. § 49-223(G).

ADEQ Response 37:

ADEQ appreciates the comment. Due to this comment and others, ADEQ has revised the relevant rule language. Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Additionally, the rule language (*see* Final Rule, subsection (H)) for the “not likely” demonstration has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 38: Industry

ADEQ should not have the ability to cut short the baseline monitoring period unless the permittee concurs with this decision.

ADEQ Response 38:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (E) and (F). Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A). Additionally, proposed rule language allowing the Director to both shorten or lengthen the monitoring period if one or more events on a subsequent list occur has been revised to only allow the Director to lengthen if such an occurrence happens. The reasoning for this language adjustment is to require a full set of data be collected before characterization determinations are made (i.e. - “shorten” has been removed) and to retain an ability for the Director to lengthen the baseline monitoring period should the data collected not be usable or reliable for any appropriate reason. However, the original usage of the word “shorten” in the proposed language reflects the concern that data may come to light of a significant AWQS exceedance well before the end of the monitoring period and no notice to the Department would be made despite the potential degradation to public health and the environment. To address this concern, language has been added to Final Rule, subsection (E)(6) as follows, “[i]f a permittee conducting Baseline Discharge Monitoring collects a sample that is at or above a new or adjusted AWQS, the permittee shall notify ADEQ within five (5) days of becoming aware.” This language has been added to the final rule for Baseline Discharge Monitoring and not Baseline Groundwater Monitoring as discharge monitoring shows the immediate discharge of a facility; whereas, groundwater point of compliance monitoring’s representative scope is larger, including natural

background concentration and sources, as well as, off-property sources of a constituent.

Comment 39: Industry

Permittees should not have to submit baseline monitoring data during the monitoring period, but instead only at the end of that period as part of the baseline monitoring report (note that periodic monitoring for some pollutants covered in the new proposals, such as arsenic, will be occurring under existing permits, and that data will be promptly reported to ADEQ under those permits).

ADEQ Response 39:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 40: Industry

A.A.C. R18-9-A215(C)(1) would benefit from reorganization to improve clarity.

ADEQ Response 40:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E). Due to this comment and others submitted on the proposed rule language, ADEQ has reorganized the structure of the Baseline Monitoring Requirements.

Comment 41: Industry

References to monitoring at up, down or cross gradient wells, even if such monitoring is not mandatory, create confusion and should be eliminated.

ADEQ Response 41:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has eliminated the proposed subsection R18-9-A215(C)(l)(e) which read, “[b]aseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.” The Final Rule, at subsection (E)(1), reads, “Baseline Monitoring Requirements [1] Baseline monitoring shall occur at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205.” However, the final rule also provides, in the Baseline Monitoring Report subsection, that a permittee may include additional information in the report for any reason, which may include data from up, cross or down gradient wells in relation to the facility.

Comment 42: Industry

The criteria for making a demonstration under A.R.S. § 49-223(G) should be modified.

ADEQ Response 42:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration language. Final Rule R18-9-A215, subsection (H) reads, “[a] pollutant with a new or adjusted AWQS shall be removed from the scope of Baseline Monitoring upon a demonstration that the pollutant is not likely to be present in a facility’s discharge. The Department may require a permittee to begin Baseline Monitoring for a pollutant with a new or adjusted AWQS after review of the demonstration if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Demonstrations may include, but are not limited to: (1) [a] characterization of the facility’s discharge in relation to the pollutant with a new or adjusted AWQS; (2) [p]ast monitoring and sampling data at the facility and the facility’s site; or (3) [p]rocess or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.” This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration. This new language and non-exhaustive list on how demonstrations may be made serves to show some of the methods a permittee might use in making a demonstration. It should be noted that the submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 43: Utility

While we support the agency’s goal of ensuring environmental protection, we believe the proposed measures will lead to significant operational challenges and unintended consequences for regulated facilities, other stakeholders, and analytical laboratories.

ADEQ Response 43:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D), (E) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule language for proposed R18-9-A215, specifically addressing stakeholder concerns pertaining to operational challenges, unintended consequences for regulated facilities and analytical laboratory considerations. Concerning operational challenges, the Department notes that subsections (D) and (H) address many of the concerns stakeholders have cited on this topic. For example, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline

Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H).

Final Rule, subsection (E)(4) addresses approved sampling methods for new or adjusted AWQS. ADEQ has notified the Arizona Department of Health Services (ADHS) of the proposed establishment of Bromate, Chlorite, Haloacetic acids and Uranium as new Aquifer Water Quality Standards (AWQSs). ADEQ agrees that at the time of this rulemaking, there are no ADHS - approved wastewater methods for Bromate, Chlorite nor Haloacetic acids. However, the final rule accounts for this situation with the following language, “[s]ampling shall be conducted using an [ADHS] approved method for each pollutant with a newly established or adjusted [Aquifer Water Quality Standard] AWQSs, if available. If an [ADHS] approved method for a pollutant with a newly established or adjusted AWQSs does not exist, sampling shall be conducted using an EPA approved method or a method specified by the Director.” For example, EPA Method 300.1 is an appropriate method for chlorite and bromite baseline monitoring in drinking water and groundwater. Additionally, Standard Methods 6251 for Haloacetic acids (HAAs) is an appropriate method for determining the concentration of HAAs in water and wastewater. Please find a table in Heading No. 7, subheading “Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 44: Utility

Monthly Discharge Sampling Frequency. The requirement for monthly discharge sampling is excessively burdensome, especially for facilities with consistent, stable discharge characteristics. In cases where there are no significant operational or process changes, the value of frequent sampling is minimal and does not justify the associated costs or effort. Less frequent sampling, such as semiannually, would provide sufficient data for regulatory oversight while reducing undue strain on facilities and laboratories and control the potential for undue costs to be passed on to utility customers. Recommendation: Adopt a tiered or site-specific sampling frequency that reflects discharge stability and operational changes rather than imposing a uniform monthly requirement.

ADEQ Response 44:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 45: Utility

Challenges with Empty Impoundments. Another area of concern involves the treatment of impoundments that are routinely kept in an empty state (e.g., stormwater ponds). Facilities often face significant challenges in addressing these structures due to the practical inability to collect samples when no water is present. This limitation could lead to delays in site characterization or, worse, unintentional noncompliance if the agency does not approve a facility’s demonstration that specific pollutants are absent from its discharge. Providing clearer guidance and flexibility in demonstrating pollutant absence is essential to prevent unnecessary compliance risks and operational disruptions. Recommendation: Provide guidance for addressing empty impoundments that ensures compliance while recognizing the practical limitations of sampling under such conditions.

ADEQ Response 45:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Furthermore, a request for an alternative baseline monitoring timeframe, duration and frequency could leverage or include in a proposal a similar approach to that specified in the individual APP “Technical Requirements” rule, specifically R18-9-A202(A)(4), R18-9-A202(A)(8)(B)(vi), etcetera.

Comment 46: Utility

Substantial Increase in Costs, Personnel, and Backlog. The proposed rule changes will result in a substantial increase in costs at the site level and resource demands for analytical laboratories. The heightened sampling and analytical requirements will necessitate additional personnel, equipment, and infrastructure to manage the increased workload. Due to other routine job functions, on site personnel do not have the bandwidth to address the increased sampling and this task will require hiring additional contractors at an increased cost. Smaller facilities, in particular, may struggle to comply due to limited budgets and resources, leading to potential backlogs and delays in meeting regulatory deadlines.

ADEQ Response 46:

ADEQ appreciates the comment. While ADEQ acknowledges that the Final Rule at R18-9-A215 will result in a cost increase for applicable permittees and a resource demand for analytical laboratories, the Department believes this rule language and its structure represent the least burdensome orientation necessary to properly implement new or adjusted AWQs into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

In preparation for this rulemaking, ADEQ estimated that the analytical laboratory fees would cost \$4,500 for 8 monitoring events for all seven (7) of the new or adjusted AWQs at one monitoring location. The monitoring equipment could cost around \$1,500 which includes rental for a water quality meter and a depth to groundwater level sounder, plus purchase of consumable products such as deionized water, conductivity and pH calibration solutions, and nitrile sampling gloves. The employee labor costs were estimated at \$35 per hour and each monitoring event would require 4 hours of sampling equipment preparation, 12 hours for sample collection and lab delivery, and 4 hours to review the laboratory analytical results. This was estimated to cost \$5,600 for all 8 monitoring events. Then, ADEQ estimated the employee labor costs for preparing the baseline monitoring report with a request to establish Alert Levels and Aquifer Quality Limits for all 7 parameters. This effort included a draft report, internal review, final report edits, and submission to ADEQ. The employee effort for the baseline monitoring report was estimated at \$3,400. Altogether the cost estimate includes: \$4,500 lab + \$1,500 equipment + \$5,600 employee labor for sampling + \$3,400 employee labor for baseline monitoring report for a total of \$15,000.

Additionally, due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see* generally, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, "...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein." While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a "not likely" demonstration pursuant to subsection (H). Additionally, the rule language for the "not likely" demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a "not likely" demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge.

Comment 47: Utility

Submittal of Baseline Discharge and Groundwater Monitoring Data Throughout Monitoring Period. Given the objective of characterizing discharges and associated impacts, submittal of incomplete/partial data throughout the monitoring period is unwarranted, burdensome, and does not contribute to regulatory compliance. The data set as a whole will be presented in the Baseline Monitoring Report where it can be properly evaluated, and conclusions supported.

ADEQ Response 47:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed subsection language, ADEQ has determined that reporting of Baseline Monitoring will not be required throughout the baseline monitoring period(s). Therefore this proposed rule language has been removed from the final rule. However, the development of a Baseline Monitoring Report within three months of receipt of the last sample result remains a requirement, along with subsequent submittal of an administratively complete application to amend the permit to reflect a new or adjusted AWQS in accordance with the amendment schedule described in Final Rule R18-9-A215, subsection (A).

Comment 48: Utility

Consider developing clear, streamlined procedures for facilities to demonstrate the absence of pollutants without requiring extensive sampling or lengthy approval processes.

ADEQ Response 48:

Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see* generally, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, "...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein." While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS

automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge.

Comment 49: Utility

We appreciate the agency’s commitment to stakeholder engagement and urge you to carefully weigh the potential impacts of these proposals on the regulated community. By incorporating greater flexibility and clarity into the rulemaking process, the agency can achieve its regulatory objectives without imposing undue burdens.

ADEQ Response 49:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to be more flexible and clear while still achieving regulatory objectives in an orientation that the Department believes is the least burdensome necessary to properly implement new or adjusted AWQS into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

Comment 50: Local Government / Utility

Due to the number of APP permitted facilities operated by us and thereby the number of compliance monitoring locations, we are concerned that section R18-9-A215(C) will require us to begin baseline monitoring for routine discharge and groundwater within 3 months from the effective date of new or adjusted AWQS. This will also be a requirement each time that ADEQ releases new or adjusted AWQS in the future. Due to the extra burden this will place on our already tight budget, we request that ADEQ modify this timeline to allow for the baseline monitoring for a given permit to begin within 18 months from the effective date of new or adjusted AWQS. This would allow entities with many permits to begin baseline monitoring for one permit at a later date than another permit, and across several budget years.

This modification will not interfere with ADEQ's requirement to have all permit holders submit an administratively complete amendment application no later than four years after the effective date as proposed in R18-9-A215(B). Because the baseline monitoring will take 24 months of sampling, even a permit holder who begins baseline monitoring at the very end of our proposed 18 months would be able to complete the baseline monitoring at 42 months. In the given example, this permit holder would complete their monitoring with 6 months until the application deadline. Extending this time line is a justified request, and will allow entities with many permits to balance their baseline monitoring efforts across the four year implementation instead of starting baseline monitoring for all permits within the first 3 months.

ADEQ Response 50:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for flexibility purposes, allowing for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency (*see* generally, Final Rule R18-9-A215, subsections (D) and (H)). Final Rule, subsection (D) reads as follows, “[...]permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. While ADEQ acknowledges that the Final Rule at R18-9-A215 (including the changes described above) will result in a cost increase at facilities, the Department believes this rule represents the least burdensome orientation necessary to properly implement new or adjusted AWQSs into (potentially) 500 individual permits (*see* statutory mandate at A.R.S. § 49-223).

Comment 51: Interest Group

Concerns About Timelines and Exemptions. ADEQ’s proposed timelines for compliance - up to four years - are excessive, given that many federal standards have been in place for decades. Additionally, provisions allowing exemptions under R18-9-A215 undermine the effectiveness of these standards. We recommend that ADEQ:

- Reduce compliance timelines to no more than two years.
- Eliminate exemptions that weaken the protective intent of AWQS.
- Conduct immediate reviews of high-risk facilities, prioritizing those with documented violations.

ADEQ Response 51:

ADEQ appreciates the comment. ADEQ followed the lead of EPA in allowing individually permitted facilities a reasonable number of years to come into compliance with new water quality standards (*see* 89 *Federal Register* 32533).

In EPA's Final Rule for the new PFAS MCLs (effective 6/25/24) under the Safe Drinking Water Act (SDWA) regulating Public Water Systems (PWSs) the following timeline for compliance is laid out, including conducting monitoring within approximately 3 years of the effective date and installation of any necessary capital improvements in order to come into compliance within approximately 5 years of the effective date,

Consistent with the timelines set out under [Safe Drinking Water Act] SDWA, [Public Water Systems] PWSs are required to conduct their initial monitoring by April 26, 2027, and to conduct [Public Notice] PN and include PFAS information in the [Consumer Confidence Reports] CCR. After carefully considering public comment, the EPA is extending the compliance deadline for all systems nationwide to meet the MCL to allow additional time for capital improvements. As such, PWSs are required to make any necessary capital improvements and comply with the PFAS MCLs by April 26, 2029 [89 FR 32533].

The only exemption present in the final rule at R18-9-A215 is for a “not likely” demonstration (*see* Final Rule, subsection (H)). This exemption is mandated by Arizona statute at A.R.S. § 49-223(G). The Department is considering a risk-based priority in the development of an amendment schedule pursuant to Final Rule subsection (A). ADEQ believes the structure of this rule properly balances the agency’s mission of protecting public health and the environment with a reasonable time frame for compliance for the regulated community.

Comment 52: Interest Group

Environmental Justice Considerations. We are concerned that the draft rule does not adequately address environmental justice impacts. Communities near high-risk facilities, such as the Havasupai Tribe near the Pinyon Plain Mine, face disproportionate risks of groundwater contamination. ADEQ must incorporate environmental justice analyses and engage directly with impacted communities, particularly Tribal nations, to ensure equitable protections.

ADEQ Response 52:

ADEQ appreciates the comment. Concerning Environmental Justice (EJ), in the case of this rulemaking, A.R.S. § 49-223 mandates that ADEQ open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency’s (EPA’s) establishment of new or adjusted MCLs. Through the Aquifer Protection Program (APP), the AWQSs apply to facilities discharging regulated pollutants to the ground in all Arizona lands under state jurisdiction. No special application of the standards exists beyond the specifics of the individual APP permits themselves. Besides the ability of the Department to establish an alternative AWQS upon receipt of “substantial opposition” from stakeholders, the AWQS statutory mandate from the Department is clear and simple.

ADEQ carefully considered and took actions to ensure both fair treatment and meaningful involvement as part of the AWQS rulemaking. All stakeholders, including communities near high-risk facilities, tribes and other interested parties were welcome to participate in ADEQ’s extensive public participation process for this rulemaking. As part of this process, ADEQ held a 30 day public comment period in accordance with A.R.S. 41-1023(B), as well as, held nine formal stakeholder events over the course of over 2 years (9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25). With respect to tribal outreach, ADEQ Leadership presented a rulemaking briefing on the AWQS rulemaking at the Intertribal Council of Arizona (ITCA) - Tribal Leaders’ Water Policy Council Meeting on 8/23/23 (the Havasupai Tribe is a member of ITCA). Additionally, the Department held dedicated Tribal Listening Sessions throughout the development of the rule; specifically on 9/11/23, 12/12/23 and 11/20/24. ADEQ has for years aimed to meet the requirements in statute for tribal relation responsibilities pursuant to A.R.S. § 41-2051(C). ADEQ believes the terms in the current tribal consultation and collaboration policy were followed while conducting this rulemaking. The policy can be reviewed here: https://static.azdeq.gov/policy/ADEQ_Tribal_Policy.pdf.

Comment 53: Utility

We encourage ADEQ to consider the timing of the process by which a regulated entity subject to R18-9-A215 would make a demonstration pursuant to R18-9-A215(E). As written, APP permittees subject to the rule must initiate Baseline Monitoring within three months of the effective date of a new or adjusted AWQS unless a demonstration is made pursuant to R18-9-A215(E). It is unclear exactly what this demonstration must entail, and it is likely that permittees will seek a pre-demonstration meeting with ADEQ to better understand the requirements. Three months does not leave sufficient time to compile a demonstration and obtain approval from ADEQ – particularly if there are multiple entities seeking to make similar demonstrations.

ADEQ Response 53:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D) and (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove

the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility's discharge. Also, the Department has plans to release an amendment schedule pursuant to Final Rule R18-9-A215(A), and other guidance on Baseline Monitoring and the "not likely" demonstration, pursuant to Final Rule R18-9-A215(H).

Comment 54: Utility

It is less clear how the Proposed Rule would be applied to complex permits. A Baseline Monitoring plan will likely need to be tailored to capture relevant information that ADEQ seeks. It may not be relevant or necessary to conduct Baseline Monitoring at all groundwater points of compliance, discharge monitoring locations, and/or other monitoring locations identified in a complex APP. ADEQ should provide a process for complex permits to develop a Baseline Monitoring plan in consultation with ADEQ.

ADEQ Response 54:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule for clarity. The Department believes the Final Rule at R18-9-A215 delineates the requirements of Baseline Monitoring at subsection (E), while also providing sufficient and functional rule language for Baseline Monitoring timing and applicability at subsection (C), an opportunity for submission of a request for an alternative Baseline Monitoring timeframe, duration and/or frequency at subsection (D) and the Baseline Monitoring report requirements at subsection (G). The Department notes that Final Rule R18-9-A215(E) specifies which monitoring locations are required for baseline monitoring, limiting the scope to "...permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205." The addition of Final Rule R18-9-A215, subsection (D), allows for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency, "...[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein."

Comment 55: Utility

Usage of the Terms "Active Discharge" and "Limits Based on AWQS". We recommend that ADEQ remove the term "active discharge" from the Proposed Rule. The term "active discharge" is undefined and differs from the definition of discharge in A.R.S. § 49-201(12), leading to confusion. Instead of referring to "active discharge, groundwater points of compliance and/or other monitoring locations" in R18-9-A215, we recommend that ADEQ refer to "groundwater points of compliance, discharge monitoring locations, or other monitoring locations specified in the permit."

ADEQ Response 55:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced "active" with "permit-required". The new term's usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.

Comment 56: Utility

It is not clear what is meant by "limits based on AWQS." We recommend that ADEQ utilize the terms from R18-9-A205 and replace the language "limits based on AWQS" with "alert levels, discharge limitations or AQLs based on AWQS pursuant to R18-9-A205."

ADEQ Response 56:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced "limits based on AWQS" with "alert levels, discharge limitations or AQLs based on AWQSs pursuant to R18-9-A205".

Comment 57: Utility

Definition of "Baseline Monitoring". The Proposed Rule is inconsistent in its use of the terms Baseline Monitoring, Baseline Discharge and/or Groundwater Monitoring. We believe that Baseline Monitoring should be a defined term meant to encompass baseline groundwater monitoring and baseline discharge and/or other monitoring locations.

ADEQ Response 57:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215. Due to this comment and others submitted on the proposed rule language, ADEQ has made its usage of the term "Baseline Monitoring" more consistent in the final rule. ADEQ does not believe the term "Baseline Monitoring" needs to be defined for the purposes of final rule as the term inherently describes its function for the purpose of developing data to be used to appropriately implement new or adjusted AWQS into the applicable, issued individual permits.

Comment 58: Utility

Waivers and Demonstrations of Constituents Not Likely to be Present. A demonstration that a pollutant is not likely to be present in a facility's discharge, per proposed rule subsection (E), provides only examples where monitoring has already occurred and submitted as evidence. We suggest adding language to allow for operational or design practices to demonstrate that pollutants with new or adjusted AWQS are not likely to be present. For example, if a facility does not utilize disinfection products, a facility should not be required to have data establishing the absence of disinfection byproducts.

ADEQ Response 58:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (H). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the “not likely” demonstration rule language to more closely reflect A.R.S. § 49-223(G). Additionally, the revised rule makes more clear that the submission of a demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Also, the final rule language allows demonstrations to include, but to not be limited to, (1) a characterization of the facility’s discharge in relation to the pollutant with a new or adjusted AWQS, (2) past monitoring and sampling data at the facility and the facility’s site; or (3) process or other information demonstrating that the pollutant is not used or generated at the site or is otherwise not likely to be present in discharges at the site.

Comment 59: Utility

Monitoring Timeline. Proposed rule R18-9-A215(B)(2) requires monitoring to begin “within three months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department.” As noted above, three months is an insufficient amount of time for a facility to make, and for ADEQ to approve, a demonstration. In addition, regulated entities should not be required to conduct baseline sampling while waiting for ADEQ to review and make a decision regarding a demonstration. Consistent with its comments above, we suggest the following revision:

R18-9-A215(C) - *Persons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS with ~~active discharge, groundwater points of compliance, discharge monitoring locations and/or other monitoring locations specified in the permit that are subject to limits alert levels, discharge limitations, or AQLs based on AWQS pursuant to R18-9-A205~~ shall begin Baseline Discharge and/or Groundwater Monitoring for all new or adjusted AWQS or submit a demonstration pursuant to subsection (E) to the Department within three months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department.*

ADEQ Response 59:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (C) and (D). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule to allow for a submittal to be sent to the Department requesting an alternative baseline monitoring timeframe, duration and frequency. Final Rule, subsection (D) reads as follows, “[p]ermittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.” While this language does not alter the requirement to begin Baseline Monitoring within three months of the effective date of a new or adjusted AWQS automatically, it does allow for an alternative timeframe request to be submitted to the Department within three months. Such a request could include the adjustment of when to begin Baseline Monitoring, which would, in turn, allow a permittee more time to conduct and submit a “not likely” demonstration pursuant to subsection (H). Additionally, the rule language for the “not likely” demonstration pursuant to Final Rule, subsection (H), has been updated to more closely reflect A.R.S. § 49-223(G). The submission of a “not likely” demonstration itself is sufficient for a permittee to remove the pollutant with a new or adjusted AWQS from the scope of Baseline Monitoring. However, upon review of the demonstration, the Department may require a permittee to commence Baseline Monitoring for the pollutant if the Department has a reasonable basis to believe the pollutant is, or is likely to be, present in the facility’s discharge. Additionally, at Final Rule, R18-9-A215, subsection (E)(1), ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations. Also, at Final Rule R18-9-A215, subsection (E)(1), ADEQ has replaced “limits based on AWQS” with “alert levels, discharge limitations or AQLs pursuant to R18-9-A205”.

Comment 60: Utility

Clarification of Sample Collection Requirements. We request that ADEQ improve the clarity of the Baseline Monitoring sampling requirement by specifying whether samples should be discrete or “grab” samples, or composite samples.

ADEQ Response 60:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(2). Similarly to the applicability of Baseline Monitoring on individual APP permittees in subsection (C), the type of sampling (when it comes to discrete or grab or composite) expected when conducting Baseline Monitoring remains the same as the original permit’s routine discharge or groundwater monitoring sampling requirements, pursuant to R18-9-A206.

Comment 61: Utility

Clarification is necessary on the Baseline Monitoring Report submittal as to when a permit that has both discharge and groundwater monitoring specified in the permit should submit the report. Provided that the baseline report is to be submitted within three months following the last sample collection and that the discharge and monitoring well points are on different monitoring schedules, clarification is necessary as to whether separate baseline reports are required or a baseline report including both.

ADEQ Response 61:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed rule language, ADEQ has revised the relevant language. Final Rule, subsection (F)(2) states, “[p]ermittees subject to both Groundwater and Discharge Baseline Monitoring may develop a combined, comprehensive Baseline Monitoring Report within three months of receipt of the last sample result.” Additionally, Final Rule, subsection (G) requires, “[a]fter the conclusion of Baseline Monitoring, a permittee shall submit an administratively complete application to amend their permit to reflect a

new or adjusted AWQS in accordance with the amendment schedule described in subsection (A). The Baseline Monitoring Report shall be a component of the amendment application...” Also, concerning flexibility, Final Rule subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 62: Utility

Clarification is necessary if analytes can be excluded or not from Baseline Monitoring if the compound is already on the permit and significant historical data sets already exist. For example, Arsenic and *E. coli* are already listed in our permits for both discharge and groundwater monitoring, with significant historical data sets in existence.

ADEQ Response 62:

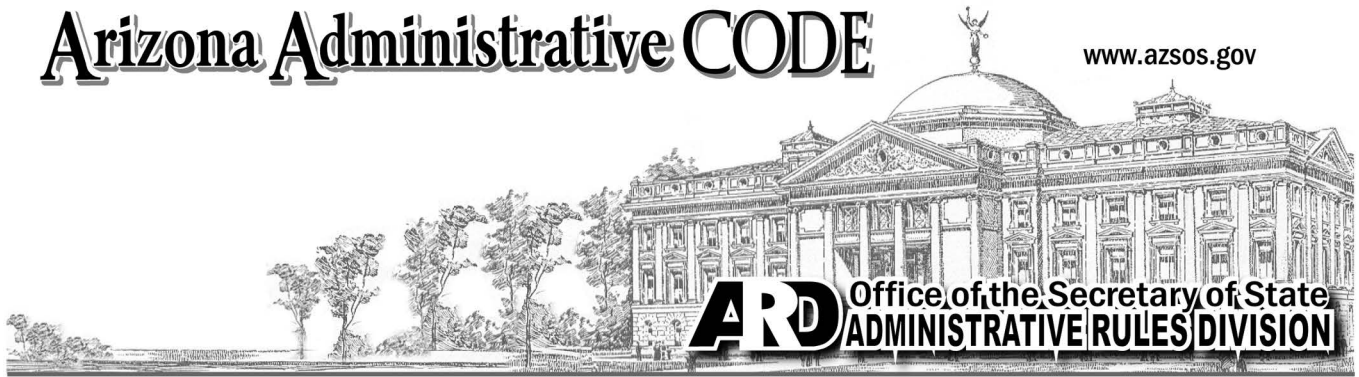
ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsections (D), (E) and (F). Due to this comment and others submitted on the proposed rule language, ADEQ has revised the final rule. Final Rule, subsection (E)(3) allows, “[p]ermittees that have collected relevant samples prior to the Baseline Monitoring period at permit-required groundwater point of compliance, discharge or other monitoring locations subject to alert levels, discharge limitations or AQLs pursuant to R18-9-A205, may use that data to develop the Baseline Monitoring Report. Previously collected data may be used to shorten or eliminate a Baseline Monitoring period if all data components are (a) [m]ethodologically sound, (b) [r]epresent a complete data set per the applicable requirements of Baseline Monitoring, and (c) [m]eets other applicable requirements of Baseline Monitoring.” Additionally, Final Rule, subsection (F)(1) states, “[a]t the conclusion of Baseline Monitoring, or upon the compilation of a complete and representative data set pursuant to subsection (E)(3) above, permittees shall develop a Baseline Monitoring Report within three months of receipt of the last sample result.” Also, concerning flexibility, Final Rule, subsection (D) states, “Alternative Baseline Monitoring Timeframe, Duration and Frequency. Permittees subject to Baseline Monitoring may submit a request to conduct Baseline Monitoring under an alternative timeframe, monitoring duration and sampling frequency within three months of a new or adjusted AWQS effective date with reasonable cause for the request included therein.”

Comment 63: Utility

Proposed Rule R18-9-A215(F) - The term "active discharge" is used. Please refer to the comment above under R18-9-A215(C)(1)(c).

ADEQ Response 63:

ADEQ appreciates the comment. *See* generally, Final Rule R18-9-A215, subsection (E)(1). Due to this comment and others submitted on the proposed rule language, ADEQ has replaced “active” with “permit-required”. The new term’s usage eliminates ambiguity and makes it patently clear that baseline monitoring requirements are meant to occur at the permit-required compliance monitoring locations.



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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER POLLUTION CONTROL

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of October 1, 2023 through December 31, 2023

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 23-4 replaces Supp. 23-2, 1-180 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER POLLUTION CONTROL

Authority: A.R.S. §§ 49-203(A)(2), 49-203(A)(6), 49-203(A)(9), 49-104(C)(1)

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Article 4, consisting of Sections R9-20-401 through R9-20-407, adopted effective May 24, 1985.

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Article 3, consisting of Sections R9-8-311 through R9-8-361, renumbered as Article 8, Sections R18-9-801 through R18-9-819 (Supp. 87-3).

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Editor's Note: The recodification at 7 A.A.R. 2522 described below erroneously moved Sections into 18 A.A.C. 9, Article 9. Those Sections were actually recodified to 18 A.A.C. 9, Article 10. See the Historical Notes for more information (Supp. 01-4).

Article 9, consisting of Sections R18-9-901 through R18-9-914 and Appendix A, recodified from 18 A.A.C. 13, Article 15 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2).

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER POLLUTION CONTROL

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS**R18-9-101. Definitions**

In addition to the definitions established in A.R.S. § 49-201, the following terms apply to Articles 1, 2, 3, and 4 of this Chapter:

1. "Aggregate" means a clean graded hard rock, volcanic rock, or gravel of uniform size, between 3/4 inch and 2 1/2 inches in diameter, offering 30 percent or more void space, washed or prepared to be free of fine materials that will impair absorption surface performance, and has a hardness value of three or greater on the Moh's Scale of Hardness (can scratch a copper penny).
2. "Alert level" means a value or criterion established in an individual permit that serves as an early warning indicating a potential violation of a permit condition related to BADCT or the discharge of a pollutant to groundwater.
3. "AQL" means an aquifer quality limit and is a permit limitation set for aquifer water quality measured at the point of compliance that either represents an Aquifer Water Quality Standard or, if an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance, represents the ambient water quality for that pollutant.
4. "Aquifer Protection Permit" means an individual permit or a general permit issued under A.R.S. §§ 49-203, 49-241 through 49-252, and Articles 1, 2, and 3 of this Chapter.
5. "Aquifer Water Quality Standard" means a standard established under A.R.S. §§ 49-221 and 49-223.
6. "AZPDES" means the Arizona Pollutant Discharge Elimination System, which is the state program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment and biosolids requirements under A.R.S. Title 49, Chapter 2, Article 3.1 and 18 A.A.C. 9, Articles 9 and 10.
7. "BADCT" means the best available demonstrated control technology, process, operating method, or other alternative to achieve the greatest degree of discharge reduction determined for a facility by the Director under A.R.S. § 49-243.
8. "Bedroom" means, for the purpose of determining design flow for an on-site wastewater treatment facility for a dwelling, any room that has:
 - a. A floor space of at least 70 square feet in area, excluding closets;
 - b. A ceiling height of at least 7 feet;
 - c. Electrical service and ventilation;
 - d. A closet or an area where a closet could be constructed;
 - e. At least one window capable of being opened and used for emergency egress; and
 - f. A method of entry and exit to the room that allows the room to be considered distinct from other rooms in the dwelling and to afford a level of privacy customarily expected for such a room.
9. "Book net worth" means the net difference between total assets and total liabilities.
10. "CCR" means coal combustion residuals which include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.
11. "CCR landfill" means an area of land or an excavation that receives CCR and which is not a municipal solid waste landfill, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. A CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of beneficial use of CCR.
12. "CCR surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.
13. "CCR unit" means any CCR landfill which receives CCR, any CCR surface impoundment designed to hold an accumulation of CCR and liquids, and the unit treats, stores or disposes of CCR. CCR unit includes a lateral expansion of a CCR unit, or a combination of more than one of these units that receives CCR.
14. "Cesspool" means a pit, collection structure, or subsurface fluid distribution system, which may or may not be partially lined, that receives discharged sewage. A cesspool is not an on-site wastewater treatment facility, such as a septic tank, vault, or other structure permitted under Article 3 of this Chapter.
15. "Chamber technology" means a method for dispersing treated wastewater into soil from an on-site wastewater treatment facility by one or more manufactured leaching chambers with an open bottom and louvered, load-bearing sidewalls that substitute for an aggregate-filled trench described in R18-9-E302.
16. "CMOM Plan" means a Capacity, Management, Operations, and Maintenance Plan, which is a written plan that describes the activities a permittee will engage in and actions a permittee will take to ensure that the capacity of the sewage collection system, when unobstructed, is sufficient to convey the peak wet weather flow through each reach of sewer, and provides for the management, operation, and maintenance of the permittee's sewage collection system.
17. "Design capacity" means the volume of a containment feature at a discharging facility that accommodates all permitted flows and meets all Aquifer Protection Permit conditions, including allowances for appropriate peaking and safety factors to ensure sustained, reliable operation.
18. "Design flow" means the daily flow rate a facility is designed to accommodate on a sustained basis while satisfying all Aquifer Protection Permit discharge limitations and treatment and operational requirements. The design flow either incorporates or is used with appropriate peaking and safety factors to ensure sustained, reliable operation.
19. "Direct reuse site" means an area where reclaimed water is applied or impounded.
20. "Disposal works" means the system for disposing treated wastewater generated by the treatment works of a sewage treatment facility or on-site wastewater treatment facility, by surface or subsurface methods. Disposal works do not include systems for activities regulated under 18 A.A.C. 9, Article 7.
21. "Drywell" means a well which is a bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. Drywells do not include class 1, class 2, class 3 or class 4 injection wells as defined by the

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- Federal Underground Injection Control Program (P.L. 93-523, part C), as amended. A.R.S. § 49-331(3)*
22. "Dwelling" means any building, structure, or improvement intended for residential use or related activity, including a house, an apartment unit, a condominium unit, a townhouse, or a mobile or manufactured home that has been constructed or will be constructed on real property.
 23. "Final permit determination" means a written notification to the applicant of the Director's final decision whether to issue or deny an Individual Aquifer Protection Permit.
 24. "Gray water" means wastewater that has been collected separately from a sewage flow and that originates from a clothes washer or a bathroom tub, shower or sink but that does not include wastewater from a kitchen sink, dishwasher or toilet. A.R.S. § 49-201(20).
 25. "Groundwater Quality Protection Permit" means a permit issued by the Arizona Department of Health Services or the Department before September 27, 1989 that regulates the discharge of pollutants that may affect groundwater.
 26. "Homeowner's association" means a nonprofit corporation or unincorporated association of owners created pursuant to a declaration to own and operate portions of a planned community and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.
 27. "Injection well" means a well that receives a discharge through pressure injection or gravity flow.
 28. "Intermediate stockpile" means in-process material not intended for long-term storage that is in transit from one process to another at a mining site. Intermediate stockpile does not include metallic ore concentrate stockpiles or feedstocks not originating at the mining site.
 29. "Land treatment facility" means an operation designed to treat and improve the quality of waste, wastewater, or both, by placement wholly or in part on the land surface to perform part or all of the treatment. A land treatment facility includes a facility that performs biosolids drying, processing, or composting, but not land application performed in compliance with 18 A.A.C. 9, Article 10.
 30. "Mining site" means a site assigned one or more of the following primary Standard Industrial Classification Codes: 10, 12, 14, 32, and 33, and includes noncontiguous properties owned or operated by the same person and connected by a right-of-way controlled by that person to which the public is not allowed access.
 31. "Nitrogen Management Area" means an area designated by the Director for which the Director prescribes measures on an area-wide basis to control sources of nitrogen, including cumulative discharges from on-site wastewater treatment facilities, that threaten to cause or have caused an exceedance of the Aquifer Water Quality Standard for nitrate.
 32. "Notice of Disposal" means a document submitted to the Arizona Department of Health Services or the Department before September 27, 1989, giving notification of a pollutant discharge that may affect groundwater.
 33. "On-site wastewater treatment facility" means a conventional septic tank system or alternative system that is installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site. A.R.S. § 49-201(29). An on-site wastewater treatment facility does not include a pre-fabricated, manufactured treatment works that typically uses an activated sludge unit process and has a design flow of 3000 gallons per day or more.
 34. "Operational life" means the designed or planned period during which a facility remains operational while being subject to permit conditions, including closure requirements. Operational life does not include post-closure activities.
 35. "Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. A.R.S. § 49-201(33). For the purposes of permitting a sewage treatment facility under Article 2 of this Chapter, person does not include a homeowner's association.
 36. "Pilot project" means a short-term, limited-scale test designed to gain information regarding site conditions, project feasibility, or application of a new technology.
 37. "Process solution" means a pregnant leach solution, barren solution, raffinate, or other solution uniquely associated with the mining or metals recovery process.
 38. "Residential soil remediation level" means the applicable predetermined standard established in 18 A.A.C. 7, Article 2, Appendix A.
 39. "Seasonal high water table" means the free surface representing the highest point of groundwater rise within an aquifer due to seasonal water table changes over the course of a year.
 40. "Setback" means a minimum horizontal distance maintained between a feature of a discharging facility and a potential point of impact.
 41. "Sewage" means untreated wastes from toilets, baths, sinks, lavatories, laundries, other plumbing fixtures, and waste pumped from septic tanks in places of human habitation, employment, or recreation. Sewage does not include gray water as defined in A.R.S. § 49-201(20), if the gray water is reused according to 18 A.A.C. 9, Article 7.
 42. "Sewage collection system" means a system of pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devices, and appurtenances that collect, contain, and convey sewage from its sources to the entry of a sewage treatment facility or on-site wastewater treatment facility serving sources other than a single-family dwelling.
 43. "Sewage treatment facility" means a plant or system for sewage treatment and disposal, except for an on-site wastewater treatment facility, that consists of treatment works, disposal works and appurtenant pipelines, conduits, pumping stations, and related subsystems and devices. A sewage treatment facility does not include components of the sewage collection system or the reclaimed water distribution system.
 44. "Surface impoundment" means a pit, pond, or lagoon with a surface dimension equal to or greater than its depth, and used for the storage, holding, settling, treatment, or discharge of liquid pollutants or pollutants containing free liquids.
 45. "Tracer" means a substance, such as a dye or other chemical, used to change the characteristic of water or some other fluid to detect movement.

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46. "Tracer study" means a test conducted using a tracer to measure the flow velocity, hydraulic conductivity, flow direction, hydrodynamic dispersion, partitioning coefficient, or other property of a hydrologic system.
47. "Treatment works" means a plant, device, unit process, or other works, regardless of ownership, used for treating, stabilizing, or holding municipal or domestic sewage in a sewage treatment facility or on-site wastewater treatment facility.
48. "Typical sewage" means sewage conveyed to an on-site wastewater treatment facility in which the total suspended solids (TSS) content does not exceed 430 mg/l, the five-day biochemical oxygen demand (BOD₅) does not exceed 380 mg/l, the total nitrogen does not exceed 53 mg/l, and the content of oil and grease does not exceed 75 mg/l.
49. "Underground storage facility" means a constructed underground storage facility or a managed underground storage facility. A.R.S. § 45-802.01(21).
50. "Waters of the United States" means:
- All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
 - All interstate waters, including interstate wetlands;
 - All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
 - That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - That are used or could be used for industrial purposes by industries in interstate commerce;
 - All impoundments of waters defined as waters of the United States under this definition;
 - Tributaries of waters identified in subsections (a) through (d);
 - The territorial sea; and
 - Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (a) through (f).

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3). Amended by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final expedited rulemaking at 25 A.A.R. 3060, effective immediately September 23, 2019, pursuant to A.R.S. § 41-1027(H) (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-102. Facilities to which Articles 1, 2, and 3 Do Not Apply

Articles 1, 2, and 3 do not apply to:

- A drywell used solely to receive storm runoff and located so that no use, storage, loading, or treating of hazardous substances occurs in the drainage area;
- A direct pesticide application in the commercial production of plants and animals subject to the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 92-516; 86 Stat. 975; 7 United States Code 135 et seq., as amended), or A.R.S. §§ 49-301 through 49-309 and applicable rules, or A.R.S. Title 3, Chapter 2, Article 6 and applicable rules.

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3). Amended by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-103. Class Exemptions

Class exemptions. In addition to the classes or categories of facilities listed in A.R.S. § 49-250(B), the following classes or categories of facilities are exempt from the Aquifer Protection Permit requirements in Articles 1, 2, and 3 of this Chapter:

- Facilities that treat, store, or dispose of hazardous waste and have been issued a permit or have interim status, under the Resource Conservation and Recovery Act (P.L. 94580; 90 Stat. 2796; 42 U.S.C. 6901 et seq., as amended), or have been issued a permit according to the hazardous waste management rules adopted under 18 A.A.C. 8, Article 2;
- Underground storage tanks that contain a regulated substance as defined in A.R.S. § 49-1001;
- Facilities for the disposal of solid waste, as defined in A.R.S. § 49-701.01, that are located in unincorporated areas and receive solid waste from four or fewer households;
- Land application of biosolids in compliance with 18 A.A.C. 9, Articles 9 and 10;
- CCR Units regulated by 40 CFR 257, Subpart D or by a permit in effect under a Department program approved by the United States Environmental Protection Agency in accordance with 42 U.S.C. § 6945(d)(1);
- Underground Injection Control Class V injection wells regulated under an area or individual permit per 18 A.A.C. 9, Article 6, Part I.

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Subsection 4 citation corrected to reflect recodification at 7 A.A.R. 2522 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final expedited rulemaking at 25 A.A.R. 3060, effective immediately September 23, 2019, pursuant to A.R.S. § 41-1027(H) (Supp. 19-3). Amended by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-104. Transition from Notices of Disposal and Groundwater Quality Protection Permitted Facilities

A person who owns, operates, or operated a facility on or after January 1, 1986 for which a Notice of Disposal was filed or a Groundwater Quality Protection Permit was issued shall, within 90 days from the date on the Director's notification, submit an application for an Aquifer Protection Permit or a closure plan as specified under A.R.S. § 49-252. The person shall obtain a permit for continued operation, closure of the facility, or clean closure approval.

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Failure to submit an application or closure plan as required terminates continuance of the Notice of Disposal or Groundwater Quality Protection Permit.

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3).
Amended by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-105. Permit Continuance**A. Continuance.**

1. Groundwater Quality Protection Permits.
 - a. Subject to R18-9-104 and other provisions of this Section, a Groundwater Quality Protection Permit issued before September 27, 1989 is valid according to the terms of the permit until replaced by an Aquifer Protection Permit issued by the Department.
 - b. A person who owns or operates a facility to which a Groundwater Quality Protection Permit was issued is in compliance with Articles 1, 2, and 3 of this Chapter and A.R.S. Title 49, Chapter 2, Article 3, if the facility:
 - i. Meets the conditions of the Groundwater Quality Protection Permit; and
 - ii. Is not causing or contributing to the violation of any Aquifer Water Quality Standard at a point of compliance, determined by the criteria in A.R.S. § 49-244.
2. Notice of Disposal. A person who owns or operates a facility for which a Notice of Disposal was filed before September 27, 1989 complies with Articles 1, 2, and 3 of this Chapter and A.R.S. Title 49, Chapter 2, Article 3 if the facility is not causing or contributing to the violation of an Aquifer Water Quality Standard at a point of compliance, determined by the criteria in A.R.S. § 49-244.
3. Aquifer Protection Permit application submittal. A person who did not file a Notice of Disposal and does not possess a Groundwater Quality Protection Permit or an Aquifer Protection Permit for an existing facility, but submitted the information required in applicable rules before December 27, 1989, is in compliance with Articles 1, 2, and 3 of this Chapter only if the person submitted an Aquifer Protection Permit application to the Department before January 1, 2001.

B. Applicability. Subsection (A) applies until the Director:

1. Issues an Aquifer Protection Permit for the facility,
2. Denies an Aquifer Protection Permit for the facility,
3. Issues a letter of clean closure approval for the facility under A.R.S. § 49-252, or
4. Determines that the person failed to submit an application under R18-9-104.

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3).
Amended effective November 12, 1996 (Supp. 96-4).
Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-106. Determination of Applicability

- A.** A person who engages or who intends to engage in an operation or an activity that may result in a discharge regulated under Articles 1, 2, and 3 of this Chapter may submit a

request, on a form provided by the Department, that the Department determine the applicability of A.R.S. §§ 49-241 through 49-252 and Articles 1, 2, and 3 of this Chapter to the operation or activity.

- B.** A person requesting a determination of applicability shall provide the following information and the applicable fee under 18 A.A.C. 14:
1. The name and location of the operation or activity;
 2. The name of any person who is engaging or who proposes to engage in the operation or activity;
 3. A description of the operation or activity;
 4. A description of the volume, chemical composition, and characteristics of materials stored, handled, used, or disposed of in the operation or activity; and
 5. Any other information required by the Director to make the determination of applicability.
- C.** Within 45 days after receipt of a request for a determination of applicability, the Director shall notify in writing the person making the request that the operation or activity:
1. Is not subject to the requirements of A.R.S. §§ 49-241 through 49-252 and Articles 1, 2, and 3 of this Chapter because the operation or facility does not discharge as described under A.R.S. § 49-241;
 2. Is not subject to the requirements of A.R.S. §§ 49-241 through 49-252 and Articles 1, 2, and 3 of this Chapter because the operation or activity is exempted by A.R.S. § 49-250 or R18-9-103;
 3. Is eligible for a general permit under A.R.S. §§ 49-245.01, 49-245.02 or 49-247 or Article 3 of this Chapter, specifying the particular general permit that would apply if the person meets the conditions of the permit; or
 4. Is subject to the permit requirements of A.R.S. §§ 49-241 through 49-252 and Articles 1, 2, and 3 of this Chapter.
- D.** If, after issuing a determination of applicability under this Section, the Director concludes that the determination or the information relied upon for a determination is inaccurate, the Director may modify or withdraw its determination upon written notice to the person who requested the determination of applicability.
- E.** If the Director determines that an operation or activity is subject to the requirements of A.R.S. §§ 49-241 through 49-252, the person who owns or operates the discharging facility shall, within 90 days from receiving the Director's written notification, submit an application for an Aquifer Protection Permit or a closure plan.

Historical Note

Adopted effective September 27, 1989 (Supp. 89-3).
Amended by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-107. Consolidation of Aquifer Protection Permits

- A.** The Director may consolidate any number of individual permits or the coverage for any facility authorized to discharge under a general permit into a single individual permit, if:
1. The facilities are part of the same project or operation and are located in a contiguous geographic area, or
 2. The facilities are part of an area under the jurisdiction of a single political subdivision.
- B.** All applicable individual permit requirements established in Articles 1 and 2 of this Chapter apply to the consolidation of Aquifer Protection Permits.

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Adopted effective September 27, 1989 (Supp. 89-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-108. Public Notice**A. Individual permits.**

1. The Department shall provide the entities specified in subsection (A)(2), with monthly written notification, by regular mail or electronically, of the following:
 - a. Individual permit applications,
 - b. Temporary permit applications,
 - c. Preliminary and final decisions by the Director whether to issue or deny an individual or temporary permit,
 - d. Closure plans received under R18-9-A209(B),
 - e. Significant permit amendments and "other" permit amendments,
 - f. Permit revocations, and
 - g. Clean closure approvals.
2. Entities.
 - a. Each county department of health, environmental services department, or comparable department;
 - b. A federal, state, local agency, or council of government, that may be affected by the permit action; and
 - c. A person who requested, in writing, notification of the activities described in subsection (A).
3. The Department may post the information referenced in subsections (A)(1) and (2) on the Department web site: www.azdeq.gov.

B. General permits. Public notice requirements do not apply.**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-109. Public Participation**A. Notice of Preliminary Decision.**

1. The Department shall publish a Notice of Preliminary Decision regarding the issuance or denial of a significant permit amendment or a final permit determination in one or more newspapers of general circulation where the facility is located.
2. The Department shall accept written comments from the public before a significant permit amendment or a final permit determination is made.
3. The written public comment period begins on the publication date of the Notice of Preliminary Decision and extends for 30 calendar days.

B. Public hearing.

1. The Department shall provide notice and conduct a public hearing to address a Notice of Preliminary Decision regarding a significant permit amendment or final permit determination if:
 - a. Significant public interest in a public hearing exists, or
 - b. Significant issues or information has been brought to the attention of the Department that has not been considered previously in the permitting process.
2. If, after publication of the Notice of Preliminary Decision, the Department determines that a public hearing is

necessary, the Department shall schedule a public hearing and publish the Notice of Preliminary Decision at least once, in one or more newspapers of general circulation where the facility is located.

3. The Department shall accept written public comment until the close of the hearing record as specified by the person presiding at the public hearing.

C. The Department shall respond in writing to all comments submitted during the formal public comment period.**D. At the same time the Department notifies a permittee of a significant permit amendment or an applicant of the final permit determination, the Department shall send, through regular mail or electronically, a notice of the amendment or determination and the summary of response to comments to any person who submitted comments or attended a public hearing on the significant permit amendment or final permit determination.****E. General permits. Public participation requirements do not apply.****Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-110. Inspections, Violations, and Enforcement**A. The Department shall conduct an inspection of a permitted facility as specified under A.R.S. § 41-1009.****B. A person who owns or operates a facility contrary to a provision of Articles 1, 2, and 3 of this Chapter, violates a condition of an Aquifer Protection Permit, or violates a condition of a Groundwater Quality Protection Permit continued under R189105(A)(1) is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4.****Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-111. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-112. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-113. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-114. Repealed

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Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-115. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-116. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-117. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-118. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-119. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-120. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3).
Repealed effective July 14, 1998 (Supp. 98-3).

R18-9-121. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-122. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-123. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3).
Repealed effective November 15, 1996 (Supp. 96-4).

R18-9-124. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-125. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-126. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-127. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-128. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3).
Repealed effective November 12, 1996 (Supp. 96-4).

R18-9-129. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-130. Repealed**Historical Note**

Adopted effective September 27, 1989 (Supp. 89-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

Appendix I. Repealed**Historical Note**

Appendix I repealed by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

ARTICLE 2. AQUIFER PROTECTION PERMITS - INDIVIDUAL PERMITS**PART A. APPLICATION AND GENERAL PROVISIONS****R18-9-A201. Individual Permit Application**

- A.** An individual permit application covers one or more of the following categories:
1. Drywell,
 2. Industrial,
 3. Mining,
 4. Wastewater,
 5. Solid waste disposal, or
 6. Land treatment facility.
- B.** An applicant for an individual permit shall provide the Department with:
1. The following information on an application form:
 - a. The name and mailing address of the applicant;
 - b. The name and mailing address of the owner of the facility;
 - c. The name and mailing address of the operator of the facility;
 - d. The legal description, including latitude and longitude, of the location of the facility;
 - e. The expected operational life of the facility; and

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- f. The permit number for any other federal or state environmental permit issued to the applicant for that facility or site.
2. A copy of the certificate of disclosure required by A.R.S. § 49-109;
 3. Evidence that the facility complies with applicable municipal or county zoning ordinances, codes, and regulations;
 4. Two copies of the technical information required in R18-9-A202(A);
 5. Cost estimates for facility construction, operation, maintenance, closure, and post-closure as follows.
 - a. The applicant shall ensure that the cost estimates are derived by an engineer, controller, or accountant using competitive bids, construction plan take-off's, specifications, operating history for similar facilities, or other appropriate sources, as applicable.
 - b. The following cost estimates that are representative of regional fair market costs:
 - i. The cost of closure estimate under R18-9-A209(B)(2), consistent with the closure plan or strategy submitted under R18-9-A202(A)(10);
 - ii. The estimated cost of post-closure monitoring and maintenance under R18-9-A209(C), consistent with the post-closure plan or strategy submitted under R18-9-A202(A)(10); and
 - iii. For a sewage treatment facility or utility subject to Title 40 of the Arizona Revised Statutes, the operation and maintenance costs of those elements of the facility used to make the demonstration under A.R.S. § 49-243(B);
 6. For a sewage treatment facility:
 - a. Documentation that the sewage treatment facility or expansion conforms with the Certified Areawide Water Quality Management Plan and the Facility Plan, and
 - b. The additional information required in R18-9-B202 and R18-9-B203;
 7. Certification in writing that the information submitted in the application is true and accurate to the best of the applicant's knowledge; and
 8. The applicable fee established in 18 A.A.C. 14.
- C.** Special provision for an underground storage facility as defined in A.R.S. § 45-802.01(21). A person applying for an individual permit for an underground storage facility shall submit the information described in R18-9-A201 through R18-9-A203, except for the BADCT information specified in R18-9-A202(A)(5).
1. Upon receipt of the application, the Department shall process the application in coordination with the underground storage facility permit process administered by the Department of Water Resources.
 2. The Department shall advise the Department of Water Resources of each permit application received.
- D.** Pre-application conference. Upon request of the applicant, the Department shall schedule and hold a pre-application conference with the applicant to discuss any requirements in Articles 1 and 2 of this Chapter.
- E.** Draft permit. The Department shall provide the applicant with a draft of the individual permit before publication of the Notice of Preliminary Decision specified in R18-9-109.
- F.** Permit duration. Except for a temporary permit, an individual permit is valid for the operational life of the facility and any period during which the facility is subject to a post-closure plan under R18-9-A209(C).
- G.** Permit issuance or denial.
1. The Director shall issue an individual permit, based upon the information obtained by or made available to the Department, if the Director determines that the applicant will comply with A.R.S. §§ 49-241 through 49-252 and Articles 1 and 2 of this Chapter.
 2. The Director shall provide the applicant with written notification of the final decision to issue or deny the permit within the overall licensing time-frame requirements under 18 A.A.C. 1, Article 5, Table 10 and the following:
 - a. The applicant's right to appeal the final permit determination, including the number of days the applicant has to file a protest and the name and telephone number of the Department contact person who can answer questions regarding the appeals process;
 - b. If the permit is denied under R18-9-A213(B), the reason for the denial with reference to the statute or rule on which the denial is based; and
 - c. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A202. Technical Requirements

- A.** Except as specified in R18-9-A201(C)(1), an applicant shall, as required under R18-9-A201(B)(4), submit the following technical information as attachments to the individual permit application:
1. A topographic map, or other appropriate map approved by the Department, of the facility location and contiguous land area showing the known use of adjacent properties, all known water well locations found within one-half mile of the facility, and a description of well construction details and well uses, if available;
 2. A facility site plan showing all known property lines, structures, water wells, injection wells, drywells and their uses, topography, and the location of points of discharge. The facility site plan shall include all known borings. If the Department determines that borings are numerous, the applicant shall satisfy this requirement with a narrative description of the number and location of the borings;
 3. The facility design documents indicating proposed or as-built design details and proposed or as-built configuration of basins, ponds, waste storage areas, drainage diversion features, or other engineered elements of the facility affecting discharge. When formal as-built plan submittals are not available, the applicant shall provide documentation sufficient to allow evaluation of those elements of the facility affecting discharge, following the demonstration requirements of A.R.S. § 49-243(B). An applicant seeking an Aquifer Protection Permit for a sewage treatment facility satisfies the requirements of this subsection by submitting the documents required in R18-9-B202 and R18-9-B203;
 4. A summary of the known past facility discharge activities and the proposed facility discharge activities indicating all of the following:

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- a. The chemical, biological, and physical characteristics of the discharge;
 - b. The rate, volume, and frequency of the discharge for each facility; and
 - c. The location of the discharge and a map outlining the pollutant management area described in A.R.S. § 49-244(1);
5. A description of the BADCT employed in the facility, including:
 - a. A statement of the technology, processes, operating methods, or other alternatives proposed to meet the requirements of A.R.S. § 49-243(B), (G), or (P), as applicable. The statement shall describe:
 - i. The alternative discharge control measures considered,
 - ii. The technical and economic advantages and disadvantages of each alternative, and
 - iii. The justification for selection or rejection of each alternative;
 - b. An evaluation of each alternative discharge control technology relative to the amount of discharge reduction achievable, site-specific hydrologic and geologic characteristics, other environmental impacts, and water conservation or augmentation;
 - c. For a new facility, an industry-wide evaluation of the economic impact of implementation of each alternative discharge control technology;
 - d. For an existing facility, a statement reflecting the consideration of factors listed in A.R.S. § 49-243(B)(1)(a) through (h);
 - e. A sewage treatment facility meeting the BADCT requirements under Article 2, Part B of this Chapter satisfies the requirements under subsections (A)(5)(a) through (d).
 6. Proposed points of compliance for the facility based on A.R.S. § 49-244. An applicant shall demonstrate that:
 - a. The facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the proposed point of compliance; or
 - b. If an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance, no additional degradation of the aquifer relative to that pollutant and determined at the proposed point of compliance will occur as a result of the discharge from the proposed facility. In this case, the applicant shall submit an Ambient Groundwater Monitoring Report that includes:
 - i. Data from eight or more rounds of ambient groundwater samples collected to represent groundwater quality at the proposed points of compliance, and
 - ii. An AQL proposal for each pollutant that exceeds an Aquifer Water Quality Standard;
 7. A contingency plan that meets the requirements of R18-9-A204;
 8. A hydrogeologic study that defines the discharge impact area for the expected duration of the facility. The Department may allow the applicant to submit an abbreviated hydrogeologic study or, if warranted, no hydrogeologic study, based upon the quantity and characteristics of the pollutants discharged, the methods of disposal, and the site conditions. The applicant may include information from a previous study of the affected area to meet a requirement of the hydrogeologic study, if the previous study accurately represents current hydrogeologic conditions.
 - a. The hydrogeologic study shall demonstrate:
 - i. That the facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the applicable point of compliance; or
 - ii. If an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant and determined at the applicable point of compliance will occur as a result of the discharge from the proposed facility;
 - b. Based on the quantity and characteristics of pollutants discharged, methods of disposal, and site conditions, the Department may require the applicant to provide:
 - i. A description of the surface and subsurface geology, including a description of all borings;
 - ii. The location of any perennial, intermittent, or ephemeral surface water bodies;
 - iii. The characteristics of the aquifer and geologic units with limited permeability, including depth, hydraulic conductivity, and transmissivity;
 - iv. The rate, volume, and direction of surface water and groundwater flow, including hydrographs, if available, and equipotential maps;
 - v. The precise location or estimate of the location of the 100-year flood plain and an assessment of the 100-year flood surface flow and potential impacts on the facility;
 - vi. Documentation of the existing quality of the water in the aquifers underlying the site, including, where available, the method of analysis, quality assurance, and quality control procedures associated with the documentation;
 - vii. Documentation of the extent and degree of any known soil contamination at the site;
 - viii. An assessment of the potential of the discharge to cause the leaching of pollutants from surface soils or vadose materials;
 - ix. For an underground water storage facility, an assessment of the potential of the discharge to cause the leaching of pollutants from surface soils or vadose materials or cause the migration of contaminated groundwater;
 - x. Any changes in the water quality expected because of the discharge;
 - xi. A description of any expected changes in the elevation or flow directions of the groundwater expected to be caused by the facility;
 - xii. A map of the facility's discharge impact area; or
 - xiii. The criteria and methodologies used to determine the discharge impact area.
 9. A detailed proposal indicating the alert levels, discharge limitations, monitoring requirements, compliance schedules, and temporary cessation or plans that the applicant will use to satisfy the requirements of A.R.S. Title 49, Chapter 2, Article 3, and Articles 1 and 2 of this Chapter;
 10. Closure and post-closure strategies or plans; and
 11. Any other relevant information required by the Department to determine whether to issue a permit.

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- B.** An applicant shall demonstrate the ability to maintain the technical capability necessary to carry out the terms of the individual permit, including a demonstration that a certified operator will operate the facility if a certified operator is required under 18 A.A.C. 5. The applicant shall make the demonstration by submitting the following information for each person principally responsible for designing, constructing, or operating the facility:
1. Pertinent licenses or certifications held by the person;
 2. Professional training relevant to the design, construction, or operation of the facility; and
 3. Work experience relevant to the design, construction, or operation of the facility.
- d.** Any other details that demonstrate how the applicant is financially capable of meeting the costs described in R18-9-A201(B)(5); and
4. For a facility subject to R18-9-A201(B)(5)(b)(iii) and not owned by a state or federal agency, county, city, town, or other local governmental entity, submit evidence of financial arrangements to cover the operation and maintenance costs described in R18-9-A201(B)(5).
- C.** Financial assurance mechanisms. The applicant may use any of the following mechanisms to cover the financial assurance obligation under R18-9-A201(B)(5):
1. Financial test for self-assurance. If an applicant uses a financial test for self-assurance, the applicant shall not consolidate the financial statement with a parent or sibling company. The applicant shall make the demonstration in either subsection (C)(1)(a) or (b) and submit the information required in subsection (C)(1)(c):
 - a. The applicant may demonstrate:
 - i. One of the following:
 - (1) A ratio of total liabilities to net worth less than 2.0 and a ratio of current assets to current liabilities greater than 1.5;
 - (2) A ratio of total liabilities to net worth less than 2.0 and a ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or
 - (3) A ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1 and a ratio of current assets to current liabilities greater than 1.5;
 - ii. The net working capital and tangible net worth of the applicant each are at least six times the closure cost estimate; and
 - iii. The applicant has assets in the U.S. of at least 90 percent of total assets or six times the closure and post-closure cost estimate; or
 - b. The applicant may demonstrate:
 - i. The applicant's senior unsecured debt has a current investment-grade rating as issued by Moody's Investor Service, Inc.; Standard and Poor's Corporation; or Fitch Ratings;
 - ii. The tangible net worth of the applicant is at least six times the closure cost estimate; and
 - iii. The applicant has assets in the U.S. of at least 90 percent of total assets or six times the closure and post-closure cost estimate; and
 - c. The applicant shall submit:
 - i. A letter signed by the applicant's chief financial officer that identifies the criterion specified in subsection (C)(1)(a) or (b) and used by the applicant to satisfy the financial assurance requirements of this Section, an explanation of how the applicant meets the criterion, and certification of the letter's accuracy; and
 - ii. A statement from an independent certified public accountant verifying that the demonstration submitted under subsection (C)(1)(c)(i) is accurate based on a review of the applicant's financial statements for the latest completed fiscal year or more recent financial data and no adjustment to the financial statement is necessary.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A203. Financial Requirements**A. Definitions.**

1. "Book net worth" means the net difference between total assets and total liabilities.
2. "Face amount" means the total amount the insurer is obligated to pay under the policy.
3. "Net working capital" means current assets minus current liabilities.
4. "Substantial business relationship" means a pattern of recent or ongoing business transactions to the extent that a guaranty contract issued incident to that relationship is valid and enforceable.
5. "Tangible net worth" means an owner or operator's book net worth, plus subordinated debts, less goodwill, patent rights, royalties, and assets and receivables due from affiliates or shareholders.

B. Financial demonstration. A person applying for an individual permit shall demonstrate financial capability to construct, operate, close, and ensure proper post-closure care of the facility in compliance with A.R.S. Title 49, Chapter 2, Article 3; Articles 1 and 2 of this Chapter; and the conditions of the individual permit. The applicant shall:

1. Submit a letter signed by the chief financial officer stating that the applicant is financially capable of meeting the costs described in R18-9-A201(B)(5);
2. For a state or federal agency, county, city, town, or other local governmental entity, submit a statement specifying the details of the financial arrangements used to meet the estimated closure and post-closure costs submitted under R18-9-A201(B)(5), including any other details that demonstrate how the applicant is financially capable of meeting the costs described in R18-9-A201(B)(5);
3. For other than a state or federal agency, county, city, town, or other local governmental entity, submit the information required for at least one of the financial assurance mechanisms listed in subsection (C) that covers the closure and post-closure costs submitted under R18-9-A201(B)(5), including:
 - a. The selected financial mechanism or mechanisms;
 - b. The amount covered by each financial mechanism;
 - c. The institution or company that is responsible for each financial mechanism used in the demonstration; and

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2. Performance surety bond. The applicant may use a performance surety bond if the following conditions are met:
 - a. The company providing the performance bond is listed as an acceptable surety on federal bonds in Circular 570 of the U.S. Department of the Treasury;
 - b. The bond provides for performance of all the covered items listed in R18-9-A201(B)(5) by the surety, or by payment into a standby trust fund of an amount equal to the penal amount if the permittee fails to perform the required activities;
 - c. The penal amount of the bond is at least equal to the amount of the cost estimate developed in R18-9-A201(B)(5) if the bond is the only method used to satisfy the requirements of this Section or a pro-rata amount if used with another financial assurance mechanism;
 - d. The surety bond names the Arizona Department of Environmental Quality as beneficiary;
 - e. The original surety bond is submitted to the Director;
 - f. Under the terms of the bond, the surety is liable on the bond obligation when the permittee fails to perform as guaranteed by the bond; and
 - g. The surety payments under the terms of the bond are deposited directly into the Standby Trust Fund.
3. Certificate of deposit. The applicant may use a certificate of deposit if the following conditions are met:
 - a. The applicant submits to the Director one or more certificates of deposit made payable to or assigned to the Department to cover the applicant's financial assurance obligation or a pro-rata amount if used with another financial assurance mechanism;
 - b. The certificate of deposit is insured by the Federal Deposit Insurance Corporation and is automatically renewable;
 - c. The bank assigns the certificate of deposit to the Arizona Department of Environmental Quality;
 - d. Only the Department has access to the certificate of deposit; and
 - e. Interest accrues to the permittee during the period the applicant gives the certificate as financial assurance, unless the interest is required to satisfy the requirements in R18-9-A201(B)(5).
4. Trust fund. The applicant may use a trust fund if the following conditions are met:
 - a. The trust fund names the Arizona Department of Environmental Quality as beneficiary, and
 - b. The trust is initially funded in an amount at least equal to:
 - i. The cost estimate of the closure plan or strategy submitted under R18-9-A201(B)(5),
 - ii. The amount specified in a compliance schedule approved in the permit, or
 - iii. A pro-rata amount if used with another financial assurance mechanism.
5. Letter of credit. The applicant may use a letter of credit if the following conditions are met:
 - a. The financial institution issuing the letter is regulated and examined by a federal or state agency;
 - b. The letter of credit is irrevocable and issued for at least one year in an amount equal to the cost estimate submitted under R18-9-A201(B)(5) or a pro-rata amount if used with another financial assurance mechanism. The letter of credit provides that the expiration date is automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the permittee and to the Director 90 days in advance of cancellation or expiration. The permittee shall provide alternate financial assurance within 60 days of receiving the notice of expiration or cancellation;
 - c. The financial institution names the Arizona Department of Environmental Quality as beneficiary for the letter of credit; and
 - d. The letter is prepared by the financial institution and identifies the letter of credit issue date, expiration date, dollar sum of the credit, the name and address of the Department as the beneficiary, and the name and address of the applicant as the permittee.
6. Insurance policy. The applicant may use an insurance policy if the following conditions are met:
 - a. The insurance is effective before signature of the permit or substitution of insurance for other extant financial assurance instruments posted with the Director;
 - b. The insurer is authorized to transact the business of insurance in the state and has an AM BEST Rating of at least a B+ or the equivalent;
 - c. The permittee submits a copy of the insurance policy to the Department;
 - d. The insurance policy guarantees that funds are available to pay costs as submitted under R18-9-A201(B)(5) without a deductible. The policy also guarantees that once cleanup steps begin that the insurer will pay out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy;
 - e. The policy guarantees that while closure and post-closure activities are conducted the insurer will pay out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy;
 - f. The insurance policy is issued for a face amount at least equal to the current cost estimate submitted to the Director for performance of all items listed in R18-9-A201(B)(5) or a pro-rata amount if used with another financial assurance mechanism. Actual payments by the insurer will not change the face amount, although the insurer's future liability is reduced by the amount of the payments, during the policy period;
 - g. The insurance policy names the Arizona Department of Environmental Quality as additional insured;
 - h. The policy contains a provision allowing assignment of the policy to a successor permittee. The transfer of the policy is conditional upon consent of the insurer and the Department; and
 - i. The insurance policy provides that the insurer does not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy, at a minimum, provides the insured with a renewal option at the face amount of the expiring policy. If the permittee fails to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the permittee and to the Director 90 days in advance of the cancellation. If the insurer cancels the policy, the

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- permittee shall provide alternate financial assurance within 60 days of receiving the notice of cancellation.
7. Cash deposit. The applicant may use a cash deposit if the cash is deposited with the Department to cover the financial assurance obligation under R18-9-A201(B)(5).
 8. Guarantees.
 - a. The applicant may use guarantees to cover the financial assurance obligation under R18-9-A201(B)(5) if the following conditions are met:
 - i. The applicant submits to the Department an affidavit certifying that the guarantee arrangement is valid under all applicable federal and state laws. If the applicant is a corporation, the applicant shall include a certified copy of the corporate resolution authorizing the corporation to enter into an agreement to guarantee the permittee's financial assurance obligation;
 - ii. The applicant submits to the Department documentation that explains the substantial business relationship between the guarantor and the permittee;
 - iii. The applicant demonstrates that the guarantor meets conditions of the financial mechanism listed in subsection (C)(1). For purposes of applying the criteria in subsection (C)(1) to a guarantor, substitute "guarantor" for the term "applicant" as used in subsection (C)(1);
 - iv. The guarantee is governed by and complies with state law;
 - v. The guarantee continues in full force until released by the Director or replaced by another financial assurance mechanism listed under subsection (C);
 - vi. The guarantee provides that, if the permittee fails to perform closure or post-closure care of a facility covered by the guarantee, the guarantor shall perform or pay a third party to perform closure or post-closure care, as required by the permit, or establish a fully funded trust fund as specified under subsection (C)(4) in the name of the owner or operator; and
 - vii. The guarantor names the Arizona Department of Environmental Quality as beneficiary of the guarantee.
 - b. Guarantee reporting. The guarantor shall notify or submit a report to the Department within 30 days of:
 - i. An increase in financial responsibility during the fiscal year that affects the guarantor's ability to meet the financial demonstration;
 - ii. Receiving an adverse auditor's notice, opinion, or qualification; or
 - iii. Receiving a Department notification requesting an update of the guarantor's financial condition.
 9. An applicant may use a financial assurance mechanism not listed in subsection (C)(1) through (8) if approved by the Director.
- D.** Loss of coverage. If the Director believes that a permittee will lose financial capability under subsection (C), the permittee shall, within 30 days from the date of receipt of the Director's request, submit evidence that the financial demonstration under subsection (B) is being met or provide an alternative financial assurance mechanism.
 - E.** Financial assurance mechanism substitution. A permittee may substitute one financial assurance mechanism for another if the substitution is approved by the Director through an amendment under subsection (F).
 - F.** Permit amendment. The permittee shall apply for an amendment to the individual permit if the permittee changes a financial assurance mechanism or if the permittee's revision of the closure strategy results in an increase in the estimated cost under R18-9-A201(B)(5). If a permittee seeks to amend a permit under R18-9-A211(B), the permittee shall submit a financial capability demonstration for all facilities covered by the amended individual permit with the permit amendment request.
 - G.** Previous financial demonstration. If an applicant shows that the financial assurance demonstration required under this Section is covered within a financial demonstration already made to a governmental agency and the Department has access to that information, the applicant is not required to resubmit the information. The applicant shall certify that the current financial condition is equal to or better than the condition reflected in the financial demonstration provided to the other governmental agency. This provision does not apply to a demonstration required under subsection (F).
 - H.** Recordkeeping. A permittee shall maintain the financial capability for the duration of the permit and report as specified in the permit.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A204. Contingency Plan

- A.** An individual permit shall specify a contingency plan that defines the actions to be taken if a discharge results in any of the following:
 1. A violation of an Aquifer Water Quality Standard or an AQL,
 2. A violation of a discharge limitation,
 3. A violation of any other permit condition,
 4. An alert level is exceeded, or
 5. An imminent and substantial endangerment to the public health or the environment.
- B.** The contingency plan may include one or more of the following actions if a discharge results in any of the conditions described in subsection (A):
 1. Verification sampling;
 2. Notification to downstream or downgradient users who may be directly affected by the discharge;
 3. Further monitoring that may include increased frequency, additional constituents, or additional monitoring locations;
 4. Inspection, testing, operation, or maintenance of discharge control features at the facility;
 5. Evaluation of the effectiveness of discharge control technology at the facility that may include technology upgrades;
 6. Evaluation of pretreatment for sewage treatment facilities;
 7. Preparation of a hydrogeologic study to assess the extent of soil, surface water, or aquifer impact;
 8. Corrective action that includes any of the following measures:
 - a. Control of the source of an unauthorized discharge,

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- b. Soil cleanup,
 - c. Cleanup of affected surface waters,
 - d. Cleanup of affected parts of the aquifer, or
 - e. Mitigation measures to limit the impact of pollutants on existing uses of the aquifer.
- C. A permittee shall not take a corrective action proposed under subsection (B)(8) unless the action is approved by the Department.
- 1. Emergency response provisions and corrective actions specifically identified in the contingency plan submitted with a permit application are subject to approval by the Department during the application review process.
 - 2. The permittee may propose to the Department a corrective action other than those already identified in the contingency plan if a discharge results in any of the conditions identified in subsection (A).
 - 3. The Department shall approve the proposed corrective action if the corrective action provides a plan and expedient time-frame to return the facility to compliance with the facility's permit conditions, A.R.S. Title 49, Chapter 2, and Articles 1 and 2 of this Chapter.
 - 4. The Director may incorporate corrective actions into an Aquifer Protection Permit.
- D. A contingency plan shall contain emergency response provisions to address an imminent and substantial endangerment to public health or the environment including:
- 1. Twenty-four hour emergency response measures;
 - 2. The name of an emergency response coordinator responsible for implementing the contingency plan;
 - 3. Immediate notification to the Department regarding any emergency response measure taken;
 - 4. A list of people to contact, including names, addresses, and telephone numbers if an imminent and substantial endangerment to public health or the environment arises; and
 - 5. A general description of the procedures, personnel, and equipment proposed to mitigate unauthorized discharges.
- E. A permittee may amend a contingency plan required by the Federal Water Pollution Control Act (P.L. 92-500; 86 Stat. 816; 33 U.S.C. 1251, et seq., as amended), or the Resource Conservation and Recovery Act of 1976 (P.L. 94-580; 90 Stat. 2796; 42 U.S.C. 6901 et seq., as amended), to meet the requirements of this Section and submit it to the Department for approval instead of a separate aquifer protection contingency plan.
- F. A permittee shall maintain at least one copy of the contingency plan required by the individual permit at the location where day-to-day decisions regarding the operation of the facility are made. A permittee shall advise all employees responsible for the operation of the facility of the location of the contingency plan.
- G. A permittee shall promptly revise the contingency plan upon any change to the information contained in the plan.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A205. Alert Levels, Discharge Limitations, and AQLs**A. Alert levels.**

- 1. If the Department prescribes an alert level in an individual permit, the Department shall base the alert level on

the site-specific conditions described by the applicant in the application submitted under R18-9-A201(A)(2) or other information available to the Department.

- 2. The Department may specify an alert level based on a pollutant that indicates the potential appearance of another pollutant.
 - 3. The Department may specify the measurement of an alert level at a location appropriate for the discharge activity, considering the physical, chemical, and biological characteristics of the discharge, the particular treatment process, and the site-specific conditions.
- B. Discharge limitations.** If the Department prescribes discharge limitations in an individual permit, the Department shall base the discharge limitations on the considerations described in A.R.S. § 49-243.
- C. AQLs.** The Department may prescribe an AQL in an individual permit to ensure that the facility continues to meet the criteria under A.R.S. § 49-243(B)(2) or (3).
- 1. If the concentration of a pollutant in the aquifer does not exceed the Aquifer Water Quality Standard, the Department shall set the AQL at the Aquifer Water Quality Standard.
 - 2. If the concentration of a pollutant in the aquifer exceeds the Aquifer Water Quality Standard, the Department shall set the AQL higher than the Aquifer Water Quality Standard.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A206. Monitoring Requirements**A. Monitoring.**

- 1. The Department shall determine whether monitoring is required to assure compliance with Aquifer Protection Permit conditions and with the applicable Aquifer Water Quality Standards established under A.R.S. §§ 49-221, 49-223, 49-241 through 49-244, and 49-250 through 49-252.
- 2. If monitoring is required, the Director shall specify to the permittee:
 - a. The type and method of monitoring;
 - b. The frequency of monitoring;
 - c. Any requirements for the installation, use, or maintenance of monitoring equipment; and
 - d. The intervals at which the permittee reports the monitoring results to the Department.

B. Recordkeeping.

- 1. A permittee shall make a monitoring record for each sample taken as required by the individual permit consisting of all of the following:
 - a. The date, time, and exact place of a sampling and the name of each individual who performed the sampling;
 - b. The procedures used to collect the sample;
 - c. The date sample analysis was completed;
 - d. The name of each individual or laboratory performing the analysis;
 - e. The analytical techniques or methods used to perform the sampling and analysis;
 - f. The chain of custody records; and
 - g. Any field notes relating to the information described in subsections (B)(1)(a) through (f).

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2. A permittee shall make a monitoring record for each measurement made, as required by the individual permit, consisting of all of the following:
 - a. The date, time, and exact place of the measurement and the name of each individual who performed the measurement;
 - b. The procedures used to make the measurement; and
 - c. Any field notes relating to the information described in subsections (B)(2)(a) and (b).
3. A permittee shall maintain monitoring records for at least 10 years after the date of the sample or measurement, unless the Department specifies a shorter time period in the permit.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A207. Reporting Requirements

- A. A permittee shall notify the Department within five days after becoming aware of a violation of a permit condition or that an alert level was exceeded. The permittee shall inform the Department whether the contingency plan described in R18-9-A204 was implemented.
- B. In addition to the requirements in subsection (A), a permittee shall submit a written report to the Department within 30 days after the permittee becomes aware of a violation of a permit condition. The report shall contain:
 1. A description of the violation and its cause;
 2. The period of violation, including exact date and time, if known, and the anticipated time period the violation is expected to continue;
 3. Any action taken or planned to mitigate the effects of the violation or to eliminate or prevent recurrence of the violation;
 4. Any monitoring activity or other information that indicates that a pollutant is expected to cause a violation of an Aquifer Water Quality Standard; and
 5. Any malfunction or failure of a pollution control device or other equipment or process.
- C. A permittee shall notify the Department within five days after the occurrence of any of the following:
 1. The permittee's filing of bankruptcy, or
 2. The entry of any order or judgment not issued by the Director against the permittee for the enforcement of any federal or state environmental protection statute or rule.
- D. The Director shall specify the format for submitting results from monitoring conducted under R18-9-A206.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A208. Compliance Schedule

- A. A permittee shall follow the compliance schedule established in the individual permit.
 1. If a compliance schedule provides that an action is required more than one year after the date of permit issuance, the schedule shall establish interim requirements and dates for their achievement.
 2. If the time necessary for completion of an interim requirement is more than one year and is not readily

divisible into stages for completion, the permit shall contain interim dates for submission of reports on progress toward completion of the interim requirements and shall indicate a projected completion date.

3. Unless otherwise specified in the permit, within 30 days after the applicable date specified in a compliance schedule, a permittee shall submit to the Department a report documenting that the required action was taken within the time specified.
4. After reviewing the compliance schedule activity the Director may amend the Aquifer Protection Permit, based on changed circumstances relating to the required action.
- B. The Department shall consider all of the following factors when setting the compliance schedule requirements:
 1. The character and impact of the discharge,
 2. The nature of construction or activity required by the permit,
 3. The number of persons affected or potentially affected by the discharge,
 4. The current state of treatment technology, and
 5. The age of the facility.
- C. For a new facility, the Department shall not defer to a compliance schedule any requirement necessary to satisfy the criteria under A.R.S. § 49-243(B).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A209. Temporary Cessation, Closure, Post-closure

- A. Temporary cessation.
 1. A permittee shall notify the Department before a cessation of operations at the facility of at least 60 days duration.
 2. The permittee shall implement any condition specified in the individual permit for the temporary cessation.
 3. If the permit does not specify any temporary cessation condition, the permittee shall, prior to implementation, submit the proposed temporary cessation plan for Department approval.
- B. Closure.
 1. Before providing notice under subsection (B)(2), a person may request that the Director review a site investigation plan for a facility under subsection (B)(3)(a) or the results of a site investigation at a facility to determine compliance with this subsection and A.R.S. § 49-252.
 2. A person shall notify the Department of the person's intent to cease operations without resuming an activity for which the facility was designed or operated.
 3. The person shall submit a closure plan for Director approval within 90 days following the notification of intent to cease operations with the applicable fee established in 18 A.A.C. 14. A complete closure plan shall include:
 - a. A site investigation plan that includes a summary of relevant site studies already conducted and a proposed scope of work for any additional site investigation necessary to identify:
 - i. The lateral and vertical extent of contamination in soils and groundwater, using applicable standards;
 - ii. The approximate quantity and chemical, biological, and physical characteristics of each

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- waste, contaminated water, or contaminated soil proposed for removal from the facility;
- iii. The approximate quantity and chemical, biological, and physical characteristics of each waste, contaminated water, or contaminated soil that will remain at the facility; and
 - iv. Information regarding site conditions related to pollutant fate and transport that may influence the scope of sampling necessary to characterize the site for closure;
- b. A summary describing the results of a site investigation and any other information used to identify:
 - i. The lateral and vertical extent of soil and groundwater contamination, using applicable standards, and the analytical results that support the determination;
 - ii. The approximate quantity and chemical, biological, and physical characteristics of each material scheduled for removal;
 - iii. The destination of the materials and documentation that the destination is approved to accept the materials;
 - iv. The approximate quantity and chemical, biological, and physical characteristics of each material that remains at the facility; and
 - v. Any other relevant information the Department determines is necessary;
 - c. A closure design that identifies:
 - i. The method used, if any, to treat any material remaining at the facility;
 - ii. The method used to control the discharge of pollutants from the facility;
 - iii. Any limitation on future land or water uses created as a result of the facility's operations or closure activities and a Declaration of Environmental Use Restriction according to A.R.S. § 49-152, if necessary; and
 - iv. The methods used to secure the facility;
 - d. An estimate of the cost of closure;
 - e. A schedule for implementation of the closure plan and submission of a post-closure plan if clean closure is not achieved; and
 - f. For an implemented closure plan, a summary report of the results of site investigation performed during closure activities, including confirmation and verification sampling.
4. Within 60 days of receipt of a complete closure plan, the Department shall determine whether the closure plan achieves clean closure.
 - a. If the implemented complete closure plan achieves clean closure, the Director shall:
 - i. If the facility is not covered by an Aquifer Protection Permit, send the person a letter of approval; or
 - ii. If the facility is covered by an Aquifer Protection Permit, send the person a Permit Release Notice issued under subsection (C)(2)(c).
 - b. If the implemented complete closure plan did not achieve clean closure, the person shall submit a post-closure plan under subsection (C) and the following documents within 90 days from the date on the Department's notice or as specified under A.R.S. § 49-252(E):
 - i. An application for an individual permit, or
 - ii. A request to amend a current individual permit to address closure activities and post-closure monitoring and maintenance at the facility.
- C. Post-closure. A person shall describe post-closure monitoring and maintenance activities in an application for a permit or an amendment to an individual permit and submit it to the Department for approval.
 1. The application shall include:
 - a. The duration of post-closure care;
 - b. The monitoring procedures proposed by the permittee, including monitoring frequency, type, and location;
 - c. A description of the operating and maintenance procedures proposed for maintaining aquifer quality protection devices, such as liners, treatment systems, pump-back systems, surface water and stormwater management systems, and monitoring wells;
 - d. A schedule and description of physical inspections proposed at the facility following closure;
 - e. An estimate of the cost of post-closure maintenance and monitoring;
 - f. A description of limitations on future land or water uses, or both, at the facility site as a result of facility operations; and
 - g. The applicable fee established in 18 A.A.C. 14.
 2. The Director shall include the post-closure plan submitted under subsection (C)(1) in the individual permit or permit amendment.
 - a. The permittee shall provide the Department written notice that a closure plan or a post-closure plan was fully implemented within 30 calendar days of implementation of the plan. The notice shall include a summary report confirming the closure design and describing the results of sampling performed during closure activities and post-closure activities, if any, to demonstrate the level of cleanup achieved.
 - b. The Director may, upon receipt of the notice, inspect the facility to ensure that the closure plan has been fully implemented.
 - c. The Director shall issue a Permit Release Notice if the permittee satisfies all closure and post-closure requirements.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A210. Temporary Individual Permit

- A. A person may apply for a temporary individual permit for either of the following:
 1. A pilot project to develop data for an Aquifer Protection Permit application for the full-scale project, or
 2. A facility with a discharge lasting no more than six months.
- B. The applicant shall submit a preliminary application containing the information required in R18-9-A201(B)(1).
- C. The Department shall, based on the preliminary application and in consultation with the applicant, determine and provide the applicant notice of any additional information in R18-9-A201(B) that is necessary to complete the application.
- D. Public participation.

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1. If the Director issues a temporary individual permit, the Director shall postpone the public participation requirements under R18-9-109.
 2. The Director shall not postpone notification of the opportunity for public participation for more than 30 days from the date on the temporary individual permit.
 3. The Director may amend or revoke the temporary individual permit after consideration of public comments.
 4. The Director shall not issue a public notice or hold a public hearing if a temporary individual permit is renewed without change.
 5. The Director shall follow the public participation requirements under R18-9-109 when making a significant amendment to a temporary individual permit.
- E. A temporary individual permit expires after one year unless it is renewed. The Director may renew a temporary individual permit no more than one time.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A211. Permit Amendments

- A. The Director may amend an individual permit based upon a request or upon the Director’s initiative.
1. A permittee shall submit a request for permit amendment in writing on a form provided by the Department with the applicable fee established in 18 A.A.C. 14, explaining the facts and reasons justifying the request.
 2. The Department shall process amendment requests following the licensing time-frames established under 18 A.A.C. 1, Article 5, Table 10.
 3. An amended permit supersedes the previous permit upon the effective date of the amendment.
- B. Significant permit amendment. The Director shall make a significant amendment to an individual permit if:
1. Part or all of an existing facility becomes a new facility under A.R.S. § 49-201;
 2. A physical change in a permitted facility or a change in its method of operation results in:
 - a. An increase of 10 percent or more in the permitted volume of pollutants discharged, except a sewage treatment facility;
 - b. An increase in design flow of a sewage treatment facility as follows:

| Permitted Design Flow | Increase in Design Flow |
|--|-------------------------|
| 500,000 gallons per day or less | 10% |
| Greater than 500,000 gallons per day but less than or equal to five million gallons per day | 6% |
| Greater than five million gallons per day but less than or equal to 50 million gallons per day | 4% |
| Greater than 50 million gallons per day | 2% |

- c. Discharge of an additional pollutant not allowed by a facility’s original individual permit. The Director may consider the addition of a pollutant with a chemical composition substantially similar to a pollutant the permit currently allows by making an

- “other” amendment to the individual permit as prescribed in subsection (D);
- d. For any pollutant not addressed in a facility’s individual permit, any increase that brings the level of the pollutant to within 80 percent or more of a numeric Aquifer Water Quality Standard at the point of compliance; or
 - e. An increase in the concentration in the discharge of a pollutant listed under A.R.S. § 49-243(I);
3. Based upon available information, the facility can no longer demonstrate that its discharge will comply with A.R.S. § 49-243(B)(2) or (3);
 4. The permittee requests and the Department agrees to less stringent monitoring that reduces the frequency in monitoring or reporting or reduces the number of pollutants monitored, and the permittee demonstrates that the changes will not affect the permittee’s ability to remain in compliance with Articles 1 and 2 of this Chapter;
 5. It is necessary to change the designation of a point of compliance;
 6. It is necessary to update BADCT for a facility that was issued an individual permit and was not constructed within five years of permit issuance;
 7. The permittee requests and the Department agrees to less stringent discharge limitations when the permittee demonstrates that the changes will not affect the permittee’s ability to remain in compliance with Articles 1 and 2 of this Chapter;
 8. It is necessary to make an addition to or a substantial change in closure requirements or to provide for post-closure maintenance and monitoring; or
 9. Material and substantial alterations or additions to a permitted facility, including a change in disposal method, justify a change in permit conditions.
- C. Minor permit amendment. The Director shall make a minor amendment to an individual permit to:
1. Correct a typographical error;
 2. Change nontechnical administrative information, excluding a permit transfer;
 3. Correct minor technical errors, such as errors in calculation, locational information, citations of law, and citations of construction specifications;
 4. Increase the frequency of monitoring or reporting, or to revise a laboratory method;
 5. Make a discharge limitation more stringent;
 6. Make a change in a recordkeeping retention requirement; or
 7. Insert calculated alert levels, AQLs, or other permit limits into a permit based on monitoring subsequent to permit issuance, if a requirement to establish the levels or limits and the method for calculation of the levels or limits was established in the original permit.
- D. “Other” permit amendment.
1. The Director may make an “other” amendment to an individual permit if the amendment is not a significant or minor permit amendment prescribed in this Section, based on an evaluation of the information relevant to the amendment.
 2. Examples of an “other” amendment to an individual permit include:
 - a. A change in a construction requirement, treatment method, or operational practice, if the alteration complies with the requirements of Articles 1 and 2

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of this Chapter and provides equal or better performance;

- b. A change in an interim or final compliance date in a compliance schedule, if the Director determines just cause exists for changing the date;
 - c. A change in the permittee's financial assurance mechanism under R18-9-A203(C);
 - d. A permit transfer under R18-9-A212;
 - e. The replacement of monitoring equipment, including a well, if the replacement results in equal or greater monitoring effectiveness;
 - f. Any increase in the volume of pollutants discharged that is less than that described in subsection (B)(2)(a) or (b);
 - g. An adjustment of the permit to conform to rule or statutory provisions;
 - h. A calculation of an alert level, AQL, or other permit limit based on monitoring subsequent to permit issuance;
 - i. An addition of a point of compliance monitor well;
 - j. A combination of two or more permits at the same site as specified under R18-9-107;
 - k. An adjustment or incorporation of monitoring requirements to ensure Reclaimed Water Quality Standards developed under 18 A.A.C. 11, Article 3 are met; or
 - l. A change in a contingency plan resulting in equal or more efficient responsiveness.
- E.** The public notice and public participation requirements of R18-9-108 and R18-9-109 apply to a significant amendment. The public notice requirements apply to an "other" amendment. A minor amendment does not require a public notice or public participation.
- F.** The Director shall not amend or reissue a permit to allow use of a discharge control technology that provides a lesser degree of pollutant discharge reduction than the BADCT established in the individual Aquifer Protection Permit previously issued for a facility, unless:
- 1. The industrial classification of the facility has changed so that a new assessment of BADCT is appropriate,
 - 2. The pollutant load has decreased or the pollutant composition has changed significantly to warrant a new assessment of the BADCT,
 - 3. The Director approves a corrective or contingency action that necessitates a change in the treatment technology, or
 - 4. The approved discharge control technology is not operating properly due to circumstances beyond the control of the owner or operator.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A212. Permit Transfer

- A.** The person subject to the continuance requirements under R18-9-105(A)(1), (2), or (3) shall notify the Department by certified mail within 15 days following a change of ownership. The notice shall include:
- 1. The name of the person transferring the facility;
 - 2. The name of the new owner or operator;
 - 3. The name and location of the facility;
 - 4. The written agreement between the person transferring the facility and the new owner or operator indicating a

specific date for transfer of all permit responsibility, coverage, and liability;

- 5. A signed declaration by the new owner or operator that the new owner or operator has reviewed the permit and agrees to the terms of the permit, including fee obligations under A.R.S. § 49-242; and
 - 6. The applicable fee established in 18 A.A.C. 14.
- B.** A permittee may request that the Department transfer an individual permit to a new owner or operator.
- 1. The new owner or operator shall:
 - a. Notify the Department by certified mail within 15 days after the change of ownership and include a written agreement between the previous and new owner indicating a specific date for transfer of all permit responsibility, coverage, and liability;
 - b. Submit the applicable fee established in 18 A.A.C. 14;
 - c. Demonstrate the technical and financial capability necessary to fully carry out the terms of the permit according to R18-9-A202 and R18-9-A203;
 - d. Submit a signed statement that the new owner or operator has reviewed the permit and agrees to the terms of the permit; and
 - e. Provide the Department with a copy of the Certificate of Disclosure if required by A.R.S. § 49-109.
 - 2. If the Director amends the individual permit for the transfer, the new permittee is responsible for all conditions of the permit.
- C.** A permittee shall comply with all permit conditions until the Director transfers the permit, regardless of whether the permittee has sold or disposed of the facility.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A213. Permit Suspension, Revocation, Denial, or Termination

- A.** The Director may, after notice and opportunity for hearing, suspend or revoke an individual permit or a continuance under R18-9-105(A)(1), (2), or (3) for any of the following:
- 1. A permittee failed to comply with any applicable provision of A.R.S. Title 49, Chapter 2, Article 3; Articles 1 and 2 of this Chapter; or any permit condition;
 - 2. A permittee misrepresented or omitted a fact, information, or data related to an Aquifer Protection Permit application or permit condition;
 - 3. The Director determines that a permitted activity is causing or will cause a violation of an Aquifer Water Quality Standard at a point of compliance;
 - 4. A permitted discharge is causing or will cause imminent and substantial endangerment to public health or the environment;
 - 5. A permittee failed to maintain the financial capability under R18-9-A203(B); or
 - 6. A permittee failed to construct a facility within five years of permit issuance and:
 - a. It is necessary to update BADCT for the facility, and
 - b. The Department has not issued an amended permit under R18-9-A211(B)(6).
- B.** The Director may deny an individual permit if the Director determines upon completion of the application process that the applicant has:

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1. Failed or refused to correct a deficiency in the permit application;
 2. Failed to demonstrate that the facility and the operation will comply with the requirements of A.R.S. §§ 49-241 through 49-252 and Articles 1 and 2 of this Chapter. The Director shall base this determination on:
 - a. The information submitted in the Aquifer Protection Permit application,
 - b. Any information submitted to the Department following a public hearing, or
 - c. Any relevant information that is developed or acquired by the Department; or
 3. Provided false or misleading information.
- C. The Director shall terminate an individual permit if each facility covered under the individual permit:
1. Has closed and the Director issued a Permit Release Notice under R18-9-A209(C)(2)(c) or R18-9-A209(B)(3)(a)(ii) for the closed facility, or
 2. Is covered under another Aquifer Protection Permit.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A214. Requested Coverage Under a General Permit

- A. If a person who applied for or was issued an individual permit qualifies to operate a facility under a general permit established in Article 3 of this Chapter, the person may request that the individual permit be terminated and replaced by the general permit. The person shall submit the Notice of Intent to Discharge under R18-9-A301(B) with the appropriate fee established in 18 A.A.C. 14.
- B. The individual permit is valid and enforceable with respect to a discharge from each facility until the Director determines that the discharge from each facility is covered under a general permit.
- C. The owner or operator operating under a general permit shall comply with all applicable general permit requirements in Article 3 of this Chapter.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

PART B. BADCT FOR SEWAGE TREATMENT FACILITIES

R18-9-B201. General Considerations and Prohibitions

- A. Applicability. The requirements in this Article apply to all sewage treatment facilities, including expansions of existing sewage treatment facilities, that treat wastewater containing sewage, unless the discharge is authorized by a general permit under Article 3 of this Chapter.
- B. The Director may specify alert levels, discharge limitations, design specifications, and operation and maintenance requirements in the permit that are based upon information provided by the applicant and that meet the requirements under A.R.S. § 49-243(B)(1).
- C. The permittee shall ensure that a sewage treatment facility is operated by a person certified under 18 A.A.C. 5, Article 1, for the grade of the facility.
- D. Operation and maintenance.
 1. The owner or operator shall maintain, at the sewage treatment facility, an operation and maintenance manual for the facility and shall update the manual as needed.

2. The owner or operator shall use the operation and maintenance manual to guide facility operations to ensure compliance with the terms of the Aquifer Protection Permit and to prevent any environmental nuisance described under A.R.S. § 49-141(A).
 3. The Director may specify adherence to any operation or maintenance requirement as an Aquifer Protection Permit condition to ensure that the terms of the Aquifer Protection Permit are met.
 4. The owner or operator shall make the operation and maintenance manual available to the Department upon request.
- E. A person shall not create or maintain a connection between any part of a sewage treatment facility and a potable water supply so that sewage or wastewater contaminates a potable or public water supply.
 - F. A person shall not bypass or release sewage or partially treated sewage that has not completed the treatment process from a sewage treatment facility.
 - G. Reclaimed water dispensed to a direct reuse site from a sewage treatment facility is regulated under Reclaimed Water Quality Standards in 18 A.A.C. 11, Article 3.
 - H. The preparation, transport, or land application of any biosolids generated by a sewage treatment facility is regulated under 18 A.A.C. 9, Article 10.
 - I. The owner or operator of a sewage treatment facility that is a new facility or undergoing a major modification shall provide setbacks established in the following table. Setbacks are measured from the treatment and disposal components within the sewage treatment facility to the nearest property line of an adjacent dwelling, workplace, or private property. If an owner or operator cannot meet a setback for a facility undergoing a major modification that incorporates full noise, odor, and aesthetic controls, the owner or operator shall not further encroach into setback distances existing before the major modification except as allowed in subsection (I)(2).

| Sewage Treatment Facility Design Flow (gallons per day) | No Noise, Odor, or Aesthetic Controls (feet) | Full Noise, Odor, and Aesthetic Controls (feet) |
|---|--|---|
| 3000 to less than 24,000 | 250 | 25 |
| 24,000 to less than 100,000 | 350 | 50 |
| 100,000 to less than 500,000 | 500 | 100 |
| 500,000 to less than 1,000,000 | 750 | 250 |
| 1,000,000 or greater | 1000 | 350 |

1. Full noise, odor, and aesthetic controls means that:
 - a. Noise due to the sewage treatment facility does not exceed 50 decibels at the facility property boundary on the A network of a sound level meter or a level established in a local noise ordinance,
 - b. All odor-producing components of the sewage treatment facility are fully enclosed,
 - c. Odor scrubbers or other odor-control devices are installed on all vents, and
 - d. Fencing aesthetically matched to the area surrounding the facility.
2. The owner or operator of a sewage treatment facility undergoing a major modification may decrease setbacks if:
 - a. Allowed by local ordinance; or
 - b. Setback waivers are obtained from affected property owners in which the property owner acknowledges awareness of the established setbacks, basic design

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of the sewage treatment facility, and the potential for noise and odor.

- J.** The owner or operator of a sewage treatment facility shall not operate the facility so that it emits an offensive odor on a persistent basis beyond the setback distances specified in subsection (I).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-B202. Design Report

- A.** A person applying for an individual permit shall submit a design report signed, dated, and sealed by an Arizona-registered professional engineer. The design report shall include the following information:
1. Wastewater characterization, including quantity, quality, seasonality, and impact of increased flows as the facility reaches design flow;
 2. The proposed method of disposal, including solids management;
 3. A description of the treatment unit processes and containment structures, including diagrams and calculations that demonstrate that the design meets BADCT requirements and will achieve treatment levels specified in R18-9-B204 through R18-9-B206, as applicable, for all flow conditions indicated in subsection (A)(9). If soil aquifer treatment or other aspects of site conditions are used to meet BADCT requirements, the applicant shall document performance of the site in the design report or the hydrogeologic report;
 4. A description of planned normal operation;
 5. A description of key maintenance activities and a description of contingency and emergency operation for the facility;
 6. A description of construction management controls;
 7. A description of the facility startup plan, including pre-operational testing, expected treated wastewater characteristics and monitoring requirements during startup, expected time-frame for meeting performance requirements specified in R18-9-B204, and any other special startup condition that may merit consideration in the individual permit;
 8. A site diagram depicting compliance with the setback requirements established in R18-9-B201(I) for the facility at design flow, and for each phase if the applicant proposes expansion of the facility in phases;
 9. The following flow information in gallons per day for the proposed sewage treatment facility. If the application proposes expansion of the facility in phases, the following flow information for each phase:
 - a. The design flow of the sewage treatment facility. The design flow is the average daily flow over a calendar year calculated as the sum of all influent flows to the facility based on Table I, Unit Design Flows, unless a different basis for determining influent flows is approved by the Department;
 - b. The maximum day. The maximum day is the greatest daily total flow that occurs over a 24-hour period within an annual cycle of flow variations;
 - c. The maximum month. The maximum month is the average daily flow of the month with the greatest total flow within the annual cycle of flow variations;

- d. The peak hour. The peak hour is the greatest total flow during one hour, expressed in gallons per day, within the annual cycle of flow variations;
- e. The minimum day. The minimum day is the least daily total flow that occurs over a 24-hour period within the annual cycle of flow variations;
- f. The minimum month. The minimum month is the average daily flow of the month with the least total flow within the annual cycle of flow variations; and
- g. The minimum hour. The minimum hour is the least total flow during one hour, expressed in gallons per day, within the annual cycle of flow variations; and

10. Specifications for pipe, standby power source, and water and sewer line separation.

- B.** The Department may inspect an applicant's facility without notice to ensure that construction conforms to the design report.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-B203. Engineering Plans and Specifications

- A.** A person applying for an individual permit for a sewage treatment facility with a design flow under one million gallons per day, shall submit engineering plans and specifications to the Department. The Director may waive this requirement if the Director previously approved engineering plans and specifications submitted by the same owner or operator for a sewage treatment facility with a design flow of more than one million gallons per day.
- B.** A person applying for an individual permit for a sewage treatment facility with a design flow of one million gallons per day or greater shall submit engineering plans and specifications if, upon review of the design report required in R18-9-B202, the Department finds that:
1. The design report fails to provide sufficient detail to determine adequacy of the proposed sewage treatment facility design;
 2. The described design is innovative and does not reflect treatment technologies generally accepted within the industry;
 3. The Department's calculations of removal efficiencies based on the design report show that the treatment facility cannot achieve treatment performance requirements;
 4. The design report does not demonstrate:
 - a. Protection from physical damage due to a 100-year flood,
 - b. Ability to continuously operate during a 25-year flood, or
 - c. Provision for a standby power source;
 5. The design report shows inconsistency in sizing or compatibility between two or more unit process components of the sewage treatment facility;
 6. The designer of the facility has:
 - a. Designed a sewage treatment facility of at least a similar size on less than three previous occasions,
 - b. Designed a sewage treatment facility that has been the subject of a Director enforcement action due to the facility design, or
 - c. Been found by the Board of Technical Registration to have violated a provision in A.R.S. Title 32, Chapter 1;

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7. The permittee seeks to expand its sewage treatment facility and the Department believes that the facility will require upgrades to the design not described and evaluated in the design report to meet the treatment performance requirements; or
 8. The construction does not conform to the design report if the sewage treatment facility has already been constructed.
- C. The Department shall review engineering plans and specifications upon request by an applicant seeking a permit for a sewage treatment facility, regardless of its flow.
- D. The Department may inspect an applicant's facility without notice to ensure that construction generally conforms to engineering plans and specifications, as applicable.
- E. Before discharging under a permit, the permittee shall submit an Engineer's Certificate of Completion signed, dated, and sealed by an Arizona-registered professional engineer in a format approved by the Department, that confirms that the facility is constructed according to the Department-approved design report or plans and specifications, as applicable.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-B204. Treatment Performance Requirements for a New Facility

- A. Definition. "Week" means a seven-day period starting on Sunday and ending on the following Saturday.
- B. An owner or operator of a new sewage treatment facility shall ensure that the facility meets the following performance requirements upon release of the treated wastewater at the outfall:
1. Secondary treatment levels.
 - a. Five-day biochemical oxygen demand (BOD₅) less than 30 mg/l (30-day average) and 45 mg/l (seven-day average), or carbonaceous biochemical oxygen demand (CBOD₅) less than 25 mg/l (30-day average) or 40 mg/l (seven-day average);
 - b. Total suspended solids (TSS) less than 30 mg/l (30-day average) and 45 mg/l (seven-day average);
 - c. pH maintained between 6.0 and 9.0 standard units; and
 - d. A removal efficiency of 85 percent for BOD₅, CBOD₅, and TSS;
 2. Secondary treatment by waste stabilization ponds is not considered BADCT unless an applicant demonstrates to the Department that site-specific hydrologic and geologic characteristics and other environmental factors are sufficient to justify secondary treatment by waste stabilization ponds;
 3. Total nitrogen in the treated wastewater is less than 10 mg/l (five-month rolling geometric mean). If an applicant demonstrates, using appropriate monitoring that soil aquifer treatment will produce a total nitrogen concentration less than 10 mg/l in wastewater that percolates to groundwater, the Department may approve soil aquifer treatment for removal of total nitrogen as an alternative to meeting the performance requirement of 10 mg/l at the outfall;
 4. Pathogen removal.
 - a. For a sewage treatment facility with a design flow of less than 250,000 gallons per day at a site where the depth to the seasonally high groundwater table is greater than 20 feet and there is no karstic or fractured bedrock at the surface:
 - i. The concentration of fecal coliform organisms in four of the wastewater samples collected during the week is less than 200 cfu/100 ml or the concentration of *E. coli* bacteria in four of the wastewater samples collected during the week is less than 126 cfu/100 ml, based on a sampling frequency of seven daily samples per week;
 - ii. The single sample maximum concentration of fecal coliform organisms in a wastewater sample is not greater than 800 cfu/100 ml or the single sample maximum concentration of *E. coli* bacteria in a wastewater sample is not greater than 504 cfu/100 ml; and
 - iii. An owner or operator of a facility may request a reduction in the monitoring frequency required in subsection (B)(4)(a)(i) if equipment is installed to continuously monitor an alternative indicator parameter and the owner or operator demonstrates that the continuous monitoring will ensure reliable production of wastewater that meets the numeric concentration levels in subsections (B)(4)(a)(i) and (ii) at the discharge point;
 5. Unless governed by A.R.S. § 49-243(I), the performance requirement for each constituent regulated under R18-11-

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406(B) through (E) is the numeric Aquifer Water Quality Standard;

6. The performance requirement for a constituent regulated under A.R.S. § 49-243(I) is removal to the greatest extent practical regardless of cost.
 - a. An operator shall minimize trihalomethane compounds generated as disinfection byproducts using chlorination, dechlorination, ultraviolet, or ozone as the disinfection system or using a technology demonstrated to have equivalent or better performance for removing or preventing trihalomethane compounds.
 - b. For other pollutants regulated by A.R.S. § 49-243(I), an operator shall use one of the following methods to achieve industrial pretreatment:
 - i. Regulate industrial sources of influent to the sewage treatment facility by setting limits on pollutant concentrations, monitoring for pollutants, and enforcing the limits to reduce, eliminate, or alter the nature of a pollutant before release into a sewage collection system;
 - ii. Meet the pretreatment requirements of A.R.S. § 49-255.02; or
 - iii. For sewage treatment facilities without significant industrial input, conduct periodic monitoring to detect industrial discharge; and
 7. A maximum seepage rate less than 550 gallons per day per acre for all containment structures within the treatment works. A sewage treatment facility that consists solely of containment structures with no other form of discharge complies with Article 2 Part B by operating below the maximum 550 gallon per day per acre seepage rate.
- C. The Director shall incorporate treated wastewater discharge limitations and associated monitoring specified in this Section into the individual permit to ensure compliance with the BADCT requirements.
- D. An applicant shall formally request in writing and justify an alternative that allows less stringent performance than that established in this Section, based on the criteria specified in A.R.S. § 49-243(B)(1).
- E. If the request specified in subsection (D) involves treatment or disposal works that are a demonstration, experimental, or pilot project, the Director may issue an individual permit that places greater reliance on monitoring to ensure operational capability.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-B205. Treatment Performance Requirements for an Existing Facility

For a sewage treatment facility that is an existing facility defined in A.R.S. § 49-201(16), the BADCT shall conform with the following:

1. The designer shall identify one or more design improvements that brings the facility closer to or within the treatment performance requirements specified in R18-9-B204, considering the factors listed in A.R.S. § 49-243(B)(1)(a) and (B)(1)(c) through (h);
2. The designer may eliminate from consideration alternatives identified in subsection (1) that are more expensive than the number of gallons of design flow times \$1.00 per gallon; and

3. The designer shall select a design that incorporates one or more of the considered alternatives by giving preference to measures that will provide the greatest improvement toward meeting the treatment performance requirements specified in R18-9-B204.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-B206. Treatment Performance Requirements for Expansion of a Facility

For an expansion of a sewage treatment facility, the BADCT shall conform with the following:

1. New facility BADCT requirements in R18-9-B204 apply to the following expansions:
 - a. An increase in design flow by an amount equal to or greater than the increases specified in R18-9-A211(B)(2)(b); or
 - b. An addition of a physically separate process or major piece of production equipment, building, or structure that causes a separate discharge to the extent that the treatment performance requirements for the pollutants addressed in R18-9-B204 can practicably be achieved by the addition.
2. BADCT requirements for existing facilities established in R18-9-B205 apply to an expansion not covered under subsection (1).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended to correct a manifest typographical error in subsection (1) (Supp. 01-1). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

ARTICLE 3. AQUIFER PROTECTION PERMITS - GENERAL PERMITS**PART A. GENERAL PROVISIONS****R18-9-A301. Discharging Under a General Permit**

- A. Discharging requirements.
1. Type 1 General Permit. A person may discharge under a Type 1 General Permit without submitting a Notice of Intent to Discharge if the discharge is authorized by and meets:
 - a. The applicable requirements of Article 3, Part A of this Chapter; and
 - b. The specific terms of the Type 1 General Permit established in Article 3, Part B of this Chapter.
 2. Type 2 General Permit. A person may discharge under a Type 2 General Permit if:
 - a. The discharge is authorized by and meets the applicable requirements of Article 3, Part A of this Chapter and the specific terms of the Type 2 General Permit established in Article 3, Part C of this Chapter;
 - b. The person files a Notice of Intent to Discharge under subsection (B); and
 - c. The person submits the applicable fee established in 18 A.A.C. 14.
 3. Type 3 General Permit. A person may discharge under a Type 3 General Permit if:

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- a. The discharge is authorized by and meets the applicable requirements of Article 3, Part A of this Chapter and the specific terms of the Type 3 General Permit established in Article 3, Part D of this Chapter;
 - b. The person files a Notice of Intent to Discharge under subsection (B);
 - c. The person satisfies any deficiency requests from the Department regarding the administrative completeness review and substantive review and receives a written Discharge Authorization from the Director; and
 - d. The person submits the applicable fee established in 18 A.A.C. 14.
4. Type 4 General Permit. A person may discharge under a Type 4 General Permit if:
- a. The discharge is authorized by and meets the applicable requirements of Article 3, Part A of this Chapter and the specific terms of the Type 4 General Permit established in Article 3, Part E of this Chapter;
 - b. The person files a Notice of Intent to Discharge under subsection (B);
 - c. The person satisfies any deficiency requests from the Department regarding the administrative completeness review and substantive review, including any deficiency relating to the construction of the facility;
 - d. The person receives a written Discharge Authorization from the Director before the facility discharges; and
 - e. The person submits the applicable fee established in 18 A.A.C. 14 or according to A.R.S. §§ 49-107 and 49-112.
- B. Notice of Intent to Discharge.**
1. A person seeking a Discharge Authorization under a general permit under subsections (A)(2), (3), or (4) shall submit, by certified mail, in person, or by another method approved by the Department, a Notice of Intent to Discharge on a form provided by the Department.
 2. The Notice of Intent to Discharge shall include:
 - a. The name, address, and telephone number of the applicant;
 - b. The name, address, and telephone number of a contact person familiar with the operation of the facility;
 - c. The name, position, address, and telephone number of the owner or operator of the facility who has overall responsibility for compliance with the permit;
 - d. The legal description of the discharge areas, including the latitude and longitude coordinates;
 - e. A narrative description of the facility or project, including expected dates of operation, rate, and volume of discharge;
 - f. The additional requirements, if any, specified in the general permit for which the authorization is being sought;
 - g. A listing of any other federal or state environmental permits issued for or needed by the facility, including any individual permit, Groundwater Quality Protection Permit, or Notice of Disposal that may have previously authorized the discharge; and
 - h. A signature on the Notice of Intent to Discharge certifying that the applicant agrees to comply with all applicable requirements of this Article, including specific terms of the general permit.
3. Receipt of a completed Notice of Intent to Discharge by the Department begins the administrative completeness review for a Type 3 or Type 4 General Permit.
- C. Type 3 General Permit authorization review.**
1. Inspection. The Department may inspect the facility to determine that the applicable terms of the general permit have been met.
 2. Discharge Authorization issuance.
 - a. If the Department determines, based on its review and an inspection, if conducted, that the facility conforms to the requirements of the general permit and the applicable requirements of this Article, the Director shall issue a Discharge Authorization.
 - b. The Discharge Authorization authorizes the person to discharge under terms of the general permit and applicable requirements of this Article.
 3. Discharge Authorization denial. If the Department determines, based on its review and an inspection, if conducted, that the facility does not conform to the requirements of the general permit or other applicable requirements of this Article, the Director shall notify the person of the decision not to issue the Discharge Authorization and the person shall not discharge under the general permit. The notification shall inform the person of:
 - a. The reason for the denial with reference to the statute or rule on which the denial is based;
 - b. The person's right to appeal the denial, including the number of days the applicant has to file a protest challenging the denial and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - c. The person's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
- D. Type 4 General Permit review.**
1. Pre-construction phase and facility construction. A person shall not begin facility construction until the Director issues a Construction Authorization.
 - a. Inspection. The Department may inspect the facility site before construction to determine that the applicable terms of the general permit will be met.
 - b. Review. If the Department determines, based on an inspection or its review of design plans, specifications, or other required documents that the facility does not conform to the requirements of the general permit or other applicable requirements of this Article, the Department shall make a written request for additional information to determine whether the facility will meet the requirements of the general permit.
 - c. Construction Authorization. If the Department determines, based on the review described in subsection (D)(1)(b) and any additional information submitted in response to a written request, that the facility design conforms with the requirements of the general permit and other applicable requirements of this Article, the Director shall issue a Construction Authorization to the person seeking to discharge. A Construction Authorization for an on-site wastewater treatment facility shall contain:
 - i. The design flow of the facility,

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- ii. The characteristics of the wastewater sources contributing to the facility,
 - iii. The general permits that apply, and
 - iv. A list of the documents that are the basis for the authorization.
- d. Construction Authorization denial. If the Department determines, based on the review described in subsection (D)(1)(b) and any additional information submitted in response to a written request, that the facility design does not conform to the requirements of the general permit or other applicable requirements of this Article, the Director shall notify the person of the decision not to issue a Construction Authorization. The notification shall include the information listed in subsections (D)(2)(d).
- e. Construction.
- i. A person shall complete construction within two years of receiving a Construction Authorization.
 - ii. Construction shall conform with the plans and documents approved by the Department in the Construction Authorization. A change in location, configuration, dimension, depth, material, or installation procedure does not require approval by the Department if the change continues to conform with the specific standard in this Article used as the basis for the original design.
 - iii. The person shall record all changes made during construction, including any changes approved under R18-9-A312(G) on the site plan as specified in R18-9-A309(C)(1) or on documents as specified in R18-9-A309(C)(2) or R18-9-E301(E), as applicable.
- f. Completion of construction.
- i. After completing construction of the facility, the person seeking to discharge shall submit any applicable documents specified in R18-9-A309(C) with the Request for Discharge Authorization form for an on-site wastewater treatment facility and the Engineer's Certificate of Completion specified in R18-9-E301(E) for a sewage collection system. Receipt of the documents by the Department initiates the post-construction review phase.
 - ii. If the Department does not receive the documentation specified in subsection (D)(1)(f)(i) by the end of the two-year construction period, the Notice of Intent to Discharge expires, and the person shall not continue construction or discharge.
 - iii. If the Notice of Intent to Discharge expires, the person shall submit a new Notice of Intent to Discharge under subsection (B) and the applicable fee under subsection (A)(4)(e) to begin or continue construction.
2. Post-construction phase.
- a. Inspection. The Department may inspect the facility before issuing a Discharge Authorization to determine whether:
 - i. The construction conforms with the design authorized by the Department under subsection (D)(1)(c) and any changes recorded on the site plan as specified in R18-9-A309(C)(1) or other documents as specified in R18-9-A309(C)(2), or R18-9-E301(E), as applicable; and
 - ii. Terms of the general permit and applicable terms of this Article are met.
 - b. Deficiencies. If the Department identifies deficiencies based on an inspection of the constructed facility or during the review of documents submitted with the request for the Discharge Authorization, the Director shall provide a written explanation of the deficiencies to the person.
 - c. Discharge Authorization issuance.
 - i. Upon satisfactory completion of construction and documents required under R18-9-A309(C)(1) R18-9-A309(C)(2), or R18-9-E301(E), as applicable, the Director shall issue a Discharge Authorization.
 - ii. The Discharge Authorization allows a person to discharge under terms of the general permit and applicable requirements of this Article and the stated terms of the Construction Authorization.
 - d. Discharge Authorization denial. If, after receiving evidence of correction submitted by the person seeking to discharge, the Department determines that the deficiencies are not satisfactorily corrected, the Director shall notify the person seeking to discharge of the Director's decision not to issue the Discharge Authorization and the person shall not discharge under the general permit. The notification shall inform the person of:
 - i. The reason for the denial with reference to the statute or rule on which the denial is based;
 - ii. The person's right to appeal the denial, including the number of days the applicant has to file a protest challenging the denial and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - iii. The person's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A302. Point of Compliance

The point of compliance is the point at which compliance with Aquifer Water Quality Standards is determined.

1. Except as provided in this Section or as stated in a specific general permit, the applicable point of compliance at a facility operating under a general permit is a vertical plane downgradient of the facility that extends through the uppermost aquifers underlying that facility.
2. The point of compliance is the limit of the pollutant management area.
 - a. The pollutant management area is the horizontal plane of the area on which pollutants are or will be placed.
 - b. If a facility operating under a general permit is located within a larger pollutant management area established under an individual permit issued to the same person, the point of compliance is the applica-

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ble point of compliance established in the individual permit.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4).

R18-9-A303. Renewal of a Discharge Authorization

- A.** Unless a Discharge Authorization under a general permit is transferred, revoked, or expired, a person may discharge under the general permit for the authorization period as specified by the permit type, including any closure activities required by a specific general permit.
- B.** An authorization to discharge under a Type 1 or Type 4 General Permit is valid for the operational life of the facility.
- C.** A permittee authorized under a Type 2 or Type 3 General Permit shall submit an application for renewal on a form provided by the Department with the applicable fee established in 18 A.A.C. 14 at least 30 days before the end of the renewal period.
1. The following are the renewal periods for Type 2 and Type 3 General Permit Discharge Authorizations:
 - a. 2.01 General Permit, five years;
 - b. 2.02 General Permit, seven years;
 - c. 2.03 General Permit, two years;
 - d. 2.04 General Permit, five years;
 - e. 2.05 General Permit, five years;
 - f. 2.06 General Permit, five years; and
 - g. Type 3 General Permits, five years.
 2. The renewal period for coverage under a Type 2 General Permit begins on the date the Department receives the Notice of Intent to Discharge.
 3. The renewal period for coverage under a Type 3 General Permit begins on the date the Director issues the written Discharge Authorization.
- D.** If the Discharge Authorization is not renewed within the renewal period specified in subsection (C)(1), the Discharge Authorization expires.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A304. Notice of Transfer

- A.** Transfer of authorization under a Type 1 General Permit.
1. A permittee transferring ownership of a facility covered by a Type 1.01 through 1.08, or 1.10 through 1.12 General Permit is not required to notify the Department of the transfer.
 2. A permittee transferring ownership of an on-site wastewater treatment facility operating under a Type 1.09 General Permit shall follow the requirements under R18-9-A316.
 3. A permittee transferring ownership of a sewage treatment facility operating under a Type 1.09 General Permit shall submit a Notice of Transfer to the Department by certified mail within 15 days after the date that ownership changes.
- B.** Transfer of authorization under a Type 2, 3, or 4.01 General Permit.
1. If a change of ownership occurs for a facility covered by a Type 2, 3, or 4.01 General Permit facility, the permittee

shall provide a Notice of Transfer to the Department or to the health or environmental agency delegated by the Director to administer Type 4.01 General Permits, by certified mail within 15 days after the date that ownership changes. The Notice of Transfer, on a form approved by the Department, shall include:

- a. Any information that has changed from the original Notice of Intent to Discharge,
 - b. Any other transfer requirements specified for the general permit, and
 - c. The applicable fee established in 18 A.A.C. 14.
2. The Department may require a permittee covered by a Type 2, 3, or Type 4.01 General Permit to submit a new Notice of Intent to Discharge and to obtain a new authorization under R18-9-A301(A)(2), (3) and (4), as applicable, if the volume or characteristics of the discharge have changed from the original application.
- C.** Transfer of a Type 4.02 through 4.23 General Permit. A permittee transferring ownership of an on-site wastewater treatment facility operating under one or more Type 4.02 through 4.23 General Permits shall follow the requirements under R18-9-A316.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A305. Facility Expansion

- A.** A permittee may expand a facility covered by a Type 2 General Permit if, before the expansion, the permittee provides the Department with the following information by certified mail:
1. An updated Notice of Intent to Discharge,
 2. A certification signed by the facility owner stating that the expansion continues to meet all the conditions of the applicable general permit, and
 3. The applicable fee established under 18 A.A.C. 14.
- B.** A permittee may expand a facility covered by a Type 3 or Type 4 General Permit if the permittee submits a new Notice of Intent to Discharge and the Department issues a new Discharge Authorization.
1. The person submitting the Notice of Intent to Discharge for the expansion may reference the previous Notice of Intent to Discharge if the previous information is identical, but shall provide full and detailed information for any changed items.
 2. The Notice of Intent to Discharge shall include:
 - a. Any applicable fee established under 18 A.A.C. 14, and
 - b. A certification signed by the facility owner stating that the expansion continues to meet all of the requirements relating to the applicable general permit.
 3. Upon receiving the Notice of Intent to Discharge, the Department shall follow the applicable review and authorization procedures described in R18-9-A301(A)(3) or (4).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A306. Closure

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- A.** To satisfy the requirements under A.R.S. § 49-252, a permittee shall close a facility authorized to discharge under a general permit as follows:
1. If the discharge is authorized under a Type 1.01 through 1.08, 1.10, 1.11, 2.05, 2.06, or 4.01 General Permit, closure notification is unnecessary and clean closure is met when:
 - a. The permittee removes material that may contribute to a continued discharge; and
 - b. The permittee eliminates, to the greatest degree practical, any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance;
 2. For a discharge authorized under a Type 2.02, 3.02, 3.05 through 3.07, or 4.23 General Permit, the facility meets clean closure requirements if the permittee provides notice and submits sufficient information for the Department to determine that:
 - a. Any material that may contribute to a continued discharge is removed;
 - b. The permittee has eliminated to the greatest degree practicable any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance; and
 - c. Closure requirements, if any, established in the general permit are met;
 3. If the discharge is authorized under a Type 1.12, 2.01, 2.03, 2.04, 3.01, 3.03, or 3.04 General Permit, the permittee shall comply with the closure requirements in the general permit;
 4. If the discharge is from an on-site wastewater treatment facility authorized under a Type 1.09 or 4.02 through 4.22 General Permit, the permittee shall comply with the closure requirements in R18-9-A309(D); and
 5. If the discharge is from a sewage treatment facility authorized under a Type 1.09 General Permit, the permittee shall comply with the closure requirements under subsection (A)(1).
- B.** For a facility operating under a general permit and located at a site where an individual area-wide permit has been issued, a permittee may defer some or all closure activities required by this subsection if the Director approves the deferral in writing. The permittee shall complete closure activities no later than the date that closure activities identified in the individual area-wide permit are performed.
- B.** The Director may revoke coverage under a general permit for any or all facilities within a specific geographic area, if, due to geologic or hydrologic conditions, the cumulative discharge of the facilities has violated or will violate an Aquifer Water Quality Standard established under A.R.S. §§ 49-221 and 49-223. Unless the public health or safety is jeopardized, the Director may allow continuation of a discharge until the Department:
1. Issues a single individual permit,
 2. Authorizes a discharge under another general permit, or
 3. Consolidates the discharges authorized under the general permits by following R18-9-107.
- C.** If an individual permit is issued to replace general permit coverage, the coverage under the general permit allowing the discharge is automatically revoked upon issuance of the individual permit and notification under subsection (E) is not required.
- D.** If the Director revokes coverage under a general permit, the facility shall not discharge unless allowed under subsection (B) or under an individual permit.
- E.** If coverage under the general permit is revoked under subsections (A) or (B), the Director shall notify the permittee by certified mail of the decision. The notification shall include:
1. A brief statement of the reason for the decision;
 2. The effective revocation date of the general permit coverage;
 3. A statement of whether the discharge shall cease or whether the discharge may continue under the terms of revocation in subsection (B);
 4. Whether the Director requires a person to obtain an individual permit, and if so:
 - a. An individual permit application form, and
 - b. Identification of a deadline between 90 and 180 days after receipt of the notification for filing the application;
 5. The applicant's right to appeal the revocation, the number of days the applicant has to file an appeal, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 6. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A308. Repealed**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Repealed by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A307. Revocation of Coverage Under a General Permit

- A.** After notice and opportunity for a hearing, the Director may revoke coverage under a general permit and require the permittee to obtain an individual permit for any of the following:
1. The permittee fails to comply with the terms of the general permit as described in this Article, or
 2. The discharge activity conducted under the terms of the general permit causes or contributes to the violation of an Aquifer Water Quality Standard at the applicable point of compliance.

R18-9-A309. General Provisions for On-site Wastewater Treatment Facilities

- A.** General requirements and prohibitions.
1. No person shall discharge sewage or wastewater that contains sewage from an on-site wastewater treatment facility except under an Aquifer Protection Permit issued by the Director.

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2. A person shall not install, allow to be installed, or maintain a connection between any part of an on-site wastewater treatment facility and a drinking water system or supply so that sewage or wastewater contaminates the drinking water.
3. A person shall not bypass or release sewage or partially treated sewage that has not completed the treatment process from an on-site wastewater treatment facility.
4. A person shall not use a cesspool for sewage disposal.
5. A person constructing a new on-site wastewater treatment facility or replacing the treatment works or disposal works of an existing on-site wastewater treatment facility shall connect to a sewage collection system if either (a) or (b) apply:
 - a. One of the following applies:
 - i. A provision of a Nitrogen Management Area designation under R18-9-A317(C) requires connection;
 - ii. A county, municipal, or sanitary district ordinance requires connection; or
 - iii. The on-site wastewater treatment facility is located within an area identified for connection to a sewage collection system by a Certified Area-wide Water Quality Management Plan adopted under 18 A.A.C. 5 or a master plan adopted by a majority of the elected officials of a board or council for a county, municipality, or sanitary district; or
 - b. A sewer service line extension is available at the property boundary and both of the following apply:
 - i. The service connection fee is not more than \$6000 for a dwelling or \$10 times the daily design flow in gallons for a source other than a dwelling, and
 - ii. The cost of constructing the building sewer from the wastewater source to the service connection is not more than \$3000 for a dwelling or \$5 times the daily design flow in gallons for a source other than a dwelling.
6. The Department shall prohibit installation of an on-site wastewater treatment facility if the installation will create an unsanitary condition or environmental nuisance or cause or contribute to a violation of an Aquifer Water Quality Standard.
7. A person shall design and operate the permitted on-site wastewater treatment facility so that:
 - a. Flows to the facility consist of typical sewage and do not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, or personal hygiene;
 - b. Flows to the facility from commercial operations do not contain hazardous wastes as defined under A.R.S. § 49921(5) or hazardous substances;
 - c. If the sewage contains a component of nonresidential flow such as food preparation, laundry service, or other source, the sewage is adequately pretreated by an interceptor that complies with R18-9-A315 or another device authorized by a general permit or approved by the Department under R18-9-A312(G);
 - d. Except as provided in subsection (A)(7)(c), a sewage flow that does not meet the numerical levels for typical sewage is adequately pretreated to meet the numerical levels before entry into an on-site wastewater treatment facility authorized by this Article;
8. A person shall control the discharge of total nitrogen from an on-site wastewater treatment facility as follows:
 - a. For an on-site wastewater treatment facility operating under the 1.09 General Permit or proposed for construction in a Notice of Intent to Discharge under a Type 4 General Permit and the facility is located within a Nitrogen Management Area, the provisions of R18-9-A317(D) apply;
 - b. For an on-site wastewater treatment facility proposed for construction in a Notice of Intent to Discharge under R18-9-E323, the provisions of R18-9-E323(A)(4) apply;
 - c. For a subdivision proposed under 18 A.A.C. 5, Article 4, for which on-site wastewater treatment facilities are used for sewage disposal, the permittee shall demonstrate in the geological report required in R18-5-408(E)(1) that total nitrogen loading from the on-site wastewater treatment facilities to groundwater is controlled by providing one of the following:
 - i. For a subdivision platted for a single family dwelling on each lot, calculations that demonstrate that the number of lots within the subdivision does not exceed the number of acres contained within the boundaries of the subdivision;
 - ii. For a subdivision platted for dwellings that do not meet the criteria specified in subsection (A)(8)(c)(i), calculations that demonstrate that the nitrogen loading over the total area of the subdivision is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the active treatment of the disposal fields, based on a total nitrogen contribution to raw sewage of 0.0333 pounds (15.0 grams) of total nitrogen per day per person; or
 - iii. An analysis by another means of demonstration showing that the nitrogen loading to the aquifer due to on-site wastewater treatment facilities within the subdivision does not cause or contribute to a violation of the Aquifer Water Quality Standard for nitrate at the applicable point of compliance.
9. Repairs and Routine Work.
 - a. A Notice of Intent to Discharge is not required for repair or routine work that maintains a facility.
 - b. A Notice of Intent to Discharge is required for the following non-routine work or repairs:
 - i. Converting a facility from operation under gravity to one requiring a pump or other mechanical device for treatment or disposal;
 - ii. Modifying or replacing a treatment works or disposal works, as defined in R18-9-101; or

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- iii. Modifying a facility in any manner that is inconsistent with the originally approved design and installation of the facility.
- c. A permittee shall comply with any local ordinance that provides independent permitting requirements for repair or routine work.
- d. A person, as defined in R18-9-101, shall not modify the facility so as to create an unsanitary condition or environmental nuisance or cause or contribute to an exceedance of a water quality standard.
10. Cumulative flows. When there is more than one on-site wastewater treatment facility on a property or on a site under common ownership or subject to a larger plan of sale or development, the Director shall determine whether an individual permit is required or whether the applicant qualifies for coverage to discharge under a general permit based on the sum of the design flows from the proposed installation and existing on-site wastewater treatment facilities on the property or site.
- a. If the sum of the design flows is less than 3000 gallons per day, the Department will process the application under R18-9-E302 through R18-9-E322, as applicable.
- b. If the sum of the design flows is equal to or more than 3000 gallons per day but less than 24,000 gallons per day, the Department will process the application under R18-9-E323.
- c. If the sum of the design flows is equal to or more than 24,000 gallons per day, the project does not qualify for coverage under a Type 4 General Permit and the applicant shall submit an application for an individual permit under Article 2 of this Chapter.
11. The use of a gray water system does not change the design, capacity, or reserve area requirements for an on-site wastewater treatment facility regulated under R18-9-E302 through R18-9-E323. The design of an on-site facility shall ensure the on-site facility can treat and dispose of the combined black water and gray water flows generated at the site. Black water includes wastewater flows from a kitchen sink. Kitchen sink wastewater flows are not gray water. Kitchen sink wastewater flows are not gray water even if a holding tank receiving kitchen sink wastewater, such as a recreational vehicle holding tank, is labeled as holding gray water. Gray water, as defined in R18-9-101, may be utilized in accordance with Article 7 of this Chapter.
12. To obtain coverage under a Type 4 General Permit, an applicant must, in the following order:
- a. Submit a Notice of Intent to Discharge according to requirements in R18-9-A301(B), R18-9-A309(B), and according to permit-specific requirements in Part E of Article 3,
- b. Receive a Construction Authorization from the Director pursuant to R18-9-A301(D)(1)),
- c. Submit a Request for Discharge Authorization according to requirements in R18-9-A301(D)(1)(f), R18-9-A309(C), and according to permit-specific requirements in Part E of Article 3, and
- d. Receive a Discharge Authorization from the Director pursuant to R18-9-A301(D)(2) and R18-9-A309(C).
- B.** Notice of Intent to Discharge under a Type 4 General Permit. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit the following information in a format approved by the Department:
1. A site investigation report that summarizes the results of the site investigation conducted under R18-9-A310(B), including:
 - a. Results from any soil evaluation, percolation test, or seepage pit performance test;
 - b. Any surface limiting condition identified in R18-9-A310(C)(2); and
 - c. Any subsurface limiting condition identified in R18-9-A310(D)(2);
 2. A site plan that includes:
 - a. The parcel and lot number, if applicable, the property address or other appropriate legal description, the property size in acres, and the boundaries of the property;
 - b. A plan of the site drawn to scale, dimensioned, and with a north arrow that shows:
 - i. Proposed and existing on-site wastewater treatment facilities; dwellings and other buildings; driveways, swimming pools, tennis courts, wells, ponds, and any other paved, concrete, or water feature; down slopes and cut banks with a slope greater than 15 percent; retaining walls; and any other constructed feature that affects proper location, design, construction, or operation of the facility;
 - ii. Any feature less than 200 feet from the on-site wastewater treatment facility excavation and reserve area that constrains the location of the on-site wastewater treatment facility because of setback limitations specified in R18-9-A312(C);
 - iii. Topography, delineated with an appropriate contour interval, showing original and post-installation grades;
 - iv. Drainage patterns, and as applicable, drainage controls and erosion protection for the facility;
 - v. Location and identification of the treatment and disposal works and wastewater pipelines, the reserve disposal area, and location and identification of all sites of percolation testing and soil evaluation performed under R18-9-A310; and
 - vi. Location of any public sewer if 400 feet or less from the property line;
 3. The design flow of the on-site wastewater treatment facility, consisting of gray water and black water flows, expressed in gallons per day based on Table 1, Unit Design Flows, the expected strength of the wastewater if the strength exceeds the levels for typical sewage, and:
 - a. For a single family dwelling, a list of the number of bedrooms and plumbing fixtures and corresponding unit flows used to calculate the design flow of the facility; and
 - b. For a dwelling other than for a single family, a list of each wastewater source and corresponding unit flows used to calculate the design flow of the facility;
 4. A list of materials, components, and equipment for constructing the on-site wastewater treatment facility;
 5. Drawings, reports, and other information that are clear, reproducible, and in a size and format specified by the Department;

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6. If pretreatment is necessary for a facility to comply with the requirements of this Chapter, including R18-9-A309(A)(7), then a design report approved by the on-site wastewater treatment facility manufacturer or manufacturers that specifies component capacities, control settings, and supplemental installation and operation practices necessary to produce typical sewage numerical levels before entry into an on-site wastewater treatment facility; and
 7. For a facility that includes treatment or disposal works permitted under R18-9-E303 through R18-9-E323:
 - a. Construction quality drawings that show the following:
 - i. Systems, subsystems, and key components, including manufacturer's name, model number, and associated construction notes and inspection milestones, as applicable;
 - ii. A title block, including facility owner, revision date, space for addition of the Department's application number, and page numbers;
 - iii. A plan and profile with the elevations of wastewater pipelines, and treatment and disposal components, including calculations justifying the absorption area, to allow Department verification of hydraulic and performance characteristics;
 - iv. Cross sections showing wastewater pipelines, construction details and elevations of treatment and disposal components, original and finished grades of the land surface, seasonal high water table if less than 10 feet below the bottom of a disposal works or 60 feet below the bottom of a seepage pit, and a soil elevation evaluation to allow Department verification of installation design and performance; and
 - b. A draft operation and maintenance manual for the on-site wastewater treatment facility consisting of the tasks and schedules for operating and maintaining performance over a 20-year operational life;
- C. Additional requirements for a Request for Discharge Authorization and for the issuance of a Discharge Authorization under a Type 4 General Permit.**
1. If the entire on-site wastewater treatment facility, including treatment works and disposal works, will be permitted under R18-9-E302, the Director shall issue the Discharge Authorization if, as a part of the Request for Discharge Authorization:
 - a. The site plan accurately reflects the final location and configuration of the components of the treatment and disposal works, and
 - b. The applicant or the applicant's agent certifies on the Request for Discharge Authorization form that the septic tank passed the watertightness test required by R18-9-A314(5)(d).
 2. If the on-site wastewater treatment facility is proposed under R18-9-E303 through R18-9-E323, either separately or in any combination with each other or with R18-9-E302, the Director shall issue the Discharge Authorization if the following documents are submitted to the Department as part of the Request for Discharge Authorization:
 - a. As-built plans showing changes from construction quality drawings submitted under subsection (B)(6)(a);
 - b. A final list of equipment and materials showing changes from the list submitted under subsection (B)(4);
 - c. A final operation and maintenance manual for the on-site wastewater treatment facility consisting of the tasks and schedules for operating and maintaining performance over a 20-year operational life;
 - d. A certification that a service contract for ensuring that the facility is operated and maintained to meet the performance and other requirements of the applicable general permits exists for at least one year following the beginning of the operation of the on-site wastewater treatment facility, including the name of the service provider, if the on-site wastewater treatment facility is permitted under:
 - i. R18-9-E304;
 - ii. R18-9-E308 through R18-9-E315;
 - iii. R18-9-E316, if the facility includes a pump; or
 - iv. R18-9-E318 through R18-9-E322;
 - e. Other documents, if required by the separate general permits in 18 A.A.C. 9, Article 3, Part E;
 - f. A Certificate of Completion signed by the current engineer or designer of record assuring that installation of the facility conforms to the design approved under the Construction Authorization under R18-9-A301(D)(1)(c); and a regulatory representative, such as an inspector, may not act as an applicant's agent, nor authorize backfill before the current engineer or designer of record has verified proper installation of the system;
 - g. The name of the installation contractor and the Registrar of Contractor's license number issued to the installation contractor; and
 - h. A certification that any septic tank installed as a component of the on-site wastewater treatment facility passed the watertightness test required by R18-9-A314(5)(d).
- 3. The Director shall specify in the Discharge Authorization:**
- a. The permitted design flow of the facility,
 - b. The characteristics of the wastewater sources contributing to the facility, and
 - c. A list of the documents submitted to and reviewed by the Department satisfying subsection (C)(2).
- D. Closure requirements. A person who permanently discontinues use of an on-site wastewater treatment facility or a cesspool, or is ordered by the Director to close an abandoned facility shall:**
1. Remove all sewage from the facility and dispose of the sewage in a lawful manner;
 2. Disconnect and remove electrical and mechanical components;
 3. Remove or collapse the top of any tank or containment structure.
 - a. Punch a hole in the bottom of the tank or containment structure if the bottom is below the seasonal high groundwater table;
 - b. Fill the tank or containment structure or any cavity resulting from its removal with earth, sand, gravel, concrete, or other approved material; and
 - c. Regrade the surface to provide drainage away from the closed area;
 4. Cut and plug both ends of the abandoned sewer drain pipe between the building and the on-site wastewater treat-

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ment facility not more than 5 feet outside the building foundation if practical, or cut and plug as close to each end as possible; and

5. Notify the Department within 30 days of closure.

E. Proprietary and other reviewed products.

1. The Department shall maintain a list of proprietary and other reviewed products that may be used for on-site wastewater treatment facilities to comply with the requirements of this Article. The list shall include appropriate information on the applicability and limitations of each product.

2. The list of proprietary and other reviewed products may include manufactured systems, subsystems, or components within the treatment works and disposal works if the products significantly contribute to the treatment performance of the system or provide the means to overcome site limitations. The Department will not list septic tanks, effluent filters or components that do not significantly affect treatment performance or provide the means to overcome site limitations.

3. A person may request that the Department add a product to the list of proprietary and other reviewed products. The request may include a proposed reference design for review. The Department shall ensure that performance values in the list reflect the treatment performance for defined wastewater characteristics. The Department shall assess fees under 18 A.A.C. 14 for product review.

F. Recordkeeping. A permittee authorized to discharge under one or more Type 4 General Permits shall maintain the Discharge Authorization and associated documents for the life of the facility.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A310. Site Investigation for Type 4 On-site Wastewater Treatment Facilities

A. Definition. For purposes of this Section, “clean water” means water free of colloidal material or additives that could affect chemical or physical properties if the water is used for percolation or seepage pit performance testing.

B. Site investigation. An applicant shall ensure that an investigator qualified under subsection (H) conducts a site investigation consisting of a surface characterization under subsection (C) and a subsurface characterization under subsection (D). The applicant shall submit the results in a format prescribed by the Department. The site investigation shall provide sufficient data to:

1. Select appropriate primary and reserve disposal areas for an on-site wastewater treatment facility considering all surface and subsurface limiting conditions in subsections (C)(2) and (D)(2); and
2. Effectively design and install the selected facility to serve the anticipated development at the site, whether or not limiting conditions exist.

C. Surface characterization.

1. Surface characterization method. The investigator shall characterize the surface of the site where an on-site wastewater treatment facility is proposed for installation using one of the following methods:

a. The “Standard Practice for Surface Site Characterization for On-site Septic Systems, D5879-95 (2003),” published by the American Society for Testing and Materials. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959; or

b. Another method of surface characterization that can, with accuracy and reliability, identify and delineate the surface limiting conditions specified in subsection (C)(2).

2. Surface limiting conditions. The investigator shall determine whether, and if so, where any of the following surface limiting conditions exist:

a. The surface slope is greater than 15 percent at the intended location of the on-site wastewater treatment facility;

b. Minimum setback distances are not within the limits specified in R18-9-A312(C);

c. Surface drainage characteristics at the intended location of the on-site wastewater treatment facility will adversely affect the ability of the facility to function properly;

d. A 100-year flood hazard zone, as indicated on the applicable flood insurance rate map, is located within the property on which the on-site wastewater treatment facility will be installed, and the flood hazard zone may adversely affect the ability of the facility to function properly;

e. An outcropping of rock that cannot be excavated exists in the intended location of the on-site wastewater treatment facility or will impair the function of soil receiving the discharge; and

f. Fill material deposits exist in the intended location of the on-site wastewater treatment facility.

D. Subsurface characterization.

1. Subsurface characterization method. The investigator shall characterize the subsurface of the site where an on-site wastewater treatment facility is proposed for installation using one or more of the following methods:

a. The following ASTM standard practice, which is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959: “Standard Practice for Subsurface Site Characterization of Test Pits for On-site Septic Systems, D5921-96(2003)e1 (2003),” published by the American Society for Testing and Materials;

b. Percolation testing as specified in subsection (F);

c. Seepage pit performance testing as specified in subsection (G); or

d. Another method of subsurface characterization, approved by the Department, that ensures compli-

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- ance with water quality standards through proper system location, selection, design, installation, and operation.
2. Subsurface limiting conditions. The investigator shall determine whether any of the following limiting conditions exist in the primary and reserve areas of the on-site wastewater treatment facility within a minimum of 12 feet of the land surface or to an impervious soil or rock layer if encountered at a shallower depth:
 - a. The soil absorption rate determined under R18-9-A312(D)(2) is:
 - i. More than 1.20 gallons per day per square foot, or
 - ii. Less than 0.20 gallons per day per square foot;
 - b. The vertical separation distance from the bottom of the lowest point of the disposal works to the seasonal high water table is less than the minimum vertical separation specified in R18-9-A312(E)(1);
 - c. Seasonal saturation occurs within surface soils that could affect the performance of the on-site wastewater treatment facility;
 - d. One of the following subsurface conditions that may cause or contribute to the surfacing of wastewater:
 - i. An impervious soil or rock layer,
 - ii. A zone of saturation that substantially limits downward percolation from the disposal works,
 - iii. Soil with more than 50 percent rock fragments;
 - e. One of the following subsurface conditions that promotes accelerated downward movement of insufficiently treated wastewater:
 - i. Fractures or joints in rock that are open, continuous, or interconnected;
 - ii. Karst voids or channels; or
 - iii. Highly permeable materials such as deposits of cobbles or boulders; or
 - f. A subsurface condition that may convey wastewater to a water of the state and cause or contribute to an exceedance of a water quality standard established in 18 A.A.C. 11, Articles 1 and 4.
 3. Applicability of subsurface characterization methods. The investigator shall:
 - a. For a seepage pit constructed under R18-9-E302, test seepage pit performance using the procedure specified in subsection (G);
 - b. For an on-site wastewater treatment facility other than a seepage pit, characterize soil by using the ASTM method specified in subsection (D)(1)(a) if any of the following site conditions exists:
 - i. The natural surface slope at the intended location of the on-site wastewater treatment facility is greater than 15 percent;
 - ii. Bedrock or similar consolidated rock formation that cannot be excavated with a shovel outcrops on the property or occurs less than 12 feet below the land surface;
 - iii. The native soil at the surface or encountered in a boring, trench, or hole consists of more than 35 percent rock fragments;
 - iv. The seasonal high water table occurs within 12 feet of the natural land surface as encountered in trenches or borings, or evidenced by well records or hydrologic reports;
 - v. Seasonal saturation at the natural land surface occurs as indicated by soil mottling, vegetation adapted to near-surface saturated soils, or springs, seeps, or surface water near enough to the intended location of the on-site wastewater treatment facility to have a connection with potential seasonal saturation at the land surface; or
 - vi. A percolation test yields results outside the limits specified in subsection (D)(2)(a) and (b).
 - c. Percolation testing. The investigator may perform percolation testing as specified in subsection (F):
 - i. To augment another method of subsurface characterization if useful to locate or design an on-site wastewater treatment facility, or
 - ii. As the sole method of subsurface characterization if a subsurface characterization by an ASTM method is not required under subsection (D)(3)(b).
 - E. If an ASTM method is used for subsurface characterization, the investigator shall conduct subsurface characterization tests at the site to provide adequate, credible, and representative information to ensure proper location, selection, design, and installation of the on-site wastewater treatment facility. The investigator shall:
 1. Select at least two test locations in the primary area and one test location in the reserve area to conduct the tests;
 2. Perform the characterization at each test location at appropriate depths to:
 - a. Establish the wastewater absorption capacity of the soil under R18-9-A312(D), and
 - b. Aid in determining that a sufficient zone of unsaturated flow is provided below the disposal works to achieve necessary wastewater treatment; and
 3. Submit with the site investigation report:
 - a. A log of soil formations for each test location with information on soil type, texture, and classification; percentage of rock; structure; consistence; and mottles;
 - b. A determination of depth to groundwater below the land surface by test trenches or borings, published groundwater data, subdivision reports, or relevant well data; and
 - c. A determination of the water absorption characteristics of the soil, under R18-9-A312(D)(2)(b), sufficient to allow location and design of the on-site wastewater treatment facility.
 - F. Percolation testing method for subsurface characterization.
 1. Planning and preparation. The investigator shall:
 - a. Select at least two locations in the primary area and at least one location in the reserve area for percolation testing, to provide adequate and credible information to ensure proper location, selection, design, and installation of a properly working on-site wastewater treatment facility;
 - b. Perform percolation testing at each location at intervals in the soil profile sufficient to:
 - i. Establish the wastewater absorption capability of the soil under R18-9-A312(D), and
 - ii. Aid in determining that a sufficient zone of unsaturated flow is provided below the disposal works to achieve necessary wastewater treatment. The investigator shall perform percolation tests at multiple depths if there is an indication of an obvious change in soil characteristics that affect the location, selection,

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- design, installation, or disposal performance of the on-site wastewater treatment facility;
- c. Excavate percolation test holes in undisturbed soil at least 12 inches deep with dimensions of 12 inches by 12 inches, if square, or a diameter of 15 inches, if round. The investigator shall not alter the structure of the soil during the excavation;
 - d. Place percolation test holes away from site or soil features that yield unrepresentative or misleading data pertaining to the location, selection, design, installation, or performance of the on-site wastewater treatment facility;
 - e. Scarify smeared soil surfaces within the percolation test holes and remove any loosened materials from the bottom of the hole; and
 - f. Use buckets with holes in the sides to support the sidewalls of the percolation test hole, if necessary. The investigator shall fill any voids between the walls of the hole and the bucket with pea gravel to reduce the impact of the enlarged hole.
2. Presoaking procedure. The investigator shall:
 - a. Fill the percolation test hole with clean water to a depth of 12 inches above the bottom of the hole;
 - b. Observe the decline of the water level in the hole and record time in minutes for the water to completely drain away;
 - c. Repeat the steps specified in subsection (F)(2)(a) and (b) if the water drains away in less than 60 minutes.
 - i. If the water drains away the second time in less than 60 minutes, the investigator shall repeat the steps specified in subsections (F)(2)(a) and (b).
 - ii. If the water drains away a third time in less than 60 minutes, the investigator shall perform the percolation test by following subsection (F)(3); and
 - d. Add clean water to the hole after 60 minutes and maintain the water at a minimum depth of 9 inches for at least four more hours if it takes 60 minutes or longer for the water to drain away. The investigator shall protect the hole from precipitation and runoff, and perform the percolation test specified in subsection (F)(3) between 16 and 24 hours after presoaking.
 3. Conducting the test. The investigator shall:
 - a. Conduct the percolation test before soil hydraulic conditions established by the presoaking procedure substantially change. The investigator shall remove loose materials in the percolation test hole to ensure that the specified dimensions of the hole are maintained and the infiltration surfaces are undisturbed native soil;
 - b. Fill the test hole to a depth of six inches above the bottom with clean water;
 - c. Observe the decline of the water level in the test hole and record the time in minutes for the water level to fall exactly 1 inch from a fixed reference point. The investigator shall:
 - i. Immediately refill the hole with clean water to a depth of 6 inches above the bottom, and determine and record the time in minutes for the water level to fall exactly 1 inch,
 - ii. Refill the hole again with clean water to a depth of 6 inches above the bottom and determine and record the time in minutes for the water to fall exactly 1 inch, and
 - iii. Ensure that the method for measuring water level depth is accurate and does not significantly affect the percolation rate of the test hole;
 - d. If the percolation rate stabilizes for three consecutive measurements by varying no more than 10 percent, use the highest percolation rate value of the three measurements. If three consecutive measurements indicate that the percolation rate results are not stabilizing or the percolation rate is between 60 and 120 minutes per inch, the investigator shall use an alternate method based on a graphical solution of the test data to approximate the stabilized percolation rate;
 - e. Record the percolation rate results in minutes per inch; and
 - f. Submit the following information with the site investigation report:
 - i. A log of the soil formations encountered for all percolation tests including information on texture, structure, consistence, percentage of rock fragments, and mottles, if present;
 - ii. Whether and which test hole was reinforced with a bucket;
 - iii. The locations, depths, and bottom elevations of the percolation test holes on the site investigation map;
 - iv. A determination of depth to groundwater below the land surface by test trenches or borings, published groundwater data, subdivision reports, or relevant well data; and
 - v. A determination of the water absorption characteristics of the soil, under R18-9-A312(D)(2)(a), sufficient to allow location and design of the on-site wastewater treatment facility.
 - G. Seepage pit performance testing method for subsurface characterization. The investigator shall test seepage pits described in R18-9-E302 as follows:
 1. Planning and Preparation. The investigator shall:
 - a. Identify the disposal areas at the site and drill a test hole at least 18 inches in diameter to the depth of the proposed seepage pit, at least 30 feet deep, and
 - b. Scarify soil surfaces within the test hole and remove loosened materials from the bottom of the hole.
 2. Presoaking procedure. The investigator shall:
 - a. Fill the bottom 6 inches of the test hole with gravel, if necessary, to prevent scouring;
 - b. Fill the test hole with clean water up to 3 feet below the land surface;
 - c. Observe the decline of the water level in the hole and determine the time in hours and minutes for the water to completely drain away;
 - d. Repeat the procedure if the water drains away in less than four hours; If the water drains away the second time in less than four hours, the investigator shall conduct the seepage pit performance test by following subsection (G)(3);
 - e. Add water to the hole and maintain the water at a depth that leaves at least the top 3 feet of hole

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exposed to air for at least four more hours if the water drains away in four or more hours; and

- f. Not remove the water from the hole before the seepage pit performance test if there is standing water in the hole after at least 16 hours of presoaking.
3. Conducting the test. The investigator shall:
 - a. Fill the test hole with clean water up to 3 feet below land surface;
 - b. Observe the decline of the water level in the hole and determine and record the vertical distance to the water level from a fixed reference point every 10 minutes. The investigator shall ensure that the method for measuring water level depth is accurate and does not significantly affect the rate of fall of the water level in the test hole;
 - c. Measure the decline of the water level continually until three consecutive 10-minute measurements indicate that the infiltration rates are within 10 percent. If measurements indicate that infiltration is not approaching a steady rate or if the rate is close to a numerical limit specified in R18-9-A312(E)(1), the investigator shall use, an alternate method based on a graphical solution of the test data to approximate the final stabilized infiltration rate;
 - d. Percolation test rate. Calculate the stabilized infiltration rate for a seepage pit determined by the test hole procedure specified in subsection (G)(1)(a) using the formula $P = (15 / DS) \times IS$ to determine an equivalent percolation test rate. Once "P" is determined, the investigator shall use R18-9-A312(D)(2)(a) to establish the design SAR for wastewater treated under R18-9-E302 and to calculate the required minimum sidewall area for the seepage pit using the equation specified in R18-9-E302(C)(5)(k).
 - i. "P" is the percolation test rate (minutes per inch) tabulated in the first column of the table in R18-9-A312(D)(2)(a),
 - ii. "DS" is the diameter of the seepage pit test hole in inches, and
 - iii. "IS" is the seepage pit stabilized infiltration rate (minutes per inch) determined by the procedure specified in R18-9-A310(G)(3)(c);
 - e. Submit the following information with the site investigation report:
 - i. The results of the seepage pit performance testing including data, calculations, and findings on a form provided by the Department;
 - ii. The log of the test hole indicating lithologic characteristics and points of change;
 - iii. The location of the test hole on the site investigation map;
 - iv. A determination of depth to groundwater below the land surface by borings, published groundwater data, subdivision reports, or relevant well data.
 - f. Fill the test hole so that groundwater quality and public safety are not compromised if the seepage pit is drilled elsewhere or if a seepage pit cannot be sited at the location because of unfavorable test results.
- H. Qualifications. An investigator shall not perform a site investigation under this Section unless the investigator has knowledge and competence in the subject area and is licensed in

good standing or otherwise qualified in one of the following categories:

1. Arizona-registered professional engineer,
2. Arizona-registered geologist,
3. Arizona-registered sanitarian,
4. A certificate of training from a course recognized by the Department as sufficiently covering the information specified in this Section, or
5. Qualifies under another category designated in writing by the Department.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A311. Facility Selection for Type 4 On-site Wastewater Treatment Facilities

- A. A person shall select, design, and install an on-site wastewater treatment facility that is appropriate for the site's geographic location, setback limitations, slope, topography, drainage and soil characteristics, wastewater infiltration capability, depth to the seasonal high water table, and any surface or subsurface limiting condition.
 1. A person may use on-site treatment and disposal technologies covered by a Type 4 General Permit alone or in combination with another Type 4 General Permit to overcome site limitations.
 2. An applicant may submit a single Notice of Intent to Discharge for an on-site wastewater treatment facility consisting of components or technologies covered by multiple general permits if the information submittal requirements of all the general permits are met.
 3. The Director shall issue a single Construction Authorization under R18-9-A301(D)(1) and a single Discharge Authorization under R18-9-A301(D)(2) for an on-site wastewater treatment facility that consists of components or technologies covered by multiple general permits.
 4. If either a septic tank or disposal method, or both, as identified in R18-9-E302, is appropriately used in combination with an alternative technology listed under R18-9-E303 through R18-9-E322, the applicant shall apply the design requirements specified in R18-9-E302, except that the specific requirements for R18-9-E303 through R18-9-E323, as applicable, supersede requirements in R18-9-E302 if the rules conflict. If additional modifications are necessary and appropriate to ensure adequate treatment, the applicant may request review under R18-9-A312(G) to allow the Department to approve the application.
- B. A person may install a septic tank and disposal works system described in R18-9-E302 as the sole method of wastewater treatment and disposal at a site if the site investigation conducted under R18-9-A310 indicates that no limiting condition identified under R18-9-A310(C) or R18-9-A310(D) exists at the site.
 1. A person may install a seepage pit only in valley-fill sediments in a basin-and-range alluvial basin and only if the seepage pit performance test results meet the criteria specified in R18-9-A312(E).
 2. The person shall specify in the Notice of Intent to Discharge that no limiting conditions described in R18-9-A310(C) and (D) were identified at the site.

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- C.** If any surface or subsurface limiting condition is identified in the site investigation report, an applicant may propose installation of a septic tank and disposal works system described in R18-9-E302 as the sole method of wastewater treatment and disposal at a facility only if:
1. The applicant submits information under R18-9-A312(G) that describes:
 - a. How the design of the septic tank and disposal works system specified in R18-9-E302 was modified to overcome limiting conditions;
 - b. How the modified design meets the criteria of R18-9-A312(G)(3); and
 - c. A site-specific SAR under R18-9-A312(D)(2)(a) or (b), as applicable; and
 2. None of the following surface or subsurface limiting conditions are identified at the site:
 - a. An outcropping of rock that cannot be excavated or will impair the function of soil receiving the discharge exists in the intended location of the on-site wastewater treatment facility, as described in R18-9-A310(C)(2)(e);
 - b. The vertical separation distance from the bottom of the lowest point of the disposal works to the seasonal high water table is less than the minimum vertical separation distance, as described in R18-9-A310(D)(2)(b); or
 - c. A subsurface condition that promotes accelerated downward movement of insufficiently treated wastewater as described in R18-9-A310(D)(2)(e).
- D.** If a site can accommodate a septic tank and disposal works system described in R18-9-E302, the applicant shall not install a treatment works or disposal works described in R18-9-E303 through R18-9-E322 unless the applicant submits a statement to the Department with the Notice of Intent to Discharge acknowledging the following:
1. The applicant is aware that although a septic tank and disposal works system described in R18-9-E302 is appropriate for the site, the applicant desires to install a treatment works or disposal works authorized under R18-9-E303 through R18-9-E322; and
 2. The applicant is aware that a treatment works or disposal works authorized under R18-9-E303 through R18-9-E322 may result in higher capital, operation, and maintenance costs than a septic tank and disposal works system described in R18-9-E302.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A312. Facility Design for Type 4 On-site Wastewater Treatment Facilities

- A.** General design requirements. An applicant shall ensure that the person designing an on-site wastewater treatment facility:
1. Signs the design documents submitted as part of the Notice of Intent to Discharge to obtain a Construction Authorization, including plans, specifications, drawings, reports, and calculations; and
 2. Locates and designs the on-site wastewater treatment facility project using good design judgment and relies on appropriate design methods and calculations.
- B.** Design considerations and flow determination. An applicant shall ensure that the person designing the on-site wastewater treatment facility shall:
1. Design the facility to satisfy a 20-year operational life;
 2. Design the facility based on the provisions of one or more of the general permits in R18-9-E302 through R18-9-E322 for facilities with a design flow of less than 3000 gallons per day, and R18-9-E323 for facilities with a design flow of 3000 gallons per day to less than 24,000 gallons per day;
 3. Design the facility based on the facility's design flow and wastewater characteristics as specified in R18-9-A309(A)(7), (10) and (11) and R18-9-A309(B)(3);
 4. For on-site wastewater treatment facilities permitted under R18-9-E303 through R18-9-E323, apply the following design requirements, as applicable:
 - a. Include the power source and power components in construction drawings if electricity or another type of power is necessary for facility operation;
 - b. If a hydraulic analysis is required under subsection (E), perform the analysis based on the location and dimensions of the bottom and sidewall surfaces of the disposal works that are identified in the design documentation;
 - c. Design components, piping, ports, seals, and appurtenances to withstand installation loads, internal and external operational loads, and buoyant forces. Design ports for resistance against movement, and cap or cover openings for protection from damage and entry by rodents, mosquitoes, flies, or other organisms capable of transporting a disease-causing organism;
 - d. Design tanks, liners, ports, seals, piping to and within the facility, and appurtenances for watertightness under all operational conditions;
 - e. Provide adequate storage capacity above high operating level to:
 - i. Accommodate a 24-hour power or pump outage, and
 - ii. Contain wastewater that is incompletely treated or cannot be released by the disposal works to the native soil;
 - f. If a fixed media process is used, provide in the construction drawings the media material, installation specification, media configuration, and wastewater loading rate of the media at the daily design flow;
 - g. Provide a fail-safe wastewater control or operational process, if required by the general permit to prevent discharge of inadequately treated wastewater; and
 - h. Reference design. If using a reference design on file with the Department, indicate the reference design within the information submitted with the Notice of Intent to Discharge.
- C.** Setbacks. The following setbacks apply unless the Department:
1. Specifies alternative setbacks under Article 3, Part E of this Chapter;
 2. Approves a different setback under the procedure specified in subsection (G); or
 3. Establishes a more stringent setback on a site- or area-specific basis to ensure compliance with water quality standards.

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| Features Requiring Setbacks | Setback For An On-Site Wastewater Treatment Facility, Including Reserve Area (In Feet) | Special Provisions |
|---|--|---|
| 1. Building | 10 | Includes porches, decks (including pool decks), and steps (covered or uncovered), breezeways, roofed patios, carports, covered walks, and similar structures and appurtenances. |
| 2. Property line shared with any adjoining lot or parcel not served by a common drinking water system* or an existing water well | 50 | A person may reduce the setback to a minimum of 5 feet from the property line if: a. The owners of any affected undeveloped adjacent properties agree, as evidenced by an appropriately recorded document, to limit the location of any new well on their property to at least 100 feet from the proposed treatment works and primary and reserve disposal works; and b. The arrangements and documentation are approved by the Department. |
| 3. All other property lines | 5 | None |
| 4. Public or private water supply well | 100 | None |
| 5. Perennial or intermittent stream | 100 | Measured horizontally from the high water line of the peak streamflow from a 10-year, 24-hour rainfall event. |
| 6. Lake, reservoir, or canal | 100 | Measured horizontally from the high water line from a 10-year, 24-hour rainfall event at the lake or reservoir and measured horizontally from the edge of the canal. |
| 7. Drinking water intake from a surface water source (includes an open water body, downslope spring or a well tapping stream-side saturated alluvium) | 200 | Measured horizontally from the on-site wastewater treatment facility to the structure or mechanism for withdrawing raw water such as a pipe inlet, grate, pump, intake or diversion box, spring box, well, or similar structure. |
| 8. Wash or drainage easement with a drainage area of more than 20 acres | 50 | Measured horizontally from the nearest edge of the defined natural channel bank or drainage easement boundary. A person may reduce the setback to 25 feet if natural or constructed erosion protection is approved by the appropriate flood plain administrator. |
| 9. Water main or branch water line | 10 | None |
| 10. Domestic service water line (including domestic water holding tanks) | 5 | Measured horizontally between the water line and the wastewater pipe, except that the following are allowed: a. A water line may cross above a wastewater pipe if the crossing angle is between 45 and 90 degrees and the vertical separation distance is 1 foot or more. b. A water line may parallel a wastewater pipe with a horizontal separation distance of 1 foot to 5 feet if the bottom of the water line is 1 foot or more above the top of the wastewater pipe and is in a separate trench or on a bench in the same trench. |

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| | | |
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| 11. Downslopes or cut banks greater than 15 percent, culverts, and ditches from: | | |
| a. Treatment works components | 10 | Measured horizontally from the bottom of the treatment works component to the closest point of daylighting on the surface. |
| b. Trench, bed, chamber technology, or gravelless trench with: | | Measured horizontally from the bottom of the lowest point of the disposal pipe or drip lines, as applicable, to the closest point of daylighting on the surface. |
| i. No limiting subsurface condition specified in R18-9-A310(D)(2), | 20 | |
| ii. A limiting subsurface condition. | | |
| c. Subsurface drip lines. | 50 | |
| | 3 | Measured horizontally from the bottom of the lowest point of the disposal pipe or drip lines, as applicable, to the closest point of daylighting on the surface. |
| 12. Driveway | 5 | Measured horizontally to the nearest edge of an on-site wastewater treatment facility excavation. A person may place a properly reinforced and protected wastewater treatment facility, except for disposal works, at any location relative to a driveway if access openings, risers, and covers carry the design load and are protected from inflow. |
| 13. Swimming pool excavation | 5 | Except if soil loading or stability concerns indicate the need for a greater separation distance. |
| 14. Easement (except drainage easement) | 5 | None |
| 15. Earth fissures | 100 | None |
| * A "common drinking water system" means a system that currently serves or is under legal obligation to serve the property and may include a drinking water utility, a well-sharing agreement, or other viable water supply agreement. | | |

D. Soil absorption rate (SAR) and disposal works sizing.

1. An applicant shall determine the soil absorption area by dividing the design flow by the applicable soil absorption rate. If soil characterization and percolation test methods yield different SAR values or if multiple applications of the same approach yield different values, the designer of the disposal works shall use the lowest SAR value unless a higher SAR value is proposed and justified to the

Department's satisfaction in the Notice of Intent to Discharge.

2. The SAR used to calculate disposal works size for systems described in R18-9-E302 is as follows:
 - a. The SAR by percolation testing as described in R18-9-A310(F) or (G), as applicable, is determined as follows:

| Percolation Rate from Percolation Test (minutes per inch) | SAR, Trench, Chamber, and Pit (gal/day/ft ²) | SAR, Bed (gal/day/ft ²) |
|---|--|-------------------------------------|
| Less than 1.00 | A site-specific SAR is required | A site-specific SAR is required |
| 1.00 to less than 3.00 | 1.20 | 0.93 |
| 3.00 | 1.10 | 0.73 |
| 4.00 | 1.00 | 0.67 |
| 5.00 | 0.90 | 0.60 |
| 7.00 | 0.75 | 0.50 |
| 10.0 | 0.63 | 0.42 |
| 15.0 | 0.50 | 0.33 |
| 20.0 | 0.44 | 0.29 |
| 25.0 | 0.40 | 0.27 |
| 30.0 | 0.36 | 0.24 |
| 35.0 | 0.33 | 0.22 |

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| | | |
|------------------|---------------------------------|---------------------------------|
| 40.0 | 0.31 | 0.21 |
| 45.0 | 0.29 | 0.20 |
| 50.0 | 0.28 | 0.19 |
| 55.0 | 0.27 | 0.18 |
| 55.0+ to 60.0 | 0.25 | 0.17 |
| 60.0+ to 120 | 0.20 | 0.13 |
| Greater than 120 | A site-specific SAR is required | A site-specific SAR is required |

b. The SAR using the soil evaluation method described in R18-9-A310(E) is determined by answering the questions in the following table. The questions are read in sequence starting with "A." The first "yes" answer determines the SAR. A seepage pit is

required to determine percolation rate under the procedure described in R18-9-A310(G) and would only use this table to augment the percolation test results, if appropriate.

| Sequence of Soil Characteristics Questions | SAR, Trench, Chamber, and Pit gal/day/ft ² | SAR, Bed gal/day/ft ² |
|---|---|----------------------------------|
| A. Is the horizon gravelly coarse sand or coarser? | A site-specific SAR is required | A site-specific SAR is required |
| B. Is the structure of the horizon moderate or strongly platy? | A site-specific SAR is required | A site-specific SAR is required |
| C. Is the texture of the horizon sandy clay loam, clay loam, silty clay loam, or finer and the soil structure weak platy? | A site-specific SAR is required | A site-specific SAR is required |
| D. Is the moist consistence stronger than firm or any cemented class? | A site-specific SAR is required | A site-specific SAR is required |
| E. Is the texture sandy clay, clay, or silty clay of high clay content and the structure massive or weak? | A site-specific SAR is required | A site-specific SAR is required |
| F. Is the texture sandy clay loam, clay loam, silty clay loam, or silt loam and the structure massive? | A site-specific SAR is required | A site-specific SAR is required |
| G. Is the texture of the horizon loam or sandy loam and the structure massive? | 0.20 | 0.13 |
| H. Is the texture sandy clay, clay, or silty clay of low clay content and the structure moderate or strong? | 0.20 | 0.13 |
| I. Is the texture sandy clay loam, clay loam, or silty clay loam and the structure weak? | 0.20 | 0.13 |
| J. Is the texture sandy clay loam, clay loam, or silty clay loam and the structure moderate or strong? | 0.40 | 0.27 |
| K. Is the texture sandy loam, loam, or silty loam and the structure weak? | 0.40 | 0.27 |
| L. Is the texture sandy loam, loam, or silt loam and the structure moderate or strong? | 0.60 | 0.40 |
| M. Is the texture fine sand, very fine sand, loamy fine sand, or loamy very fine sand? | 0.40 | 0.27 |
| N. Is the texture loamy sand or sand? | 0.80 | 0.53 |
| O. Is the texture coarse sand? | 1.20 | A site-specific SAR is required |

c. If the percolation rate determined under R18-9-A310(F) or (G), whichever is applicable, is a value that lies between two consecutive percolation rate values listed in subsection (2)(a), the applicant must use the higher of the two listed percolation rates to obtain the most conservative SAR.

3. For an on-site wastewater treatment facility described in a general permit other than R18-9-E302, the SAR is dependent on the ability of the facility to reduce the level of TSS and BOD₅ and is calculated using the following formula:

$$SAR_a = \left[\left(\frac{11.39}{\sqrt[3]{TSS + BOD_5}} - 1.87 \right) SAR^{1.13} + 1 \right] SAR$$

- a. "SAR_a" is the adjusted soil absorption rate for disposal works design in gallons per day per square foot,
- b. "TSS" is the total suspended solids in wastewater delivered to the disposal works in milligrams per liter,

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- c. "BOD₅" is the five-day biochemical oxygen demand of wastewater delivered to the disposal works in milligrams per liter, and
- d. "SAR" is the soil absorption rate for septic tank effluent determined by the subsurface characterization method described in R18-9-A310.
- 4. An applicant shall ensure that the facility is designed so that the area of the intended installation is large enough to allow for construction of the facility and for future replacement or repair and is at least as large as the following:
 - a. For a dwelling, a primary area for the disposal works sized according to subsection (D)(1) and a reserve area of 100 percent of the primary area, excluding the footprint of the treatment works. A reserve area is not required for a lot in a subdivision approved before 1974 if the lot conforms to its original approved configuration;
 - b. For other than a dwelling, a primary area for the disposal works sized according to subsection (D)(1) and a reserve area of 100 percent of the primary area, excluding the footprint of the treatment works.
- 5. An applicant shall ensure that the subsurface disposal works is designed to achieve the design flow established in R18-9-A309(B)(3) through proper hydraulic function, including conditions of seasonally cold and wet weather.
- E. Vertical separation distances.
 - 1. Minimum vertical separation to the seasonal high water table for a disposal works described in R18-9-E302 receiving septic tank effluent. For a disposal works described in R18-9-E302 receiving septic tank effluent at a facility where the septic tank and disposal system described in R18-9-E302 is the sole method of treatment and disposal of wastewater, the minimum vertical separation distance between the lowest point in the disposal works and the seasonal high water table is dependent on the soil absorption rate and is determined as follows:

| Soil Absorption Rate (gallons per day per square foot) | | | Minimum Vertical Separation Between The Bottom Of The Disposal Works And The Seasonal High Water Table (feet) | |
|---|----------------|----------------|---|-------------|
| Trench and Chamber | Bed | Seepage Pit | Trench, Chamber, and Bed | Seepage Pit |
| 1.20+ | 0.93+ | 1.20+ | Not allowed for septic tank effluent | Not Allowed |
| 0.63+ to 1.20 | 0.42 to 0.93 | 0.63+ to 1.20 | 10 | 60 |
| 0.20 to 0.63 | 0.13 to 0.42 | 0.36 to 0.63 | 5 | 60 |
| Less than 0.20 | Less than 0.13 | Less than 0.36 | Not allowed for septic tank effluent | Not Allowed |

- 2. Minimum vertical separation to the seasonal high water table for treatment and disposal works technologies described in R18-9-E303 through R18-9-E322. If the minimum vertical separation distance to the seasonal high water table for a disposal works receiving septic tank effluent specified in subsection (E)(1) is not met, the applicant shall comply with the following:
 - a. Employ one or more technologies described in R18-9-E303 through R18-9-E322 to achieve a reduced concentration of harmful microorganisms, expressed as total coliform in colony forming units per 100 milliliters (cfu/100 ml) delivered to native soil at the bottom of the disposal works. The applicant shall use the following table to select works that achieve a reduced total coliform concentration corresponding to the available vertical separation distance between the bottom of the disposal works and the seasonal high water table:

| Available Vertical Separation Distance Between the Bottom of The Disposal Works and the Seasonal High Water Table (feet) | | Maximum Allowable Total Coliform Concentration, 95 th Percentile, Delivered to Natural Soil by the Disposal Works (Log ₁₀ of coliform concentration in cfu per 100 milliliters) |
|--|-------------------------|---|
| For SAR*, 0.20 to 0.63 | For SAR*, 0.63+ to 1.20 | |
| 5 | 10 | 8** |
| 4 | 8 | 7 |
| 3.5 | 7 | 6 |
| 3 | 6 | 5 |
| 2.5 | 5 | 4 |
| 2 | 4 | 3 |
| 1.5 | 3 | 2 |
| 1 | 2 | 1 |
| 0 | 0 | 0*** |

* Soil absorption rate from percolation testing or soil characterization, in gallons per square foot per day.
 ** Nominal value for a standard septic tank and disposal field (10⁸ colony forming units per 100 ml).
 *** Nominally free of coliform bacteria.

- b. Include a hydraulic analysis with the Notice of Intent to Discharge, based on the dimensions of the absorption surfaces specified in R18-9-A312(B)(4)(b), showing that the soil is sufficiently permeable to conduct wastewater downward and laterally without surfacing for the site conditions at the disposal works.

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- 3. Vertical separation from a subsurface limiting condition described in R18-9-A310(D)(2)(d) that may cause or contribute to surfacing of wastewater. If a subsurface limiting condition described in R18-9-A310(D)(2)(d) exists at the location of the disposal works, the applicant shall ensure that the design for the on-site wastewater treatment facility meets one of the following:
 - a. A zone of acceptable native soil with the following characteristics exists between the bottom of the disposal works and the top of the subsurface limiting condition:
 - i. The zone of soil is at least 4 feet thick, and
 - ii. The zone of soil is sufficiently permeable to conduct wastewater released from the disposal works vertically downward and laterally without causing surfacing of the wastewater as documented by a hydraulic analysis submitted with the Notice of Intent to Discharge that is based on the dimensions of the absorption surfaces specified in R18-9-A312(B)(4)(b);
 - b. The subsurface limiting condition is thin enough to allow placement of a disposal works into acceptable

native soil beneath the subsurface limiting condition if the following criteria are met:

- i. The bottom of the subsurface limiting condition is not deeper than 10 feet below the land surface, and
- ii. The vertical separation distance from the bottom of the disposal works to the seasonal high water table complies with subsection (E)(1) or (2), as applicable; or
- c. If the disposal works is placed above the subsurface limiting condition and the depth to the subsurface limiting condition is less than 4 feet below the bottom of the disposal works, the design for the on-site wastewater treatment facility shall comply with all of the following:
 - i. Employ one or more technologies described in R18-9-E303 through R18-9-E322 to achieve a reduced concentration of harmful microorganisms, expressed as total coliform in colony forming units per 100 milliliters (cfu/100 ml), delivered to acceptable native soil at the bottom of the disposal works, as follows:

| Available Vertical Separation Distance from the Bottom of the Disposal Works to the Subsurface Limiting Condition (feet) | Maximum Allowable Total Coliform Concentration, 95 th Percentile, Delivered to Acceptable Native Soil by the Disposal Works (Log ₁₀ of coliform concentration in cfu per 100 milliliters) |
|--|---|
| 3.5 | 7 |
| 3 | 6 |
| 2.5 | 5 |
| 2 | 4 |
| 1.5 | 0* |
| 1 | 0* |
| 0.5 | 0* |
| 0 | 0* |

* Nominally free of coliform bacteria.

- ii. Include a hydraulic analysis with the Notice of Intent to Discharge, based on the location and dimensions of the absorption surfaces specified in R18-9-A312(B)(4)(b), showing that the soil is sufficiently permeable to conduct wastewater vertically downward and laterally without surfacing for the site conditions at the disposal works; and
- iii. If a disinfection device under R18-9-E320 is proposed but is not used with surface disposal of wastewater under R18-9-E321 or "Category A" drip irrigation disposal under R18-9-E322, provide a justification with the Notice of Intent to Discharge stating why the selected type of disposal works is favored over disposal under R18-9-E321 or R18-9-E322.
- 4. Vertical separation from a subsurface limiting condition described in R18-9-A310(D)(2)(e) that promotes accelerated downward movement of insufficiently treated wastewater. If a subsurface limiting condition described in R18-9-A310(D)(2)(e) exists at the location of the proposed disposal works, the applicant shall ensure that the design for the on-site wastewater treatment facility meets one of the following:

- a. A zone of naturally occurring soil with the following characteristics exists between the bottom of the disposal works and the top of the subsurface limiting condition:
 - i. The zone of soil is at least 2 feet thick, and
 - ii. The SAR of the soil is not less than 0.20 gallons per day per square foot nor more than 1.20 gallons per day per square foot; or
- b. The on-site wastewater treatment facility employs one or more technologies described in R18-9-E303 through R18-9-E322 that produces treated wastewater that meets a total coliform concentration of 1,000,000 (Log₁₀6) colony forming units per 100 milliliters, 95th percentile.

- F. Materials and manufactured system components.
 - 1. Materials. An applicant shall use aggregate if no specification for disposal works material is provided in this Article.
 - 2. Manufactured components. If manufactured components are used, an applicant shall design, install, and operate the on-site wastewater treatment facility following the manufacturer's specifications. The applicant shall ensure that:
 - a. Treatment and containment components, mechanical equipment, instrumentation, and controls have mon-

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- itoring, inspection, access and cleanout ports or covers, as appropriate, for monitoring and service;
- b. Treatment and containment components, pipe, fittings, pumps, and related components and controls are durable, watertight, structurally sound, and capable of withstanding stress from installation and operational service; and
 - c. Distribution lines for disposal works are constructed of perforated high density polyethylene pipe, perforated ABS pipe, perforated PVC pipe, or other pipe material, if the pipe is suitable for wastewater disposal use and sufficient openings are available for distribution of the wastewater into the trench or bed area.
3. Electronic components. When electronic components are used, the applicant shall ensure that:
 - a. The component connections are compliant with the electrical code encompassed in the local building codes applicable in the county in which the facility is installed, except as required for a pressure distribution system under R18-9-E304(D)(2)(e);
 - b. Instructions and a wiring diagram are mounted on the inside of a control panel cover;
 - c. The control panel is equipped with a multimode operation switch, red alarm light, buzzer, and reset button;
 - d. The multimode operation switch operates in the automatic position for normal system operation; and
 - e. An anomalous condition is indicated by a glowing alarm light and sounding buzzer. The continued glowing of the alarm light after pressing the reset button shall signal the need for maintenance or repair of the system at the earliest practical opportunity.
 4. If a conflict exists between this Article and the manufacturer's specifications, the requirements of this Article apply. Except for the requirements in subsection (D) and (E), which always apply, if the conflict voids a manufacturer's warranty, the applicant may submit a request under subsection (G) justifying use of the manufacturer's specifications.
- G.** Alternative design, setback, installation, or operational features. When an applicant submits a Notice of Intent to Discharge, the applicant may request that the Department review and approve a feature of improved or alternative technology, design, setback, installation, or operation that differs from a general permit requirement in this Article. Designs incorporating alternative features already approved in a current listing on the "proprietary and other reviewed product list" pursuant to R18-9-A309(E) do not need additional approval under this subsection for only those specific alternative features already approved in the proprietary products listing.
1. The applicant shall make the request for an improved or alternative feature of technology, design, setback, installation, or operation on a form provided by the Department and include:
 - a. A description of the requested change;
 - b. A citation to the applicable feature or technology, design, setback, installation, or operational requirement for which the change is being requested; and
 - c. Justification for the requested change, including any necessary supporting documentation.
 2. The applicant shall submit the appropriate fee specified under 18 A.A.C. 14 for each requested change. For purposes of calculating the fee, a requested change that is applied multiple times in a similar manner throughout the facility is considered a single request if submitted for concurrent review.
 3. The applicant shall provide sufficient information for the Department to determine that the change achieves equal or better performance compared with the general permit requirement, or addresses site or system conditions more satisfactorily than the requirements of this Article.
 4. The Department shall review and may approve the request for change.
 5. The Department shall deny the request for the change if the change will adversely affect other permittees or cause or contribute to a violation of an Aquifer Water Quality Standard.
 6. The Department shall deny the request for the change if the change:
 - a. Fails to achieve equal or better performance compared to the general permit requirement;
 - b. Fails to address site or system conditions more satisfactorily than the general permit requirement;
 - c. Is insufficiently justified based on the information provided in the submittal;
 - d. Requires excessive review time, research, or specialized expertise by the Department to act on the request; or
 - e. For any other justifiable cause.
 7. The Department may approve a reduced setback for a facility authorized to discharge under one or more of the general permits in R18-9-E302 through R18-9-E323, either separately or in combination, if the applicant additionally demonstrates at least one of the following:
 - a. The treatment performance is significantly better than that provided under R18-9-E302(B),
 - b. The wastewater loading rate is reduced, or
 - c. Surface or subsurface characteristics ensure that reduced setbacks are protective of human health or water quality.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended to correct a manifest typographical error in subsection (E)(1) (Supp. 01-1). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A313. Facility Installation, Operation, and Maintenance for On-site Wastewater Treatment Facilities

- A.** Facility installation. In addition to installation requirements in the general permit, the applicant shall ensure that the following tasks are performed, as applicable:
1. The facility is installed as described in design documents submitted with the Notice of Intent to Discharge;
 2. Components are installed on a firm foundation that supports the components and operating loads;
 3. The site is prepared to protect native soil beneath the soil absorption area and in adjacent areas from compaction, prevent smeared absorption surfaces, minimize disturbances from grubbing, and otherwise preclude damage to the disposal area that would impair performance;
 4. Components are protected from damage at the construction site and installed in conformance with the manufacturer's instructions if consistent with this Article;

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5. Treatment media are placed to achieve uniform density, prevent differential settling, produce a level inlet surface unless otherwise specified by the manufacturer, and avoid introduction of construction contaminants;
6. Backfill is placed to prevent damage to geotextile, liners, tanks, and other components;
7. Soil cover is shaped to shed rainfall away from the backfill areas and prevent ponding of runoff; and
8. Anti-buoyancy measures are implemented during construction if temporary saturated backfill conditions are anticipated during construction.

B. Operation and maintenance. In addition to operation and maintenance requirements in the general permit or specified in the operation and maintenance manual, the permittee shall ensure that the following tasks are performed, as applicable:

1. Pump accumulated residues, inspect and clean wastewater treatment and distribution components, and manage residues to protect human health and the environment;
2. Clean, backwash, or replace effluent filters according to the manufacturer's instructions, and manage residues to protect human health and the environment;
3. Inspect and clean the effluent baffle screen and pump tank, and properly dispose of cleaning residue;
4. Clean the dosing tank effluent screen, pump switches, and floats, and properly dispose of cleaning residue;
5. Flush lateral lines and return flush water to the pretreatment headworks;
6. Inspect, remove and replace, if necessary, and properly dispose of filter media;
7. Rod pressurized wastewater delivery lines and secondary distribution lines (for dosing systems), and return cleaning water to the pretreatment headworks;
8. Inspect and clean pump inlets and controls and return cleaning water to the pretreatment headworks;
9. Implement corrective measures if anomalous ponding, dryness, noise, odor, or differential settling is observed;
10. Inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for:
 - a. Influent wastewater quality;
 - b. The pressurized dosing system;
 - c. The aggregate infiltration bed and mound system;
 - d. Wastewater delivery and the engineered pad;
 - e. The pressurized delivery system, filter, underdrain, and native soil absorption system;
 - f. Saturation condition status in peat and other media; and
 - g. Treatment system components;
11. Inspect tanks, liners, ports, seals, piping, and appurtenances for watertightness under all operational conditions;
12. Manage vegetation in areas that contain components subject to physical impairment or damage due to root invasion or animals;
13. Maintain drainage, berms, protective barriers, cover materials, and other features; and
14. Maintain the usefulness of the reserve area to allow for repair or replacement of the on-site wastewater treatment facility.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by

final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-A314. Septic Tank Design, Manufacturing, and Installation for On-site Wastewater Treatment Facilities

A person shall not install a septic tank in an on-site wastewater treatment facility unless the tank meets the following requirements:

1. The tank is:
 - a. Designed to produce a clarified effluent and provide adequate space for sludge and scum accumulations;
 - b. Watertight and constructed of solid durable materials not subject to excessive corrosion or decay;
 - c. Manufactured with at least two compartments unless two separate structures are placed in series. The tank is designed so that:
 - i. The inlet compartment of any septic tank not placed in series is nominally 67 percent to 75 percent of the total required capacity of the tank,
 - ii. Septic tanks placed in series are considered a unit and meet the same criteria as a single tank,
 - iii. The liquid depth of the septic tank is at least 42 inches, and
 - iv. A septic tank of 1000 gallon capacity is at least 8 feet long and the tank length of septic tanks of greater capacity is at least 2 times but not more than 3 times the width;
 - d. Manufactured with at least two access openings to the tank interior, each at least 20 inches in diameter. The tank is designed so that:
 - i. One access opening is located over the inlet end of the tank and one access opening is located over the outlet end;
 - ii. Whenever a first compartment exceeds 12 feet in length, another access opening is provided over the baffle wall; and
 - iii. Access openings and risers are constructed to ensure accessibility within 6 inches below finished grade;
 - e. Manufactured so that the sewage inlet and wastewater outlet openings are not smaller than the connecting sewer pipe. The tank is designed so that:
 - i. The vertical leg of round inlet and outlet fittings is at least 4 inches but not smaller than the connecting sewer pipe, and
 - ii. A baffle fitting has the equivalent cross-sectional area of the connecting sewer pipe and not less than a 4 inch horizontal dimension if measured at the inlet and outlet pipe inverts;
 - f. Manufactured so that the inlet and outlet pipe or baffle extends 4 inches above and at least 12 inches below the water surface when the tank is installed according to the manufacturer's instructions consistent with this Chapter. The invert of the inlet pipe is at least 2 inches above the invert of the outlet pipe;
 - g. Manufactured so that the inlet and outlet fittings or baffles and compartment partitions have a free vent area equal to the required cross-sectional area of the connected sewer pipe to provide free ventilation above the water surface from the disposal works or seepage pit through the septic tank, house sewer, and stack to the outer air;
 - h. Manufactured so that the open space extends at least 9 inches above the liquid level and the cover of the

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septic tank is at least 2 inches above the top of the inlet fitting vent opening;

- i. Manufactured so that partitions or baffles between compartments are of solid durable material (wooden baffles are prohibited) and extend at least 4 inches above the liquid level. The open area of the baffle shall be between one and 2 times the open area of the inlet pipe or horizontal slot and located at the midpoint of the liquid level of the baffle. If a horizontal slot is used, the slot shall be no more than 6 inches in height;
 - j. Structurally designed to withstand all anticipated earth or other loads. The tank is designed so that:
 - i. All septic tank covers are capable of supporting an earth load of 300 pounds per square foot; and
 - ii. If the top of the tank is greater than 2 feet below finish grade, the septic tank and cover are capable of supporting an additional load of 150 pounds per square foot for each additional foot of cover;
 - k. Manufactured or installed so that the influent and effluent ends of the tank are clearly and permanently marked on the outside of the tank with the words "INLET" or "IN," and "OUTLET" or "OUT," above or to the right or left of the corresponding openings; and
 - l. Clearly and permanently marked with the manufacturer's name or registered trademark, or both, the month and year, or Julian date, of manufacture, the maximum recommended depth of earth cover in feet, and the design liquid capacity of the tank. The tank is manufactured to protect the markings from corrosion so that they remain permanent and readable for the operational life of the tank.
2. Materials used to construct or manufacture septic tanks.
- a. A septic tank cast-in-place at the site of use shall be protected from corrosion by coating the tank with a bituminous coating, by constructing the tank using a concrete mix that incorporates 15 percent to 18 percent fly ash, or by any other Department-approved means. The tank is designed so that:
 - i. The coating extends at least 4 inches below the wastewater line and covers all of the internal area above that point; and
 - ii. A septic tank cast-in-place complies with the "Building Code Requirements for Structural Concrete and Commentary ACI 318-02/318R-02 (2002)," and the "Code Requirements for Environmental Engineering Concrete Structures and Commentary, ACI 350/350R-01 (2001)," published by the American Concrete Institute. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington Street, Phoenix, AZ 85007 or may be obtained from American Concrete Institute, P.O. Box 9094, Farmington Hills, MI 48333-9094.
 - b. A steel septic tank shall have a minimum wall thickness of No. 12 U.S. gauge steel and be protected from corrosion, internally and externally, by a bituminous coating or other Department-approved means.
 - c. A prefabricated concrete septic tank shall meet the "Standard Specification for Precast Concrete Septic Tanks, C1227-20," published by the American Society for Testing and Materials. This information is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington Street, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International West.
 - d. A septic tank manufactured using fiberglass or thermoplastic shall meet the requirements set forth in "Prefabricated Septic Tanks – IAPMO/ANSI Z1000-2019," published by the International Association of Plumbing and Mechanical Officials. This information is incorporated by reference, does not include any later amendments or editions of the incorporated material, and may be viewed at the Arizona Department of Environmental Quality, 1110 W. Washington Street, Phoenix, AZ 85007 or obtained from International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 917761.
3. Conformance with design, materials, and manufacturing requirements.
- a. If any conflict exists between this Article and the information incorporated by reference in subsection (2), the requirements of this Article apply.
 - b. The Department may approve use of alternative construction materials under R18-9-A312(G). Tanks constructed of wood, block, or bare steel are prohibited.
 - c. The Department may inspect septic tanks at the site of manufacturing to verify compliance with subsections (1) and (2).
 - d. The septic tank sale documentation includes:
 - i. A certificate attesting that the septic tank conforms with the design, materials, and manufacturing requirements in subsections (1) and (2); and
 - ii. Instructions for handling and installing the septic tank.
4. The septic tank's daily design flow is determined as follows:
- a. For a single family dwelling:
 - i. The design liquid capacity of the septic tank and the septic tank's daily design flow are determined based on the number of bedrooms and fixture count as follows:

| Criteria for Septic Tank Size and Design Flow | | | |
|---|---------------|--|-----------------------|
| Number of Bedrooms | Fixture Count | Minimum Design Liquid Capacity (gallons) | Design Flow (gal/day) |

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| | | | |
|---|--------------|------|------|
| 1 | 7 or less | 1000 | 150 |
| | More than 7 | 1000 | 300 |
| 2 | 14 or less | 1000 | 300 |
| | More than 14 | 1000 | 450 |
| 3 | 21 or less | 1000 | 450 |
| | More than 21 | 1250 | 600 |
| 4 | 28 or less | 1250 | 600 |
| | More than 28 | 1500 | 750 |
| 5 | 35 or less | 1500 | 750 |
| | More than 35 | 2000 | 900 |
| 6 | 42 or less | 2000 | 900 |
| | More than 42 | 2500 | 1050 |
| 7 | 49 or less | 2500 | 1050 |
| | More than 49 | 3000 | 1200 |
| 8 | 56 or less | 3000 | 1200 |
| | More than 56 | 3000 | 1350 |

ii. Fixture count is determined as follows:

| Residential Fixture Type | Fixture Units | Residential Fixture Type | Fixture Units |
|------------------------------------|---------------|---|---------------|
| Bathtub | 2 | Sink, bar | 1 |
| Bidet | 2 | Sink, kitchen (including dishwasher) | 2 |
| Clothes washer | 2 | Sink, service | 3 |
| Dishwasher (Separate from kitchen) | 2 | Utility tub or sink | 2 |
| Lavatory, single | 1 | Water closet, 1.6 gallons per flush (gpf) | 3 |
| Lavatory, double in master bedroom | 1 | Water closet, >1.6 to 3.2 gpf | 4 |
| Shower, single stall | 2 | Water closet, greater than 3.2 gpf | 6 |

- b. For other than a single family dwelling, the design liquid capacity of a septic tank in gallons is 2.1 times the daily design flow into the tank as determined from Table 1, Unit Design Flows. If the wastewater strength exceeds that of typical sewage, additional tank volume is required.
- c. A person may place two septic tanks in series to meet the septic tank design liquid capacity requirements if the capacity of the first tank is at least 67 percent of the total required tank capacity and the capacity of the second tank is at least 33 percent of the total required tank capacity.
- 5. The following requirements regarding new or replacement septic tank installation apply:
 - a. Permanent surface markers for locating the septic tank access openings are provided for maintenance;
 - b. A septic tank installed under concrete or pavement has the required access openings extended to grade;
 - c. A septic tank effluent filter is installed on the septic tank. The filter shall:
 - i. Prevent the passage of solids larger than 1/8 inch in diameter while under two feet of hydrostatic head; and
 - ii. Be constructed of materials that are resistant to corrosion and erosion, sized to accommodate hydraulic and organic loading, and removable for cleaning and maintenance; and
 - d. The septic tank is tested for watertightness after installation by the water test described in subsections (5)(d)(i) and (5)(d)(ii) and repaired or replaced, if necessary.
 - i. The septic tank is filled with clean water, as specified in R18-9-A310(A), to the invert of the outlet and the water left standing in the tank for 24 hours and:
 - (1) After 24 hours, the tank is refilled to the invert, if necessary;
 - (2) The initial water level and time is recorded; and
 - (3) After one hour, water level and time is recorded.
 - ii. The tank passes the water test if the water level does not drop over the one-hour period. Any visible leak of flowing water is considered a failure. A damp or wet spot that is not flowing is not considered a failure.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A315. Interceptor Design, Manufacturing, and Installation for On-site Wastewater Treatment Facilities

A. Interceptor requirement. An applicant shall ensure that an interceptor as required by R18-9-A309(A)(7)(c) or necessary due to excessive amounts of grease, garbage, sand, or other

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wastes in the sewage is installed between the sewage source and the on-site wastewater treatment facility.

B. Interceptor design. An applicant shall ensure that:

1. An interceptor has not less than two compartments with fittings designed for grease retention and capable of removing excessive amounts of grease, garbage, sand, or other similar wastes. An interceptor may not accept human excreta or toilet wastewater. Applicable structural and materials requirements prescribed in R18-9-A314 apply;
2. Interceptors are located as close to the source as possible and are accessible for servicing. The applicant shall ensure that access openings for servicing are at grade level and gas-tight;
3. The interceptor size for grease and garbage from non-residential kitchens is calculated using by the following equation: Interceptor Size (in gallons) = $M \times F \times T \times S$.
 - a. "M" is the number of meals per peak hour;
 - b. "F" is the applicable waste flow rate from Table 1, Unit Design Flows.
 - c. "T" is the estimated retention time:
 - i. Commercial kitchen waste, dishwasher or disposal: 2.5 hours; or
 - ii. Single service kitchen with utensil wash disposal: 1.5 hours;
 - d. "S" is the estimated storage factor:
 - i. Fully equipped commercial kitchen, 8-hour operation: 1.0;
 - ii. Fully equipped commercial kitchen, 16-hour operation: 2.0;
 - iii. Fully equipped commercial kitchen, 24-hour operation: 3.0; or
 - iv. Single service kitchen, 1.5;
4. The interceptor size for silt and grease from laundries and laundromats is calculated using the following equation: Interceptor Size (in gallons) = $M \times C \times F \times T \times S$.
 - a. "M" is the number of machines;
 - b. "C" is the machine cycles per hour (assume 2);
 - c. "F" is the waste flow rate from Table 1, Unit Design Flows;
 - d. "T" is the estimated retention time (assume 2); and
 - e. "S" is the estimated storage factor (assume 1.5 that allows for rock filter).

C. The applicant may calculate the size of an interceptor using different factor values than those given in subsections (B)(3) and (4) based on the values justified by the applicant in the Notice of Intent to Discharge submitted to the Department for the on-site wastewater treatment facility.

D. The Department may require installation of a sampling box if the volume or characteristics of the waste will impair the performance of the on-site wastewater treatment facility.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-A316. Transfer of Ownership Inspection for On-site Wastewater Treatment Facilities

A. Conforming with this Section satisfies the Notice of Transfer requirements under R18-9-A304.

B. Within six months before the date of property transfer, the person who is transferring a property served by an on-site wastewater treatment facility shall retain an inspector to perform a transfer of ownership inspection of the on-site wastewater treatment facility who meets the following qualifications:

1. Possesses working knowledge of the type of facility and the inspection process;
2. Holds a certificate of training from a course recognized by the Department as sufficiently covering the information specified in this Section by July 1, 2006; and
3. Holds a license in one of the following categories:
 - a. An Arizona-registered engineer;
 - b. An Arizona-registered sanitarian;
 - c. An owner of a vehicle with a human excreta collection and transport license issued under 18 A.A.C. 13, Article 11 or an employee of the owner of the vehicle;
 - d. A contractor licensed by the Registrar of Contractors in one of the following categories:
 - i. Residential license B-4 or C-41;
 - ii. Commercial license A, A-12, or L-41; or
 - iii. Dual license KA or K-41;
 - e. A wastewater treatment plant operator certified under 18 A.A.C 5, Article 1; or
 - f. A person qualifying under another category designated by the Department.

C. The inspector shall complete a Report of Inspection on a form approved by the Department, sign it, and provide it to the person transferring the property. The Report of Inspection shall:

1. Address the physical and operational condition of the on-site wastewater treatment facility and describe observed deficiencies and repairs completed, if any;
2. Indicate that each septic tank or other wastewater treatment container on the property was pumped or otherwise serviced to remove, to the maximum extent possible, solid, floating, and liquid waste accumulations, or that pumping or servicing was not performed for one of the following reasons:
 - a. A Discharge Authorization for the on-site wastewater treatment facility was issued and the facility was put into service within 12 months before the transfer of ownership inspection,
 - b. Pumping or servicing was not necessary at the time of the inspection based on the manufacturer's written operation and maintenance instructions, or
 - c. No accumulation of floating or settled waste was present in the septic tank or wastewater treatment container; and
3. Indicate the date the inspection was performed.

D. Before the property is transferred, the person transferring the property shall provide to the person to whom the property is transferred:

1. The completed Report of Inspection; and
2. Documents in the person's possession relating to permitting, operation, and maintenance of the on-site wastewater treatment facility.

E. The person to whom the property is transferred shall complete a Notice of Transfer on a form approved by the Department and send the form with the applicable fee specified in 18 A.A.C. 14 within 15 calendar days after the property transfer to:

1. The Department for transfer of a property with an on-site wastewater treatment facility for which construction was completed before January 1, 2001; or

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2. The health or environmental agency delegated by the Director to administer the on-site wastewater treatment facility program for transfer of a property with an on-site wastewater treatment facility constructed on or after January 1, 2001.
- F.** If the Department issued a Discharge Authorization for the on-site wastewater treatment facility but the facility was not put into service before the property transfer, an inspection of the facility is not required and the transferee shall complete the Notice of Transfer form as specified in subsection (E).
- G.** Effective date.
1. The owner of an on-site wastewater treatment facility operating under a Type 4 General Permit shall comply with this Section by November 12, 2005.
 2. The owner of any on-site wastewater treatment facility other than a facility identified in subsection (G)(1) shall comply with this Section by July 1, 2006.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2002 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-A317. Nitrogen Management Area**
- A.** The Director may designate a new Nitrogen Management Area to control groundwater pollution by sources of nitrogen regulated by Title 49, Chapter 2, Article 3 of the Arizona Revised Statutes and not covered under an individual permit, modify the boundaries or requirements of a Nitrogen Management Area, or rescind designation of a Nitrogen Management Area.
1. If existing conditions or trends in nitrogen loading to an aquifer will cause or contribute to an exceedance of the Aquifer Water Quality Standard for nitrate at a point or points of current or reasonably foreseeable use of the aquifer, the Director shall use the following criteria to determine whether to designate the area as a Nitrogen Management Area:
 - a. Population of the area;
 - b. The degree to which the area is unsewered;
 - c. Gross areal nitrogen loading, calculated as the amount of nitrogen discharged into the subsurface by use of on-site wastewater treatment facilities, divided by the land area under consideration for designation as a Nitrogen Management Area;
 - d. Population growth rate of area;
 - e. Existing contamination of groundwater by nitrogen species;
 - f. Existing and potential impact to groundwater by sources of nitrogen other than on-site wastewater treatment facilities;
 - g. Characteristics of the vadose zone and aquifer;
 - h. Location, number, and areal extent of existing and potential sources of nitrogen;
 - i. Location and characteristics of existing and potential drinking water supplies; and
 - j. Any other information relevant to determining the severity of actual or potential nitrogen impact on the aquifer.
 2. The Director may modify the boundaries or requirements of a Nitrogen Management Area or rescind designation of a Nitrogen Management Area based on:
 - a. A material change to one or more criterion specified in subsection (A)(1); or
 - b. The adoption by a local agency of a master plan to substantially sewer the area as soon as possible, but with a completion deadline within 10 years, unless a completion deadline of more than 10 years is approved by the Director.
- B.** Preliminary designation, modification, or rescission.
1. The Director shall provide a report to the mayors and members of the Board of Supervisors of all towns, cities, and counties and the directors of all sanitary districts affected by the Department's proposed action to designate, modify, or rescind a Nitrogen Management Area as follows:
 - a. If the Department proposes to designate a Nitrogen Management Area, the Department shall provide a report discussing each criterion specified in subsection (A)(1).
 - b. If the Department proposes to modify the boundaries or requirements of a Nitrogen Management Area or rescind the designation of a Nitrogen Management Area, the Department shall provide a report discussing applicable criteria in subsections (A)(1) and (2).
 2. The town, city, county, or sanitary district receiving the Director's report may provide written comments to the Department within 120 days to dispute the factual information presented in the report and supply any information supporting the comments.
 3. The Director shall evaluate the comments and supporting information obtained under subsection (B)(2) and either designate, modify, or rescind the Nitrogen Management Area or withdraw the proposal.
- C.** Final designation.
1. If the Director designates or modifies the Nitrogen Management Area, the Department shall:
 - a. Issue or modify the Nitrogen Management Area designation and any special provisions established for the area to control groundwater pollution by sources of nitrogen regulated by Title 49, Chapter 2, Article 3 of the Arizona Revised Statutes but not covered under an individual permit. The Department shall provide notice to the mayors and members of the Board of Supervisors of all towns, cities, and counties and the directors of all sanitary districts affected by the determination;
 - b. Maintain the designation and a map showing the boundaries of the Nitrogen Management Area at the Arizona Department of Environmental Quality, 1110 West Washington, Phoenix, Arizona 85007 and on the Department's web site at www.azdeq.gov; and
 - c. Provide, upon request, a copy of the Nitrogen Management Area designation and a map of the area.
 2. If the Director withdraws the preliminary Nitrogen Management Area designation or rescinds the Nitrogen Management Area designation, the Director shall issue a determination stating the decision and post it on the Department's web site at www.azdeq.gov.
- D.** Nitrogen Management Area requirements. Within a Nitrogen Management Area:
1. The Department shall issue a Construction Authorization, under R18-9-A301(D)(1)(c), for an on-site wastewater treatment facility only if the applicant proposes, in the Notice of Intent to Discharge, to employ one or more of the technologies allowed under R18-9-E302 through R18-9-E322 that achieves a discharge level containing not more than 15 mg/l of total nitrogen.

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2. An agricultural operation shall use the best control measure necessary to reduce nitrogen discharge when implementing the best management practices developed under 18 A.A.C. 9, Article 4. The Director may require the owner or operator to reassess the performance of the impoundment liner systems constructed under R18-9-403 before November 12, 2005.
3. A person shall comply with any special provision established for the Nitrogen Management Area, as applicable, for the person's facility.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

PART B. TYPE 1 GENERAL PERMITS**R18-9-B301. Type 1 General Permit**

- A. A 1.01 General Permit allows any discharge of wash water from a sand and gravel operation, placer mining operation, or other similar activity, including construction, foundation, and underground dewatering, if only physical processes are employed and only hazardous substances at naturally occurring concentrations in the sand, gravel, or other rock material are present in the discharge.
- B. A 1.02 General Permit allows any discharge from hydrostatic tests of a drinking water distribution system and pipelines not previously used, if all the following conditions are met:
 1. The quality of the water used for the test does not exceed an Aquifer Water Quality Standard or for non-drinking water pipelines, if reclaimed water is used, the reclaimed water meets Class A+ Reclaimed Water Quality Standards under A.A.C. R18-11-303 or Class B+ Reclaimed Water Quality Standards under A.A.C. R18-11-305;
 2. The discharge is not to a water of the United States, unless the discharge is under an AZPDES permit; and
 3. The test site is restored to its natural grade.
- C. A 1.03 General Permit allows any discharge from hydrostatic tests of a pipeline, tank, or appurtenance previously used for transmission of fluid, other than those previously used for drinking water distribution systems, if all the following conditions are met:
 1. All liquid discharge is contained in an impoundment lined with flexible geomembrane. The liquid is evaporated or removed from the impoundment and taken to a treatment works or landfill authorized to accept the material within:
 - a. 60 days of the hydrostatic test if the liner is 10 mils, or
 - b. 180 days of the hydrostatic test if the liner is 30 mils or greater;
 2. The liner is placed over a layer, at least 3 inches thick, of well-sorted sand or finer grained material, or over an underliner that provides protection equal to or better than sand or finer grained material and the calculated seepage is less than 550 gallons per acre per day;
 3. The liner is removed and disposed of at an approved landfill unless the liner can be reused at another test location without a reduction in integrity;
 4. The test site is restored to its natural grade; and
 5. If the test waters are removed using a method not specified in subsection (C)(1), including a discharge under an AZPDES permit, the test waters meet Aquifer Water Quality Standards and the specific method is approved by the Department before the discharge.
- D. A 1.04 General Permit allows any discharge from a facility that, for water quality sampling, hydrologic parameter testing, well development, redevelopment, or potable water system maintenance and repair purposes, receives water, drilling fluids, or drill cuttings from a well if the discharge is to the same aquifer in approximately the same location from which the water supply was originally withdrawn, or the discharge is under an AZPDES permit.
- E. A 1.05 General Permit allows a discharge to an injection well, surface impoundment, and leach line only if the discharge is filter backwash from a potable water treatment system, condensate from a refrigeration unit, overflows from an evaporative cooler, heat exchange system return water, or swimming pool filter backwash and the discharge is less than 1000 gallons per day. The 1.05 General Permit allows a discharge of those sources to a navigable water if the discharge is authorized by an AZPDES permit.
- F. A 1.06 General Permit allows the burial of mining industry off-road motor vehicle waste tires at the mine site in a manner consistent with the cover requirements in R18-13-1203.
- G. A 1.07 General Permit allows the operation of dockside facilities and watercraft if the following conditions are met:
 1. Docks that service watercraft equipped with toilets provide sanitary facilities at dockside for the disposal of sewage from watercraft toilets. No wastewater from sinks, showers, laundries, baths, or other plumbing fixtures at a dockside facility is discharged into waters of the state;
 2. Docks that service watercraft have conveniently located toilet facilities for men and women;
 3. No boat, houseboat, or other type of watercraft is equipped with a marine toilet constructed and operated to discharge sewage directly or indirectly into a water of the state, nor is any container of sewage placed, left, discharged, or caused to be placed, left, or discharged in or near any waters of the state by a person;
 4. Watercraft with marine toilets constructed to allow sewage to be discharged directly into waters of the state are locked and sealed to prevent usage. Chemical or other type marine toilets with approved storage containers are permitted if dockside disposal facilities are provided; and
 5. No bilge water or wastewater from sinks, showers, laundries, baths, or other plumbing fixtures on houseboats or other watercraft is discharged into waters of the state.
- H. A 1.08 General Permit allows for any earth pit privy, fixed or transportable chemical toilet, incinerator toilet or privy, or pail or can-type privy if allowed by a county health or environmental department under A.R.S. Title 36 or a delegation agreement under A.R.S. § 49-107.
- I. A 1.09 General Permit allows:
 1. The operation of:
 - a. A sewage treatment facility with flows less than 20,000 gallons per day and approved by the Department before January 1, 2001, and
 - b. An on-site wastewater treatment facility with flows less than 20,000 gallons per day operating before January 1, 2001;
 2. The person who owns or operates a facility under subsections (I)(1)(a) or (b) to operate the facility if the following conditions are met:
 - a. The discharge from the facility does not cause or contribute to a violation of a water quality standard;
 - b. The owner or operator does not expand the facility to accommodate flows above the design flow or 20,000 gallons per day, whichever is less;

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- c. The facility only treats typical sewage;
 - d. The facility does not treat flows from commercial operations using hazardous substances or creating hazardous wastes, as defined in A.R.S. § 49-921(5);
 - e. The discharge from the facility does not create any environmental nuisance condition listed in A.R.S. § 49-141; or
 - f. The owner or operator does not alter the treatment or disposal characteristics of the original facility, except as allowed under R18-9-A309(A)(9)(a).
- J.** A 1.10 General Permit allows the operation of a sewage collection system installed before January 1, 2001 that serves downstream from the point where the daily design flow is 3000 gallons per day or that includes a manhole, force main, or lift station serving more than one dwelling regardless of flow, if:
- 1. The system complies with the performance standards in R18-9-E301(B),
 - 2. No sewage is released from the sewage collection system to the land surface, and
 - 3. The system is not operating under the 2.05 General Permit.
- K.** A 1.11 General Permit allows the operation of a sewage collection system that serves upstream from the point where the daily design flow is 3000 gallons per day to the building drains, or a single gravity sewer line conveying sewage from a building drain directly to an interceptor, lateral, or manhole, regardless of daily design flow, if all of the following are met:
- 1. The system does not cause or contribute to an exceedance of a water quality standard established in 18 A.A.C. 11, Articles 1 and 4;
 - 2. No sewage is released from the sewage collection system to the land surface;
 - 3. No environmental nuisance condition listed in A.R.S. § 49-141 is created;
 - 4. The system does not include a manhole, force main, or lift station serving more than one dwelling;
 - 5. Applicable local administrative requirements for review and approval of design and construction are followed;
 - 6. The performance standards specified in R18-9-E301(B) are met using:
 - a. Local building and construction codes,
 - b. Relevant design and construction standards specified in R18-9-E301, and
 - c. Appropriate operation and maintenance;
 - 7. The system flows directly into one of the following downstream facilities:
 - a. An on-site wastewater treatment facility;
 - b. A sewage treatment facility operating under an individual permit; or
 - c. A sewage collection system operating under a 1.10, 2.05, or 4.01 General Permit; and
 - 8. The system is not operating under a 2.05 General Permit.
- L.** A 1.12 General Permit allows the discharge of wastewater resulting from washing concrete from trucks, pumps, and ancillary equipment to an impoundment if the following conditions are met:
- 1. The person holds an AZPDES Construction General Permit authorizing the concrete washout activities;
 - 2. The Stormwater Pollution Prevention Plan required by the Construction General Permit issued according to 18 A.A.C. 9, Article 9, Part C, for the construction activity addresses the concrete washout activities;
 - 3. The vegetation at the soil base of the impoundment is cleared, grubbed, and compacted to uniform density not less than 95 percent. If the impoundment is located above grade, the berms or dikes are compacted to a uniform density not less than 95 percent;
 - 4. If groundwater is less than 20 feet below land surface, the impoundment is lined with a synthetic liner at least 30 mils thick;
 - 5. The impoundment is located at least 50 feet from any storm drain inlet, open drainage facility, or watercourse and 100 feet from any water supply well;
 - 6. The impoundment is designed and operated to maintain adequate freeboard to prevent overflow or discharge of wastewater;
 - 7. The concrete washout wastewater from any wash pad is routed to the impoundment;
 - 8. The impoundment receives only concrete washout wastewater;
 - 9. The annual average daily flow of wastewater to the impoundment is less than 3000 gallons per day; and
 - 10. The following closure requirements are met.
 - a. The facility is closed by removing and appropriately disposing of any liquids remaining in the impoundment,
 - b. The area is graded to prevent ponding of water, and
 - c. Closure activities are completed before filing of the Notice of Termination under the AZPDES Construction General Permit.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

PART C. TYPE 2 GENERAL PERMITS

R18-9-C301. 2.01 General Permit: Drywells That Drain Areas Where Hazardous Substances Are Used, Stored, Loaded, or Treated

- A.** A 2.01 General Permit allows for a drywell that drains an area where hazardous substances are used, stored, loaded, or treated.
- B.** Notice of Intent to Discharge. In addition to the requirements in R18-9-A301(B), an applicant shall submit:
- 1. The Department registration number for the drywell or documentation that a drywell registration form was submitted to the Department;
 - 2. For a drywell constructed more than 90 days before submitting the Notice of Intent to Discharge to the Department, a certification signed, dated, and sealed by an Arizona-registered professional engineer or geologist that a site investigation has concluded that:
 - a. Analytical results from sampling the drywell settling chamber sediment for pollutants reasonably expected to be present do not exceed either the residential soil remediation levels or the groundwater protection levels;
 - b. The settling chamber does not contain sediments that could be used to characterize and compare results to soil remediation levels and the chamber has not been cleaned out within the last six months;
 - c. Neither a soil remediation level nor groundwater protection level is exceeded in soil samples collected from a boring drilled within 5 feet of the drywell and sampled in 5-foot increments starting from 5 feet

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below ground surface and extending to 10 feet below the base of the drywell injection pipe; or

- d. If coarse grained lithology prevents the collection of representative soil samples in a soil boring, a groundwater investigation demonstrates compliance with Aquifer Water Quality Standards in groundwater at the applicable point of compliance;
 3. Design information to demonstrate that the requirements in subsection (C) are satisfied; and
 4. A copy of the Best Management Practices Plan described in subsection (D)(5).
- C. Design requirements. An applicant shall:
1. Locate the drywell no closer than 100 feet from a water supply well and 20 feet from an underground storage tank;
 2. Clearly mark the drywell "Stormwater Only" on the surface grate or manhole cover;
 3. Locate the bottom of the drywell hole at least 10 feet above groundwater. If during drilling and well installation the drywell borehole encounters saturated conditions, the applicant shall backfill the borehole with cement grout to at least 10 feet above the elevation of saturated conditions before constructing the drywell in the borehole;
 4. Ensure that the drywell design or drainage area design includes a method to remove, intercept, or collect pollutants that may be present at the operation with the potential to reach the drywell. The applicant may include a flow control or pretreatment device, such as an interceptor, sump, or another device or structure designed to remove, intercept, or collect pollutants. The applicant may use flow control or pretreatment devices listed under R18-9-C304(D)(1) or (2) to satisfy the design requirements of this subsection;
 5. Record the accurate latitude and longitude of the drywell using a Global Positioning System device or site survey; and
 6. Develop and maintain a current site plan showing the location of the drywell, the latitude and longitude coordinates of the drywell, surface drainage patterns, the location of floor drains and French drains plumbed to the drywell, water supply wells, monitor wells, underground storage tanks, and chemical and waste usage, storage, loading, and treatment areas.
- D. Operational and maintenance requirements.
1. A permittee shall operate the drywell only for the disposal of stormwater. The permittee shall not release industrial process waters or wastes in the drywell or drywell retention basin drainage area.
 2. The permittee shall implement a Best Management Practices Plan for operation of the drywell and control of pollutants in the drywell drainage area.
 3. The permittee shall keep the Best Management Practices Plan on-site or at the closest practical place of work and provide the plan to the Department upon request.
 4. The permittee may substitute any Spill Prevention Containment and Control Plan, facility response plan, or an AZPDES Stormwater Pollution Prevention Plan that meets the requirements of this subsection for a Best Management Practices Plan. If the permittee submits a substitute for the Best Management Practices Plan, the permittee shall identify the conditions within the substitute plan that satisfy the requirements of subsection (D).
 5. The Best Management Practices Plan shall include:
 - a. A site plan showing surface drainage patterns and the location of floor drains, water supply, monitor wells, underground storage tanks, and chemical and waste usage, storage, loading, and treatment areas. The site plan shall show surface grading details designed to prevent drainage and spills of hazardous substances from leaving the drainage area and entering the drywell;
 - b. A design plan showing details of drywell design and drainage design, including flow control or pretreatment devices, such as interceptors, sumps, and other devices and structures designed to remove, intercept, and collect any pollutant that may be present at the operation with the potential to reach the drywell;
 - c. Procedures to prevent and contain spills and minimize discharges to the drywell;
 - d. Operational practices that include routine inspection and maintenance of the drywell and associated pretreatment and flow-control devices, periodic inspection of waste storage facilities, and proper handling of hazardous substances to prevent discharges to the drywell. Routine inspection and maintenance shall include:
 - i. Replacing the adsorbent material in the skimmers, if installed, when the adsorbent capacity is reached;
 - ii. Maintaining valves and associated piping for a drywell injection and treatment system;
 - iii. Maintaining magnetic caps and mats, if installed;
 - iv. Removing sludge from the oil/water separator, if installed, and replacing the filtration or adsorption material to maintain treatment capacity;
 - v. Removing sediment from the catch basin inlet filters and retention basin to maintain required storage capacity; and
 - e. Procedures for periodic employee training on practices required by the Best Management Practices Plan specific to the drywell and prevention of unauthorized discharges.
 6. The permittee shall implement waste management practices to prohibit and prevent discharges, other than those exempted in A.R.S. § 49-250(B)(23), in the drywell drainage area, including:
 - a. Maintaining an up-to-date inventory of generated wastes and waste products;
 - b. Disposing or recycling all wastes or solvents through a company licensed to handle the material;
 - c. Where possible, collecting and storing waste in waste receptacles located outside the drywell drainage area. If the permittee collects and stores the waste within the drywell drainage area, the permittee shall collect and store the waste in properly designed receptacles; and
 - d. Using a licensed waste hauler to transport waste off-site to a permitted waste disposal facility.
- E. Inspection. A permittee shall:
1. Conduct an annual inspection of the drywell for sediment accumulation in the chambers and the flow-control and treatment systems, and remove sediment annually or when 25 percent of the effective capacity is filled, whichever comes first, to restore capacity and ensure that the drywell functions properly. The permittee shall character-

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- ize the sediments that are removed from the drywell after inspection and dispose of the sediments according to local, state, and federal requirements; and
2. If the stormwater fails to drain through the drywell within 36 hours, inspect the treatment system and piping to ensure that the treatment system is functioning properly, make repairs, and perform maintenance as needed to restore proper function.
- F. Recordkeeping.** A permittee shall maintain for at least 10 years, the following documents on-site or at the closest place of work and make the documents available to the Department upon request:
1. Documentation of drywell maintenance, inspections, employee training, and sampling activities;
 2. A site plan showing the location of the drywell, the latitude and longitude coordinates of the drywell, surface drainage patterns and the location of floor drains or French drains that are plumbed to the drywell or are used to alter drainage patterns, the location of water supply wells, monitor wells, underground storage tanks, and places where hazardous substances are used, stored, or loaded;
 3. A design plan showing details of drywell design and drainage design, including any flow control and pretreatment technologies;
 4. An operations and maintenance manual that includes:
 - a. Procedures to prevent and contain spills and minimize any discharge to the drywell and a list of actions and methods proposed to prevent and contain hazardous substance spills or leaks;
 - b. Methods and procedures for inspection, operation, and maintenance activities;
 - c. Procedures for spill response; and
 - d. A description of the employee training program for drywell inspections, operations, maintenance, and waste management practices;
 5. Drywell sediment waste characteristics and disposal manifest records for sediments removed during routine inspections and maintenance activities; and
 6. Sampling plans, certified laboratory reports, and chain of custody forms for soil, sediment, and groundwater sampling associated with drywell site investigations.
- G. Spills.**
1. In the event of a spill, the permittee shall:
 - a. Notify the Department within 24 hours of any spill of hazardous or toxic substance that enters the drywell inlet;
 - b. Contain, clean up, and dispose of, according to local, state, and federal requirements, any spill or leak of a hazardous substance in the drywell drainage area and basin drainage area;
 - c. If a pretreatment system is present, verify that treatment capacity has not been exceeded; and
 - d. If the spill reaches the drywell injection pipe, drill a soil boring within 5 feet of the drywell inlet chamber and sample the soil in 5-foot increments from 5 feet below ground surface to a depth extending at least 10 feet below the base of the injection pipe to determine whether a soil remediation level or groundwater protection level has been exceeded in the subsurface. The permittee shall:
 - i. Submit the results to the Department within 60 days of the date of the spill; and
 - ii. Notify the Department if soil contamination at the facility, not related to the spill, is being addressed by an existing approved remedial action plan.
 2. Based on the results of subsection (G)(1)(d), the Director may require the permittee to submit an application for clean closure or an individual Aquifer Protection Permit.
- H. Closure and decommissioning requirements.**
1. A permittee shall:
 - a. Retain a drywell drilling contractor, licensed under 4 A.A.C. 9, to close the drywell;
 - b. Remove sediments and any drainage component, such as standpipes and screens from the drywell's settling chamber and backfill the injection pipe with cement grout;
 - c. Remove the settling chamber;
 - d. Backfill the settling chamber excavation to the land surface with clean silt, clay, or engineered material. Materials containing hazardous substances are prohibited from use in backfilling the drywell; and
 - e. Mechanically compact the backfill.
 2. Within 30 days of closure and decommissioning, the permittee shall submit a written verification to the Department that all material that contributed to a discharge has been removed and any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance has been eliminated to the greatest degree practical. The written verification shall specify:
 - a. The reason for the closure;
 - b. The drywell registration number;
 - c. The general permit reference number;
 - d. The materials and methods used to close the drywell;
 - e. The name of the contractor who performed the closure;
 - f. The completion date;
 - g. Any sampling data;
 - h. Sump construction details, if a sump was constructed to replace the abandoned drywell; and
 - i. Any other information necessary to verify that closure has been achieved.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-C302. 2.02 General Permit: Intermediate Stockpiles at Mining Sites

- A.** A 2.02 General Permit allows for intermediate stockpiles not qualifying as inert material under A.R.S. § 49-201(19) at a mining site.
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge under R18-9-A301(B), an applicant shall submit the construction and operation specifications used to satisfy the requirements in subsection (C)(1).
- C. Design and operational requirements.**
1. An applicant shall design, construct, and operate the stockpile so that it does not impound water. An applicant may rely on stormwater run-on controls or facility design features, such as drains, or both.

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2. An applicant shall direct storm runoff contacting the stockpile to a mine pit or a facility covered by an individual or general permit.
 3. A permittee shall maintain any engineered feature of the facility in good working condition.
 4. A permittee shall visually inspect the facility at least quarterly and repair any defect as soon as practical.
 5. A permittee shall not add hazardous substances to the stockpiled material.
- D. Closure requirements.** In addition to the closure requirements in R18-9-A306, the following apply:
1. If an intermediate stockpile covered under a 2.02 General Permit is permanently closed, a permittee shall remove any remaining material, to the greatest extent practical, and regrade the area to prevent impoundment of water.
 2. The permittee shall submit a narrative description of closure measures to the Department within 30 days after closure.
- Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-C303. 2.03 General Permit: Hydrologic Tracer Studies**
- A.** A 2.03 General Permit allows for a discharge caused by the performance of tracer studies.
1. The 2.03 General Permit does not authorize the use of any hazardous substance, radioactive material, or any substance identified in A.R.S. § 49-243(I) in a tracer study.
 2. A permittee shall complete a single tracer test within two years of the Notice of Intent to Discharge.
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
1. A narrative description of the tracer test including the type and amount of tracer used;
 2. A Material Safety Data Sheet for the tracer; and
 3. Unless the injection or distribution is within the capture zone of an established passive containment system meeting the requirements of A.R.S. § 49-243(G), the following information:
 - a. A narrative description of the impacts that may occur if a solution migrates outside the test area, including a list of downgradient users, if any;
 - b. The anticipated effects and expected concentrations, if possible to calculate; and
 - c. A description of the monitoring, including types of tests and frequency.
- C.** Design and operational requirements. A permittee shall:
1. Ensure that injection into a well inside the capture zone of an established passive containment system that meets the requirements of A.R.S. § 49-243(G) does not exceed the total depth of the influence of the hydrologic sink;
 2. Ensure that injection into a well outside the capture zone of an established passive containment system that meets the requirements of A.R.S. § 49-243(G) does not exceed rock fracture pressures during injection of the tracer;
 3. Not add a substance to a well that is not compatible with the well's construction;
 4. Ensure that a tracer is compatible with the construction materials at the impoundment if a tracer is placed or collected in an existing impoundment;
 5. For at least two years, monitor quarterly a well that is hydraulically downgradient of the test site for the tracer if a tracer is used outside the capture zone of an established passive containment system that meets the requirements of A.R.S. § 49-243(G) and less than 85 percent of the tracer is recovered. The permittee may adjust this period with the consent of the Department if the permittee shows that the hydraulic gradient causes the tracer to reach the monitoring point in a shorter or longer period of time;
 6. Ensure that a tracer does not leave the site in concentrations distinguishable from background water quality; and
 7. Monitor the amount of tracer used and recovered and submit a report summarizing the test and results to the Department within 30 calendar days of test completion.
- D.** Recordkeeping. A permittee shall retain the following information at the site where the facility is located for at least three years after test completion and make it available to the Department upon request.
1. Test protocols,
 2. Material Safety Data Sheet information,
 3. Recovery records, and
 4. A copy of the report submitted to the Department under subsection (C)(7).
- E.** Closure requirements.
1. If a tracer was used outside the capture zone of an established passive containment system that meets the requirements of A.R.S. § 49-243(G), a permittee shall account for any tracer not recovered through attenuation, modeling, or monitoring.
 2. The permittee shall achieve closure immediately following the test, or if the test area is within a pollutant management area defined in an individual permit, at the conclusion of operations.
- Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-C304. 2.04 General Permit: Drywells that Drain Areas at Motor Fuel Dispensing Facilities Where Motor Fuels are Used, Stored, or Loaded**
- A.** A 2.04 General Permit allows for a drywell that drains an area at a facility for dispensing motor fuel, as defined in A.A.C. R20-2-701(19), including a commercial gasoline station with an underground storage tank.
1. A drywell at a motor fuel dispensing facility using hazardous substances is eligible for coverage under the 2.04 General Permit.
 2. A drywell at a vehicle maintenance facility owned or operated by a commercial enterprise or by a federal, state, county, or local government is not eligible for coverage under this general permit, unless the facility design ensures that only motor fuel dispensing areas will drain to the drywell. Areas where hazardous substances other than motor fuels are used, stored, or loaded, including service bays, are not covered under the 2.04 General Permit.
 3. Definition. For purposes of this Section, "hazardous substances" means substances that are components of commercially packaged automotive supplies, such as motor oil, antifreeze, and routine cleaning supplies such as those

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used for cleaning windshields, but not degreasers, engine cleaners, or similar products.

- B. Notice of Intent to Discharge.** In addition to the requirements in R18-9-A301(B), an applicant shall submit:
1. The Department registration number for the drywell or documentation that a drywell registration form was submitted to the Department;
 2. For a drywell constructed more than 90 days before submitting the Notice of Intent to Discharge to the Department, a certification signed, dated, and sealed by an Arizona-registered professional engineer or geologist that a site investigation concluded that:
 - a. Analytical results from sampling sediment from the drywell settling chamber sediment for pollutants reasonably expected to be present do not exceed either the residential soil remediation levels or the groundwater protection levels;
 - b. The settling chamber does not contain sediment that could be used to characterize and compare results to soil remediation levels and the chamber has not been cleaned out within the last six months;
 - c. Neither a soil remediation level nor groundwater protection level is exceeded in soil samples collected from a boring drilled within 5 feet of the drywell and sampled in 5 foot increments starting at a depth of 5 feet below ground surface and extending to a depth of 10 feet below the base of the drywell injection pipe; or
 - d. If coarse grained lithology prevents the collection of soil samples in a soil boring, a groundwater investigation demonstrates compliance with Aquifer Water Quality Standards in groundwater at the applicable point of compliance.
 3. Design information to demonstrate that the requirements in subsection (C) are satisfied.
- C. Design requirements.**
1. An applicant shall:
 - a. Include a flow control or pretreatment device identified in subsections (D)(1) or (2), or both, that removes, intercepts, or collects spilled motor fuel or hazardous substances before stormwater enters the drywell injection pipe;
 - b. Calculate the volume of runoff generated in the design storm event and anticipate the maximum potential contaminant release quantity to design the treatment and holding capacity of the drywell;
 - c. Follow local codes and regulations to meet retention periods for removing standing water;
 - d. Locate the drywell at least 100 feet from a water supply well and 20 feet from an underground storage tank;
 - e. Locate the bottom of the drywell injection pipe at least 10 feet above groundwater. If during drilling and well installation the drywell borehole encounters saturated conditions, the applicant shall backfill the borehole with cement grout to a level at least 10 feet above the elevation at which saturated conditions were encountered in the borehole before constructing the drywell in the borehole;
 - f. Record the accurate latitude and longitude of the drywell using a Global Positioning System device or site survey and record the location on the site plans;
 - g. Clearly mark the drywell "Stormwater Only" on the surface grate or manhole cover;
 - h. Develop and maintain a current site plan showing the location of the drywell, the latitude and longitude coordinates of the drywell, surface drainage patterns and the location of floor drains and French drains that are plumbed to the drywell or are used to alter drainage patterns, water supply wells, monitor wells, underground storage tanks, and chemical and waste usage, storage, loading, and treatment areas; and
 - i. Prepare design plans showing details of drywell design and drainage design, including one or a combination of pre-approved technologies described in subsections (D)(1) and (2) designed to remove, intercept, and collect any pollutant that may be present at the operation with the potential to reach the drywell.
2. For an existing drywell, an applicant that cannot meet the design requirements in subsections (C)(1)(d) and (e) shall provide the Department with the date of drywell construction, the depth of the drywell borehole and injection pipe, the distance from the drywell to the nearest water supply well and from the drywell to the underground storage tank, and the depth to the groundwater from the bottom of the drywell injection pipe.
- D. Flow control and pretreatment.** A permittee shall ensure that motor fuels and other hazardous substances are not discharged to the subsurface. A permittee may use any of the following flow control or pretreatment technologies:
1. Flow control. The permittee shall ensure that motor fuel and hazardous substance spills are removed before allowing stormwater to enter the drywell.
 - a. Normally closed manual or automatic valve. The permittee shall leave a normally closed valve in a closed position except when stormwater is allowed to enter the drywell;
 - b. Raised drywell inlet. The permittee shall:
 - i. Raise the drywell inlet at least six inches above the bottom of the retention basin or other storage structure, or install a six-inch asphalt or concrete raised barrier encircling the drywell inlet to provide a non-draining storage capacity within the retention basin or storage structure for complete containment of a spill; and
 - ii. Ensure that the storage capacity is at least 110 percent of the volume of the design storm event required by the local jurisdiction and the estimated volume of a potential motor fuel spill based on the facility's past incident reports or incident reports for other facilities that are similar in design;
 - c. Magnetic mat or cap. The permittee shall ensure that the drywell inlet is sealed with a mat or cap at all times, except after rainfall or a storm event when the mat or cap is temporarily removed to allow stormwater to enter the drywell; and that the mat or cap is always used with a retention basin or other type of storage;
 - d. Primary sump, interceptor, or settling chamber. The permittee may use a primary sump, interceptor, or settling chamber only in combination with another flow control or pre-treatment technology.
 - i. The permittee shall remove motor fuel or hazardous substances from the sump, interceptor,

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- or chamber before allowing stormwater to enter the drywell.
- ii. The permittee shall install a settling chamber or sump and allow the suspended solids to settle before stormwater flows into a drywell; install the drywell injection pipe in a separate chamber and connect the sump, interceptor, or chamber to the drywell inlet by piping and valving to allow the stormwater to enter the drywell.
 - iii. The permittee may install fuel hydrocarbon detection sensors in the sump, interceptor, or settling chamber that use flow control to prevent fuel from discharging into the drywell;
2. Pretreatment. The permittee shall prevent the bypass of motor fuels and hazardous substances from the pretreatment system to the drywell during periods of high flow.
 - a. Catch basin inlet filter. The permittee shall:
 - i. Install a catch basin inlet filter to fit inside a catchment drain to prevent motor fuels and hazardous substances from entering the drywell,
 - ii. Ensure that a motor fuel spill or a spill during a high rainfall does not bypass the system and directly release to the drywell injection pipe, and
 - iii. Combine the catch basin inlet filter with a flow control technology to prevent contaminated stormwater from entering the drywell injection pipe;
 - b. Combined settling chamber and an oil/water separator.
 - i. The permittee shall install a system that incorporates a catch basin inlet, a settling chamber, and an oil/water separator.
 - ii. The permittee may incorporate a self-sealing mechanism, such as fuel hydrocarbon detection sensors that activate a valve to cut off flow to the drywell inlet.
 - c. Combined settling chamber and oil/water separator, and filter/adsorption. The permittee shall:
 - i. Allow for adequate collection and treatment capacity for solid and liquid separation; and
 - ii. Allow a minimum treated outflow from the system to the drywell inlet of 20 gallons per minute. If a higher outflow rate is anticipated, the applicant shall design a larger collection system with storage capacity.
 - d. Passive skimmer.
 - i. If a passive skimmer is used, the permittee shall install sufficient hydrocarbon adsorbent materials, such as pads and socks, or suspend the materials on top of the static water level in a sump or other catchment to absorb the entire volume of expected or potential spill.
 - ii. The permittee may use a passive skimmer only in combination with another flow control or pre-treatment technology.
- E. Operation and maintenance.** A permittee shall:
1. Operate the drywell only for the subsurface disposal of stormwater;
 2. Remove or treat any motor fuel or hazardous substance spills;
 3. Replace the adsorbent material in skimmers, if installed; when the adsorbent capacity is reached;
 4. Maintain valves and associated piping;
 5. Maintain magnetic caps and mats, if installed;
 6. Remove sludge from the oil/water separator and replace the filtration or adsorption materials to maintain treatment capacity;
 7. Remove sediment from the catch basin inlet filters and retention basins to maintain required storage capacity;
 8. Remove accumulated sediment from the settling chamber annually or when 25 percent of the effective settling capacity is filled, whichever occurs first; and
 9. Provide new employee training within one month of hire and annual employee training on how to maintain and operate flow control and pretreatment technology used in the drywell.
- F. Inspection.** A permittee shall:
1. Conduct an annual inspection of the drywell for sediment accumulation in the chambers and in the flow control and treatment systems to ensure that the drywell is functioning properly; and
 2. If the stormwater fails to drain through the drywell within 36 hours, inspect the treatment system and piping to ensure that it is functioning properly, make repairs, and perform maintenance as needed to restore proper function.
- G. Recordkeeping.** A permittee shall maintain, for at least 10 years, the following documents on-site or at the closest place of work and make the documents available to the Department upon request:
1. Documentation of drywell maintenance, inspections, employee training, and sampling activities;
 2. A site plan showing the location of the drywell, the latitude and longitude coordinates of the drywell, surface drainage patterns and the location of floor drains or French drains that are plumbed to the drywell or are used to alter drainage patterns, water supply wells, monitor wells, underground storage tanks, and places where motor fuel and hazardous substances are used, stored, or loaded;
 3. A design plan showing details of drywell design and drainage design, including one or a combination of the pre-approved flow control and pretreatment technologies;
 4. An operations and maintenance manual that includes:
 - a. Procedures to prevent and contain spills and minimize any discharge to the drywell and a list of actions and specific methods proposed for motor fuel and hazardous substance spills or leaks;
 - b. Methods and procedures for inspection, operation, and maintenance activities;
 - c. Procedures for spill response; and
 - d. A description of the employee training program for drywell inspections, operations, and maintenance;
 5. Drywell sediment waste characterization and disposal manifest records for sediments removed during routine inspections and maintenance activities; and
 6. Sampling plans, certified laboratory reports, and chain of custody forms for soil, sediment, and groundwater sampling associated with drywell site investigations.
- H. Spills.**
1. In the event of a spill, a permittee shall:
 - a. Notify the Department within 24 hours of any spill of motor fuel or hazardous or toxic substances that enters into the drywell inlet;
 - b. Contain, clean up, and dispose of, according to local, state, and federal requirements, any spill or leak of

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motor fuel or hazardous substance in the drywell drainage area and basin drainage area;

- c. If a pretreatment system is present, verify that treatment capacity has not been exceeded; and
- d. If the spill reaches the injection pipe, drill a soil boring within 5 feet of the drywell inlet chamber and sample in 5-foot increments from 5 feet below ground surface to a depth extending at least 10 feet below the base of the injection pipe to determine whether a soil remediation level or groundwater protection level has been exceeded in the subsurface. The permittee shall:
 - i. Submit the results to the Department within 60 days of the date of the spill; and
 - ii. Notify the Department if soil contamination at the facility, not related to the spill, is being addressed by an existing approved remedial action plan.

- 2. The Director may, based on the results of subsection (H)(1)(d), require the permittee to submit an application for clean closure or an individual Aquifer Protection Permit.

I. Closure and decommissioning requirements.

- 1. A permittee shall:
 - a. Retain a drywell drilling contractor, licensed under 4 A.A.C. 9, to close the drywell;
 - b. Remove sediments and any drainage component, such as standpipes and screens from the drywell's settling chamber and backfill the injection pipe with cement grout;
 - c. Remove the settling chamber;
 - d. Backfill the settling chamber excavation to the land surface with clean silt, clay, or engineered material. A permittee shall not use materials containing hazardous substances in backfilling the drywell; and
 - e. Mechanically compact the backfill.
- 2. Within 30 days of closure and decommissioning, the permittee shall submit a written verification to the Department that all material that contributed to a discharge has been removed and any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance has been eliminated to the greatest degree practical. The written verification shall specify:
 - a. The reason for the closure;
 - b. The drywell registration number;
 - c. The general permit reference number;
 - d. The materials and methods used to close the drywell;
 - e. The name of the contractor who performed the closure;
 - f. The completion date;
 - g. Any sampling data;
 - h. Sump construction details, if a sump was constructed to replace the abandoned drywell; and
 - i. Any other information necessary to verify that closure has been achieved.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 4096, effective September 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

Operation, and Maintenance of a Sewage Collection System

- A. Definition.** For purposes of this Section, "imminent and substantial threat to public health or the environment" means when:
- 1. The volume of a release is more than 2000 gallons; or
 - 2. The volume of a release is more than 50 gallons but less than 2000 gallons and any one of the following apply:
 - a. The release entered onto a recognized public area and members of the public were present during the release or before the release was mitigated;
 - b. The release occurred on a public or private street and pedestrians were at risk of being splashed by vehicles during the release or before the release was mitigated;
 - c. The release entered a perennial stream, an intermittent stream during a time of flow, a waterbody other than an ephemeral stream, a normally dry detention or sedimentation basin, or a drywell;
 - d. The release occurred within an occupied building due to a condition in the permitted sewage collection system; or
 - e. The release occurred within 100 feet of a school or a public or private drinking water supply well.
- B. A 2.05 General Permit allows a permittee to manage, operate, and maintain a sewage collection system under the terms of a CMOM Plan that complies with subsection (D). The Department considers a sewage collection system operating in compliance with an AZPDES permit that incorporates provisions for capacity, management, operation, and maintenance of the system to comply with the provisions of the 2.05 General Permit regardless of whether a Notice of Intent to Discharge for the system was submitted to the Department.**
- C. Notice of Intent to Discharge.** In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
- 1. The name and ownership of any downstream sewage collection system and sewage treatment facility that receives sewage from the applicant's sewage collection system;
 - 2. A map of the service area for which general permit coverage is sought, showing streets and sewage service boundaries for the sewage collection system;
 - 3. A statement indicating that the CMOM Plan is in effect and the principal officer or ranking elected official of the sewage collection system has approved the plan; and
 - 4. A statement indicating whether a local ordinance requires an on-site wastewater treatment facility to hookup to the sewage collection system.
- D. CMOM Plan.**
- 1. A permittee shall continuously implement a CMOM Plan for the sewage collection system under the permittee's ownership, management, or operational control. The CMOM Plan shall include information to comply with subsection (E)(1) and instructions on:
 - a. How to properly manage, operate, and maintain all parts of the sewage collection system that are owned or managed by the permittee or under the permittee's operational control, to meet the performance requirements in R18-9-E301(B);
 - b. How to maintain sufficient capacity to convey the base flows and peak wet weather flow of a 10-year, 24-hour storm event for all parts of the collection system owned or managed by the permittee or under the permittee's operational control;

R18-9-C305. 2.05 General Permit: Capacity, Management,

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- c. All reasonable and prudent steps to minimize infiltration to the sewage collection system;
 - d. All reasonable and prudent steps to stop all releases from the collection system owned or managed by the permittee or under the permittee's operational control; and
 - e. The procedure for reporting releases described in subsection (F).
2. The permittee shall maintain and update the CMOM Plan for the duration of this general permit and make it available for Department and public review.
 3. If the Department requests the CMOM Plan and upon review finds that the CMOM Plan is deficient, the Department shall:
 - a. Notify the permittee in writing of the specific deficiency and the reason for the deficiency, and
 - b. Establish a deadline of at least 60 days to allow the permittee to correct the deficiency and submit the amended provision to the Department for approval.
- E. Sewage release response determination.** If the sewage collection system releases sewage, the Director shall consider any of the following factors in determining compliance:
1. Sufficiency of the CMOM Plan.
 - a. The level of detail provided by the CMOM Plan is appropriate for the size, complexity, and age of the system;
 - b. The level of detail provided by the CMOM Plan is appropriate considering geographic, climatic, and hydrological factors that may influence the sewage collection system;
 - c. The CMOM Plan provides schedules for the periodic preventative maintenance of the sewage collection system, including cleaning of all reaches of the sewage collection system below a specified pipe diameter.
 - i. The CMOM Plan may allow inspection of sewer lines by Closed Circuit Television (CCTV) and postponement of cleaning to the next scheduled cleaning cycle if the CCTV inspection indicated that cleaning of a reach of the sewer is not needed.
 - ii. The CMOM Plan may specify inspection and cleaning schedules that differ according to pipe diameter or other characteristics of the sewer;
 - d. The CMOM Plan identifies components of the sewage collection system that have insufficient capacity to convey, when properly maintained, the peak wet weather flow of a 10-year, 24-hour storm event. For those identified components, a capital improvement plan exists for achieving sufficient wet weather flow capacity within ten years of the effective date of permit coverage;
 - e. The CMOM Plan includes an overflow emergency response plan appropriate to the size, complexity, and age of the sewage collection system considering geographic, climatic, and hydrological factors that may influence the system;
 - f. The CMOM Plan establishes a procedure to investigate and enforce against any commercial or industrial entity whose flows to the sewage collection system have caused or contributed to a release;
 - g. The CMOM Plan adequately addresses management of flows from upstream sewage collection systems not under the ownership, management, or operational control of the permittee; or
 - h. Any other factor necessary to determine if the CMOM Plan is sufficient;
2. Compliance with the CMOM Plan.
 - a. The permittee's response to releases as established in the overflow emergency response plan, including whether:
 - i. Maintenance staff responds to and arrive at the release within the time period specified in the plan;
 - ii. Maintenance staff follow all written procedures to remove the cause of the release;
 - iii. Maintenance staff contain, recover, clean up, disinfect, and otherwise mitigate the release of sewage; and
 - iv. Required notifications to the Department, public health agencies, drinking water suppliers, and the public are provided;
 - b. The permittee's activities and timeliness in:
 - i. Implementing specified periodic preventative maintenance measures;
 - ii. Implementing the capital improvement plan; and
 - iii. Investigating and enforcing against an upstream sewage collection system, not under the ownership and operational control of the permittee, if those systems are impediments to the proper management of flows in the permittee's sewage collection system; or
 - c. Any other factor necessary to determine CMOM Plan compliance;
 3. Compliance with the reporting requirements in subsection (F) and the public notice requirements in subsection (G); or
 4. The release substantially endangers public health or the environment.
- F. Reporting requirements.**
1. Sewage releases.
 - a. A permittee shall report to the Department, by telephone, facsimile, or on the applicable notification form on the Department's Internet web site, any release that is an imminent and substantial threat to public health or the environment as soon as practical, but no later than 24 hours of becoming aware of the release.
 - b. A permittee shall submit a report to the Department within five business days after becoming aware of a release that is an imminent and substantial threat to public health or the environment. The report shall include:
 - i. The location of the release;
 - ii. The sewage collection system component from which the release occurred;
 - iii. The date and time the release began, was stopped, and when mitigation efforts were completed;
 - iv. The estimated number of persons exposed to the release, the estimated volume of sewage released, the reason the release is considered an imminent and substantial threat to public health or the environment if the volume is 2000 gallons or less, and where the release flowed;

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- v. The efforts made by the permittee to stop, contain, and clean up the released material;
- vi. The amount and type of disinfectant applied to mitigate any associated public health or environmental risk; and
- vii. The cause of the release or effort made to determine the cause and any effort made to help prevent a future reoccurrence.

2. Annual report. The permittee shall:

- a. Submit an annual report to the Department post-marked no later than March 1. The report shall:
 - i. Tabulate all releases of more than 50 gallons from the permitted sewage collection system;
 - ii. Provide the date of any release that is an imminent and substantial threat to public health or the environment; and
 - iii. For other reportable releases under subsection (F)(2)(a)(i), provide the information in subsection (F)(1)(b);
- b. Provide an amended map of the service area boundaries if, during the calendar year, any area was removed from the service area or if any area was added to the service area that the permittee wishes to include under the 2.05 General Permit and associated CMOM Plan.

G. Public notice. The permittee shall:

- 1. Post a notice, in a format approved by the Department, at any location where there were more than three reportable releases under subsection (F)(2)(a) from the sewage collection system during any 12-month period,
- 2. Include within the notice a warning that identified the releases or potential releases at the location and potential health hazards from any release,
- 3. Post the notice at a place where the public is likely to come in contact with the release, and
- 4. Maintain the postings until no releases from the location are reported for at least 12 months from the last release and the permittee followed all actions specified in the CMOM Plan to prevent releases at that location during the period.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-C306. 2.06 General Permit: Fish Hatchery Discharge to a Perennial Surface Water

- A. A 2.06 General Permit allows a fish hatchery to discharge to a perennial surface water if Aquifer Water Quality Standards are met at the point of discharge and the fish hatchery is operating under a valid AZPDES permit.
- B. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall provide:
 - 1. The applicable AZPDES permit number;
 - 2. A description of the facility; and
 - 3. A laboratory report characterizing the wastewater discharge, including the analytical results for all numeric Aquifer Water Quality Standards under R18-11-406.
- C. Design and operational requirements. An applicant shall:
 - 1. Collect a representative sample of the discharge to demonstrate compliance with all numeric Aquifer Water Quality Standards and make the results available to the Department upon request, and

- 2. Maintain a record of the average and daily flow rates and make it available to the Department upon request.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

PART D. TYPE 3 GENERAL PERMITS

R18-9-D301. 3.01 General Permit: Lined Impoundments

- A. A 3.01 General Permit allows a lined surface impoundment and a lined secondary containment structure. A permittee shall:
 - 1. Ensure that inflow to the lined surface impoundment or lined secondary containment structure does not contain organic pollutants identified in A.R.S. § 49-243(I);
 - 2. Ensure that inflow to the lined surface impoundment or lined secondary containment structure is from one or more of the following sources:
 - a. Evaporative cooler overflow, condensate from a refrigeration unit, or swimming pool filter backwash;
 - b. Wastewater that does not contain sewage, temporarily stored for short periods of time due to process upsets or rainfall events, provided the wastewater is promptly removed from the facility as required under subsection (D)(5). Facilities that continually contain wastewater as a normal function of facility operations are not covered under this general permit;
 - c. Stormwater runoff that is not permitted under A.R.S. § 49-245.01 because the facility does not receive solely stormwater or because the runoff is regulated but not considered stormwater under the Clean Water Act;
 - d. Emergency fire event water;
 - e. Wastewater from air pollution control devices at asphalt plants if the wastewater is routed through a sedimentation trap or sump and an oil/water separator before discharge;
 - f. Non-contact cooling tower blowdown and non-contact cooling water, except discharges from electric generating stations with more than 100 megawatts generating capacity;
 - g. Boiler blowdown;
 - h. Wastewater derived from a potable water treatment system, including clarification sludge, filtration backwash, lime and lime-softening sludge, ion exchange backwash, and reverse osmosis spent waste;
 - i. Wastewater from food washing;
 - j. Heat exchanger return water;
 - k. Wastewater from industrial laundries;
 - l. Hydrostatic test water from a pipeline, tank, or appurtenance previously used for transmission of fluid;
 - m. Wastewater treated through an oil/water separator before discharge; and
 - n. Cooling water or wastewater from food processing.
- B. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
 - 1. A listing and description of all sources of inflow;
 - 2. A representative chemical analysis of each expected source of inflow. If a sample is not available before facility construction, a permittee shall provide the chemical

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analysis of each inflow to the Department within 60 days of each inflow to the facility;

3. A narrative description of how the conditions of this general permit are satisfied. The narrative shall include a Quality Assurance/Quality Control program for liner installation, impoundment maintenance and repair, and impoundment operational procedures; and
 4. A contingency plan that specifies actions proposed in case of an accidental release from the facility, overtopping of the impoundment, breach of the berm, or unauthorized inflows into the impoundment or containment structure.
- C. Design and installation requirements. An applicant shall:
1. Design and construct surface water controls to:
 - a. Ensure that the impoundment or secondary containment structure maintains, using design volume or mechanical systems, normal operating volumes, if any, and any inflow from the 100-year, 24-hour storm event. The facility shall maintain at least 2 feet of freeboard or an alternative level of freeboard that the applicant demonstrates is reasonable, considering the size of the impoundment and meteorologic and other site-specific factors; and
 - b. Direct any surface water run-on from the 100-year 24-hour storm event around the facility if not intended for capture by facility;
 2. Ensure that the facility design accommodates any significant geologic hazard, addressing static and seismic stability. The applicant shall document any design adjustments made for this reason in the Notice of Intent to Discharge;
 3. Ensure that site preparation includes, as appropriate, clearing the area of vegetation, grubbing, grading, and embankment and subgrade preparation. The applicant shall ensure that supporting surface slopes and foundation are stable and structurally sound; and
 4. Comply with the following impoundment lining requirements:
 - a. If a synthetic liner is used, ensure that the liner is at least a 30-mil geomembrane liner or a 60-mil liner if High Density Polyethylene, or an alternative, that the liner's calculated seepage rate is less than 550 gallons per acre per day, and:
 - i. Anchor the liner by securing it in an engineered anchor trench;
 - ii. Ensure that the liner is ultraviolet resistant if it is regularly exposed to sunlight; and
 - iii. Ensure that the liner is constructed of a material that is chemically compatible with the wastewater or impounded solution and is not affected by corrosion or degradation;
 - b. If a soil liner is used:
 - i. Ensure that it resists swelling, shrinkage, and cracking and that the liner's calculated seepage rate is less than 550 gallons per acre per day;
 - ii. Ensure that the soil is at least 1-foot thick and compacted to a uniform density of 95 percent to meet the "Standard Test Method for Laboratory Compaction Characteristics of Soil Using Standard Effect (12,400 ft-lbf/ft³, D698-00ae1," (2000) published by the American Society for Testing and Materials. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959; and
 - iii. Upon installation, protect the soil liner to prevent desiccation; and
- c. For new facilities, develop and implement a construction Quality Assurance/Quality Control program that addresses site and subgrade preparation, inspection procedures, field testing, laboratory testing, and final inspection after construction of the liner to ensure functional integrity.
- D. Operational requirements. A permittee shall:
1. Maintain sufficient freeboard to manage the 100-year, 24-hour storm event including at least 2 feet of freeboard under normal operating conditions. Management of the 100-year, 24-hour storm event may be through design, pumping, or a combination of both;
 2. Remove accumulated residues, sediments, debris, and vegetation to maintain the integrity of the liner and the design capacity of the impoundment;
 3. Perform and document a visual inspection for damage to the liner and for accumulation of residual material at least monthly. The operator shall conduct an inspection within 72 hours after the facility receives a significant volume of stormwater inflow;
 4. Repair damage to the liner by following the Quality Assurance/Quality Control Plan required under subsection (B)(3); and
 5. Remove all inflow from the impoundment as soon as practical, but no later than 60 days after a temporary event, for facilities designed to contain inflow only for temporary events, such as process upsets.
- E. Recordkeeping. A permittee shall maintain at the site, the following information for at least 10 years and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available;
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure;
 3. Capacity design criteria;
 4. A list of standard operating procedures;
 5. The construction Quality Assurance/Quality Control program documentation; and
 6. Records of any inflow into the impoundment other than those permitted by this Section.
- F. Reporting requirements.
1. If the liner leaks, as evidenced by a drop in water level not attributable to evaporation, or if the berm breaches or an impoundment is overtopped due to a catastrophic or other significant event, the permittee shall report the circumstance to the Department within five days of discovery and implement the contingency plan required in subsection (B)(4). The permittee shall submit a final report to the Department within 60 days of the event summarizing the circumstances of the problem and corrective actions taken.
 2. The permittee shall report unauthorized flows into the impoundment to the Department within five days of discovery and implement the contingency plan required in subsection (B)(4).

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- G.** Closure requirements. The permittee shall notify the Department of the intent to close the facility permanently. Within 90 days following closure notification the permittee shall comply with the following requirements, as applicable:
1. Remove liquids and any solid residue on the liner and dispose appropriately;
 2. Inspect the liner for evidence of holes, tears, or defective seams that could have leaked;
 3. If evidence of leakage is discovered, remove the liner in the area of suspected leakage and sample potentially impacted soil. If soil remediation levels are exceeded, the permittee shall define the lateral and vertical extent of contamination and, within 60 days of the exceedance, notify the Department and submit an action plan for achieving clean closure for the Department's approval before implementing the plan;
 4. If there is no evidence of holes, tears, or defective seams that could have leaked:
 - a. Cover the liner in place or remove it for disposal or reuse if the impoundment is an excavated impoundment,
 - b. Remove and dispose of the liner elsewhere if the impoundment is bermed, and
 - c. Grade the facility to prevent the impoundment of water; and
 5. Notify the Department within 60 days following closure that the action plan was implemented and the closure is complete.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-D302. 3.02 General Permit: Process Water Discharges from Water Treatment Facilities**
- A.** A 3.02 General Permit allows filtration backwash and discharges obtained from sedimentation and coagulation in the water treatment process from facilities that treat water for industrial process or potable uses. The permittee shall ensure that:
1. Liquid fraction. The discharge meets:
 - a. All numeric Aquifer Water Quality Standards for inorganic chemicals, organic chemicals, and pesticides established in R18-11-406(B) through (D);
 - b. The discharge meets one of the following criteria for microbiological contaminants:
 - i. Either the concentration of fecal coliform organisms is not more than 2/100 ml or the concentration of *E. coli* bacteria is not more than 1/100 ml, or
 - ii. Either the concentration of fecal coliform organisms is less than 200/100 ml or the concentration of *E. coli* bacteria is less than 126/100 ml if the average daily flow processed by the water treatment facility is less than 250,000 gallons; and
 2. Solid Fraction. The solid material in the discharge qualifies as inert material, as defined in A.R.S. § 49-201(19).
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
1. A characterization of the discharge, including a representative chemical and biological analysis of expected discharges and all source waters; and
 2. The design capacity of any impoundment covered by this general permit.
- C.** Impoundment design and siting requirements. An applicant shall:
1. Ensure that the depth to the static groundwater table is greater than 20 feet;
 2. Not locate the area of discharge immediately above karstic or fractured bedrock, unless the discharge meets the microbial limits specified in subsection (A)(1)(b)(i);
 3. Maintain a minimum horizontal setback of 100 feet between the facility and any water supply well;
 4. Design and construct an impoundment to maintain, using design volume or mechanical systems, normal operating volumes and any inflow from the 100-year, 24-hour storm event. The applicant shall:
 - a. Divert any surface water run-on from the 100-year, 24-hour storm event around the facility if not intended for capture by facility design; and
 - b. Design the facility to maintain 2 feet of freeboard or an alternative level of freeboard that the applicant demonstrates is reasonable, considering meteorological factors, the size of the impoundment, and other site-specific factors; or
 - c. Discharge to surface water under the conditions of an AZPDES permit; and
 5. Manage off-site disposal of sludge according to A.R.S. Title 49, Chapter 4.
- D.** Operational requirements.
1. Inorganic chemical, organic chemical, and pesticide monitoring.
 - a. The permittee shall monitor any discharge annually to determine compliance with the requirements of subsection (A).
 - b. If the concentration of any pollutant exceeds the numeric Aquifer Water Quality Standard, the permittee shall submit a report to the Department with a proposal for mitigation and shall increase monitoring frequency for that pollutant to quarterly.
 - c. If, in the quarterly sampling, the condition in subsection (D)(1)(b) continues for two consecutive quarters, the permittee shall submit an application for an individual permit.
 2. Microbiological contaminant monitoring.
 - a. The permittee shall monitor any discharge annually to determine compliance with the requirements of subsection (A)(1)(b).
 - b. If the concentration of any pollutant exceeds the limits established in subsection (A)(1)(b), the permittee shall submit a report to the Department with a proposal for mitigation and increase monitoring frequency for that pollutant to monthly.
 - c. If, in the monthly sampling, the condition in subsection (D)(2)(b) continues for three consecutive months, the permittee shall submit an application for an individual permit.
- E.** Recordkeeping. A permittee shall maintain at the site, the following information, if applicable for the disposal method, for at least 10 years, and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available;

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2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure;
 3. Water quality data collected under subsection (D);
 4. Standard operating procedures; and
 5. Records of any discharge other than those identified under subsection (B).
- F. Reporting requirements.** The permittee shall:
1. Report unauthorized flows into the impoundment to the Department within five days of discovery, and
 2. Submit the report required in subsections (D)(1)(b) or (2)(b) within 30 days of receiving the analytical results.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-D303. 3.03 General Permit: Vehicle and Equipment Washes**
- A.** A 3.03 General Permit allows a facility to discharge water from washing vehicle exteriors and vehicle equipment. The 3.03 General Permit does not authorize:
1. Discharge water that typically results from the washing of vehicle engines unless the discharge is to a lined surface impoundment;
 2. Direct discharges of sanitary sewage, vehicle lubricating oils, antifreeze, gasoline, paints, varnishes, solvents, pesticides, or fertilizers;
 3. Discharges resulting from washing the interior of vessels used to transport fuel products or chemicals, or washing equipment contaminated with fuel products or chemicals; or
 4. Discharges resulting from washing the interior of vehicles used to transport mining concentrates that originate from the same mine site, unless the discharge is to a lined surface impoundment.
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit a narrative description of the facility and a design of the disposal system and wash operations.
- C.** Design, installation, and testing requirements. An applicant shall:
1. Design and construct the wash pad:
 - a. To drain and route wash water to a sump or similar sediment-settling structure and an oil/water separator or a comparable pretreatment technology;
 - b. Of concrete or material chemically compatible with the wash water and its constituents; and
 - c. To support the maximum weight of the vehicle or equipment being washed with an appropriate safety factor;
 2. Not use unlined ditches or natural channels to convey wash water;
 3. Ensure that a surface impoundment meets the requirements in R18-9-D301(C)(1) through (3). The applicant shall ensure that berms or dikes at the impoundment can withstand wave action erosion and are compacted to a uniform density not less than 95 percent;
 4. Ensure that a surface impoundment required for wash water described in subsection (A)(1) meets the design and installation requirements in R18-9-D301(C);
- 5.** If wash water is received by an unlined surface impoundment or engineered subsurface disposal system, the applicant shall:
- a. Ensure that the annual daily average flow is less than 3000 gallons per day;
 - b. Maintain a minimum horizontal setback of 100 feet between the impoundment or subsurface disposal system and any water supply well;
 - c. Ensure that the bottom of the surface impoundment or subsurface disposal system is at least 50 feet above the static groundwater level and the intervening material does not consist of karstic or fractured bedrock;
 - d. Ensure that the wash water receives primary treatment before discharge through, at a minimum, a sump or similar structure for settling sediments or solids and an oil/water separator or a comparable pretreatment technology designed to reduce oil and grease in the wastewater to 15 mg/l or less;
 - e. Withdraw the separated oil from the oil/water separator using equipment such as adjustable skimmers, automatic pump-out systems, or level sensing systems to signal manual pump-out; and
 - f. If a subsurface disposal system is used, design the system to prevent surfacing of the wash water.
- D.** Operational requirements. The permittee shall:
1. Inspect the oil/water separator before operation to ensure that there are no leaks and that the oil/water separator is in operable condition;
 2. Inspect the entire facility at least quarterly. The inspection shall, at a minimum, consist of a visual examination of the wash pad, the sump or similar structure, the oil/water separator, and all surface impoundments;
 3. Visually inspect each surface impoundment at least monthly, to ensure the volume of wash water is maintained within the design capacity and freeboard limitation;
 4. Repair damage to the integrity of the wash pad or impoundment liner as soon as practical;
 5. Maintain the oil/water separator to achieve the operational performance of the separator;
 6. Remove accumulated sediments in all surface impoundments to maintain design capacity; and
 7. Use best management practices to minimize the introduction of chemicals not typically associated with the wash operations. Only biodegradable surfactant or soaps are allowed. The permittee shall not use products that contain chemicals in concentrations likely to cause a violation of an Aquifer Water Quality Standard at the applicable point of compliance.
- E.** Monitoring requirements.
1. If wash water is discharged to an unlined surface impoundment or other area for subsurface disposal, the permittee shall monitor the wash water quarterly at the point of discharge for pH and for the presence of C₁₀ through C₃₂ hydrocarbons using a Department of Health Services certified method.
 2. If pH is not between 6.0 and 9.0 or the concentration of C₁₀ through C₃₂ hydrocarbons exceeds 50 mg/l, the permittee shall, within 30 days of the monitorings, submit a report to the Department with a proposal for mitigation and shall increase monitoring frequency to monthly.

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3. If the condition in subsection (E)(2) persists for three consecutive months, the permittee shall submit, within 90 days, an application for an individual permit.
- F.** Recordkeeping. A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available;
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure; and
 3. The Material Safety Data Sheets for the chemicals used in the wash operations and any required monitoring results.
- G.** Closure requirements. A permittee shall comply with the closure requirements specified in R18-9-D301(G) if a liner has been used. If no liner is used the permittee shall remove and appropriately dispose of any liquids and grade the facility to prevent impoundment of water.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-D304. 3.04 General Permit: Non-Stormwater Impoundments at Mining Sites**
- A.** A 3.04 General Permit allows discharges to lined surface impoundments, lined secondary containment structures, and associated lined conveyance systems at mining sites.
1. The following discharges are allowed under the 3.04 General Permit:
 - a. Seepage from tailing impoundments, unleached rock piles, or process areas;
 - b. Process solution temporarily stored for short periods of time due to process upsets or rainfall, provided the solution is promptly removed from the facility as required under subsection (D);
 - c. Stormwater runoff not permitted under A.R.S. § 49-245.01 because the facility does not receive solely stormwater or because the runoff is regulated but not considered stormwater under the Clean Water Act; and
 - d. Wash water specific to sand and gravel operations not covered by R18-9-B301(A).
 2. Facilities that continually contain process solution as a normal function of facility operations are not eligible for coverage under the 3.04 General Permit. If a normal process solution contains a pollutant regulated under A.R.S. § 49-243(I) the 3.04 General Permit does not apply if the pollutant will compromise the integrity of the liner.
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
1. A description of the sources of inflow to the facility. An applicant shall include a representative chemical analysis of expected sources of inflow to the facility unless a sample is not available, before facility construction, in which case the applicant shall provide a chemical analysis of solution present in the facility to the Department within 90 days after the solution first enters the facility;
 2. Documentation demonstrating that the facility design and operation under subsections (C) and (D) have been reviewed by a mining engineer or an Arizona-registered professional engineer before submission to the Department; and
3. A contingency plan that specifies actions proposed in case of an accidental release from the facility, overtopping of the impoundment, breach of the berm, or unauthorized inflows into the impoundment or containment structure.
- C.** Design, construction, and installation requirements. An applicant shall:
1. Design and construct the impoundment or secondary containment structure as specified under R18-9-D301(C)(1);
 2. Ensure that conveyance systems are capable of handling the peak flow from the 100-year storm;
 3. Construct the liner as specified in R18-9-D301(C)(4)(a);
 4. Develop and implement a Quality Assurance/Quality Control program that meets or exceeds the liner manufacturer's guidelines. The program shall address site and subgrade preparation, inspection procedures, field testing, laboratory testing, repair of seams during installation, and final inspection of the completed liner for functional integrity;
 5. If the facility is located in the 100-year flood plain, design the facility so it is protected from damage or flooding as a result of a 100-year, 24-hour storm event;
 6. Design and manage the facility so groundwater does not come into contact with the liner;
 7. Ensure that the facility design addresses any significant geologic hazard relating to static and seismic stability. The applicant shall document any design adjustments made for this reason in the Notice of Intent to Discharge;
 8. Ensure that the site preparation includes, as appropriate, clearing the area of vegetation, grubbing, grading, and embankment and subgrade preparation. The applicant shall ensure that supporting surface slopes and foundation are stable and structurally sound;
 9. Ensure that the liner is anchored by being secured in an engineered anchor trench. If regularly exposed to sunlight, the applicant shall ensure that the liner is ultraviolet resistant; and
 10. Use compacted clay subgrade in areas with shallow groundwater conditions.
- D.** Operational requirements. The permittee shall:
1. Maintain the freeboard required in subsection (C)(1) through design, pumping, or both;
 2. Remove accumulated residues, sediments, debris, and vegetation to maintain the integrity of the liner and the design capacity of the impoundment;
 3. Perform and document a visual inspection for cracks, tears, perforations and residual build-up at least monthly. The operator shall conduct and document an inspection after the facility receives significant volumes of stormwater inflow;
 4. Report cracks, tears, and perforations in the liner to the Department, and repair them as soon as practical, but no later than 60 days under normal operating conditions, after discovery of the crack, tear, or perforation;
 5. For facilities that temporarily contain a process solution due to process upsets, remove the process solution from the facility as soon as practical, but no later than 60 days after cessation of the upset; and
 6. For facilities that temporarily contain a process solution due to rainfall, remove the process solution from the facility as soon as practical.
- E.** Recordkeeping. A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:

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1. Construction drawings and as-built plans, if available;
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results and facility closure;
 3. Capacity design criteria;
 4. A list of standard operating procedures;
 5. The Quality Assurance/Quality Control program required under subsection (C)(4); and
 6. Records of any unauthorized flows into the impoundment.
- F. Reporting requirements.**
1. If the liner is breached, as evidenced by a drop in water level not attributable to evaporation, or if the impoundment breaches or is overtopped due to a catastrophic or other significant event, the permittee shall report the circumstance to the Department within five days of discovery and implement the contingency plan required in subsection (B)(3). The permittee shall submit a final report to the Department within 60 days of the event summarizing the circumstances of the problem and corrective actions taken.
 2. The permittee shall report unauthorized flows into the impoundment to the Department within five days of discovery and implement the contingency plan required in subsection (B)(3).
- G. Closure requirements.**
1. The permittee shall notify the Department of the intent to close the facility permanently.
 2. Within 90 days following closure notification the permittee shall comply with the following requirements, as applicable:
 - a. Remove liquids and any solid residue on the liner and dispose appropriately;
 - b. Inspect the liner for evidence of holes, tears, or defective seams that could have leaked;
 - c. If evidence of leakage is discovered, remove the liner in the area of suspected leakage and sample potentially impacted soil. If soil remediation levels are exceeded, the permittee shall, within 60 days notify the Department and submit an action plan for the Department's approval before implementing the plan;
 - d. If there is no evidence of holes, tears, or defective seams that could have leaked:
 - i. Cover the liner in place or remove it for disposal or reuse if the impoundment is an excavated impoundment,
 - ii. Remove and dispose of the liner elsewhere if the impoundment is bermed, and
 - iii. Grade the facility to prevent the impoundment of water; and
 3. Notify the Department within 60 days following closure that the action plan has been implemented and the closure is complete.
- posal.** This general permit does not apply if the purpose of the wetlands is to provide treatment.
- B. Notice of Intent to Discharge.** In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit the name and individual permit number of the facility providing the reclaimed water.
- C. Design requirements.** An applicant shall:
1. Ensure that the reclaimed water released into the wetland meets numeric and narrative Aquifer Water Quality Standards for all parameters except for coliform bacteria and is Class A+ reclaimed water. A+ reclaimed water is wastewater that has undergone secondary treatment established under R18-9-B204(B)(1), filtration, and meets a total nitrogen concentration under R18-9-B204(B)(3) and fecal coliform limits under R18-9-B204(B)(4);
 2. Maintain a minimum horizontal separation of 100 feet between any water supply well and the maximum wetted area of the wetland;
 3. Post signs at points of access and every 250 feet along the perimeter of the wetland stating, "CAUTION. THESE WETLANDS CONTAIN RECLAIMED WATER. DO NOT DRINK." The applicant shall ensure that the signs are in English and Spanish, or in English with inclusion of the international "do not drink" symbol; and
 4. Ensure that wetland siting is consistent with local zoning and land use requirements.
- D. Operational requirements.**
1. A permittee shall manage the wetland to minimize vector problems.
 2. The permittee shall submit to the Department and implement a Best Management Practices Plan for operation of the wetland. The Best Management Practices Plan shall include:
 - a. A site plan showing the wetland footprint, point of inflow, stormwater drainage, and placement of vegetation;
 - b. Management of flows into and through the wetland to minimize erosion and damage to vegetation;
 - c. Management of visitation and use of the wetlands by the public;
 - d. A management plan for vector control;
 - e. A plan or criteria for enhancing or supplementing of wetland vegetation; and
 - f. Management of shallow groundwater conditions on existing on-site wastewater treatment facilities.
 3. The permittee shall perform quarterly inspections to review bank integrity, erosion evidence, the condition of signage and vegetation, and correct any problem noted.
- E. Recordkeeping.** A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available; and
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure.
- F. Reporting requirements.** The permittee shall, by January 30, provide the Department in writing with an annual assessment of the biological condition of the wetland, including the volume of inflow to the wetland in the past year.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-D305. 3.05 General Permit: Disposal Wetlands

- A.** A 3.05 General Permit allows discharges of reclaimed water into constructed or natural wetlands, including waters of the United States, waters of the state, and riparian areas, for dis-

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by

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final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-D306. 3.06 General Permit: Constructed Wetlands to Treat Acid Rock Drainage at Mining Sites

- A.** A 3.06 General Permit allows the operation of constructed wetlands that receive, with the intent to treat, acid rock drainage from a closed facility.
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit a design, including information on the quality of the influent, the treatment process to be used, the expected quality of the wastewater, and the nutrients and other constituents that will indicate wetland performance.
- C.** Design, construction, and installation. An applicant shall:
1. Ensure that:
 - a. Water released into the treatment wetland is compatible with construction materials and vegetation;
 - b. Water released from the treatment wetland:
 - i. Meets numeric Aquifer Water Quality Standards,
 - ii. Has a pH between 6.0 and 9.0, and
 - iii. Has a sulfate concentration less than 1000 mg/l; and
 - c. Water released from the treatment wetland complies with and is released under an individual permit and an AZPDES Permit, if required;
 2. Construct the treatment wetland with a liner, using a low-hydraulic conductivity synthetic liner, site-specific liner, or both, to achieve a calculated seepage rate of less than 550 gallons per acre per day. The applicant shall:
 - a. Ensure that, if a synthetic liner is used, such as geomembrane, the liner is underlain by at least 6 inches of prepared and compacted subgrade;
 - b. Anchor the liner along the perimeter of the treatment wetland; and
 - c. Manage the plants in the treatment wetland to prevent species with root penetration that impairs liner performance;
 3. Design the treatment wetland for optimum:
 - a. Sizing appropriate for the anticipated treatment,
 - b. Cell configuration,
 - c. Vegetative species composition, and
 - d. Berm configuration;
 4. Construct and locate the treatment wetland so that it:
 - a. Maintains physical integrity during a 100-year, 24-hour storm event; and
 - b. Operates properly during a 25-year, 24-hour storm event;
 5. Ensure that the bottom of the treatment wetland is at least 20 feet above the seasonal high groundwater table; and
 6. If public access to the treatment wetland is anticipated or encouraged, post signs at points of access and every 250 feet along the perimeter of the treatment wetland stating, "CAUTION. THESE WETLANDS CONTAIN MINE DRAINAGE WATER. DO NOT DRINK." The permittee shall ensure that the signs are in English and Spanish, or in English with inclusion of the international "do not drink" symbol.
- D.** Operational requirements.
1. The permittee shall monitor the water leaving the treatment wetlands at least quarterly for the standards specified in subsection (C)(1)(b). Monitoring shall include nutrients or other constituents used as indicators of treatment wetland performance.
2. The permittee shall submit to the Department and implement a Best Management Practices Plan for operation of the treatment wetland. The Best Management Practices Plan shall include:
 - a. A site plan showing the treatment wetland footprint, point of inflow, stormwater drainage, and placement of vegetation;
 - b. A contingency plan to address problems, including treatment performance, wash-out and vegetation die-off, and a plan to apply for an individual permit if the treatment wetland is unable to achieve the treatment standards in subsection (C)(1)(b) on a continued basis;
 - c. Management of flows into and through the treatment wetland to minimize erosion and damage to vegetation;
 - d. A description of the measures for restricting access to the treatment wetlands by the public;
 - e. A management plan for vector control; and
 - f. A plan or criteria for enhancing or supplementing treatment wetland vegetation.
 3. The permittee shall perform quarterly inspections to review the bank and liner integrity, erosion evidence, and the condition of signage and vegetation, and correct any problems noted.
- E.** Recordkeeping. A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available; and
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure.
- F.** Reporting requirements.
1. If preliminary laboratory results indicate that the quality of the water leaving the treatment wetlands does not meet the standards specified in subsection (C)(1)(b), the permittee may request that the laboratory re-analyze the sample before reporting the results to the Department. The permittee shall:
 - a. Conduct verification sampling within 15 days of receiving final laboratory results,
 - b. Conduct verification sampling only for parameters that are present in concentrations greater than the standards specified in subsection (C)(1)(b), and
 - c. Notify the Department in writing within five days of receiving final laboratory results.
 2. If the final laboratory result confirms that the quality of the water leaving the treatment wetlands does not meet the standards in subsection (C)(1)(b), the permittee shall implement the contingency plan required by subsection (D)(2)(b) and notify the Department that the plan is being implemented.
 3. The permittee shall, by January 30, provide the Department in writing with an annual assessment of the biological condition of the treatment wetland, including the volume of inflow to the treatment wetland in the past year.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by

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final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-D307. 3.07 General Permit: Tertiary Treatment Wetlands

- A.** A 3.07 General Permit allows constructed wetlands that receive with the intent to treat, discharges of reclaimed water that meet the secondary treatment level requirements specified in R18-9-B204(B)(1).
- B.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit:
1. The name and individual permit number of any facility that provides the reclaimed water to the treatment wetland;
 2. The name and individual permit number of any facility that receives water released from the treatment wetland;
 3. The design of the treatment wetland construction and management project, including information on the quality of the influent, the treatment process, and the expected quality of the wastewater;
 4. A Best Management Practices Plan that includes:
 - a. A site plan showing the treatment wetland footprint, point of inflow, stormwater drainage, and placement of vegetation;
 - b. A contingency plan to address any problem, including treatment performance, wash-out, and vegetation die-off;
 - c. A management plan for flows into and through the treatment wetland to minimize erosion and damage to vegetation;
 - d. A description of the measures for restricting access to the treatment wetlands by the public;
 - e. A management plan for vector control; and
 - f. A plan or criteria for enhancing or supplementing treatment wetland vegetation.
- C.** Design requirements. An applicant shall:
1. Release water from the treatment wetland under an individual permit and an AZPDES permit, if required. The applicant shall release water from the treatment wetland only to a direct reuse site if the site is permitted to receive reclaimed water of the quality generated under the individual permit specified in subsection (B)(1);
 2. Construct and locate the treatment wetland so that it:
 - a. Maintains physical integrity during a 100-year, 24-hour storm event; and
 - b. Operates properly during a 25-year, 24-hour storm event;
 3. Ensure that the bottom of the treatment wetland is at least 20 feet above the seasonal high groundwater table;
 4. Maintain a minimum horizontal separation of 100 feet between a water supply well and the maximum wetted area of the treatment wetland;
 5. Maintain the setbacks specified in R18-9-B201(I) for no noise, odor, or aesthetic controls between the property boundary at the site and the maximum wetted area of the treatment wetland;
 6. Fence the treatment wetland area to prevent unauthorized access;
 7. Post signs at points of access stating "CAUTION. THESE WETLANDS CONTAIN RECLAIMED WATER, DO NOT DRINK." The applicant shall ensure that the signs are in English and Spanish, or in English with inclusion of the international "do not drink" symbol;
 8. Construct the treatment wetland with a liner using low hydraulic conductivity liner, site-specific liner, or both, to achieve a calculated seepage rate of less than 550 gallons per acre per day. The applicant shall:
 - a. Ensure that if a synthetic liner is used, such as geomembrane, the liner is underlain by at least 6 inches of prepared and compacted subgrade;
 - b. Anchor the liner along the perimeter of the treatment wetland; and
 - c. Manage the plants in the treatment wetland to prevent species with root penetration that impairs liner performance;
 9. Calculate the size and depth of the treatment wetland so that the rate of flow allows adequate treatment detention time. The applicant shall design the treatment wetland with at least two parallel treatment cells to allow for efficient system operation and maintenance;
 10. Ensure that the treatment wetland vegetation includes cat-tails, bulrush, common reed, or other species of plants with high pollutant treatment potential to achieve the intended water quality identified in subsection (B)(3); and
 11. Ensure that construction and operation of the treatment wetlands is consistent with local zoning and land use requirements.
- D.** Operational requirements. The permittee shall:
1. Implement the Best Management Practices Plan approved under subsection (B);
 2. Monitor wastewater leaving the treatment wetland to ensure that discharge water quality meets the expected wastewater quality specified in subsection (B)(3). The permittee shall ensure that analyses of wastewater samples are conducted by a laboratory certified by the Department of Health Services, following the Department's Quality Assurance/Quality Control requirements;
 3. Follow the prescribed measures as required in the contingency plan under subsection (B)(4)(b) and submit a written report to the Department within five days if verification sampling demonstrates that an alert level or discharge limit is exceeded;
 4. Inspect the treatment wetlands at least quarterly for bank and liner integrity, erosion evidence, and condition of signage and vegetation, and correct any problem discovered; and
 5. Ensure that the treatment wetland is operated by a certified operator under 18 A.A.C. 5, Article 1.
- E.** Recordkeeping. A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:
1. Construction drawings and as-built plans, if available; and
 2. A log book or similar documentation to record inspection results, repair and maintenance activities, monitoring results, and facility closure.
- F.** Reporting requirements. The permittee shall, by January 30, provide the Department in writing with an annual assessment of the biological condition of the treatment wetland including the volume of inflow to the treatment wetland in the past year.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

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PART E. TYPE 4 GENERAL PERMITS

R18-9-E301. 4.01 General Permit: Sewage Collection Systems

A. A 4.01 General Permit allows for construction and operation of a new sewage collection system or expansion of an existing sewage collection system involving new construction as follows:

1. A sewage collection system or portion of a sewage collection system that serves downstream from the point where the daily design flow is 3000 gallons per day based on Table 1, Unit Design Flows, except a gravity sewer line conveying sewage from a single building drain directly to an interceptor, collector sewer, lateral, or manhole regardless of daily design flow;
2. A sewage collection system that includes a manhole; or
3. A sewage collection system that includes a force main or lift station serving more than one dwelling.

B. Performance. An applicant shall design, construct, and operate a sewage collection system so that the sewage collection system:

1. Provides adequate wastewater flow capacity for the planned service area;
2. Minimizes sedimentation, blockage, and erosion through maintenance of proper flow velocities throughout the system;
3. Prevents releases of sewage to the land surface through appropriate sizing, capacities, and inflow and infiltration prevention measures throughout the system;
4. Protects water quality through minimization of exfiltration losses from the system;
5. Provides for adequate inspection, maintenance, testing, visibility, and accessibility;
6. Maintains system structural integrity; and
7. Minimizes septic conditions in the sewage collection system.

C. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B), an applicant shall submit the following information:

1. A statement on a form approved by the Director, signed by the owner or operator of the sewage treatment facility that treats or processes the sewage from the proposed sewage collection system.
 - a. The statement shall affirm that the additional volume of wastewater delivered to the facility by the proposed sewage collection system will not cause any flow or effluent quality limits of the individual permit for the facility to be exceeded.
 - b. If the facility is classified as a groundwater protection permit facility under A.R.S. § 49-241.01(C), or if no flow or effluent limits are applicable, the statement shall affirm that the design flow of the facility will not be exceeded;
2. If the proposed sewage collection system delivers wastewater to a downstream sewage collection system under different ownership or control, a statement on a form approved by the Director, signed by the owner or operator of the downstream sewage collection system, affirming that the downstream system can maintain the performance required by subsection (B) when receiving the increased flows;
3. A general site plan showing the boundaries and key aspects of the project;

4. Construction quality drawings that provide overall details of the site and the engineered works comprising the project including:

- a. The plans and profiles for all sewer lines, manholes, force mains, depressed sewers, and lift stations with sufficient detail to allow Department verification of design and performance characteristics;
- b. Relevant cross sections showing construction details and elevations of key components of the sewage collection system to allow Department verification of design and performance characteristics, including the slope of each gravity sewer segment stated as a percentage; and
- c. Drainage features and controls, and erosion protection as applicable, for the components of the project; and
- d. Horizontal and vertical location of utilities within the area affected by the sewer line construction;

5. Documentation of design flows for significant components of the sewage collection system and the basis for calculating the design flows;

6. Drawings, reports, and other information that are clear, reproducible, and in a size and format specified by the Department. The applicant may submit the drawings in a Department-approved electronic format; and

7. Design documents, including plans, specifications, drawings, reports, and calculations that are signed, dated, and sealed by an Arizona-registered professional engineer. The designer shall use good engineering judgment by following engineering standards of practice, and rely on appropriate engineering methods, calculations, and guidance.

D. Design requirements.

1. General Provisions. An applicant shall design and construct a new sewage collection system or an expansion of an existing sewage collection system involving new construction, according to the requirements of this general permit. An applicant shall:

- a. Base design flows for components of the system on unit flows specified in Table 1, Unit Design Flows.
- b. Design gravity sewer lines and all other sewage collection system components, including, manholes, force mains, lift stations, depressed sewers, and appurtenant devices and structures to accommodate maximum sewage flows as follows:

- i. Any point in a sewer main when flowing full can accommodate a peak wet weather flow calculated by multiplying the sum of the upstream sources of flow from Table 1, Unit Design Flows by a dry weather peaking factor based on upstream population, as tabulated below, and adding a wet weather infiltration and inflow rate based on either a percentage of peak dry weather flow or a gallons per acre rate of flow;

| Upstream Population | Dry Weather Peaking Factor |
|---------------------|----------------------------|
| 100 | 3.62 |
| 200 | 3.14 |
| 300 | 2.90 |
| 400 | 2.74 |
| 500 | 2.64 |
| 600 | 2.56 |

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| | |
|--|--|
| 700 | 2.50 |
| 800 | 2.46 |
| 900 | 2.42 |
| 1000 | 2.38 |
| 1001 to 10,000 | $PF = (6.330 \times p^{-0.231}) + 1.094$ |
| 10,001 to 100,000 | $PF = (6.177 \times p^{-0.233}) + 1.128$ |
| More than 100,000 | $PF = (4.500 \times p^{-0.174}) + 0.945$ |
| PF = Dry Weather Peaking Factor p = Upstream Population | |

- ii. For a lift station serving less than 600 single family dwelling units (d.u.), use either of the following methods to size the pumps for peak dry weather flow in gallons per minute and add an allowance for wet weather flow and infiltration:
 - (1) Peak dry weather flow = 17 d.u.^{0.42}, or
 - (2) Peak dry weather flow = 11.2 (population)^{0.42}
- iii. If justified by the applicant, the Department may accept lower unit flow values in the served area due to significant use of low-flow fixtures, hydrographs of actual flows, or other factors;
- c. Use the "Uniform Standard Specifications for Public Works Construction" (revisions through 2004) and the "Uniform Standard Details for Public Works Construction" (revisions through 2004) published by the Maricopa Association of Governments, and the "Standard Specifications for Public Improvements," (2003 Edition), and "Standard Details for Public Improvements," (2003 Edition), published jointly by Pima County Wastewater Management and the City of Tucson, as the applicable design and construction criteria, unless the Department approves alternative design standards or specifications. An applicant in a county other than Maricopa and Pima shall use design and construction criteria from either the Maricopa Association of Governments or the Pima County Wastewater Management and the City of Tucson for the facility unless alternative criteria are designated by the Department.
 - i. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material.
 - ii. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the Maricopa Association of Governments, 302 N. 1st Avenue, Suite 300, Phoenix, Arizona 85003, or on the web at <http://www.mag.maricopa.gov/archive/Newpages/on-line.htm>; or from Pima County Wastewater Management, 201 N. Stone Avenue, Tucson, Arizona 85701-1207, or on the web at <http://www.pima.gov/wwm/stdtdet>;
- d. Ensure that sewage collection system components are separated from drinking water distribution system components as specified in 18 A.A.C. 5, Article 5;
- e. Ensure that sewage collection system components are separated from reclaimed water system components as specified in 18 A.A.C. 9, Article 6; and

- f. Request review and approval of an alternative to a design feature specified in this Section by following the requirements in R18-9-A312(G).
- 2. Gravity sewer lines. An applicant shall:
 - a. Ensure that any sewer line that runs between man-holes, if not straight, is of constant horizontal curvature with a radius of curvature not less than 200 feet;
 - b. Cover each sewer line with at least 3 feet of earth cover meeting the requirements of subsection (D)(2)(h). The applicant shall:
 - i. Include at least one note specifying this requirement in construction plans;
 - ii. If site-specific limitations prevent 3 feet of earth cover, provide the maximum cover attainable, construct the sewer line of ductile iron pipe or other design of equivalent or greater tensile and compressive strength, and note the change on the construction plans; and
 - iii. Ensure that the design of the pipe and joints can withstand crushing or shearing from any expected static and live load to protect the structural integrity of the pipe. Construction plans shall note locations requiring these measures;
 - c. If sewer lines cross or are constructed in floodways;
 - i. Place the lines at least 2 feet below the level of the 100-year storm scour depth and calculated 100-year bed degradation and construct the lines using ductile iron pipe or pipe with equivalent tensile strength, compressive strength, shear resistance, and scour protection.
 - ii. If it is not possible to maintain the 2 feet of clearance specified in subsection (D)(2)(c)(i), using the process described in R18-9-A312(G), provide a design that ensures that the sewer line will withstand any lateral and vertical load for the scour and bed degradation conditions specified in subsection (D)(2)(c)(i);
 - iii. Ensure that sewer lines constructed in a floodway extend at least 10 feet beyond the boundary of the 100-year storm scouring;
 - iv. If a sewer line is constructed in a floodway and is longer than the applicable maximum man-hole spacing distance in subsection (D)(3)(a), using the process described in R18-9-A312(G), provide a design that ensures the performance standards in subsection (B) are met; and
 - v. Note locations requiring these measures on the construction plans;
 - d. Ensure that each sewer line is 8 inches in diameter or larger except the first 400 feet of a dead end sewer line with no potential for extension may be 6 inches in diameter if the design flow criteria specified in subsections (D)(1)(a) and (D)(1)(b) are met and the sewer line is installed with a slope sufficient to achieve a velocity of at least 3 feet per second when flowing full. If the line is extended, the applicant seeking the extension shall replace the entire length with larger pipe to accommodate the new design flow unless the applicant demonstrates with engineering calculations that using the existing 6-inch pipe will accommodate the design flow;
 - e. Design sewer lines with at least the minimum slope calculated from Manning's Formula using a coeffi-

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cient of roughness of 0.013 and a sewage velocity of 2 feet per second when flowing full.

- i. An applicant may request a smaller minimum slope under R18-9-A312(G) if the smaller slope is justified by a quarterly program of inspections, flushings, and cleanings.
- ii. If a smaller minimum slope is requested, the applicant shall not specify a slope that is less than 50 percent of that calculated from Manning’s formula using a coefficient of roughness of 0.013 and a sewage velocity of 2 feet per second.
- iii. The ratio of flow depth in the pipe to the diameter of the pipe shall not exceed 0.75 in peak dry weather flow conditions;
- f. Design sewer lines to avoid a slope that creates a sewage velocity greater than 10 feet per second. The applicant shall construct any sewer line carrying a flow with a normal velocity of greater than 10 feet per second using ductile iron pipe or pipe with equivalent erosion resistance, and structurally reinforce the receiving manhole or sewer main;
- g. Design and install sewer lines, connections, and fittings with materials that meet or exceed manufacturer’s specifications consistent with this Chapter to:
 - i. Limit inflows, infiltration, and exfiltration;
 - ii. Resist corrosion in the ambient electrochemical environment;
 - iii. Withstand anticipated static and live loads; and
 - iv. Provide internal erosion protection;
- h. Indicate trenching and bedding details applicable for each pipe material and size in the design plans. Unless the Department approved alternative design standards or specifications under subsection (D)(1)(c), the applicant shall place and bed the sewer lines in trenches following the specifications in “Trench Excavation, Backfilling, and Compaction” (Section 601) revised 2004, published by the Maricopa Association of Governments; and “Rigid Pipe Bedding for Sanitary Sewers” (WWM 104) revised July 2002, and “Flexible Pipe Bedding for Sanitary Sewers” (WWM 105) revised July 2002, published by Pima County Wastewater Management. This material is part of the material incorporated by reference in subsection (D)(1)(b).
- i. Perform a deflection test of the total length of all sewer lines made of flexible materials to ensure that the installation meets or exceeds the manufacturer’s recommendations and record the results;
- j. Test each segment of the sewer line for leakage using the applicable method below and record the results:
 - i. “Standard Test Method for Installation of Acceptance of Plastic Gravity Sewer Lines Using Low-Pressure Air, F1417-92(1998),” published by the American Society for Testing and Materials;
 - ii. “Standard Practice for Testing Concrete Pipe Sewer Lines by Low-Pressure Air Test Method, C924-02 (2002),” published by the American Society for Testing and Materials;
 - iii. “Standard Test Method for Low-Pressure Air Test of Vitrified Clay Pipe Lines, C828-03

- (2003),” published by the American Society for Testing and Materials;
- iv. “Standard Test Method for Hydrostatic Infiltration Testing of Vitrified Clay Pipe Lines, C1091-03a (2003),” published by the American Society for Testing Materials;
- v. “Standard Practice for Infiltration ion and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines, C969-02 (2002),” published by the American Society for Testing Material; or
- vi. “Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications, D2321-00 (2000),” published by the American Society for Testing Materials; or
- vii. The material listed in subsections (D)(2)(j)(i) through (vi) is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;
- k. Test the total length of the sewer line for uniform slope by lamp lighting, remote camera or similar method approved by the Department, and record the results; and
- l. Minimize the planting within the disturbed area of new sewage collection system construction of plant species having roots that are likely to reach and damage the sewer or impair the operation of the sewer or visual and vehicular access to any manhole.

3. Manholes.

- a. An applicant shall install manholes at all grade changes, size changes, alignment changes, sewer intersections, and at any location necessary to comply with the following spacing requirements:

| Sewer Pipe Diameter (inches) | Maximum Manhole Spacing (feet) |
|------------------------------|--------------------------------|
| Less than 8 | 400 |
| 8 to less than 18 | 500 |
| 18 to less than 36 | 600 |
| 36 to less than 60 | 800 |
| 60 or greater | 1300 |

- b. The Department shall allow greater manhole spacing if the applicant follows the procedure provided in R18-9-A312(G) and provides documentation showing the operator possesses or has available specialized sewer cleaning equipment suitable for the increased spacing.
- c. The applicant shall ensure that manhole design is consistent with “Pre-cast Concrete Sewer Manhole” #420-1, revised January 1, 2004 and #420-2, revised January 1, 2001, “Offset Manhole for 8” – 30” Pipe” #421 (1998), and “Sewer Manhole and Cover Frame Adjustment” #422, revised January 1, 2001, published by the Maricopa Association of Governments; and “Manholes and Appurtenant Items” (WWM 201 through WWM 211, except WWM 204, 205, and

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- 206), revised July 2002, published by Pima County Wastewater Management. This material is part of the material incorporated by reference in subsection (D)(1)(b).
- d. The applicant shall not locate manholes in areas subject to more than incidental runoff from rain falling in the immediate vicinity unless the manhole cover assembly is designed to restrict or eliminate storm-water inflow.
 - e. The applicant shall test each manhole using one of the following test protocols:
 - i. Watertightness testing by filling the manhole with water. The applicant shall ensure that the drop in water level following presoaking does not exceed 0.0034 of total manhole volume per hour;
 - ii. Negative air pressure testing using the "Standard Test Method for Concrete Sewer Manholes by Negative Air Pressure (Vacuum) Test, C1244-02e1 (2002)," published by the American Society for Testing and Materials. This material is incorporated by reference, does not include any later amendments or editions of the incorporated material and may be viewed at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007, or obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959; or
 - iii. Holiday testing of a lined manhole constructed with uncoated rebar using the "High-Voltage Electrical Inspection of Pipeline Coatings, RP0274-2004 (2004)," published by the National Association of Corrosion Engineers (NACE International). This material is incorporated by reference as modified below, does not include any later amendments or editions of the incorporated material and may be viewed at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or obtained from NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906. The following substitutions apply:
 - (1) Where the word "metal" is used in the standard, use the word "surface" instead; and
 - (2) Where the words "pipe" or "pipeline" are used, use the word "manhole" instead.
 - f. The applicant shall perform manhole testing under subsection (D)(3)(e) after installation of the manhole cone or top riser to verify watertightness integrity of the manhole from the top of the cone or riser down.
 - i. Upon satisfactory test results, the applicant shall install the manhole ring and any spacers, complete the joints, and seal the manhole to a watertight condition.
 - ii. If the applicant can install the manhole cone or top riser, spacers, and ring to final grade without disturbance or adjustment by later construction, the applicant may perform the testing from the top of the manhole ring on down.
 - g. The applicant shall locate a manhole to provide adequate visibility and vehicular maintenance accessibility following construction.
4. Force mains. An applicant may install a force main if it meets the following design, installation, and testing requirements. The applicant shall:
 - a. Design force mains to maintain a minimum flow velocity of 3 feet per second and a maximum flow velocity of 7 feet per second. The applicant may design for sustained periods of flow above 7 feet per second, if the applicant justifies the design using the process specified in R18-9-A312(G);
 - b. Ensure that force mains have the appropriate valves and controls required to prevent drainback to the lift station. If drainback is necessary during cold weather to prevent freezing, the control system may allow manual or automatic drainback;
 - c. Incorporate air release valves or other appropriate components in force mains at all high points along the line to eliminate air accumulation. If engineering calculations provided by the applicant demonstrate that air will not accumulate in a given high point under typical flow conditions, the Department shall waive the requirement for an air release valve;
 - d. Design restrained joints or thrust blocks on force mains to accommodate water hammer, surge control, and to prevent excessive movement of the force main. Submitted construction plans shall show restrained joint or thrust block locations and details;
 - e. If a force main is proposed to discharge directly to a sewage treatment facility without entering a flow equalization basin, include in the Notice of Intent to Discharge a statement from the owner or operator of the sewage treatment facility that the design is acceptable;
 - f. Design a force main to withstand a pressure of 50 pounds per square inch or more above the design working pressure for two hours and test upon completion to ensure no leakage;
 - g. Supply flow to a force main using a lift station that meets the requirements of subsection (D)(5); and
 - h. Ensure that force mains are designed to control odor.
 5. Lift stations. An applicant shall:
 - a. Secure a lift station to prevent tampering and affix on its exterior, or on the nearest vertical object if the lift station is entirely below grade, at least one warning sign that includes the 24-hour emergency phone number of the owner or operator of the collection system;
 - b. Protect lift stations from physical damage from a 100-year flood event. An applicant shall not construct a lift station in a floodway;
 - c. Lift station wet well design.
 - i. Ensure that the minimum wet well volume in gallons is 1/4 of the product of the minimum pump cycle time, in minutes, and the total pump capacity, in gallons per minute;
 - ii. Protect the wet well against corrosion to provide at least a 20-year operational life;
 - iii. Ensure that wet well volume does not allow the sewage retention time to exceed 30 minutes unless the sewage is aerated, chemicals are added to prevent or eliminate hydrogen sulfide formation, or adequate ventilation is provided.

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- Notwithstanding these measures, the applicant shall not allow the septic condition of the sewage to adversely affect downstream collection systems or sewage treatment facility performance;
- iv. Ensure that excessively high or low levels of sewage in the wet well trigger an audible or visible alarm at the wet well site and at the system control center;
 - v. Ensure that a wet well designed to accommodate more than 5000 gallons per day has a horizontal cross-sectional area of at least 20 square feet; and
 - vi. Ensure that lift stations are designed to prevent odor from emanating beyond the lift station site;
- d. Equip a lift station wet well with at least two pumps. The applicant shall ensure that:
 - i. The pumps are capable of passing a 2.5-inch sphere or are grinder pumps;
 - ii. The lift station is capable of operating at design flow with any one pump out of service; and
 - iii. Piping, valves, and controls are arranged to allow independent operation of each pump;
 - e. Not use suction pumps if the sewage lift is more than 15 feet. The applicant shall ensure that other types of pumps are self-priming and that pump water brake horsepower is at least 0.00025 times the product of the required discharge, in gallons per minute, and the required total dynamic head, in feet; and
 - f. For lift stations receiving an average flow of more than 10,000 gallons per day, include a standby power source and redundant wastewater level controls in the lift station design that will provide immediate service and remain available for 24 hours per day if the main power source or controls fail.
6. Depressed sewers. An applicant shall:
 - a. Size the depressed sewer to attain a minimum velocity of 3 feet per second through all barrels of the depressed sewer when the flow equals or exceeds the design daily peak dry weather flow,
 - b. Design the depressed sewer to convey the sewage flow through at least two parallel pipes at least 6 inches in diameter,
 - c. Include an inlet and outlet structure at each end of the inverted sewer,
 - d. Design the depressed sewer so that the barrels are brought progressively into service as flow increases to its design value, and
 - e. Design the depressed sewer to minimize release of odors to the atmosphere.
- E. Additional Discharge Authorization requirements. An applicant shall:
 1. Supply a signed, dated, and sealed Engineer's Certificate of Completion in a format approved by the Department that provides the following:
 - a. Confirmation that the project was completed in compliance with the requirements of this Chapter, as described in the plans and specifications corresponding to the Construction Authorization issued by the Director, or with changes that are reflected in as-built plans submitted with the Engineer's Certificate of Completion;
 - b. As-built plans, if required, that are properly identified and numbered; and
 - c. Satisfactory field test results from deflection, leakage, and uniform slope testing;
 2. Provide any other relevant information required by the Department to determine that the facility conforms to the terms of the 4.01 General Permit; and
 3. Provide a signed certification on a form approved by the Department that:
 - a. Confirms that an operation and maintenance manual exists for the sewage collection system;
 - b. Confirms that the operation and maintenance manual addresses components of operation and maintenance specified on the certification form;
 - c. Provides the 24-hour emergency number of the owner or operator of the sewage collection system; and
 - d. Provides an address where the operation and maintenance manual is maintained and confirms that the manual is available for inspection at that address by the Department on request.
 - F. Operation and maintenance requirements. The permittee shall:
 1. Operate the new sewage collection system or expansion of an existing sewage collection system involving new construction using the operation and maintenance manual certified by the owner or operator in subsection (E)(3), to meet the performance standards specified in subsection (B), unless the permittee is operating the sewage collection system under a CMOM Plan under the general permit established in R18-9-C305;
 2. Ensure that the sewage collection system is operated according to the operator certification requirements in 18 A.A.C. 5, Article 1; and
 3. For safety during operation and maintenance of lift station and other confined space components of the sewage collection system, follow all applicable state and federal confined space entry requirements.
 - G. Recordkeeping. A person owning or operating a facility permitted under this Section shall maintain the documents listed in subsection (E) for the life of the facility and make them available to the Department upon request.
 - H. Repairs.
 1. A Notice of Intent to Discharge is not required for sewage collection system repairs. Repairs include work performed in response to deterioration or damage of existing structures, devices, and appurtenances with the intent to maintain or restore the system to its original design flow and operational characteristics. Repairs do not include changes in vertical or horizontal alignment.
 2. Components used in the repair shall meet the design, installation, and operational requirements of this Section.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E302. 4.02 General Permit: Septic Tank with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.02 General Permit allows for the construction and operation of a system with less than 3000 gallons per day design flow consisting of a septic tank dispensing wastewater to an approved means of disposal described in this Section. Only

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gravity flow of wastewater from the septic tank to the disposal works is authorized by this general permit.

1. The standard septic tank and disposal works design specified in the 4.02 General Permit serves sites where no site limitations are identified by the site investigation conducted under R18-9-A310.
 2. If site conditions allow, this general permit authorizes the discharge of wastewater from a septic tank meeting the requirements of R18-9-A314 to one of the following disposal works:
 - a. Trench,
 - b. Bed,
 - c. Chamber technology, or
 - d. Seepage pit.
- B. Performance.** An applicant shall design a system consisting of a septic tank and one of the disposal works listed in subsection (A)(2) so that treated wastewater released to the native soil meets the following criteria:
1. TSS of 75 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 150 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and
 4. Total coliform level of 100,000,000 (Log₁₀ 8) colony forming units per 100 milliliters, 95th percentile.
- C. Design and installation requirements.**
1. General provisions. In addition to the applicable requirements in R18-9-A312, the applicant shall:
 - a. Ensure that the septic tank meets the requirements specified in R18-9-A314;
 - b. Before placing aggregate or disposal pipe in a prepared excavation, remove all smeared or compacted surfaces from trenches by raking to a depth of 1 inch and removing loose material. The applicant shall:
 - i. Place aggregate in the trench to the depth and grade specified in subsection (C)(2);
 - ii. Place the drain pipe on aggregate and cover it with aggregate to the minimum depth specified in subsection (C)(2); and
 - iii. Cover the aggregate with landscape filter material, geotextile, or similar porous material to prevent filling of voids with earth backfill;
 - c. Use a grade board stake placed in the trench to the depth of the aggregate if the disposal pipe is constructed of drain tile or flexible pipe that will not maintain alignment without continuous support;
 - d. Disposal pipe. If two or more disposal pipes are installed, install a distribution box approved by the Department of sufficient size to receive all lateral lines and flows at the head of each disposal works and:
 - i. Ensure that the inverts of all outlets are level and the invert of the inlet is at least 1 inch above the outlets;
 - ii. Design distribution boxes to ensure equal flow and install the boxes on a stable level surface such as a concrete slab or native or compacted soil; and
 - iii. Protect concrete distribution boxes from corrosion by coating them with an appropriate bituminous coating, constructing the boxes with concrete that has a 15 to 18 percent fly ash content, or by using other equivalent means;

- e. Construct all lateral pipes running from a distribution box to the disposal works with watertight joints and ensure that multiple disposal laterals, wherever practical, are of uniform length;
 - f. Lay pipe connections between the septic tank and a distribution box on natural ground or compact fill and construct the pipe connections with watertight joints;
 - g. Construct steps within distribution line trenches or beds, if necessary, to maintain a level disposal pipe on sloping ground. The applicant shall construct the lines between each horizontal section with watertight joints and install them on natural or unfilled ground; and
 - h. Ensure that a disposal works consisting of trenches, beds, chamber technology, or seepage pits is not paved over or covered by concrete or any material that can reduce or inhibit possible evaporation of wastewater through the soil to the land surface or oxygen transport to the soil absorption surfaces.
2. Trenches.
- a. The applicant shall calculate the trench absorption area as the total of the trench bottom area and the sum of both trench sidewall areas to a maximum depth of 48 inches below the bottom of the disposal pipe.
 - b. The applicant shall ensure that trench bottoms and disposal pipe are level. The applicant shall calculate trench sizing from the soil absorption rate specified under R18-9-A312(D) and the design flow established in R18-9-A312(B).
 - c. The following design criteria for trenches apply:

| Trenches | Minimum | Maximum |
|--|---|------------------------|
| 1. Number of trenches | 1 (2 are recommended) | No Maximum |
| 2. Length of trench ¹ | ---- | 100 feet |
| 3. Bottom width of trench | 12 inches | 36 inches |
| 4. Trench absorption area (sq. ft. of absorption area per linear foot of trench) | No Minimum | 11 sq. ft. |
| 5. Depth of cover over aggregate surrounding disposal pipe | 9 inches | 24 inches ² |
| 6. Thickness of aggregate material over disposal pipe | 2 inches | 2 inches |
| 7. Thickness of aggregate material under disposal pipe | 12 inches | No Maximum |
| 8. Slope of disposal pipe | Level | Level |
| 9. Disposal pipe diameter | 3 inches | 4 inches |
| 10. Spacing of trenches (measured between nearest sidewalls) | 2 times effective depth ³ or five feet, whichever is greater | No Maximum |

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Notes:

- ¹ If unequal trench lengths are used, proportional distribution of wastewater is required.
 - ² For more than 24 inches, Standard Dimensional Ratio 35 or equivalent strength pipe is required.
 - ³ The effective depth is the distance between the bottom of the disposal pipe and the bottom of the trench bed.
- d. The applicant may substitute clean, durable, crushed, and washed recycled concrete for aggregate if noted in design documents and the trench absorption area calculation excludes the trench bottom.

3. Beds. An applicant shall:
- a. If a bed is installed, use the soil absorption rate specified in R18-9-A312(D) for "SAR, Bed. The applicant may, in computing the bed bottom absorption area, include the bed bottom and the perimeter sidewall area not more than 36 inches below the disposal pipe;
 - b. Comply with the following design criteria for beds:

| Gravity Beds | Minimum | Maximum |
|--|--|------------|
| 1. Number of disposal pipes | 2 | No Maximum |
| 2. Length of bed | No Minimum | 100 feet |
| 3. Distance between disposal pipes | 4 feet | 6 feet |
| 4. Spacing of beds measured between nearest sidewalls | 2 times effective depth ¹ or 5 feet, whichever is greater | No Maximum |
| 5. Width of bed | 10 feet | 12 feet |
| 6. Distance from disposal pipe to sidewall | 3 feet | 3 feet |
| 7. Depth of cover over disposal pipe | 9 inches | 14 inches |
| 8. Thickness of aggregate material under disposal pipe | 12 inches | No Maximum |
| 9. Thickness of aggregate material over disposal pipe | 2 inches | 2 inches |
| 10. Slope of disposal pipe | Level | Level |
| 11. Disposal pipe diameter | 3 inches | 4 inches |

Note:

- ¹ The effective depth is the distance between the bottom of the disposal pipe and the bottom of the bed.

4. Chamber technology. An applicant shall:
- a. Calculate an effective chamber absorption area to size the disposal works area and determine the number of chambers needed. The effective absorption area of each chamber is calculated as follows:
 $A = (1.8 \times B \times L) + (2 \times V \times L)$
 - i. "A" is the effective absorption area of each chamber,
 - ii. "B" is the exterior width of the bottom of the chamber,

- iii. "V" is the vertical height of the louvered sidewall of the chamber, and
 - iv. "L" is the length of the chamber;
 - b. Calculate the disposal works size and number of chambers from the effective absorption area of each chamber and the soil absorption rates specified in R18-9-A312(D);
 - c. Ensure that the sidewall of the chamber provides at least 35 percent open area for sidewall credit and that the design and construction minimizes the movement of fines into the chamber area. The applicant shall not use filter fabric or geotextile against the sidewall openings.
5. Seepage pits. If allowed by R18-9-A311(B)(1), the applicant shall:
- a. Design a seepage pit to comply with R18-9-A312(E)(1) for minimum vertical separation distance;
 - b. Ensure that multiple seepage pit installations are served through a distribution box approved by the Department or connected in series with a watertight connection laid on undisturbed or compacted soil. The applicant shall ensure that the outlet from the pit has a sanitary tee with the vertical leg extending at least 12 inches below the inlet;
 - c. Ensure that each seepage pit is circular and has an excavated diameter of 4 to 6 feet. If multiple seepage pits are installed, ensure that the minimum spacing between seepage pit sidewalls is 12 feet or three times the diameter of the seepage pit, whichever is greater. The applicant may use the alternative design procedure specified in R18-9-A312(G) for a proposed seepage pit more than 6 feet in diameter;
 - d. For a gravel filled seepage pit, backfill the entire pit with aggregate. The applicant shall ensure that each pit has a breather conductor pipe that consists of a perforated pipe at least 4 inches in diameter, placed vertically within the backfill of the pit. The pipe shall extend from the bottom of the pit to within 12 inches below ground level;
 - e. For a lined, hollow seepage pit, lay a concrete liner or a liner of a different protective material in the pit on a firm foundation and fill excavation voids behind the liner with at least 9 inches of aggregate;
 - f. For the cover of a lined seepage pit, use an approved one or two piece reinforced concrete slab with a minimum compressive strength of 2500 pounds per square inch. The applicant shall ensure that the cover:
 - i. Is at least 5 inches thick and designed to support an earth load of at least 400 pounds per square foot;
 - ii. Has a 12-inch square or diameter minimum access hole with a plug or cap that is coated on the underside with an protective bituminous seal, constructed of concrete with 15 percent to 18 percent fly ash content, or made of other nonpermeable protective material; and
 - iii. Has a 4 inch or larger inspection pipe placed vertically not more than 6 inches below ground level;
 - g. Ensure that the top of the seepage pit cover is 4 to 18 inches below the surface of the ground;

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- h. Install a vented inlet fitting in every seepage pit to prevent flows into the seepage pit from damaging the sidewall. An applicant may use a 1/4 bend fitting placed through an opening in the top of the slab cover if a one or two piece concrete slab cover inlet is used;
- i. Bore seepage pits five feet deeper than the proposed pit depth to verify underlying soil characteristics and backfill the five feet of overdrill with low permeability drill cuttings or other suitable material;
- j. Backfill seepage pits that terminate in gravelly, coarse sand zones five feet above the beginning of the zone with low permeability drill cuttings or other suitable material;
- k. Determine the minimum sidewall area for a seepage pit from the design flow and the soil absorption rate derived from the testing procedure described in R18-9-A310(G). The effective absorption surface for a seepage pit is the sidewall area only. The sidewall area is calculated using the following formula:

$$A = 3.14 \times D \times H$$
 - "A" is the minimum sidewall area in square feet needed for the design flow and soil absorption rate for the installation,
 - "D" is the diameter of the proposed seepage pit in feet,
 - "H" is the vertical height in feet in the seepage pit through which wastewater infiltrates native soil. The applicant shall ensure that H is at least 10 feet for any seepage pit.
- D. Operation and maintenance. The permittee shall follow the applicable operation and maintenance requirements in R18-9-A313.
- Historical Note**
 New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-E303. 4.03 General Permit: Composting Toilet, Less Than 3000 Gallons Per Day Design Flow**
- A. A 4.03 General Permit allows for the use of a composting toilet with less than 3000 gallons per day design flow.
- Definition. For purposes of this Section, "composting toilet" means a manufactured turnkey or kit form treatment technology that receives human waste from a waterless toilet directly into an aerobic composting chamber where dehydration and biological activity reduce the waste volume and the content of nutrients and harmful microorganisms to an appropriate level for later disposal at the site or by other means.
 - An applicant may use a composting toilet if:
 - Limited water availability prevents use of other types of on-site wastewater treatment facilities,
 - Environmental constraints prevent the discharge of wastewater or nutrients to a sensitive area,
 - Inadequate space prevents use of other systems,
 - Severe site limitations exist that make other forms of treatment or disposal unacceptable, or
 - The applicant desires maximum water conservation.
 - A permittee may use a composting toilet only if:
 - Wastewater is managed as provided in this Section and, if gray water is separated and reused, the gray water reuse complies with 18 A.A.C. 9, Article 7; and
 - Soil conditions support subsurface disposal of all wastewater sources.
- B. Restrictions.
- A permittee shall ensure that no more than 50 persons per day use the composting toilet.
 - A composting toilet shall only receive human excrement unless the manufacturer's specifications allow the deposit of kitchen or other wastes into the toilet.
- C. Performance. An applicant shall ensure that:
- The composting toilet provides containment to prevent the discharge of toilet contents to the native soil except leachate, which may drain to the wastewater disposal works described in subsection (F);
 - The composting toilet limits access by vectors to the contained waste; and
 - Wastewater is disposed into the subsurface to prevent any wastewater from surfacing.
- D. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), the applicant shall submit the following information:
- Composting toilet.
 - The name and address of the composting toilet system manufacturer;
 - A copy of the manufacturer's warranty, and the specifications for installation operation, and maintenance;
 - The product model number;
 - Composting rate, capacity, and waste accumulation volume calculations;
 - Documentation of listing by a national listing organization indicating that the composting toilet meets the stated manufacturer's specifications for loading, treatment performance, and operation, unless the composting toilet is listed under R18-9-A309(E) or is a component of a reference design approved by the Department;
 - The method of vector control;
 - The planned method and frequency for disposing the composted human excrement residue; and
 - The planned method for disposing of the drainage from the composting unit; and
 - Wastewater.
 - The number of bedrooms in the dwelling or persons served on a daily basis, as applicable, and the corresponding design flow of the disposal works for the wastewater;
 - The results from soil evaluation or percolation testing that adequately characterize the soils into which the wastewater will be dispersed and the locations of soil evaluation and percolation testing on the site plan; and
 - The design for the disposal works in subsection (F), including the location of the interceptor, the location and configuration of the trench or bed used for wastewater dispersal, the location of connecting wastewater pipelines, and the location of the reserve area.
- E. Design requirements for a composting toilet. An applicant shall ensure that:

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1. The composting chamber is watertight, constructed of solid durable materials not subject to excessive corrosion or decay, and is constructed to exclude access by vectors;
2. The composting chamber has airtight seals to prevent odor or toxic gas from escaping into the building. The system may be vented to the outside;
3. The capacity of the chamber and rate of composting are calculated based on:
 - a. The lowest monthly average chamber temperature; or
 - b. The yearly average chamber temperature, if the composting toilet is designed to compost on a yearly cycle or longer; and
4. The composting system provides adequate storage of all waste produced during the months when the average temperature is below 55°F, unless a temperature control

device is installed to increase the composting rate and reduce waste volume.

- F. Design requirements for the disposal works.**
1. Interceptor. An applicant shall ensure that the design complies with the following:
 - a. An interceptor may not accept human excreta or toilet wastewater;
 - b. Wastewater passes into an interceptor before it is conducted to the subsurface for dispersal;
 - c. The interceptor is designed to remove grease, oil, fibers, and solids to ensure long-term performance of the trench or bed used for subsurface dispersal;
 - d. The interceptor is covered to restrict access and eliminate habitat for mosquitoes and other vectors; and
 - e. Minimum interceptor size is based on design flow.
 - i. For a dwelling, the following apply:

| No. of Bedrooms | Design Flow (gallons per day) | Minimum Interceptor Size (gallons) | |
|------------------------------------|-------------------------------|---|---|
| | | Kitchen Wastewater Only (All gray water sources are collected and reused) | Combined Non-Toilet Wastewater (Gray water is not separated and reused) |
| 1 (7 fixture units or less) | 90 | 42 | 200 |
| 1-2 (greater than 7 fixture units) | 180 | 84 | 400 |
| 3 | 270 | 125 | 600 |
| 4 | 330 | 150 | 700 |
| 5 | 380 | 175 | 800 |
| 6 | 420 | 200 | 900 |
| 7 | 460 | 225 | 1000 |

ii. For other than a dwelling, minimum interceptor size in gallons is 2.1 times the design flow from Table 1, Unit Design Flows.

2. Dispersal of wastewater. An applicant shall ensure that the design complies with the following:
 - a. A trench or bed is used to disperse the wastewater into the subsurface;
 - b. Sizing of the trench or bed is based on the design flow as determined in subsection (F)(1)(e), including all black and gray water, and an SAR determined under R18-9-A312(D);
 - c. The minimum vertical separation from the bottom of the trench or bed to a limiting subsurface condition is at least 5 feet; and
 - d. Other aspects of trench or bed design follow R18-9-E302, as applicable.
3. Setback distances. Setback distances are no less than 1/4 of the setback distances specified in R18-9-A312(C), but not less than 5 feet, except the setback distance from wells is 100 feet.

G. Operation and maintenance requirements. A permittee shall:

1. Composting toilet.
 - a. Provide adequate mixing, ventilation, temperature control, moisture, and bulk to reduce fire hazard and prevent anaerobic conditions;
 - b. Follow manufacturer's specifications for addition of any organic bulking agent to control liquid drainage, promote aeration, or provide additional carbon;
 - c. Follow the manufacturer's specifications for operation and maintenance regarding movement of material within the composting chamber;

- d. If batch system containers are mounted on a carousel, place a new container in the toilet area if the previous one is full;
- e. Ensure that only human waste, paper approved for septic tank use, and the amount of bulking material required for proper maintenance is introduced to the composting chamber. The permittee shall remove all other materials or trash. If allowed by the manufacturer's specifications the permittee may add, other nonliquid compostable food preparation residues to the toilet;
- f. Ensure that any liquid end product is:
 - i. Sprayed back onto the composting waste material;
 - ii. Removed by a person who licensed a vehicle under 18 A.A.C. 13, Article 11; or
 - iii. Is drained to the interceptor described in subsection (F);
- g. Remove and dispose of composted waste as necessary, using a person who licensed a vehicle under 18 A.A.C. 13, Article 11 if the waste is not placed in a disposal area for burial or used on-site as mulch;
- h. Before ending use for an extended period take measures to ensure that moisture is maintained to sustain bacterial activity and free liquids in the chamber do not freeze; and
- i. After an extended period of non-use, empty the composting chamber of solid end product and inspect all mechanical components to verify that the mechanical components are operating as designed;

2. Wastewater Disposal Works.

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- a. Ensure that the interceptor is maintained regularly according to manufacturer's instructions to prevent grease and solid wastes from impairing performance of the trench or bed used for dispersal of wastewater, and
- b. Protect the area of the trench or bed from soil compaction or other activity that will impair dispersal performance.

H. Reference design.

1. An applicant may use a composting toilet that achieves the performance requirements in subsection (C) by following a reference design on file with the Department.
2. The applicant shall file a form provided by the Department for supplemental information about the proposed system with the applicant's submittal of the Notice of Intent to Discharge.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-E304. 4.04 General Permit: Pressure Distribution System, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.04 General Permit allows for the use of a pressurized distribution of wastewater system with a design flow less than 3000 gallons per day that treats wastewater to a level equal to or better than that specified in R18-9-E302(B).
 1. Definition. For purposes of this Section, a "pressure distribution system" means a tank, pump, controls, and piping that conducts wastewater under pressure in controlled amounts and intervals to a bed or trench or other means of distribution authorized by a general permit for an on-site wastewater treatment facility.
 2. An applicant may use a pressure distribution system if a gravity flow system is unsuitable, inadequate, unfeasible, or cost prohibitive because of site limitations or other conditions, or if needed to optimally distribute wastewater.
- B.** Performance. An applicant shall ensure that a pressure distribution system:
 1. Disperses wastewater so that:
 - a. Loading rates are optimized for the intended purpose, and
 - b. The wastewater is delivered under pressure and evenly distributed within the disposal works, and
 2. Prevents ponding on the land surface.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), the applicant shall submit:
 1. A copy of operation, maintenance, and warranty materials for the principal components; and
 2. A copy of dosing specifications, including pump curves, dispersing component details, and float control settings.
- D.** Design requirements.
 1. Pumps. An applicant shall ensure that pumps used in the on-site wastewater treatment facility:
 - a. Are rated for wastewater service by the manufacturer and certified by Underwriters Laboratories;
 - b. Achieve the minimum design flow rate and total dynamic head requirements for the particular site; and
 2. Switches, controls, alarms, timers, and electrical components. An applicant shall ensure that:
 - a. Switches and controls accommodate the minimum and maximum dose capacities of the distribution network design. The applicant shall not use pressure diaphragm level control switches;
 - b. Fail-safe controls that can be tested in the field are used to prevent discharge of inadequately treated wastewater. The applicant shall include counters or flow meters if critical to control functions, such as timed dosing;
 - c. Control panels and alarms:
 - i. Are either mounted in an exterior location visible from the structure served, mounted in a conspicuous location on the side of the structure served, or mounted in a conspicuous location adjacent to the structure served,
 - ii. Provide manual pump switch and alarm test features, and
 - iii. Include written instructions covering standard operation and alarm events;
 - d. Audible and visible alarms are used for all critical control functions, such as pump failures, treatment failures, and excess flows. The applicant shall ensure that:
 - i. The visual portion of the signal is conspicuous from a distance 50 feet from the system and its appurtenances;
 - ii. The audible portion of the signal is between 70 and 75 db at 5 feet and is discernible from a distance of 50 feet from the system and its appurtenances;
 - iii. Alarms, test features, and controls are on a non-dedicated electrical circuit separate from the dedicated circuit for the pump with constant visual confirmation that the circuit is electrically active; and
 - iv. The alarm is clearly audible and visible inside the structure served;
 - e. All electrical wiring complies with the National Electrical Code, 2005 Edition, published by the National Fire Protection Association. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. The applicant shall ensure that:
 - i. Connections are made using National Electrical Manufacturers Association (NEMA) 4x junction boxes certified by Underwriters Laboratories; and

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- ii. All controls are in NEMA 3r, 4, or 4x enclosures for outdoor use.
- 3. Dosing tanks and wastewater distribution components.
 - a. An applicant shall:
 - i. Design dosing tanks to withstand anticipated internal and external loads under full and empty conditions, and design concrete tanks to meet the "Standard Specification for Precast Concrete Water and Wastewater Structures, C913-02 (2002)," published by the American Society for Testing and Materials. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;
 - ii. Design dosing tanks to be easily accessible and have secured covers;
 - iii. Install risers to provide access to the inlet and outlet of the tank and to service internal components;
 - iv. Ensure that the volume of the dosing tank accommodates bottom depth below maximum drawdown, maximum design dose, including any drainback, volume to high water alarm, and a reserve volume above the high water alarm level that is not less than the daily design flow volume. If the tank is time dosed, the applicant shall ensure that the combined surge capacity and reserve volume above the high water alarm is not less than the daily design flow volume;
 - v. Ensure that dosing tanks are watertight and anti-buoyant;
 - vi. Design the wastewater distribution components to withstand system pumping pressures;
 - vii. Design the wastewater distribution system to allow air to purge from the system;
 - viii. Design pressure piping to minimize freezing during cold weather;
 - ix. Ensure that the end of each wastewater distribution line is accessible for maintenance;
 - x. Ensure that orifices emit the design discharge rate uniformly throughout the wastewater distribution system; and
 - xi. Design orifices using orifice shields to provide proper distribution of wastewater to the receiving medium.
 - b. An applicant may use a septic tank second compartment or a second septic tank in series as a dosing tank if all dosing tank requirements of this Section are met and a screened vault is used instead of the septic tank effluent filter.
- 4. Design SAR. If the site conditions of the property for the on-site wastewater treatment facility do not require pressure distribution, but an applicant chooses to use pressure distribution, the applicant shall use a design SAR for the absorption surfaces in the disposal works that is not more than 1.10 times the adjusted SAR determined in R18-9-A312(D).
 - E. Additional Discharge Authorization requirements. An applicant shall obtain copies of instructions for the critical controls of the system from the person who installed the pressure distribution system. The applicant shall submit one copy of the instructions with the information required in subsection (C).
 - F. Operation and maintenance requirements. In addition to the applicable requirements specified in R18-9-A313(B), a permittee shall ensure that:
 - 1. The operation and maintenance manual for the on-site wastewater treatment facility that supplies the wastewater to the pressure distribution system specifies inspection and maintenance needed for the following items:
 - a. Sludge level in the bottom of the treatment and dosing tanks,
 - b. Watertightness,
 - c. Condition of electrical and mechanical components, and
 - d. Piping and other components functioning within design limits;
 - 2. All critical control functions are specified in the operation and maintenance manual for testing to demonstrate compliance with design specifications, including:
 - a. Alarms, test features, and controls;
 - b. Float switch level settings;
 - c. Dose rate, volume, and frequency, if applicable;
 - d. Distal pressure or squirt height, if applicable; and
 - e. Voltage test on pumps, motors, and controls, as applicable;
 - 3. The finished grade is observed and maintained for proper surface drainage. The applicant shall observe the levelness of the tank for differential settling. If there is settling, the applicant shall grade the facility to maintain surface drainage.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-E305. 4.05 General Permit: Gravelless Trench, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.05 General Permit allows for the use of a gravelless trench with less than 3000 gallons per day design flow receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
 - 1. Definition. For purposes of this Section, a "gravelless trench" means a disposal technology characterized by installation of a proprietary pipe and geocomposite or other substitute media into native soil instead of the distribution pipe and aggregate fill used in a trench allowed in R18-9-E302.
 - 2. A permittee may use a gravelless trench if suitable gravel or volcanic rock aggregate is unavailable, excessively expensive, or if adverse site conditions make movement of gravel difficult, damaging, or time consuming.
- B. Performance. An applicant shall design a gravelless trench so that treated wastewater released to the native soil meets the following criteria:
 - 1. TSS of 75 milligrams per liter, 30-day arithmetic mean;
 - 2. BOD₅ of 150 milligrams per liter, 30-day arithmetic mean;

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3. Total nitrogen (as nitrogen) of 53 milligrams per liter, 5-month arithmetic mean; and
 4. Total coliform level of 100,000,000 (Log_{10} 8) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit the following:
1. The soil absorption area that would be required if a conventional disposal trench filled with aggregate was used at the site,
 2. The configuration and size of the proposed gravelless disposal works, and
 3. The manufacturer's installation instructions and warranty of performance for absorbing wastewater into the native soil.
- D.** Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall:
1. Ensure that the top of the gravelless disposal pipe or similar disposal mechanism is at least 6 inches below the surface of the native soil and 12 to 36 inches below finished grade if approved fill is placed on top of the installation;
 2. Calculate the infiltration surface as follows:
 - a. For 8-inch diameter pipe, 2 square feet of absorption area is allowed per linear foot;
 - b. For 10-inch diameter pipe, 3 square feet of absorption area is allowed per linear foot;
 - c. For bundles of two pipes of the same diameter, the absorption area is calculated as 1.67 times the absorption area of one pipe; and
 - d. For bundles of three pipes of the same diameter, the absorption area is calculated as 2.00 times the absorption area of one pipe;
 3. Use a pressure distribution system meeting the requirements of R18-9-E304 in medium sand, coarse sand, and coarser soils; and
 4. Construct the drainfield of material that will not decay, deteriorate, or leach chemicals or byproducts if exposed to sewage or the subsurface soil environment.
- E.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall:
1. Install the gravelless pipe material according to manufacturer's instructions if the instructions are consistent with this Chapter,
 2. Ensure that the installed disposal system can withstand the physical disturbance of backfilling and the load of any soil cover above natural grade placed over the installation, and
 3. Shape any backfill and soil cover in the area of installation to prevent settlement and ponding of rainfall for the life of the disposal works.
- F.** Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), the permittee shall inspect the finished grade in the vicinity of the gravelless disposal works for maintenance of proper drainage and protection from damaging loads.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-E306. 4.06 General Permit: Natural Seal Evapotranspiration Bed, Less Than 3000 Gallons Per Day Design Flow**
- A.** A 4.06 General Permit allows for the use of a natural seal evapotranspiration bed with less than 3000 gallons per day design flow receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
1. Definition. For purposes of this Section, a "natural seal evapotranspiration bed" means a disposal technology characterized by a bed of sand or other media with an internal wastewater distribution system, contained on the bottom and sidewalls by an engineered liner consisting of natural soil and clay materials.
 2. An applicant may use a natural seal evapotranspiration bed if site conditions restrict soil infiltration or require reduction of the volume of wastewater discharged to the native soil underlying the natural seal liner.
- B.** Restrictions. Unless a person provides design documentation to show that a natural seal evapotranspiration bed will properly function, the person shall not install this technology if:
1. Average minimum temperature in any month is 20° F or less,
 2. Over 1/3 of the average annual precipitation falls in a 30-day period, or
 3. Design flow exceeds net evaporation.
- C.** Performance. An applicant shall ensure that a natural seal evapotranspiration bed:
1. Minimizes discharge to the native soil through the natural seal liner,
 2. Maximizes wastewater disposed to the atmosphere by evapotranspiration, and
 3. Prevents ponding of wastewater on the bed surface and maintains an interval of unsaturated media directly beneath the bed surface.
- D.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. Capillary rise potential test results for the media used to fill the evapotranspiration bed, unless sand meeting a D_{50} of 0.1 millimeter (50 percent by weight of grains equal to or smaller than 0.1 millimeter) is used; and
 2. Water mass balance calculations used to size the evapotranspiration bed.
- E.** Design requirements. An applicant shall:
1. Ensure that the evapotranspiration bed is from 18 to 36 inches deep and shall calculate the bed design based on the capillary rise of the bed media, following the "Standard Test Method for Capillary-Moisture Relationships for Coarse- and Medium-Textured Soils by Porous-Plate Apparatus, D2325-68 (2000)," incorporated by reference in R18-9-E307(E), and the anticipated maximum frost depth;
 2. Ensure the media is sand or other durable material;
 3. Base design area calculations on a water mass balance for the winter months and the design seepage rate;
 4. Ensure that the natural seal liner is a durable, low-hydraulic conductivity liner and is accompanied by the liner performance specification and calculations for bottom and sidewall seepage rate;
 5. If a surfacing layer is used, use topsoil, dark cinders, decomposed granite, or similar landscaping material placed to a maximum depth of 2 inches and ensure that:
 - a. If topsoil is used as a surfacing layer for growth of landscape plants:
 - i. The topsoil is a fertile, friable soil obtained from well-drained arable land;

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- ii. The topsoil is free of nut grass, refuse, roots, heavy clay, clods, noxious weeds, or any other material toxic to plant growth;
 - iii. The pH of the topsoil is between 5.5 and 8.0;
 - iv. The plasticity index of the topsoil is between 3 and 15; and
 - v. The topsoil contains approximately 1-1/2 percent organic matter, by dry weight, either natural or added;
- b. If landscaping material other than topsoil is used as a surfacing layer, the material meets the following gradation:

| Sieve Size | Percent Passing |
|------------|-----------------|
| 1" | 100 |
| 1/2" | 95-100 |
| No. 4 | 90-100 |
| No. 10 | 70-100 |
| No. 200 | 15-70 |

- 6. Use shallow-rooted, non-invasive, salt- and drought-tolerant evergreens if vegetation is planted on the evapotranspiration bed;
 - 7. Install at least two observation ports to determine the level of the liquid surface of wastewater within the evapotranspiration bed;
 - 8. Design the bed to pump out the saturated zone if accumulated salts or a similar condition impairs bed performance; and
 - 9. Instead of the minimum vertical separation required under R18-9-A312(E), ensure that the minimum vertical separation from the bottom of the natural seal evapotranspiration bed liner to the seasonal high water table is at least 12 inches.
- F. Installation requirements.** In addition to the applicable requirements in R18-9-A313(A), an applicant shall ensure that:
- 1. The liner covers the bottom and all sidewalls of the bed and is installed on a stable base according to the manufacturer's installation specifications;
 - 2. If the inlet pipe passes through the liner, the joint is tightly sealed to minimize leakage during the operational life of the facility;
 - 3. The liner is leak tested under the supervision of an Arizona-registered professional engineer to confirm the design leakage rate; and
 - 4. A 2- to 4-inch layer of 1/2- to 1-inch gravel or crushed stone is placed around the distribution pipes within the bed. The applicant shall ensure that the filter cloth is placed on top of the gravel or crushed stone to prevent sand from settling into the gravel or crushed stone.
- G. Additional Discharge Authorization requirements.** An applicant shall submit the satisfactory results of the leakage test required under subsection (F)(3) to the Department before the Department issues the Discharge Authorization.
- H. Operation and maintenance requirements.** In addition to the applicable requirements in R18-9-A313(B), the permittee shall:
- 1. Not allow irrigation of an evapotranspiration bed, and
 - 2. Protect the bed from vehicle loads and other damaging activities.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by

final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E307. 4.07 General Permit: Lined Evapotranspiration Bed, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.07 General Permit allows for the use of a lined evapotranspiration bed receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
- 1. Definition. For purposes of this Section, a "lined evapotranspiration bed" means a disposal technology characterized by a bed of sand or other media with an internal wastewater distribution system contained on the bottom and sidewalls by an impervious synthetic liner.
 - 2. An applicant may use a lined evapotranspiration bed if site conditions restrict soil infiltration or require reduction or elimination of the volume of wastewater or nitrogen load discharged to the native soil.
 - 3. Provision of a reserve area is not required for a lined evapotranspiration bed.
- B. Restrictions.** Unless a person provides design documentation to show that a lined evapotranspiration bed will properly function, the person shall not install this technology if:
- 1. Average minimum temperature in any month is 20° F or less,
 - 2. Over 1/3 of average annual precipitation falls in a 30-day period, or
 - 3. Design flow exceeds net evaporation.
- C. Performance.** An applicant shall ensure that a lined evapotranspiration bed:
- 1. Prevents discharge to the native soil by a synthetic liner,
 - 2. Attains full disposal of wastewater to the atmosphere by evapotranspiration, and
 - 3. Prevents ponding of wastewater on the bed surface and maintains an interval of unsaturated media directly beneath the bed surface.
- D. Notice of Intent to Discharge.** In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
- 1. Capillary rise potential test results for the media used to fill the evapotranspiration bed, unless sand meeting a D₅₀ of 0.1 millimeter (50 percent by weight of grains equal to or smaller than 0.1 millimeter in size) is used; and
 - 2. Water mass balance calculations used to size the evapotranspiration bed.
- E. Design requirements.** In addition to the applicable requirements in R18-9-A312, an applicant shall:
- 1. Ensure that the evapotranspiration bed is from 18 to 36 inches deep and calculate the bed design on the basis of the capillary rise of the bed media, according to the "Standard Test Method for Capillary-Moisture Relationships for Coarse- and Medium-Textured Soils by Porous-Plate Apparatus, D2325-68 (2003)," published by the American Society for Testing and Materials and the anticipated maximum frost depth. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;
 - 2. Ensure the media is sand or other durable material;
 - 3. Base design area calculations on a water mass balance for the winter months;

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- 4. Ensure that the evapotranspiration bed liner is a durable, low hydraulic conductivity synthetic liner that has a calculated bottom area and sidewall seepage rate of less than 550 gallons per acre per day;
- 5. If a surfacing layer is used, use topsoil, dark cinders, decomposed granite, or similar landscaping material placed to a maximum depth of 2 inches. The applicant shall ensure that:
 - a. If topsoil is used as a surfacing layer for growth of landscape plants:
 - i. The topsoil is a fertile, friable soil obtained from well-drained arable land;
 - ii. The topsoil is free of nut grass, refuse, roots, heavy clay, clods, noxious weeds, or any other material toxic to plant growth;
 - iii. The pH of the topsoil is between 5.5 and 8.0;
 - iv. The plasticity index of the topsoil is between 3 and 15; and
 - v. The topsoil contains approximately 1 1/2 percent organic matter, by dry weight, either natural or added;
 - b. If another landscaping material is used as a surfacing layer, the material meets the following gradation:

| Sieve Size | Percent Passing |
|------------|-----------------|
| 1" | 100 |
| 1/2" | 95-100 |
| No. 4 | 90-100 |
| No. 10 | 70-100 |
| No. 200 | 15-70 |

- 6. Use shallow-rooted, non-invasive, salt and drought tolerant evergreens if vegetation is planted on the evapotranspiration bed;
- 7. Install at least two observation ports to allow determination of the depth to the liquid surface of wastewater within the evapotranspiration bed;
- 8. Design the bed to pump out the saturated zone if accumulated salts or a similar condition impairs bed performance; and
- 9. Instead of the minimum vertical separation required under R18-9-A312(E), ensure that the minimum vertical separation from the bottom of the evapotranspiration bed liner to the surface of the seasonal high water table or impervious layer or formation is at least 12 inches.

- F. Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall ensure that:
 - 1. All liner seams are factory fabricated or field welded according to manufacturer's specifications. The applicant shall ensure that:
 - 2. The liner covers the bottom and all sidewalls of the bed and is cushioned on the top and bottom with layers of sand at least 2 inches thick or other puncture-protective material;
 - 3. If the inlet pipe passes through the liner, the joint is tightly sealed to minimize leakage during the operational life of the facility;
 - 4. The liner is leak tested under the supervision of an Arizona-registered professional engineer; and
 - 5. A 2- to 4-inch layer of one-half to 1-inch gravel or crushed stone is placed around the distribution pipes within the bed. The applicant shall place filter cloth on top of the gravel or crushed stone to prevent sand from settling into the crushed stone or gravel.

- G. Additional Discharge Authorization requirements. An applicant shall submit the liner test results sealed by an Arizona-registered professional engineer to the Department for issuance of the Discharge Authorization.
- H. Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), the permittee shall:
 - 1. Not allow irrigation of an evapotranspiration bed; and
 - 2. Protect the bed from vehicle loads and other damaging activities.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E308. 4.08 General Permit: Wisconsin Mound, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.08 General Permit allows for the use of a Wisconsin mound with a design flow of less than 3000 gallons per day receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
 - 1. Definition. For purposes of this Section, a "Wisconsin mound" means a disposal technology characterized by:
 - a. An above-grade bed system that blends with the land surface into which is dispensed pressure dosed wastewater from a septic tank or other upstream treatment device,
 - b. Dispersal of wastewater under unsaturated flow conditions through the engineered media system contained in the mound, and
 - c. Wastewater treated by passage through the mound before percolation into the native soil below the mound.
 - 2. An applicant may use a Wisconsin mound if:
 - a. The native soil has excessively high or low permeability,
 - b. There is little native soil overlying fractured or excessively permeable rock, or
 - c. A reduction in minimum vertical separation is desired.
- B. Performance. An applicant shall design a Wisconsin mound so that treated wastewater released to the native soil meets the following criteria:
 - 1. Performance Category A.
 - a. TSS of 20 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 20 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, 5-month arithmetic mean; and
 - d. Total coliform level of 1000 (Log₁₀ 3.0) colony forming units per 100 milliliters, 95th percentile; or
 - 2. Performance Category B.
 - a. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, 5-month arithmetic mean; and
 - d. Total coliform level of 300,000 (Log₁₀ 5.5) colony forming units per 100 milliliters, 95th percentile.

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- C. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. Specifications for the internal wastewater distribution system media proposed for use in the Wisconsin mound;
 2. Two scaled or dimensioned cross sections of the mound (one of the shortest basal area footprint dimension and one of the lengthwise dimension); and
 3. Design calculations following the "Wisconsin Mound Soil Absorption System: Siting, Design, and Construction Manual," published by the University of Wisconsin – Madison, January 1990 Edition (the Wisconsin Mound Manual). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the University of Wisconsin – Madison, SSWMP, 1525 Observatory Drive, Room 345, Madison, WI 53706.
- D. Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
1. Pressure dosed wastewater is delivered into the Wisconsin mound through a pressurized line and secondary distribution lines into an engineered aggregate infiltration bed, or equivalent system, in conformance with R18-9-E304 and the Wisconsin Mound Manual. The applicant shall ensure that the aggregate is washed;
 2. Wastewater is applied to the inlet surface of the mound media at not more than 1.0 gallon per day per square foot of mound bed inlet surface if the mound bed media conforms with the "Standard Specification for Concrete Aggregates, C33-03 (2003)," published by the American Society for Testing and Materials and the Wisconsin Mound Manual, except if cinder sand is used that is the appropriate grade with not more than 5 percent passing a #200 screen. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. The applicant shall:
 - a. For cinder sand, ensure that the rate is not more than 0.8 gallons per day per square foot of mound bed inlet surface; and
 - b. Wash the media used for the mound bed;
 3. The aggregate infiltration bed and mound bed is capped by coarser textured soil, such as sand, sandy loam, or silt loam. An applicant shall not use silty clay, clay loam, or clays;
 4. The cap material is covered by topsoil, following the procedure in the Wisconsin Mound Manual, and the topsoil is capable of supporting vegetation, is not clay, and is graded to drain;
 5. The top and bottom surfaces of the aggregate infiltration bed are level and do not exceed 10 feet in width and that:
 - a. The minimum depth of the aggregate infiltration bed is 9 inches, or
 - b. Synthetic filter fabric permeable to water and air and capable of supporting the cap and topsoil load is placed on the top surface of the aggregate infiltration bed;
 6. The minimum depth of mound bed media is:
 - a. Performance Category A, 24 inches; or
 - b. Performance Category B, 12 inches;
 7. The maximum allowable side slope of the mound bed, cap material, and topsoil is not more than one vertical to three horizontal;
 8. Ports for inspection and monitoring are provided to verify performance, including verification of unsaturated flow within the aggregate infiltration bed. The applicant shall:
 - a. Install a vertical PVC pipe and cap with a minimum diameter of 4 inches as an inspection port at the end of the disposal line, and
 - b. Install the pipe with a physical restraint to maintain pipe position;
 9. The main pressurized line and secondary distribution lines for the aggregate infiltration bed are equipped at appropriate locations with cleanouts to grade;
 10. The following requirements and the setbacks specified in R18-9-A312(C) are observed:
 - a. Increase setbacks for the following downslope features at least 30 feet from the toe of the mound system:
 - i. Property line,
 - ii. Driveway,
 - iii. Building,
 - iv. Ditch or interceptor drain, or
 - v. Any other feature that impedes water movement away from the mound; and
 - b. Ensure that no upslope natural feature or improvement channels surface water or groundwater to the mound area;
 11. The portion of the basal area of native soil below the mound conforms to the Wisconsin Mound Manual. The applicant shall:
 - a. Calculate the absorption of wastewater into the native soil for only the effective basal area;
 - b. Apply the soil absorption rate specified in R18-9-A312(D). The applicant may increase allowable loading rate to the mound bed inlet surface up to 1.6 times if the wastewater dispersed to the mound is pretreated to reduce the sum of TSS and BOD₅ to 60 mg/l or less. The applicant may increase the soil absorption rate to not more than 0.20 gallons per day per square foot of basal area if the following slowly permeable soils underlie the mound:
 - i. Sandy clay loam, clay loam, silty clay loam, or finer with weak platy structure; or
 - ii. Sandy clay loam, clay loam, silty clay loam, or silt loam with massive structure;
 12. The slope of the native soil at the basal area does not exceed 25 percent, and a slope stability analysis is performed whenever the basal area or site slope within 50 horizontal feet from the mound system footprint exceeds 15 percent.
- E. Installation. An applicant shall:
1. Prepare native soil for construction of a Wisconsin mound system. The applicant shall:
 - a. Mow vegetation and cut down trees in the vicinity of the basal area site to within 2 inches of the surface;
 - b. Leave in place boulders and tree stumps and other herbaceous material that would excessively alter the soil structure if removed after mowing and cutting;

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- c. Plow native soil serving as the basal area footprint along the contours to 7- to 8- inch depth;
 - d. Not substitute rototilling for plowing; and
 - e. Begin mound construction immediately after plowing;
2. Place each layer of the bed system to prevent differential settling and promote uniform density; and
 3. Use the Wisconsin Mound Manual to guide any other detail of installation. The applicant may vary installation procedures and criteria depending on mound design but shall use installation procedures and criteria that are at least equivalent to those in the Wisconsin Mound Manual.
- F. Operation and maintenance requirements.** In addition to the applicable requirements specified in R18-9-A313(B), the permittee shall:
1. If an existing mound system shows evidence of overload or hydraulic failure, conduct the following sequence of evaluations:
 - a. Verify the actual loading and performance of the pretreatment system.
 - b. Verify the watertightness of the pretreatment and dosing tanks;
 - c. Determine the dosing rates and dosing intervals to the aggregate infiltration bed and compare it with the original design to evaluate the presence or absence of saturated conditions in the aggregate infiltration bed;
 - d. If the above steps in subsections (F)(1)(a) through (c) do not indicate an anomalous condition, evaluate the site and recalculation of the disposal capability to determine if mound lengthening is feasible;
 - e. Determine if site modifications are possible including changing surface drainage patterns at upgrade locations and lowering the groundwater level by installing interceptor drains to reduce native soil saturation at shallow levels; and
 - f. Determine if the basal area can be increased, consistent with R18-9-A309(A)(9)(b)(iv);
 2. Prepare servicing and waste disposal procedures and task schedules necessary for clearing the main pressurized wastewater line and secondary distribution lines, septic tank effluent filter, pump intake, and controls.
 - flow conditions to provide additional passive biological treatment.
 2. The applicant may use an engineered pad system if:
 - a. The native soil is excessively permeable,
 - b. There is little native soil overlying fractured or excessively permeable rock, or
 - c. The available area is limited for installing a disposal works authorized by R18-9-E302.
- B. Performance.** An applicant shall ensure that:
1. The engineered pad system is designed so that the treated wastewater released to the native soil meets the following criteria:
 - a. TSS of 50 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 50 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, 5-month arithmetic mean; and
 - d. Total coliform level of 1,000,000 (Log₁₀ 6) colony forming units per 100 milliliters, 95th percentile; or
 2. The engineered pad system is designed to meet any other performance, loading rate, and configuration criteria specified in the reviewed product list maintained by the Department as required under R18-9-A309(E).
- C. Notice of Intent to Discharge.** In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit design materials and construction specifications for the engineered pad system.
- D. Design requirements.** In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
1. Gravity and pressurized wastewater delivery is from a septic tank or intermediate watertight chamber equipped with a pump and controls. The applicant shall ensure that:
 - a. Delivered wastewater is distributed onto the top of the engineered pad system and achieves even distribution by good engineering practice, and
 - b. The dosing rate for pressurized wastewater delivery is at least four doses per day and no more than 24 doses per day;
 2. The sand bed consists of mineral sand washed to conform to the "Standard Specification for Concrete Aggregates, C33-03 (2003)," which is incorporated by reference in R18-9-E308(D)(2), unless the performance testing and design specifications of the engineered pad manufacturer justify a substitute specification. The applicant shall ensure that:
 - a. The sand bed design provides for the placement of at least 6 inches of sand bed material below and along the perimeter of each pad, and
 - b. The contact surface between the bottom of the sand bed and the native soil is level;
 3. The spacing between adjacent two-pad-wide rows is at least two times the distance between the bottom of the distribution pipe and the bottom of the sand bed or 5 feet, whichever is greater;
 4. The wastewater distribution system installed on the top of the engineered pad system is covered with a breathable geotextile material and the breathable geotextile material is covered with at least 10 inches of backfill.
 - a. The applicant shall ensure that rocks and cobbles are removed from backfill cover and grade the backfill for drainage.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E309. 4.09 General Permit: Engineered Pad System, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.09 General Permit allows for the use of an engineered pad system receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
1. Definition. For purposes of this Section, an "engineered pad system" means a treatment and disposal technology characterized by:
 - a. The delivery of pretreated wastewater by gravity or pressure distribution to the engineered pad and sand bed assembly, followed by dispersal of the wastewater into the native soil; and
 - b. Wastewater movement through the engineered pad and sand bed assembly by gravity under unsaturated

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- b. The applicant may place the engineered pad system above grade, partially bury it, or fully bury it depending on site and service circumstances;
 - 5. The engineered pad system is constructed with durable materials and capable of withstanding stress from installation and operational service; and
 - 6. At least two inspection ports are installed in the engineered pad system to confirm unsaturated wastewater treatment conditions at diagnostic locations.
 - E. Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall place sand media to obtain a uniform density of 1.3 to 1.4 grams per cubic centimeter.
 - F. Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), an applicant shall inspect the backfill cover for physical damage or erosion and promptly repair the cover, if necessary.
- 2. An intermittent sand filter with a bottomless filter is designed so that it produces treated wastewater released to the native soil that meets the following criteria:
 - a. TSS of 20 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 20 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and
 - d. Total coliform level of 100,000 (Log₁₀ 5 colony forming units per 100 milliliters, 95th percentile).
 - C. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit specifications for the media proposed for use in the intermittent sand filter.
 - D. Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
 - 1. Pressurized wastewater delivery is from the septic tank or separate watertight chamber with a pump sized and controlled to deliver the pretreated wastewater to the top of the intermittent sand filter. The applicant shall ensure that the dosing rate is at least 4 doses per day and not more than 24 doses per day;
 - 2. The pressurized wastewater delivery system provides even distribution in the sand filter through good engineering practice. The applicant shall:
 - a. Specify all necessary controls, pipes, valves, orifices, filter cover materials, gravel, or other distribution media, and monitoring and servicing components in the design documents; and
 - b. Ensure that the cover and topsoil is 6 to 12 inches in depth and graded to drain;
 - 3. The sand filter containment vessel is watertight, structurally sound, durable, and capable of withstanding stress from installation and operational service. The applicant may place the intermittent sand filter above grade, partially buried, or fully buried depending on site and service circumstances;
 - 4. Media used in the intermittent sand filter is mineral sand and that the media is washed and conforms to "Standard Specification for Concrete Aggregates, C33-03," which is incorporated by reference in R18-9-E308(D)(2);
 - 5. The sand media depth is a minimum of 24 inches with the top and bottom surfaces level and the maximum wastewater loading rate is 1.0 gallons per day per square foot of inlet surface at the rated daily design flow;
 - 6. The underdrain system:
 - a. Is within the containment vessel;
 - b. Supports the filter media and all overlying loads from the unsupported construction above the top surface of the sand media;
 - c. Has sufficient void volume above the normal high level of the intermittent sand filter effluent to prevent saturation of the bottom of the sand media by a 24-hour power outage or pump malfunction; and
 - d. Includes necessary monitoring, inspection, and servicing features;
 - 7. Inspection ports are installed in the distribution media and in the underdrain;
 - 8. The bottomless filter is designed similar to the underdrain system, except that the sand media is positioned on top of the native soil absorption surface. The applicant shall ensure that companion modifications are made that eliminate the containment vessel bottom and underdrain and

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended to correct a manifest typographical error in subsection (B)(2) (Supp. 01-1). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E310. 4.10 General Permit: Intermittent Sand Filter, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.10 General Permit allows for the use of an intermittent sand filter receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
 - 1. Definition. For purposes of this Section, an "intermittent sand filter" means a treatment technology characterized by:
 - a. The pressurized delivery of pretreated wastewater to an engineered sand bed in a containment vessel equipped with an underdrain system or designed as a bottomless filter;
 - b. Delivered wastewater dispersed throughout the sand media by periodic doses from the delivery pump to maintain unsaturated flow conditions in the bed; and
 - c. Wastewater that is treated during passage through the media, collected by a bed underdrain chamber, and removed by pump or gravity to the disposal works, or wastewater that percolates downward directly into the native soil as part of a bottomless filter design.
 - 2. An applicant may use an intermittent sand filter if:
 - a. The native soil is excessively permeable,
 - b. There is little native soil overlying fractured or excessively permeable rock, or
 - c. The applicant desires a reduction in setback distances or minimum vertical separation.
- B. Performance. An applicant shall ensure that:
 - 1. An intermittent sand filter with underdrain system is designed so that it produces treated wastewater that meets the following criteria:
 - a. TSS of 10 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 10 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 40 milligrams per liter, 5-month arithmetic mean; and
 - d. Total coliform level or 1000 (Log₁₀ 3) colony forming units per 100 milliliters, 95th percentile; or

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relocate the underdrain inspection port to ensure reliable indication of the presence or absence of water saturation in the sand media;

9. The native soil absorption system is designed to ensure that the linear loading rate does not exceed site disposal capability; and
 10. The bottomless sand filter discharge rate per unit area to the native soil does not exceed the adjusted soil absorption rate for the quality of wastewater specified in subsection (B)(2).
- E.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall place the containment vessel, underdrain system, filter media, and pressurized wastewater distribution system in an excavation with adequate foundation and each layer installed to prevent differential settling and promote a uniform density throughout of 1.3 to 1.4 grams per cubic centimeter within the sand media.
- F.** Operation and maintenance requirements. The applicant shall follow the applicable requirements in R18-9-A313(B).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E311. 4.11 General Permit: Peat Filter, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.11 General Permit allows for the use of a peat filter receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
1. Definition. For purposes of this Section, a "peat filter" means a disposal technology characterized by:
 - a. The dosed delivery of treated wastewater to the peat bed, which can be a manufactured module or a disposal bed excavated in native soil and filled with compacted peat;
 - b. Wastewater passing through the peat that is further treated by removal of positively charged molecules, filtering, and biological activity before entry into native soil; and
 - c. If the peat filter system is constructed as a disposal bed filled with compacted peat, wastewater that is absorbed into native soil at the bottom and sides of the bed.
 2. An applicant may configure a modular system if a portion of the wastewater that has passed through the peat filter is recirculated back to the pump chamber.
 3. An applicant may use a peat filter system if:
 - a. The native soil is excessively permeable,
 - b. There is little native soil overlying fractured or excessively permeable rock,
 - c. A reduction in setback distances or minimum vertical separation is desired, or
 - d. Cold weather inhibits performance of other treatment or disposal technologies.
- B.** Performance. An applicant shall ensure that a peat filter is designed so that it produces treated wastewater that meets the following criteria:
1. TSS of 15 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 15 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 53 milligrams per liter, 5-month arithmetic mean; and
 4. Total coliform level of 100,000 (Log₁₀ 5) colony forming units per 100 milliliters, 95th percentile.

- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. Specifications for the peat media proposed for use in the peat filter or provided in the peat module, including:
 - a. Porosity;
 - b. Degree of humification;
 - c. pH;
 - d. Particle size distribution;
 - e. Moisture content;
 - f. A statement of whether the peat is air dried, and whether the peat is from sphagnum moss or bog cotton; and
 - g. A description of the degree of decomposition;
 2. Specifications for installing the peat media; and
 3. If a peat module is used:
 - a. The name and address of the manufacturer,
 - b. The model number, and
 - c. A copy of the manufacturer's warranty.
- D.** Design requirements.
1. If a pump tank is used to dose the peat module or bed, an applicant shall:
 - a. Ensure that the pump tank is sized to contain the dose volume and a reserve volume above the high water alarm that will contain the volume of daily design flow; and
 - b. Use a control panel with a programmable timer to dose at the applicable loading rate.
 2. Peat module system. In addition to the applicable requirements in R18-9-A312, the applicant shall:
 - a. Size the gravel bed supporting the peat filter modules to allow it to act as a disposal works and ensure that the bed is level, long, and narrow, and installed on contour to optimize lateral movement away from the disposal area;
 - b. For modules designed to allow wastewater flow through the peat filter and base material into underlying native soil, size the base on which the modules rest to accommodate the soil absorption rate of the native soil;
 - c. Place fill over the module so that it conforms to the manufacturer's specification. If the fill is planted, the applicant shall use only grass or shallow rooted plants; and
 - d. Ensure that the peat media depth is at least 24 inches, the peat is installed with the top and bottom surfaces level, and the maximum wastewater loading rate is 5.5 gallons per day per square foot of inlet surface at the rated daily design flow, unless the Department approves a different wastewater loading rate under R18-9-A309(E).
 3. Peat filter bed system. In addition to the applicable requirements in R18-9-A312, the applicant shall ensure that:
 - a. The bed is filled with peat derived from sphagnum moss and compacted according to the installation specification;
 - b. The maximum wastewater loading rate is 1 gallon per day per square foot of inlet surface at the rated daily design flow;
 - c. At least 24 inches of installed peat underlies the distribution piping and 10 to 14 inches of installed peat overlies the piping;

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- d. The cover material over the peat filter bed is slightly mounded to promote runoff of rainfall. The applicant shall not place additional fill over the peat; and
- e. The peat is air dried, with a porosity greater than 90 percent, and a particle size distribution of 92 to 100 percent passing a No. 4 sieve and less than 8 percent passing a No. 30 sieve.
- E.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), the applicant shall:
1. Peat module system.
 - a. Compact the bottom of all excavations for the filter modules, pump, aerator, and other components to provide adequate foundation, slope the bottom toward the discharge to minimize ponding, and ensure that the bottom is flat, and free of debris, rocks, and sharp objects. If the excavation is uneven or rocky, the applicant shall use a bed of sand or pea gravel to create an even, smooth surface;
 - b. Place the peat filter modules on a level, 6-inch deep gravel bed;
 - c. Place backfill around the modules and grade the backfill to divert surface water away from the modules;
 - d. Not place objects on or move objects over the system area that might damage the module containers or restrict airflow to the modules;
 - e. Cover gaps between modules to prevent damage to the system;
 - f. Fit each system with at least one sampling port that allows collection of wastewater at the exit from the final treatment module;
 - g. Provide the modules and other components with anti-buoyancy devices to ensure stability in the event of flooding or high water table conditions; and
 - h. Provide a mechanism for draining the filter module inlet line; or
 2. Peat filter bed system.
 - a. Scarify the bottom and sides of the leaching bed excavation to remove any smeared surfaces, and:
 - i. Unless directed by an installation specification consistent with this Chapter, place peat media in the excavation in 6-inch lifts; and
 - ii. Compact each lift before the next lift is added. The applicant shall take care to avoid compaction of the underlying native soil;
 - b. Lay distribution pipe in trenches cut in the compacted peat, and
 - i. Ensure that at least 3 inches of aggregate underlie the pipe to reduce clogging of holes or scouring of the peat surrounding the pipe, and
 - ii. Place peat on top of and around the sides of the pipes.
- F.** Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), the permittee shall inspect the finished grade over the peat filter for proper drainage, protection from damaging loads, and root invasion of the wastewater distribution system and perform maintenance as needed.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).
- R18-9-E312. 4.12 General Permit: Textile Filter, Less Than 3000 Gallons Per Day Design Flow**
- A.** A 4.12 General Permit allows for the use of a textile filter receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
1. Definition. For purposes of this Section, a "textile filter" means a disposal technology characterized by:
 - a. The flow of wastewater into a packed bed filter in a containment structure or structures. The packed bed filter uses a textile filter medium with high porosity and surface area; and
 - b. The textile filter medium provides further treatment by removing suspended material from the wastewater by physical straining, and reducing nutrients by microbial action.
 2. An applicant may use a textile filter in conjunction with a two-compartment septic tank or a two-tank system if the second compartment or tank is used as a recirculation and blending tank. The applicant shall divert a portion of the wastewater flow from the textile filter back into the second tank for further treatment.
 3. An applicant may use a textile filter if:
 - a. Nitrogen reduction is desired,
 - b. The native soil is excessively permeable,
 - c. There is little native soil overlying fractured or excessively permeable rock, or
 - d. A reduction in setback distances or minimum vertical separation is desired.
- B.** Performance. An applicant shall ensure that a textile filter is designed so that it produces treated wastewater that meets the following criteria:
1. TSS of 15 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 15 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 30 milligrams per liter, five-month arithmetic mean, or 15 milligrams, five-month arithmetic mean per liter if documented under subsection (C)(4); and
 4. Total coliform level of 100,000 (Log₁₀ 5) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. The name and address of the filter manufacturer;
 2. The filter model number;
 3. A copy of the manufacturer's filter warranty;
 4. If the system is for nitrogen reduction to 15 milligrams per liter, five-month arithmetic mean, specifications on the nitrogen reduction performance of the filter system and corroborating third-party test data;
 5. The manufacturer's operation and maintenance recommendations to achieve a 20-year operational life; and
 6. If a pump or aerator is required for proper operation, the pump or aerator model number and a copy of the manufacturer's warranty.
- D.** Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
1. The textile medium has a porosity of greater than 80 percent;
 2. The wastewater is delivered to the textile filter by gravity flow or a pump;
 3. If a pump is used to dose the textile filter, the pump and appurtenances meet following criteria:

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- a. The textile media loading rate and wastewater recirculation rate are based on calculations that conform with performance data listed in the reviewed product list maintained by the Department as required under R18-9-A309(E),
 - b. The tank and recirculation components are sized to contain the dose volume and a reserve volume above the high water level alarm that will contain the volume of daily design flow, and
 - c. A control panel with a programmable timer is used to dose the textile media at the applicable loading rate and wastewater recirculation rate.
- E.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall:
- 1. Before placing the filter modules, slope the bottom of the excavation for the modules toward the discharge point to minimize ponding;
 - 2. Ensure that the bottom of all excavations for the filter modules, pump, aerator, or other components is level and free of debris, rocks, and sharp objects. If the excavation is uneven or rocky, the applicant shall use a bed of sand or pea gravel to create an even, smooth surface;
 - 3. Provide the modules and other components with anti-buoyancy devices to ensure they remain in place in the event of high water table conditions; and
 - 4. Provide a mechanism for draining the filter module inlet line.
- F.** Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313, the permittee shall not flush corrosives or other materials known to damage the textile material into any drain that transmits wastewater to the on-site wastewater treatment facility.
- e. An engineered sampling assembly is installed at the midpoint of the disposal line run and at the base of the composite bed during construction to monitor system performance.
 - 2. An applicant may use a separated wastewater streams, denitrifying system where total nitrogen reduction is required under this Article before release to the native soil.
- B.** Performance. An applicant shall ensure that a separated wastewater streams, denitrifying system is designed so that the treated wastewater released to the native soil meets the following criteria:
- 1. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 - 2. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 - 3. Total nitrogen (as nitrogen) of 30 milligrams per liter, five-month arithmetic mean; and
 - 4. Total coliform level of 1,000,000 (Log₁₀ 6) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. The applicant shall comply with the Notice of Intent to Discharge requirements in R18-9-A301(B) and R18-9-A309(B).
- D.** Design, installation, operation, and maintenance requirements. The applicant shall comply with the applicable design, installation, operation, and maintenance requirements in R18-9-A312, R18-9-A313(A), and R18-9-A313(B).
- E.** Reference design.
- 1. An applicant may use a separated wastewater streams, denitrifying system achieving the performance requirements specified in subsection (B) by following a reference design on file with the Department.
 - 2. The applicant shall file a form provided by the Department for supplemental information about the proposed system with the applicant's submittal of the Notice of Intent to Discharge.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E313. 4.13 General Permit: Denitrifying System Using Separated Wastewater Streams, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.13 General Permit allows for the use of a separated wastewater streams, denitrifying system for a dwelling.
- 1. Definition. For purposes of this Section a "denitrifying system using wastewater streams" means a gravity flow treatment and disposal system for a dwelling that requires separate plumbing drains for conducting dishwasher, kitchen sink, and toilet flush water to wastewater treatment tank "A" and all other wastewater to a wastewater treatment tank "B."
 - a. Treated wastewater from tanks "A" and "B" is delivered to an engineered composite disposal bed system that includes an upper distribution pipe to deliver treated wastewater from tank "A" to a columnar celled, sand-filled bed.
 - b. The wastewater drains downward into a sand bed, then into a pea gravel bed with an internal distribution pipe system that delivers the treated wastewater from tank "B."
 - c. The entire composite bed is constructed within an excavation about 6 feet deep.
 - d. The system operates under gravity flow from tanks "A" and "B."

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E314. 4.14 General Permit: Sewage Vault, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.14 General Permit allows for the use of a sewage vault that receives sewage.
- 1. An applicant may use a sewage vault if a severe site or operational constraint prevents installation of a conventional septic tank and disposal works or any other on-site wastewater treatment facility allowed under this Article; or
 - 2. An applicant may install a sewage vault as a temporary measure if connection to a sewer or installation of another on-site wastewater treatment facility occurs within two years of the connection or installation.
- B.** Performance. An applicant shall:
- 1. Not allow a discharge from a sewage vault to the native soil or land surface, and
 - 2. Pump and dispose of vault contents at a sewage treatment facility or other sewage disposal mechanism allowed by law.
- C.** Notice of Intent to Discharge. The applicant shall comply with the Notice of Intent to Discharge requirements in R18-9-A301(B) and R18-9-A309(B), except that a site investigation under R18-9-A309(B)(1) is not required if the reason for using a sewage vault is an operational constraint that exists irrespec-

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tive of the results of a site investigation conducted under R18-9-A310(B).

- D.** Design requirements. In addition to the requirements in R18-9-A312, an applicant shall:
1. Install a sewage vault with a capacity that is at least 10 times the daily design flow determined by R18-9-A314(4)(a)(i),
 2. Use design elements to prevent the buoyancy of the vault if installed in an area where a high groundwater table may impinge on the vault,
 3. Test the sewage vault for leakage using the procedure under R18-9-A314(5)(d). The tank passes the water test if the water level does not drop over a 24-hour period,
 4. Install an alarm or signal on the vault to indicate when 85 percent of the vault capacity is reached, and
 5. Contract with a person who licensed a vehicle under 18 A.A.C. 13, Article 11 to pump out the vault on a schedule specified within the contract to ensure that the vault is pumped before full.
- E.** Installation, operation, and maintenance requirements. The applicant shall comply with the applicable installation, operation, and maintenance requirements in R18-9-A313(A) and (B).
- F.** Reference design.
1. An applicant may use a sewage vault that achieves the performance requirements in subsection (B) by following a reference design on file with the Department.
 2. The applicant shall file a form provided by the Department for supplemental information about the proposed storage vault with the applicant's submittal of the Notice of Intent to Discharge.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-E315. 4.15 General Permit: Aerobic System Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.15 General Permit allows for the construction and use of an aerobic system that uses aeration for treatment.
1. Definition. For purposes of this Section, an "aerobic system" means a treatment unit consisting of components that:
 - a. Mechanically introduce oxygen to wastewater,
 - b. Typically provide clarification of the wastewater after aeration, and
 - c. Convey the treated wastewater by pressure or gravity distribution to the disposal works.
 2. An applicant may use an aerobic system if:
 - a. Enhanced biological processing is needed to treat wastewater with high organic content,
 - b. A soil or site condition is not adequate for installation of a standard septic tank and disposal works under R18-9-E302,
 - c. A highly treated wastewater amenable to disinfection is needed, or
 - d. Nitrogen removal from the wastewater is needed and removal performance of the system is documented according to subsection (C)(6).
- B.** Performance.

1. An applicant shall ensure that the aerobic system is designed so that the treated wastewater released to the native soil meets the following criteria:
 - a. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean, or as low as 15 milligrams, five-month arithmetic mean per liter if documented under subsection (C)(6); and
 - d. Total coliform level of 300,000 (Log₁₀ 5.5) colony forming units per 100 milliliters, 95th percentile.
 2. An applicant may use an aerobic system that meets the following less stringent performance criteria if the aerobic technology is listed by the Department under R18-9-A309(E) and the Department bases its review and listing on the technology being less costly and simpler to operate when compared to other aerobic technologies:
 - a. TSS of 60 milligrams per liter, 30-day arithmetic mean;
 - b. BOD₅ of 60 milligrams per liter, 30-day arithmetic mean;
 - c. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean, or as low as 15 milligrams, five month arithmetic mean per liter, if documented under subsection (C)(6); and
 - d. Total coliform level of 1,000,000 (Log₁₀ 7) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. The name and address of the aerobic system manufacturer;
 2. The model number of the aerobic system;
 3. Evidence of performance specified in subsection (B)(1) or (B)(2), as applicable;
 4. A list of pretreatment components needed to meet performance requirements;
 5. A copy of the manufacturer's warranty and operation and maintenance recommendations to achieve performance over a 20-year operational life; and
 6. If the aerobic system will be used for nitrogen removal from the wastewater, either:
 - a. Evidence of a valid product listing under R18-9-E309(E) indicating nitrogen removal performance, or
 - b. Specifications and third party test data corroborating nitrogen reduction to the intended level.
- D.** Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
1. The wastewater is delivered to the aerobic treatment unit by gravity flow either directly or by a lift pump;
 2. An interceptor or other pretreatment device is incorporated if necessary to meet the performance criteria specified in subsection (B)(1) or (2), or if recommended by the manufacturer for pretreatment if a garbage disposal appliance is used;
 3. A clarifier is provided after aeration for any treatment technology that achieves performance that is equal to or better than the performance criteria specified in subsection (B)(1); and
 4. Ports for inspection and monitoring are provided to verify performance.

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- E.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall ensure that:
1. The installation of the aerobic treatment components conforms to manufacturer's specifications that do not conflict with Articles 1 and 3 of this Chapter and to the design documents specified in the Construction Authorization issued under R18-9-A301(D)(1)(c); and
 2. Excavation and foundation work, and backfill placement is performed to prevent differential settling and adverse drainage conditions.
- F.** Operation and maintenance requirements. The permittee shall:
1. Follow the applicable requirements in R18-9-A313(B), and
 2. Ensure that filters are cleaned and replaced as necessary.
- G.** Reference design.
1. An applicant may use an aerobic system that achieves the applicable performance requirements by following a reference design on file with the Department.
 2. An applicant using a reference design shall submit, with the Notice of Intent to Discharge, supplemental information specific to the proposed installation on a form approved by the Department.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E316. 4.16 General Permit: Nitrate-Reactive Media Filter, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.16 General Permit allows for the construction and use of a nitrate-reactive media filter receiving pretreated wastewater.
1. Definition. "Nitrate-reactive media filter" means a treatment technology characterized by:
 - a. The application of pretreated, nitrified wastewater to a packed bed filter in a containment structure. A packed bed filter consists of nitrate-reactive media that receives pretreated wastewater under appropriate design and operational conditions, and
 - b. The ability of the nitrate-reactive filter to further treat the nitrified wastewater by removing total nitrogen by chemical and physical processes.
 2. An applicant shall use a nitrate-reactive media filter with a treatment or disposal works to pretreat and dispose of the wastewater.
 3. An applicant may use a nitrate-reactive media filter if nitrogen reduction is required under this Article.
- B.** Restrictions. The applicant shall not use any product to supply pretreated wastewater to the nitrate-reactive media filter unless:
1. The product meets the pretreatment requirements for the filter based on product performance information in the product listing, and
 2. The product is listed by the Department as a reviewed product under R18-9-A309(E).
- C.** Performance. An applicant shall ensure that a nitrate-reactive media filter is designed so that it produces treated wastewater that does not exceed the following criteria:
1. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 10 milligrams per liter, five-month arithmetic mean; and
 4. Total coliform level of 1,000,000 (Log₁₀ 6) colony forming units per 100 milliliters, 95th percentile.

- D.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
1. The name and address of the filter manufacturer;
 2. The filter model number;
 3. The manufacturer's requirements for pretreated wastewater supplied to the nitrate-reactive media filter;
 4. The manufacturer's specifications for design, installation, and operation for the nitrate-reactive media filter system and appurtenances;
 5. The manufacturer's warranty for the nitrate-reactive media filter system and appurtenances;
 6. The manufacturer's operation and maintenance recommendations to achieve a 20-year operational life for the nitrate-reactive media filter system and appurtenances; and
 7. The manufacturer name and model number for all appurtenances that significantly contribute to achieving the performance required in subsection (C).

- E.** Design requirements. In addition to the applicable design requirements specified in R18-9-A312, an applicant shall ensure that:
1. The nitrate-reactive media filter and appurtenances conform with manufacturer's specifications,
 2. The loading rate of pretreated wastewater to the nitrate-reactive media inlet surface meets the manufacturer's specification and does not exceed 5.00 gallons per day per square foot of media inlet surface area, and
 3. The bed packed with nitrate reactive media is at least 24 inches thick.
- F.** Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall ensure that:
1. The nitrate-reactive media filter and appurtenances are installed according to manufacturer's specifications to achieve proper wastewater treatment, hydraulic performance, and operational life; and
 2. Anti-buoyancy devices are installed when high water table or extreme soil saturation conditions are likely during operational life of the facility.
- G.** Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B) and the manufacturer's specifications for the nitrate-reactive media filter, the permittee shall not dispose of corrosives or other materials that are known to damage the nitrate-reactive media filter system into the on-site wastewater treatment facility.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (Supp. 05-3).

R18-9-E317. 4.17 General Permit: Cap System, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.17 General Permit allows for the use of a cap fill cover over a conventional trench disposal works receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
1. Definition. For purposes of this Section, a "cap system" means a disposal technology characterized by:
 - a. A soil cap, consisting of engineered fill placed over a trench that is not as deep as a trench allowed by R18-9-E302; and
 - b. A design that compensates for reduced trench depth by maintaining and enhancing the infiltration of

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wastewater into native soil through the trench side-walls.

2. An applicant may use a cap system if:
 - a. There is little native soil overlying fractured or excessively permeable rock, or
 - b. A high water table does not allow the minimum vertical separation to be met by a system authorized by R18-9-E302.
- B. Performance. An applicant shall ensure that the design soil absorption rate and vertical separation complies with this Chapter for a trench, based on the following performance, unless additional pretreatment is provided:
 1. TSS of 75 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 150 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and
 4. Total coliform level of 100,000,000 (Log₁₀ 8) colony forming units per 100 milliliters, 95th percentile.
- C. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit specifications for the proposed cap fill material.
- D. Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
 1. The soil texture from the natural grade to the depth of the layer or the water table that limits the soil for unsaturated wastewater flow is no finer than silty clay loam;
 2. Cap fill material used is free of debris, stones, frozen clods, or ice, and is the same as or one soil group finer than that of the disposal site material, except that the applicant shall not use fill material finer than clay loam as an additive;
 3. Trench construction.
 - a. The trench bottom is at least 12 inches below the bottom of the disposal pipe and not more than 24 inches below the natural grade, and the trench bottom and disposal pipe are level;
 - b. The aggregate cover over the disposal pipe is 2 inches thick and the top of the aggregate cover is level and not more than 9 inches above the natural grade;
 - c. The cap fill cover above the top of the aggregate cover is at least 9 inches but not more than 18 inches thick. The applicant shall ensure that:
 - i. The cap surface is protected to prevent erosion and sloped to route surface drainage around the ends of the trench; and
 - ii. If the top of the aggregate is at or below the original ground surface, the cap surface has side slopes not more than one vertical to three horizontal; or
 - iii. If the top of the aggregate is above the original ground surface, the horizontal extent of the finished fill edges is at least 10 feet beyond the nearest trench sidewall or endwall;
 - d. The criteria for trench length, bottom width and spacing, and disposal pipe size is the same as that for the trench system prescribed in R18-9-E302;
 - e. Permeable geotextile fabric is placed on the aggregate top, trench end, and sidewalls extending above natural grade;
 - f. The native soil within the disposal site and the adjacent downgradient area to a 50-foot horizontal distance does not exceed a 12 percent slope if the top of the aggregate cover extends above the natural grade at any location along the trench length. The applicant shall ensure that the slope within the disposal site and the adjacent downgradient area to a 50-foot horizontal distance does not exceed 20 percent if the top of the aggregate cover does not extend above the natural grade;
 - g. The fill material is compacted to a density of 90 percent of the native soil if the invert elevation of the disposal pipe is at or above the natural grade at any location along the trench length;
 - h. At least one observation port is installed to the bottom of each cap fill trench;
 - i. The effective absorption area for each trench is the sum of the trench bottom area and the sidewall area. The height of the sidewall used for calculating the sidewall area is the vertical distance between the trench bottom and the lowest point of the natural land surface along the trench length; and
 - j. If the applicant uses correction factors for soil absorption rate under R18-9-A312(D)(3) and minimum vertical separation under R18-9-A312(E), additional wastewater pretreatment is provided.
- E. Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall prepare the disposal site when high soil moisture is not present and equipment operations do not create platy soil conditions. The applicant shall:
 1. Plow or scarify the fill area to disrupt the vegetative mat while avoiding smearing,
 2. Construct trenches as specified in subsection (D)(3),
 3. Scarify the site and apply part of the cap fill to the fill area and blend the fill with the scarified native soil within the contact layers, and
 4. Follow the construction design specified in the Construction Authorization issued under R18-9-A301(D)(1)(c).
- F. Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), the permittee shall inspect and repair the cap fill and other surface features as needed to ensure proper disposal function, proper drainage of surface water, and prevention of damaging loads on the cap.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E318. 4.18 General Permit: Constructed Wetland, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.18 General Permit allows for the use of a constructed wetland receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
 1. Definition. "Constructed wetland" means a treatment technology characterized by a lined excavation, filled with a medium for growing plants and planted with marsh vegetation. The treated wastewater flows horizontally through the medium in contact with the aquatic plants.
 - a. As the wastewater flows through the wetland system, additional treatment is provided by filtering, settling, volatilization, and evapotranspiration.
 - b. The wetland system allows microorganisms to break down organic material and plants to take up nutrients and other pollutants.

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- c. The wastewater treated by a wetland system is discharged to a subsurface soil disposal system.
- 2. An applicant may use a constructed wetland if further wastewater treatment is needed before disposal.
- B.** Performance. An applicant shall ensure that a constructed wetland is designed so that it produces treated wastewater that meets the following criteria:
 - 1. TSS of 20 milligrams per liter, 30-day arithmetic mean;
 - 2. BOD₅ of 20 milligrams per liter, 30-day arithmetic mean;
 - 3. Total nitrogen (as nitrogen) of 45 milligrams per liter, five-month arithmetic mean; and
 - 4. Total coliform level of 100,000 (Log₁₀ 5) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. The applicant shall comply with the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B).
- D.** Design, installation, operation, and maintenance requirements. The permittee shall comply with the applicable design, installation, operation, and maintenance requirements in R18-9-A312, R18-9-A313(A), and R18-9-A313(B).
- E.** Reference design.
 - 1. An applicant may use a constructed wetland that achieves the performance requirements in subsection (B) by following a reference design on file with the Department.
 - 2. The applicant shall file a form provided by the Department for supplemental information about the proposed constructed wetland with the applicant's submittal of the Notice of Intent to Discharge.
- 4. Total coliform level of 100,000 (Log₁₀ 5) colony forming units per 100 milliliters, 95th percentile.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit specifications for the proposed media in the trench.
- D.** Design requirements. In addition to the applicable requirements in R18-9-A312, an applicant shall ensure that:
 - 1. The media used in the trench is mineral sand, crushed glass, or cinder sand and that:
 - a. The media conforms to "Standard Specifications for Concrete Aggregates, C33-03," which is incorporated by reference in R18-9-E308(D)(2), "Standard Test Method for Materials Finer than 75-µm (No. 200) Sieve in Mineral Aggregates by Washing, C117-04 (2004)," published by the American Society for Testing and Materials, or an equivalent method approved by the Department. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959; and
 - b. Sieve analysis complies with the "Standard Test Method for Materials Finer than 75-µm (No. 200) Sieve in Mineral Aggregates by Washing, C11704," which is incorporated by reference in subsection (D)(1)(a), or an equivalent method approved by the Department;
 - 2. Trenches.
 - a. Distribution pipes are capped on the end;
 - b. The spacing between trenches is at least two times the distance between the bottom of the distribution pipe and the bottom of the trench or 5 feet, whichever is greater;
 - c. The inlet filter media surface, wastewater distribution pipe, and bottom of the trench are level and the maximum effluent loading rate is not more than 1.0 gallon per day per square foot of sand media inlet surface;
 - d. The depth of sand below the gravel layer containing the distribution system is at least 24 inches;
 - e. The gravel layer containing the distribution system is 5 to 12 inches thick, at least 36 inches wide, and level;
 - f. Permeable geotextile fabric is placed at the base of and along the sides of the gravel layer, as necessary. The applicant shall ensure that:
 - i. Geotextile fabric is placed on top of the gravel layer, and
 - ii. Any cover soil placed on top of the geotextile fabric is capable of maintaining vegetative growth while allowing passage of air;
 - g. At least one observation port is installed to the bottom of each sand lined trench;
 - h. If the trench is installed in excessively permeable soil or rock, at least 1 foot of loamy sand is placed in the trench below the filter media. The minimum vertical separation distance is measured from the bottom of the loamy sand; and

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E319. 4.19 General Permit: Sand-Lined Trench, Less Than 3000 Gallons Per Day Design Flow

- A.** A 4.19 General Permit allows for the use of a sand-lined trench receiving wastewater treated to a level equal to or better than that specified in R18-9-E302(B).
 - 1. Definition. For purposes of this Section, a "sand-lined trench" means a disposal technology characterized by:
 - a. Engineered placement of sand or equivalently graded glass in trenches excavated in native soil,
 - b. Wastewater dispersed throughout the media by pressure distribution technology as specified in R18-9-E304 using a timer-controlled pump in periodic uniform doses that maintain unsaturated flow conditions, and
 - c. Wastewater treated during travel through the media and absorbed into the native soil at the bottom of the trench.
 - 2. An applicant may use a sand-lined trench if:
 - a. The native soil is excessively permeable,
 - b. There is little native soil overlying fractured or excessively permeable rock, or
 - c. Reduction in setback distances, or minimum vertical separation is desired.
- B.** Performance. An applicant shall ensure that a sand-lined trench is designed so that treated wastewater released to the native soil meets the following criteria:
 - 1. TSS of 20 milligrams per liter, 30-day arithmetic mean;
 - 2. BOD₅ of 20 milligrams per liter, 30-day arithmetic mean;
 - 3. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and

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- i. The trench design is based on the design flow, native soil absorption area at the trench bottom, minimum vertical separation below the trench bottom, design effluent infiltration rate at the top of the sand fill, and the adjusted soil absorption rate for the final effluent quality; and
- 3. The dosing system consists of a timer-controlled pump, electrical components, and distribution network and that:
 - a. Orifice spacing on the distribution piping does not exceed 4 square feet of media infiltrative surface area per orifice, and
 - b. The dosing rate is at least four doses per day and not more than 24 doses per day.
- E. Installation requirements. In addition to the applicable requirements in R18-9-A313(A), an applicant shall ensure that the filter media is placed in the trench to prevent differential settling and promote a uniform density throughout of 1.3 to 1.4 grams per cubic centimeter.
- F. Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B), the permittee shall ensure that:
 - 1. The septic tank filter and pump tank are inspected and cleaned;
 - 2. The dosing tank pump screen, pump switches, and floats are cleaned yearly and any residue is disposed of lawfully; and
 - 3. Lateral lines are flushed and the liquid waste discharged into the treatment system headworks.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E320. 4.20 General Permit: Disinfection Devices, Less Than 3000 Gallons Per Day Design Flow

- A. A 4.20 General Permit allows for the use of a disinfection device to reduce the level of harmful organisms in wastewater, provided the wastewater is pretreated to equal or better than

the performance criteria in R18-9-E315(B)(1)(a). An applicant may use a disinfection device if:

- 1. The disinfection device kills the microorganisms by exposing the wastewater to heat, ultraviolet radiation, or a chemical disinfectant.
- 2. Some means of disinfection is required before discharge.
- 3. A reduction in harmful microorganisms, as represented by the total coliform level, is needed for surface or near surface disposal of the wastewater or reduction of the minimum vertical separation distance specified in R18-9-A312(E) is desired.
- B. Restrictions.
 - 1. Unless the disinfection device is designed to operate without electricity, an applicant shall not install the device if electricity is not permanently available at the site.
 - 2. The 4.20 General Permit does not authorize a disinfection device that releases chemical disinfectants or disinfection byproducts harmful to plants or wildlife in the discharge area or causes a violation of an Aquifer Water Quality Standard.
- C. Performance. An applicant shall ensure that:
 - 1. A fail-safe wastewater control or operational process is incorporated to prevent a release of inadequately treated wastewater;
 - 2. The performance of a disinfection device meets the level of disinfection needed for the type of disposal and produces effluent that:
 - a. Is nominally free of coliform bacteria;
 - b. Is clear and odorless, and
 - c. Has a dissolved oxygen content of at least 6 milligrams per liter;
- D. Design requirements. An applicant shall ensure that an on-site wastewater treatment facility with a disposal works designed to discharge to the land surface includes disinfection technology that conforms with the following requirements:
 - 1. Chlorine disinfection.
 - a. Available chlorine is maintained as indicated in the following table:

| pH of Wastewater (s.u.) | Required Concentration of Available Chlorine in Wastewater (mg/L) | |
|-------------------------|--|--|
| | Wastewater to the Disinfection Device Meets a TSS of 30 mg/L and BOD5 of 30 mg/L | Wastewater to the Disinfection Device Meets a TSS of 20 mg/L and BOD5 of 20 mg/L |
| 6 | 15 – 30 | 6 – 10 |
| 7 | 20 – 35 | 10 – 20 |
| 8 | 30 – 45 | 20 – 35 |

- b. The minimum chlorine contact time is 15 minutes for wastewater at 70°F and 30 minutes for wastewater at 50°F, based on a flow equal to four times the daily design flow;
- 2. Contact chambers are watertight and made of plastic, fiberglass, or other durable material and are configured to prevent short-circuiting; and
- 3. For a device that disinfects by another method other than chlorine disinfection, dose and contact time are determined to reliably produce treated wastewater that is nominally free of coliform bacteria, based on a flow equal to four times the daily design flow.
- E. Operation and maintenance. A permittee shall ensure that:
 - 1. If the disinfection device relies on the addition of chemicals for disinfection, the device is operated to minimize

- the discharge of disinfection chemicals while achieving the required level of disinfection; and
- 2. The disinfection device is inspected and maintained at least once every three months by a qualified person.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

R18-9-E321. 4.21 General Permit: Surface Disposal, Less Than 3000 Gallons Per Day Design Flow

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- A.** A 4.21 General Permit allows for surface application of treated wastewater that is nominally free of coliform bacteria produced by the treatment works of an on-site wastewater treatment facility.
- B.** Performance. An applicant shall ensure that the treated wastewater distributed for surface application meets the following criteria:
1. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 2. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 3. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean;
 4. Is nominally free of total coliform bacteria as indicated by a total coliform level of Log₁₀ 0 colony forming units per 100 milliliters, 95th percentile.
- C.** Restrictions. The applicant shall not install the disposal works if weather records indicate that:
1. Average minimum temperature in any month is 20°F or less, or
 2. Over 1/3 of the average annual precipitation falls in a 30-day period.
- D.** Design requirements. An applicant shall ensure that:
1. The land surface application rate does not exceed the lowest application rate as determined under R18-9-A312(D) minus no greater than 50 percent of the evapotranspiration that may occur during the month with the least evapotranspiration in any soil zone within the top 5 feet of soil;
 2. The design incorporates sprinklers, bubbler heads, or other dispersal components that optimize wastewater loading rates and prevent ponding on the land surface;
 3. The design specifies containment berms:
 - a. Compacted to a minimum of 95 percent Proctor;
 - b. Designed to contain the runoff of the 10-year, 24-hour storm event in addition to the daily design flow; and
 - c. Designed to remain intact in the event of a more severe rainfall event; and
 4. The design incorporates placement of signage on hose bibs, human ingress points to the surface disposal area, and at intervals around the perimeter of the surface disposal area to provide notification of use of treated wastewater and a warning against ingestion.
- E.** Installation requirements. An applicant shall ensure that installation of the wastewater dispersal components conforms to manufacturer's specifications that do not conflict with this Article and to the design documents specified in the Construction Authorization issued under R18-9-A301(D)(1)(c).
- F.** Operation and maintenance. In addition to the requirements specified in R18-9-A313(B), the permittee shall operate and maintain the surface disposal works to:
1. Prevent treated wastewater from coming into contact with drinking fountains, water coolers, or eating areas;
 2. Contain all treated wastewater within the bermed area; and
 3. Ensure that hose bibs discharging treated wastewater are secured to prevent use by the public.
- A.** A 4.22 General Permit allows for the construction and use of a subsurface drip irrigation disposal works that receives high quality wastewater from an on-site wastewater treatment facility to dispense the wastewater to an irrigation system that is buried at a shallow depth in native soil. A 4.22 General Permit includes a pressure distribution system under R18-9-E304.
1. The subsurface drip irrigation disposal works is designed to disperse the treated wastewater into the soil under unsaturated conditions by pressure distribution and timed dosing. The applicant shall ensure that the pressure distribution system meets the requirements specified in R18-9-E304, and the Department shall consider whether the requirements of R18-9-E304 are met when processing the application under R18-9-A301(B).
 2. A subsurface drip irrigation disposal works reduces the downward percolation of wastewater by enhancing evapotranspiration to the atmosphere.
 3. An applicant may use a subsurface drip irrigation disposal works to overcome site constraints, such as high groundwater, shallow soils, slowly permeable soils, or highly permeable soils, or if water conservation is needed.
 4. The subsurface drip irrigation disposal works includes pipe, pressurization and dosing components, controls, and appurtenances to reliably deliver treated wastewater to driplines using supply and return manifold lines.
- B.** Performance. An applicant shall ensure that:
1. Treated wastewater that meets the following criteria is delivered to a subsurface drip irrigation disposal works:
 - a. Performance Category A.
 - i. TSS of 20 milligrams per liter, 30-day arithmetic mean;
 - ii. BOD₅ of 20 milligrams per liter, 30-day arithmetic mean;
 - iii. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and
 - iv. Total coliform level of one colony forming unit per 100 milliliters, 95th percentile; or
 - b. Performance Category B.
 - i. TSS of 30 milligrams per liter, 30-day arithmetic mean;
 - ii. BOD₅ of 30 milligrams per liter, 30-day arithmetic mean;
 - iii. Total nitrogen (as nitrogen) of 53 milligrams per liter, five-month arithmetic mean; and
 - iv. Total coliform level of 300,000 (Log₁₀ 5.5) colony forming units per 100 milliliters, 95th percentile; and
 2. The subsurface drip irrigation works is designed to meet the following performance criteria:
 - a. Prevention of ponding on the land surface, and
 - b. Incorporation of a fail-safe wastewater control or operational process to prevent inadequately treated wastewater from being discharged.
- C.** Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements in R18-9-A301(B), R18-9-A309(B), and R18-9-E304, the applicant shall submit:
1. Documentation of the pretreatment method proposed to achieve the wastewater criteria specified in subsection (B)(1), such as the type of pretreatment system and the manufacturer's warranty;
 2. Initial filter and drip irrigation flushing settings;
 3. Site evapotranspiration calculations if used to reduce the size of the disposal works; and

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (Supp. 05-3).

R18-9-E322. 4.22 General Permit: Subsurface Drip Irrigation Disposal, Less Than 3000 Gallons Per Day Design Flow

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4. If supplemental irrigation water is introduced to the subsurface drip irrigation disposal works, an identification of the cross-connection controls, backflow controls, and supplemental water sources.
- D. Design requirements.** In addition to the applicable design requirements specified in R18-9-A312, an applicant shall ensure that:
 1. The design requirements of R18-9-E304 are followed, except that:
 - a. The requirement for quick disconnects in R18-9-E304(D)(1)(c) is not applicable, and
 - b. The applicant may provide the reserve volume specified in R18-9-E304(D)(3)(a)(iv) in an oversized treatment tank or a supplemental storage tank;
 2. Drip irrigation components and appurtenances are properly placed.
 - a. Performance category A subsurface drip irrigation disposal works. The applicant shall ensure that:
 - i. Driplines and emitters are placed to prevent ponding on the land surface, and
 - ii. Cover material and placement depth follow manufacturer's requirements to prevent physical damage or ultraviolet degradation of components and appurtenances; or
 - b. Performance category B subsurface drip irrigation disposal works. The applicant shall ensure that:
 - i. Driplines and emitters are placed at least 6 inches below the surface of the native soil;
 - ii. A cover of soil or engineered fill is placed on the surface of the native soil to achieve a total emitter burial depth of at least 12 inches;
 - iii. Cover material and placement depth follow manufacturer's requirements to prevent physical damage or ultraviolet degradation of components and appurtenances; and
 - iv. The drip irrigation disposal works is not used for irrigating food crops;
 3. Wastewater is filtered upstream of the dripline emitters to remove particles 100 microns in size and larger;
 4. A pressure regulator is provided to limit the pressure of wastewater in the drip irrigation disposal works;
 5. Wastewater pipe meets the approved pressure rating in "Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, D1785-04a (2004)," or "Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80, F441/F441M-02 (2002)," published by the American Society for Testing and Materials. This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;
 6. The system design flushes the subsurface drip irrigation disposal works components with wastewater at a minimum velocity of 2 feet per second, unless the manufacturer's manual and warranty specify another flushing practice. The applicant shall ensure that piping and appurtenances allow the wastewater to be pumped in a line flushing mode of operation with discharge returned to the treatment system headworks;
 7. Air vacuum release valves are installed to prevent water and soil drawback into the emitters;
 8. Driplines.
 - a. Driplines are placed from 12 to 24 inches apart unless other configurations are allowed by the manufacturer's specifications;
 - b. Dripline installation and design requirements, including the allowable deflection, follow manufacturer's requirements;
 - c. The maximum length of a single dripline follows manufacturer's specifications to provide even distribution;
 - d. The dripline incorporates a herbicide to prevent root intrusion for at least 10 years;
 - e. The dripline incorporates a bactericide to reduce bacterial slime buildup;
 - f. Disinfection does not reduce the life of the bactericide or herbicide in the dripline;
 - g. Any return flow from a drip irrigation disposal works to the treatment works does not impair the treatment performance; and
 - h. When dripline installation is under subsection (E)(1)(b) or (c), backfill consists of the excavated soil or similar soil obtained from the site that is screened for removal of debris and rock larger than 1/2-inch;
 9. Emitters.
 - a. Emitters are spaced no more than 2 feet apart, and
 - b. Emitters are designed to discharge from 0.5 to 1.5 gallons per hour;
 10. A suitable backflow prevention system is installed if supplemental water for irrigation is introduced to the pumping system. The applicant shall not introduce supplemental water to the treatment works;
 11. The drip irrigation disposal works is installed in soils classified as:
 - a. Sandy clay loam, clay loam, silty clay loam, or finer with weak platy structure or in soil with a percolation rate from 45 to 120 minutes per inch;
 - b. Sandy clay loam, clay loam, silty clay loam, or silt loam with massive structure or in soil with a percolation rate from 31 to 120 minutes per inch; and
 - c. Other soils if an appropriate site-specific SAR is determined;
 12. The minimum vertical separation distances are 1/2 of those specified in R18-9-A312(E)(2) if the design evapotranspiration rate during the wettest 30-day period of the year is 50 percent or more of design flow, except that the applicant shall not use a minimum vertical separation distance less than 1 foot;
 13. In areas where freezing occurs, the irrigation system is protected as recommended by the manufacturer;
 14. If drip irrigation components are used for a disposal works using a shaded trench constructed in native soil, the following requirements are met:
 - a. The trench is between 12 and 24 inches wide;
 - b. The trench bottom is between 12 and 30 inches below the original grade of native soil and level to within 2 inches per 100 feet of length;
 - c. Two driplines are positioned in the bottom of the trench, not more than 4 inches from each sidewall;
 - d. The trench with the positioned driplines is filled to a depth of 6 to 10 inches with decomposed granite or C-33 sand or a mixture of both, with mixture com-

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position, if applicable, and placement specified on the construction drawing;

- e. A minimum of 8 inches of backfill is placed over the decomposed granite or C-33 sand fill to an elevation of 1 to 3 inches above the native soil finished grade;
 - f. Observation ports are placed at both ends of each shaded trench to confirm the saturated wastewater level during operation; and
 - g. A separation distance of 24 inches or more is maintained between the nearest sidewall of an adjacent trench; and
15. The soil absorption area used for design of a drip irrigation works is calculated using:
- a. For a design that uses the shaded trench method described in subsection (D)(14), the bottom and sidewall area of the shaded trench not more than 4 square feet per linear foot of trench; or
 - b. For all other designs, the number of emitters times an area for each emitter where the emitter area is a square centered on each emitter with the side dimension equal to the emitter separation distance selected by the designer in accordance with R18-9-E322(D)(9)(a), excluding all areas of overlap of adjacent squares.
- E. Installation requirements. In addition to the applicable requirements in R18-9-A313(A) and R18-9-E304, the applicant shall ensure that:
- 1. The dripline is installed by:
 - a. A plow mechanism that cuts a furrow, dispenses pipe, and covers the dripline in one operation;
 - b. A trencher that digs a trench 4 inches wide or less;
 - c. Digging the trench with hand tools to minimize trench width and disruption to the native soil; or
 - d. Without trenching, removing surface vegetation, scarifying the soil parallel with the contours of the land surface, placing the pipe grid, and covering with fill material, unless prohibited in subsection (D)(2)(b)(ii);
 - 2. Drip irrigation pipe is stored to preserve the herbicidal and bactericidal characteristics of the pipe;
 - 3. Pipe deflection conforms to the manufacturer's requirements and installation is completed without kinking to prevent flow restriction;
 - 4. A shaded trench drip irrigation disposal works is installed as specified in the design documents used for the Construction Authorization; and
 - 5. The pressure piping and electrical equipment are installed according to the Construction Authorization in R18-9-A301(D)(1)(c) and any local building codes.
- F. Operation and maintenance requirements. In addition to the applicable requirements in R18-9-A313(B) and R18-9-E304, the permittee shall:
- 1. Test any fail-safe wastewater control or operational process quarterly to ensure proper operation to prevent discharge of inadequately treated wastewater, and
 - 2. Maintain the herbicidal and bacteriological capability of the drip irrigation disposal works.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-E323. 4.23 General Permit: 3000 to less than 24,000

Gallons Per Day Design Flow

- A. A 4.23 General Permit allows for the construction and use of an on-site wastewater treatment facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day or more than one on-site wastewater treatment facility on a property or on adjacent properties under common ownership with a combined design flow from 3000 to less than 24,000 gallons per day if all of the following apply:
- 1. Except as specified in subsection (A)(3), the treatment and disposal works consists of technologies or designs that would otherwise be covered under other general permits, but are either sized larger to accommodate increased flows or, will be located at a site that cumulatively accommodates flows between 3000 gallons per day to less than 24,000 gallons per day;
 - 2. The on-site wastewater treatment facility complies with all applicable requirements of Articles 1, 2, and 3 of this Chapter;
 - 3. The facility is not a system or a technology that would otherwise be covered by one of the following general permits available for a design flow of less than 3000 gallons per day:
 - a. An aerobic system as described in R18-9-E315;
 - b. A disinfection device described in R18-9-E320, except that an ultraviolet radiation disinfection device is allowed; or
 - c. A seepage pit or pits described in R18-9-E302; and
 - 4. The discharge of total nitrogen to groundwater is controlled.
 - a. An applicant shall:
 - i. Demonstrate that the nitrogen loading calculated over the property served by the on-site wastewater treatment facility, including streets, common areas, and other non-contributing areas, is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facility including its disposal field; or
 - ii. Justify a nitrogen loading that is equally protective of aquifer water quality as the nitrogen loading specified in subsection (A)(4)(a)(i) based on site-specific hydrogeological or other factors.
 - b. For purposes of the demonstration in subsection (A)(4)(a)(i), the applicant may assume that 0.0333 pounds (15.0 grams) of total nitrogen per day per person is contributed to raw sewage and may determine the nitrogen concentration in the treated wastewater at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facility including its disposal field.
- B. Notice of Intent to Discharge. In addition to the Notice of Intent to Discharge requirements specified in R18-9-A301(B) and R18-9-A309(B), an applicant shall submit:
- 1. A performance assurance plan consisting of tasks, schedules, and estimated annual costs for operating, maintaining, and monitoring performance over a 20-year operational life;
 - 2. Design documents and the performance assurance plan, signed, dated, and sealed by an Arizona-registered professional engineer;

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- 3. Any documentation submitted under the alternative design procedure in R18-9-A312(G) that pertains to achievement of better performance levels than those specified in the general permit for the corresponding facility with a design flow of less than 3000 gallons per day, or for any other alternative design, construction, or operational change proposed by the applicant; and
- 4. A demonstration of total nitrogen discharge control specified in subsection (A)(4).
- C. Design requirements. The applicant shall comply with the applicable requirements in R18-9-A312 and the applicable general permits for the treatment works and disposal works used in the design of the on-site wastewater treatment facility.
- D. Installation requirements. The applicant shall comply with the applicable requirements in R18-9-A313(A) and the applicable general permits for the treatment works and disposal works used in the design of the on-site wastewater treatment facility.
- E. Operation and maintenance requirements. The applicant shall comply with the applicable requirements in R18-9-A313(B) and the applicable general permits for the treatment works and disposal works used in the design of the on-site wastewater treatment facility.
- F. Additional Discharge Authorization requirements. In addition to any other requirements, the applicant shall submit the following information before the Discharge Authorization is issued.
 - 1. A signed, dated, and sealed Engineer’s Certificate of Completion in a format approved by the Department affirming that:
 - a. The project was completed in compliance with the requirements of this Section and as described in the plans and specifications, or
 - b. Any changes are reflected in as-built plans submitted with the Engineer’s Certificate of Completion.
 - 2. The name of the service provider or certified operator that is responsible for implementing the performance assurance plan.
- G. Reporting requirement. The permittee shall provide the Department with the following information on the anniversary date of the Discharge Authorization:
 - 1. A form signed by the certified operator or service provider that:
 - a. Provides any data or documentation required by the performance assurance plan,
 - b. Certifies compliance with the requirements of the performance assurance plan, and
 - c. Describes any additions to the facility during the year that increased flows and certifies that the flow did not exceed 24,000 gallons per day during any day; and
 - 2. Any applicable fee required by 18 A.A.C. 14.
- H. Facility expansion. If an expansion of an on-site wastewater treatment facility or site operating under this Section involves the installation of a separate on-site wastewater treatment facility on the property with a design flow of less than 3000 gallons per day, the applicant shall submit the applicable Notice of Intent to Discharge and fee required under 18 A.A.C. 14 for the separate on-site wastewater treatment facility in order to add the facility to the existing site operating under this Section.
 - 1. The applicant shall indicate in the Notice of Intent to Discharge the Department’s file number and the issuance date of the Discharge Authorization previously issued by the Director under this Section for the property.
 - 2. Upon satisfactory review, the Director shall reissue the Discharge Authorization for this Section, with the new issuance date and updated information reflecting the expansion.
 - 3. If the expansion causes the accumulative design flow from on-site wastewater treatment facilities on the property to equal or exceed 24,000 gallons per day, the Director shall not reissue the Discharge Authorization, but shall require the applicant to submit an application for an individual permit addressing all proposed and operating facilities on the property.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

Table 1. Unit Design Flows

| Wastewater Source (Add together all wastewater source line items applicable to the facility per applicable unit.) | Applicable Unit | Sewage Design Flow per Applicable Unit, Gallons Per Day |
|--|--|---|
| Airport For each passenger (average daily number), add For each employee, add | Passenger (average daily number) Employee | 4 15 |
| Auto Wash | Facility | Per manufacturer, if consistent with this Chapter |
| Bar/Lounge | Seat | 30 |
| Barber Shop | Chair | 35 |
| Beauty Parlor | Chair | 100 |
| Bowling Alley (snack bar only) | Lane | 75 |
| Camp Day camp, no cooking facilities Campground, overnight, flush toilets Campground, overnight, flush toilets and shower Campground, luxury Camp, youth, summer, or seasonal | Camping unit Camping unit Camping unit Person Person | 30 75 150 100-150 50 |

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| | | |
|---|--|---|
| Church Without kitchen With kitchen | Person (maximum attendance) Person (maximum attendance) | 5 7 |
| Country Club | Resident Member Nonresident Member | 100 10 |
| Dance Hall | Patron | 5 |
| Dental Office | Chair | 500 |
| Dog Kennel | Animal, maximum occupancy | 15 |
| Dwelling For determining design flow for sewage treatment facilities under R18-9-B202(A)(9)(a) and sewage collection systems under R18-9-E301(D) and R18-9-B301(K), excluding peaking factor. | Person | 80 |
| Dwelling For on-site wastewater treatment facilities per R18-9-E302 through R18-9-E323: Apartment Building 1 bedroom 2 bedroom 3 bedroom 4 bedroom Seasonal or Summer Dwelling (with recorded seasonal occupancy restriction) Single Family Dwellings (for both conventional and alternative systems) Other than Single Family Dwelling, the greater flow value based on: Bedroom count 1-2 bedrooms Each bedroom over 2 Fixture count | Apartment Apartment Apartment Apartment Resident see R18-9-A314(4)(a) Bedroom Bedroom Fixture unit | 200 300 400 500 100 see R18-9-A314(4)(a) 300 150 25 |
| Fire Station | Employee | 45 |
| Hospital All flows Kitchen waste only Laundry waste only | Bed Bed Bed | 250 25 40 |
| Hotel/motel (assuming outsourced linen laundry service) Without kitchen With kitchen | Bed (2 person) Bed (2 person) | 50 60 |
| Industrial facility Without showers With showers Cafeteria, add | Employee Employee Employee | 25 35 5 |
| Institutions Resident Nursing home Rest home | Person Person Person | 75 125 125 |
| Laundry Self service Commercial | Wash cycle Washing machine | 50 Per manufacturer, if consistent with this Chapter |
| Office Building | Employee | 20 |
| Park (temporary use) Picnic, with showers, flush toilets Picnic, with flush toilets only Recreational vehicle, no water or sewer connections Recreational vehicle, with water and sewer connections Mobile home/Trailer | Parking space Parking space Vehicle space Vehicle space Space | 40 20 75 100 250 |

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| | | |
|--|-----------------------------|------|
| Restaurant/Cafeteria | | |
| For each employee, add | Employee | 20 |
| With toilet, add | Customer | 7 |
| Kitchen waste – full plated service, add | Meal | 6 |
| Kitchen waste – disposable service, add | Meal | 2 |
| Garbage disposal, add | Meal | 1 |
| Cocktail lounge, add | Customer | 2 |
| Restroom, public | Toilet | 200 |
| School | | |
| Staff and office | Person | 20 |
| Elementary, add | Student | 15 |
| Middle and High, add | Student | 20 |
| with gym & showers, add | Student | 5 |
| with cafeteria, add | Student | 3 |
| Boarding, total flow | Person | 100 |
| Service Station with toilets | First bay | 1000 |
| | Each additional bay | 500 |
| Shopping Center, no food or laundry | Square foot of retail space | 0.1 |
| Store | | |
| For each employee, add | Employee | 20 |
| Public restroom, add | Square foot of retail space | 0.1 |
| Swimming Pool, Public | Person | 10 |
| Theater | | |
| Indoor | Seat | 5 |
| Drive-in | Car space | 10 |

Note: Unit flow rates published in standard texts, literature sources, or relevant area or regional studies are considered by the Department, if appropriate to the project.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 235, effective January 1, 2001 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3). Amended by final rulemaking at 29 A.A.R. 1023 (May 12, 2023), effective June 19, 2023 (Supp. 23-2).

ARTICLE 4. NITROGEN MANAGEMENT GENERAL PERMITS

R18-9-401. Definitions

In addition to the definitions established in A.R.S. §§ 49-101 and 49-201 and A.A.C. R18-9-101, the following terms apply to this Article:

1. “Application of nitrogen fertilizer” means any use of a substance containing nitrogen for the commercial production of a crop or plant. The commercial production of a crop or plant includes commercial sod farms and nurseries.
2. “Contact stormwater” means stormwater that comes in contact with animals or animal wastes within a concentrated animal feeding operation.
3. “Crop or plant needs” means the amount of water and nitrogen required to meet the physiological demands of a crop or plant to achieve a defined yield.
4. “Crop or plant uptake” means the amount of water and nitrogen that can be physiologically absorbed by the roots and vegetative parts of a crop or plant following the application of water.
5. “Impoundment” means any structure, other than a tank or a sump, designed and maintained to contain liquids. A structure that stores or impounds only non-contact stormwater is not an impoundment under this Article.
6. “Liner” or “lining system” means any natural, amendment, or synthetic material used to reduce seepage of impounded liquids into a vadose zone or aquifer.

7. “NRCS guidelines” means the United States Department of Agriculture, Natural Resources Conservation Service, National Engineering Handbook, Part 651 Agricultural Waste Management Field Handbook, Chapter 10, 651.1080, Appendix 10D – Geotechnical, Design, and Construction Guideline (November 1997). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the United States Department of Agriculture, Natural Resources Conservation Service at <ftp://ftp.wcc.nrcs.usda.gov/downloads/wastemgmt/AWMFH/awmfh-chap10-app10d.pdf>.

Historical Note

Adopted effective January 4, 1991 (Supp. 91-1). Section R18-9-401 renumbered from R18-9-201 and amended by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-402. Nitrogen Management General Permits: Nitrogen Fertilizers

An owner or operator may apply a nitrogen fertilizer under this general permit without submitting a notice to the Director, if the owner or operator complies with the following best management practices:

1. Limit application of the fertilizer so that it meets projected crop or plant needs;

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2. Time application of the fertilizer to coincide to maximum crop or plant uptake;
3. Apply the fertilizer by a method designed to deliver nitrogen to the area of maximum crop or plant uptake;
4. Manage and time application of irrigation water to minimize nitrogen loss by leaching and runoff; and
5. Use tillage practices that maximize water and nitrogen uptake by a crop or plant.

Historical Note

Adopted effective January 4, 1991 (Supp. 91-1). Section R18-9-402 renumbered from R18-9-202 and amended by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-403. Nitrogen Management General Permits: Concentrated Animal Feeding Operations

- A.** An owner or operator may discharge from a concentrated animal feeding operation without submitting a notice to the Director, if the owner or operator complies with the following best management practices:
1. Harvest, stockpile, and dispose of animal manure from a concentrated animal feeding operation to minimize discharge of any nitrogen pollutant by leaching and runoff;
 2. Control and dispose of nitrogen-contaminated water resulting from an activity associated with a concentrated animal feeding operation, up to a 25-year, 24-hour storm event equivalent, to minimize the discharge of any nitrogen pollutant;
 3. Following the requirements in subsection (B), construct and maintain a lining for an impoundment, used to contain process wastewater or contact stormwater from a concentrated animal feeding operation to minimize the discharge of any nitrogen pollutant; and
 4. Close a facility in a manner that will minimize the discharge of any nitrogen pollutant. If a liner was used in an impoundment:
 - a. Remove liquids and any solid residue on the liner and dispose appropriately;
 - b. Inspect any synthetic liner for evidence of holes, tears, or defective seams that could have leaked. If evidence of leakage is discovered:
 - i. Remove the liner in the area of suspected leakage,
 - ii. Sample potentially impacted soil, and
 - iii. Properly dispose of impacted soil or restore to background nitrogen levels;
 - c. Cover the liner in place or remove it for disposal or reuse if the impoundment is an excavated impoundment,
 - d. Remove and dispose of the liner elsewhere if the impoundment is bermed;
 - e. Grade the facility to prevent the impoundment of water; and
 - f. Notify the Department within 60 days following closure.
- B.** Lining requirements for concentrated animal feeding operation impoundments.
1. New impoundments. The owner or operator shall:
 - a. Follow the NRCS guidelines for any newly constructed impoundment or an impoundment first used after November 12, 2005, and
 - b. Use a coefficient of permeability of 1×10^{-7} centimeters per second or less as acceptable liner performance. The owner or operator may include up to 1 order of magnitude reduction in permeability from manure sealing in impoundments that hold wastes having manure as a significant component.
 2. Impoundments already in use.
 - a. The owner or operator shall maintain the existing seal for any impoundment first used before November 12, 2005.
 - b. If any of the following conditions exist at a concentrated animal feeding operation, the Director shall send a notice requiring the owner or operator to reassess the performance of the lining system:
 - i. The concentrated animal feeding operation is located within a Nitrogen Management Area designated under R18-9-A317; or
 - ii. Existing conditions or trends in nitrogen loading to an aquifer will cause or contribute to an exceedance of an Aquifer Water Quality Standard for a nitrogen pollutant at the point of compliance determined under A.R.S. § 49-244, based on the following information:
 - (1) Existing contamination of groundwater by nitrogen species;
 - (2) Existing and potential impact to groundwater by sources of nitrogen other than the concentrated animal feeding operation;
 - (3) Characteristics of the soil surface, vadose zone, and aquifer;
 - (4) Depth to groundwater;
 - (5) The estimated operational life of the impoundment;
 - (6) Location and characteristics of existing and potential drinking water supplies;
 - (7) Construction material and design of existing impoundment structure; and
 - (8) Any other information relevant to determining the severity of actual or potential nitrogen impact on the aquifer.
 - c. The owner or operator shall, within 90 days of the Director's notice, submit either:
 - i. A report to the Department demonstrating consistency with NRCS guidelines and the acceptable liner performance criteria established in subsection (B)(1)(b); or
 - ii. Plans and a schedule to upgrade the liner for the impoundment to meet the NRCS guidelines and the acceptable liner performance criteria in subsection (B)(1)(b). The Director may provide additional time for the submittal of the plans and a schedule for upgrade, if the owner or operator demonstrates that technical or financial assistance to develop the plans is needed.
 - d. Preliminary decision.
 - i. Within 90 days from the date of receipt, the Director shall review the report or the plans submitted under subsection (B)(2)(c) and provide to the owner or operator a preliminary decision on the submittal.
 - ii. The owner or operator may, within 30 days of the preliminary decision, submit written comments and supporting information to the Director on the preliminary decision.
 - iii. The Director shall evaluate any comments on the preliminary decision and supporting information.

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- mation and, within 90 days of receipt of the comments and information, make a final decision.
- e. Final decision.
 - i. If the Director determines that the owner or operator has demonstrated that the lining system meets NRCS guidelines and the acceptable performance criteria in subsection (B)(1)(b), no additional action is necessary.
 - ii. If the Director approves the plans and schedules under subsection (B)(2)(c)(ii), the owner or operator shall implement the plans within the time-frame specified in the approved schedule.
 - iii. If the Director determines that the owner or operator failed to demonstrate that the lining system meets NRCS guidelines and the acceptable performance criteria in subsection (B)(1)(b) or that the schedule to upgrade the lining is not acceptable, the owner or operator shall upgrade the lining system within a time-frame specified by the Director.
 - iv. The owner or operator may appeal the Director's decision under A.R.S. Title 41, Chapter 6, Article 10.
 3. Notification requirement. The owner or operator of any lined impoundment shall either:
 - a. Notify the Department of the type of liner that was used to line each impoundment by February 19 of each year following either:
 - i. The first use of an impoundment not used before November 12, 2005; or
 - ii. Completion of a liner upgrade required under this Section for an impoundment used before November 12, 2005; or
 - b. Include the information required in subsections (B)(3)(a)(i) and (ii) in the next annual report submitted for the AZPDES Concentrated Animal Feeding Operation General Permit, issued under 18 A.A.C. 9, Article 9, Part C.

Historical Note

Adopted effective January 4, 1991 (Supp. 91-1). Section R18-9-403 renumbered from R18-9-203 and amended by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4). Amended by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

R18-9-404. Revocation of Coverage under a Nitrogen Management General Permit

- A. The Director may revoke coverage under a nitrogen management general permit and require the permittee to obtain an individual permit under 18 A.A.C. 9, Article 2, if the Director determines that the permittee failed to comply with the best management practices under R18-9-403.
- B. Notification.
 1. If coverage under the nitrogen management general permit is revoked under subsection (A), the Director shall notify the permittee by certified mail of the decision according to the notification and hearing procedures in A.R.S. Title 41, Chapter 6, Article 10. The notification shall include:
 - a. A brief statement of the reason for the decision,
 - b. The effective revocation date of the general permit coverage, and

- c. A statement of whether the discharge shall cease immediately or whether the discharge may continue until the individual permit is issued, and
2. If the Director requires a person to obtain an individual permit, the notification shall include:
 - a. An individual permit application form, and
 - b. A deadline between 90 and 180 days after receipt of the notification for filing the application.
- C. When the Director issues an individual permit to an owner or operator of a facility covered under a nitrogen management general permit, the coverage under the nitrogen management general permit is superseded by the individual permit allowing the discharge.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 4544, effective November 12, 2005 (05-3).

ARTICLE 5. GRAZING BEST MANAGEMENT PRACTICES**R18-9-501. Surface Water Quality General Grazing Permit**

- A. A person who engages in livestock grazing and applies any of the following voluntary best management practices to maintain soil cover and prevent accelerated erosion, nitrogen discharges, and bacterial impacts to surface water greater than the natural background amount is issued a Surface Water Quality General Grazing Permit:
 1. Manages the location, timing, and intensity of grazing activities to help achieve Surface Water Quality Standards;
 2. Installs rangeland improvements, such as fences, water developments, trails, and corrals to help achieve Surface Water Quality Standards;
 3. Implements land treatments to help achieve Surface Water Quality Standards;
 4. Implements supplemental feeding, salting, and parasite control measures to help achieve Surface Water Quality Standards.
- B. The person to whom a permit is issued shall make the following information available to the Department, at the person's place of business, within 10 business days of Department notice:
 1. The name and address of the person grazing livestock, and
 2. The best management practices selected for livestock grazing.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 1768, effective April 5, 2001 (Supp. 01-2).

ARTICLE 6. UNDERGROUND INJECTION CONTROL**R18-9-601. Repealed****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section repealed by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-602. Repealed**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section

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repealed by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-603. Repealed**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section repealed by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART A. GENERAL PROVISIONS

R18-9-A601. Definitions

The following terms apply to this Article:

1. "Abandoned well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.
2. "Administrator" means the Administrator of the United States Environmental Protection Agency (EPA), or an authorized representative.
3. "Application" means the ADEQ prescribed method, such as a form, for applying for a permit, including any additions, revisions or modifications thereof.
4. "Appropriate Act and regulations" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); or Safe Drinking Water Act (SDWA), whichever is applicable; and applicable regulations promulgated under those statutes.
5. "Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.
6. "Area of review" means the area surrounding an injection well described according to the criteria set forth in R18-9-B612 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 1/4 of a mile or a number calculated according to the criteria set forth in R18-9-B612.
7. "Arizona UIC Memorandum of Agreement" means the agreement between the Administrator and the Director that coordinates EPA and ADEQ activities, responsibilities, and programs under the Arizona UIC Program.
8. "Arizona UIC Program" means the UIC program administered by the Director and approved by EPA according to 42 U.S.C. § 300h-1.
9. "Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling to support the sides of the hole and prevent the walls from caving; to prevent loss of drilling mud into porous ground; or to prevent water, gas, or other fluid from entering or leaving the hole.
10. "Catastrophic collapse" means the sudden and utter failure of overlying strata caused by removal of underlying materials.
11. "Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.
12. "Cesspool" means a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.
13. "Confining zone" means a geological formation, group of formations, or parts of a formation that is capable of limiting fluid movement above an injection zone.
14. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
15. "Conventional mine" means an open pit or underground excavation for the production of minerals.
16. "Director" means the Director of the Arizona Department of Environmental Quality or the Director's designee.
17. "Disposal well" means a well that is used for the disposal of waste into a subsurface stratum.
18. "Draft permit" means a document prepared under R18-9-C618 indicating the Director's tentative decision to issue, renew, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in R18-9-C631 are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination, of a permit is not a draft permit, except as discussed in R18-9-C631(B).
19. "Drilling mud" means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.
20. "Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.
21. "Effective date of the Arizona UIC Program" means the date that the Arizona UIC Program is approved or established by the Administrator.
22. "Emergency permit" means a UIC permit issued in accordance with R18-9-C625.
23. "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.
24. "Exempted aquifer" means an aquifer or its portion that meets the criteria in the definition of underground source of drinking water (USDW) but has been exempted according to the procedures in R18-9-A605.
25. "Existing injection well" means an injection well other than a new injection well.
26. "Experimental technology" means a technology which has not been proven feasible under the conditions in which it is being tested.
27. "Facility" or "activity" means any UIC injection well subject to regulation under this Article.
28. "Fault" means a surface or zone of rock fracture along which there has been displacement.
29. "Final permit decision" means the Director's decision to issue, renew, modify, revoke and reissue, deny or terminate a permit as described in R18-9-C627.
30. "Flow rate" means the volume per time unit given the flow of gases or other fluid substance which emerges from an orifice, pump, turbine, or passes along a conduit or channel.
31. "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
32. "Formation" means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.
33. "Formation fluid" means fluid present in a formation under natural conditions as opposed to introduced fluids, such as drilling mud.
34. "Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in A.A.C. Title 18, Chapter 8 (Hazardous Waste Management).

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35. "Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.
36. "Ground water" means water below the land surface in a zone of saturation.
37. "Hazardous waste" means a hazardous waste as defined in A.R.S. § 49-921.
38. "Improved sinkhole" means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.
39. "Indian lands" means Indian country as defined in 18 U.S.C. 1151.
40. "Indian Tribe" means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.
41. "Injection well" means a well into which fluids are being injected.
42. "Injection zone" means a geological formation group of formations, or part of a formation receiving fluids through a well.
43. "Lithology" means the description of rocks on the basis of their physical and chemical characteristics.
44. "Major facility" means any UIC facility or activity classified as such by the Administrator in conjunction with the Director.
45. "New injection wells" means an injection well which began injection after the effective date of the Arizona UIC Program.
46. "Owner" or "operator" means the owner or operator of any facility or activity subject to regulation under the Arizona UIC program.
47. "Packer" means a device lowered into a well to produce a fluid-tight seal.
48. "Permit" means an authorization issued by the Director pursuant to this Article. 'Permit' includes an area permit under R18-9-C624 and an emergency permit under R18-9-C625. 'Permit' does not include UIC authorization by rule or any permit which has not yet been subject to a final permit decision, such as a 'draft permit.'
49. "Person" means an individual, employee, officer, managing body, trust, firm, joint-stock company, consortium, public or private corporation, Partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body, Tribal agency, or other entity.
50. "Plugging" means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.
51. "Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.
52. "Pressure" means the total load or force per unit area acting on a surface.
53. "Project" means a group of wells in a single operation.
54. "Radioactive Waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR part 20, appendix B, table II column 2.
55. "RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, Pub. L. 96-510, 42 U.S.C. 6901 et seq.).
56. "Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.
57. "Schedule of compliance" means a schedule of remedial measures included in a permit including an enforceable sequence of interim requirements leading to compliance with this Article.
58. "SDWA" or "Safe Drinking Water Act" means the Safe Drinking Water Act (Pub. L. 93-523, as amended; 42 U.S.C. 300f et seq.).
59. "Septic system" means a well that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.
60. "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
61. "Stratum" means a single sedimentary bed or layer, or series of layers that consists of generally the same kind of rock material regardless of thickness. The plural of stratum is strata.
62. "Subsidence" means the lowering of the natural land surface in response to earth movements; lowering fluid pressures; removal of underlying support material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting; oxidation of organic matter in soils; or added load on the land surface.
63. "Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.
64. "Surface casing" means the first string of well casing to be installed in the well.
65. "Total dissolved solids" or "TDS" means the total dissolved (filterable) solids as determined by use of the method specified in A.A.C. R9-14-610 or R9-14-611.
66. "Transferee" means the owner or operator receiving ownership and/or operational control of the well.
67. "Transferor" means the owner or operator transferring ownership and/or operational control of the well.
68. "Underground injection" means a well injection; which excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

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69. "Underground Injection Control" or "UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including the Arizona UIC Program.
70. "USDW," "USDWs," or "Underground source of drinking water" means an aquifer or aquifers or its portion that:
- Supplies any public water system; or
 - Contains a sufficient quantity of ground water to supply a public water system; and
 - Currently supplies drinking water for human consumption; or
 - Contains fewer than 10,000 mg/l total dissolved solids; and
 - Is not an exempted aquifer.
71. "Well" means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or a subsurface fluid distribution system.
72. "Well injection" means the subsurface emplacement of fluids through a well.
73. "Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.
74. "Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.
75. "Well stimulation" means several processes used to clean the well bore, enlarge channels and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation and includes surging, jetting, blasting, acidizing, or hydraulic fracturing.
- Historical Note**
New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).
- R18-9-A602. Applicability**
- A.** This Article becomes effective upon the date of the Environmental Protection Agency's approval of the Arizona UIC Program. Upon that date, the Department shall, under A.R.S. Title 49, Chapter 2, Articles 3.3, 4 and Article 6 of this Chapter, administer and enforce any permit which has been previously authorized or issued in this state under the Federal UIC program.
- B.** This Article and 40 CFR Part 145, Subpart C provide the minimum requirements of the State of Arizona's Underground Injection Control (UIC) program under A.R.S. Title 49, Chapter 2, Article 3.3 (Underground Injection Control Permit Program) and pursuant to Part C of the Safe Drinking Water Act (SDWA) (Pub. L. 93-523, as amended; 42 U.S.C. 300h et seq.).
- C.** Underground injection is prohibited in lands under the jurisdiction of the State of Arizona unless:
- Authorized by permit or rule under this Article in accordance with 42 U.S.C. 300h et seq., or
 - Authorized by OGCC pursuant to regulations approved by EPA.
- D.** Any injection activity authorized by permit or rule under this Article shall prohibit the movement of fluid containing any contaminant into underground sources of drinking water (USDWs), where the presence of that contaminant may cause a violation of this Article or may adversely affect the health of persons.
- E.** Injection wells regulated under this Article are categorized into six classes based on characteristics of the injection well activity. Owners or operators of injection wells regulated under all six classes must be authorized by permit (all classes) or rule (Class V only if no permit is required) pursuant to the requirements of this Article.
- F.** Specific inclusions. The following wells are included among those types of injection activities which are covered by the UIC regulations in this Article. (This list is not intended to be exclusive but is for clarification only.)
- Any injection well located on a drilling platform inside the State's territorial waters.
 - Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids.
 - Any well used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste. This includes the disposal of hazardous waste into what would otherwise be septic systems and cesspools, regardless of their capacity.
 - Any septic tank, cesspool, or other well used by a multiple dwelling, or community, or other large system for the injection of wastes.
- G.** Specific exclusions. The following are not covered by these regulations:
- Septic systems or similar waste disposal systems if such systems:
 - Are used solely for the disposal of sanitary waste, and
 - Have a design capacity of less than 3,000 gallons per day.
 - Injection wells used for injection of hydrocarbons which are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage.
 - Any dug hole, drilled hole, or bored shaft which is not used for the subsurface emplacement of fluids.
 - Injection wells authorized by OGCC pursuant to regulations approved by EPA, in accordance with 42 U.S.C. 300h et seq.
- H.** Safe Drinking Water Act exemptions. The following activities are exempt from the Arizona UIC Program:
- The underground injection of natural gas for purposes of storage.
 - The underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.
- I.** The Director may identify aquifers and portions of aquifers which are actual or potential sources of drinking water, to assist in carrying out the Director's duty pursuant to this Article. Any aquifer meeting the criteria under R18-9-A601(70) shall be protected as an USDW, even if it has not been explicitly identified pursuant to this Section.
- J.** The Director may also designate aquifers or portions of aquifers as exempt from the program using the criteria in R18-9-A605 and R18-9-A606, subject to EPA approval. Any aquifer or portion thereof within the State that has previously been designated exempt by EPA pursuant to 40 CFR § 144.7 shall be part of the Arizona UIC program upon the effective date of the Arizona UIC program.

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-A603. Confidentiality of Information

- A.** In accordance with A.R.S. § 49-205, any information submitted to the Director pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, the Director may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in A.R.S. § 49-205 (Availability of information to the public).
- B.** Claims of confidentiality for the following information will be denied:
1. The name and address of any permit applicant or permittee.
 2. Information which deals with the existence, absence, or level of contaminants in drinking water.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-A604. Classification of Wells

- A.** Class I wells are:
1. Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation that contains, within one-quarter mile of the well bore, an USDW.
 2. Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation that contains, within one-quarter mile of the well bore, an USDW.
 3. Radioactive waste disposal wells which inject fluids beneath the lowermost formation that contains, within one-quarter mile of the well bore, an USDW.
- B.** Class II wells are injection wells that inject fluids:
1. That are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.
 2. For enhanced recovery of oil or natural gas.
 3. For storage of hydrocarbons which are liquid at standard temperatures and pressure.
- C.** Class III wells are injection wells used for the extraction of minerals, including:
1. Sulfur mining by the Frasch process.
 2. In-situ production of uranium or other metals from those ore bodies not conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.
 3. Solution mining of salts or potash.
- D.** Class IV wells are injection wells that either:
1. Inject hazardous or radioactive wastes into or above a formation with an USDW located within one-quarter mile of the well bore, or
 2. Inject hazardous wastes and cannot be classified under subsection (A)(1), or (D)(1) (e.g., wells used to dispose of hazardous wastes into or above a formation which contains an aquifer which has been previously exempted or exempted pursuant to R18-9-A606).
- E.** Class V wells are injection wells not included in Class I, II, III, IV, or VI.
1. Class V wells include but are not limited to:
 - a. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump.
 - b. Cesspools including multiple dwelling, community or regional cesspools, or other devices that receive wastes which have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools nor to non-residential cesspools which receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day.
 - c. Cooling water return flow wells used to inject water previously used for cooling.
 - d. Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation.
 - e. Dry wells used for the injection of wastes into a subsurface formation.
 - f. Recharge wells used to replenish the water in an aquifer.
 - g. Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water.
 - h. Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines, except for radioactive wastes.
 - i. Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank.
 - j. Subsidence control wells, other than those used in oil or natural gas production, that inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with freshwater overdraft.
 - k. Injection wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power.
 - l. Wells used for solution mining of conventional mines such as stopes leaching.
 - m. Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts.
 - n. Injection wells used in experimental technologies.
 - o. Injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale.
 2. Class V wells do not include single-family residential septic system wells or non-residential septic system wells used solely for the disposal of sanitary waste with a design capacity of less than 3,000 gallons per day.
- F.** Class VI wells are:
1. Not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW;
 2. Wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at R18-9-J670; or

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3. Wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to R18-9-A605 of this Chapter and R18-9-A604.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-A605. Identification of Underground Sources of Drinking Water and Exempt Aquifers

- A. The Director may identify, by narrative description, illustration, maps, or other means, and shall protect as USDWs, all aquifers and parts of aquifers that meet the definition of USDW in R18-9-A601(70) except to the extent there is an applicable aquifer exemption under subsection (B) or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under subsection (D). Other than EPA-approved aquifer exemption expansions that meet the criteria set forth in R18-9-A606(4), new aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the Director, it is an USDW if it meets the definition in R18-9-A601(70).
- B. Aquifer exemptions procedure:
 1. The Director may identify, by narrative description, illustrations, maps, or other means, and describe in geographic and/or geometric terms, such as vertical and lateral limits and gradient, that are clear and definite, all aquifers or parts thereof that the Director proposes to designate as exempted aquifers using the criteria in R18-9-A606.
 2. No designation of an exempted aquifer submitted as part of Arizona's UIC program shall be final until approved by EPA as part of the Arizona UIC Program. No designation of an expansion to the areal extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration shall be final until approved by the EPA as a substantial revision of the Arizona UIC Program in accordance with 40 CFR 145.32.
 3. Subsequent to the program approval or promulgation, the Director may, after notice and opportunity for public hearing, identify additional exempted aquifers.
 4. Exemption of aquifers identified:
 - a. Under R18-9-A606(2) shall be treated as a program revision under 40 CFR 145.32;
 - b. Under R18-9-A606(3) shall become final if the Director submits the exemption in writing to the Administrator and the Administrator has not disapproved the designation within 45 days.
- C. Additional aquifer exemption requirements:
 1. For Class III wells, the Director shall require an applicant for a permit which necessitates an aquifer exemption under R18-9-A606(2)(a) to furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method, and a time-table of planned development of the mining zone shall be considered by the Director in addition to the information required by R18-9-C616(D).
2. For Class II wells, a demonstration of commercial producibility shall be made as follows:
 - a. For a Class II well to be used for enhanced oil recovery processes in a field or project containing aquifers from which hydrocarbons were previously produced, commercial producibility shall be presumed by the Director upon a demonstration by the applicant of historical production having occurred in the project area or field.
 - b. For Class II wells not located in a field or project containing aquifers from which hydrocarbons were previously produced, information such as logs, core data, formation description, formation depth, formation thickness and formation parameters such as permeability and porosity shall be considered by the Director, to the extent such information is available.
- D. Owners or operators of Class II enhanced oil recovery or enhanced gas recovery wells may request that the Director approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. Such requests must be treated as a substantial program revision to the Arizona UIC program under 40 CFR 145.32 and will not be final until approved by EPA.
 1. The owner or operator of a Class II enhanced oil recovery or enhanced gas recovery well that requests an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define, by narrative description, illustrations, maps or other means, and describe in geographic and/or geometric terms, such as vertical and lateral limits and gradient, that are clear and definite, all aquifers or parts thereof that are requested to be designated as exempted using the criteria in R18-9-A606.
 2. In evaluating a request to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the Director must determine that the request meets the criteria for exemptions in R18-9-A606. In making the determination, the Director shall consider:
 - a. Current and potential future use of the USDWs to be exempted as drinking water resources;
 - b. The predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the geologic sequestration project, as informed by computational modeling performed pursuant to R18-9-J659(C)(1), in order to ensure that the proposed injection operation will not at any time endanger USDWs including non-exempted portions of the injection formation;
 - c. Whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review, pursuant to R18-9-J659(E); and
 - d. Any information submitted to support a waiver request made by the owner or operator under R18-9-J670 if appropriate.

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-A606. Criteria for Exempted Aquifers

An aquifer or a portion thereof which meets the criteria for an "USDW" in R18-9-A601(70) may be determined under R18-9-A605 to be an "exempted aquifer" for Class I-V wells if it meets the criteria in subsections (A)(1) through (A)(3). Class VI wells must meet the criteria under subsection (A)(4).

1. It does not currently serve as a source of drinking water; and
2. It cannot now and will not in the future serve as a source of drinking water because:
 - a. It is mineral hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or Class III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible;
 - b. It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technically impractical;
 - c. It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or
 - d. It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or
3. The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.
4. The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under R18-9-A605(D) if it meets the following criteria:
 - a. It does not currently serve as a source of drinking water; and
 - b. The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and
 - c. It is not reasonably expected to supply a public water system.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART B. GENERAL PROGRAM REQUIREMENTS**R18-9-B607. Prohibition of Unauthorized Injection**

Any underground injection, except into a well authorized by rule or authorized by permit under the Arizona UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B608. Prohibition of Movement of Fluid into Underground Sources of Drinking Water

A. No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a

manner that allows the movement of fluid containing any contaminant into USDWs, if the presence of that contaminant may cause a violation of any primary drinking water regulation under this Article, as shown in Table 1, or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this subsection are met.

- B.** For Class I, II, III, and VI wells, if any water quality monitoring of an USDW indicates the movement of any contaminant into the USDW, except as authorized under this Article, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with R18-9-C632 or the permit may be terminated under R18-9-C634 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of Class V wells authorized by rule see R18-9-I650 through R18-9-I655 in Part I of this Article.
- C.** For Class V wells, if at any time the Director learns that a Class V well may cause a violation of primary drinking water regulations under this Article, they shall:
 1. Require the injector to obtain an individual permit;
 2. Order the injector to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation; or
 3. Take enforcement action.
- D.** Whenever the Director learns that a Class V well may be otherwise adversely affecting the health of persons, they may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under subsection (C).
- E.** Notwithstanding any other provision of this Section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or USDW may present an imminent and substantial endangerment to the health of persons.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B609. Prohibition of Hazardous Waste Injection and Class IV Wells

- A.** Hazardous Waste Injection.
 1. The following are prohibited, except as provided in subsection (B)(3):
 - a. The construction of any well for the purpose of hazardous waste injection.
 - b. The operation of any well for the purpose of hazardous waste injection.
 2. The owner or operator of a well for the purpose of hazardous waste injection shall close the well in accordance with this subsection.
 3. The owner or operator of a well for the purpose of hazardous waste injection shall comply with the following requirements regarding closure of the well.
 - a. Prior to abandoning any well for the purpose of hazardous waste injection, the owner or operator shall plug or otherwise close the well in a manner acceptable to the Director.
 - b. The owner or operator of a well for the purpose of hazardous waste injection must notify the Director

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of intent to abandon the well at least 30 days prior to abandonment.

- B. Class IV.
 1. The following are prohibited, except as provided in subsection (B)(3):
 - a. The construction of any Class IV well.
 - b. The operation or maintenance of any Class IV well.
 2. The owner or operator of a Class IV well shall comply with the requirements of R18-9-H649 regarding closure of Class IV wells.
 3. Wells used to inject contaminated groundwater that has been treated and is being reinjected into the same formation that it was drawn are not prohibited by this Section if such injection is approved by the Administrator or the Director pursuant to subsections (B)(3)(a), (b) or (c):
 - a. Provisions for cleanup of releases under CERCLA, or
 - b. The requirements and provisions under RCRA, or
 - c. The requirements and provisions under other applicable state laws for corrective and remedial action.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B610. Waiver of Requirement by Director

- A. When injection does not occur into, through, or above an USDW, the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required under this Article or R18-9-D636 to the extent that reduction in requirements will not result in an increased risk of movement of fluids into an USDW.
- B. When injection occurs through or above an USDW, but the radius of endangering influence when computed under R18-9-B612(A) is smaller or equal to the radius of the well, the Director may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required under R18-9-D636 to the extent that a reduction in requirements will not result in an increased risk of movement of fluids into an USDW.
- C. When reducing requirements under this Section, the Director shall prepare a fact sheet under R18-9-C619 explaining the reasons for the action.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B611. Records

The Director may require, by written notice on a selective well-by-well basis, an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with this Article and Part C of the SDWA or its implementing regulations.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B612. Area of Review

- A. The area of review for each injection well or each field, project or area of the State shall be determined according to this Sec-

tion. The Director may solicit input from the owners or operators of injection wells within the State as to which method is most appropriate for each geographic area or field.

- B. Where the area of review is determined according to the zone of endangering influence:
 1. The zone of endangering influence shall be:
 - a. In the case of application or applications for well permit or permits under R18-9-C616 that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an USDW; or
 - b. In the case of an application for an area permit under R18-9-C624, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an USDW.
 2. Computation of the zone of endangering influence may be based upon the parameters listed in the following equation and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified Theis equation illustrates one form which the mathematical model may take.
 - a.

$$r = \left(\frac{2.25KHt}{S10^x} \right)^{1/2}$$

where:

$$X = \frac{4\pi KH(h_w - h_{bo} \times S_p G_b)}{2.3Q}$$

- r = Radius of endangering influence from injection well (length)
- K = Hydraulic conductivity of the injection zone (length/time)
- H = Thickness of the injection zone (length)
- t = Time of injection (time)
- S = Storage coefficient (dimensionless)
- Q = Injection rate (volume/time)
- h_{bo} = Observed original hydrostatic head of injection zone (length) measured from the base of the lowermost USDW
- h_w = Hydrostatic head of USDW (length) measured from the base of the lowest USDW
- S_p G_b = Specific gravity of fluid in the injection zone (dimensionless)
- π = 3.142 (dimensionless)

- b. The equation in subsection (B)(2)(a) is based on the following assumptions:
 1. The injection zone is homogeneous and isotropic;
 2. The injection zone has infinite area extent;
 3. The injection well penetrates the entire thickness of the injection zone;
 4. The well diameter is infinitesimal compared to “r” when injection time is longer than a few minutes; and
 5. The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

- C. Where Fixed Radius is used, the following shall apply:

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1. In the case of application of applications for well permit or permits under R18-9-C616 a fixed radius around the well of not less than one-quarter mile may be used.
 2. In the case of an application for an area permit under R18-9-C624, a fixed radius width of not less than one-quarter mile for circumscribing area may be used.
 3. In determining the fixed radius, the following factors shall be taken into consideration: Chemistry of injected and formation fluids; hydrogeology; population and ground-water use and dependence; and historical practices in the area.
- D.** If the area of review is determined by a mathematical model according to subsection (B), the permissible radius is the result of such calculation even if it is less than one-fourth mile.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B613. Mechanical Integrity

- A.** An injection well has mechanical integrity if:
1. There is no significant leak in the casing, tubing or packer; and
 2. There is no significant fluid movement into an USDW through vertical channels adjacent to the injection well bore.
- B.** One of the following methods must be used to evaluate the absence of significant leaks under subsection (A)(1):
1. Following an initial pressure test, monitoring of the tubing-casing annulus pressure with sufficient frequency to be representative, as determined by the Director, while maintaining an annulus pressure different from atmospheric pressure measured at the surface;
 2. Pressure test with liquid or gas; or
 3. Records of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate for the following Class II enhanced recovery wells:
 - a. Existing wells completed without a packer provided that a pressure test has been performed and the data is available and provided further that one pressure test shall be performed at a time when the well is shut down and if the running of such a test will not cause further loss of significant amounts of oil or gas; or
 - b. Existing wells constructed without a long string casing, but with surface casing which terminates at the base of fresh water provided that local geological and hydrological features allow such construction and provided further that the annular space shall be visually inspected. For these wells, the Director shall prescribe a monitoring program which will verify the absence of significant fluid movement from the injection zone into an USDW.
- C.** One of the following methods must be used to determine the absence of significant fluid movement under subsection (A)(2):
1. The results of a temperature or noise log;
 2. For Class II only, cementing records demonstrating the presence of adequate cement to prevent such migration;
 3. For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at subsection (C)(1), cementing records demonstrating the

presence of adequate cement to prevent such migration; or

4. For Class III wells where the Director elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by R18-9-G647(B) shall be designed to verify the absence of significant fluid movement.
- D.** The Director may allow the use of a test to demonstrate mechanical integrity other than those listed in subsections (B) and (C)(2) with the written approval of the Administrator.
- E.** In conducting and evaluating the tests enumerated in this Section or others to be allowed by the Director, the owner or operator and the Director shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, they shall include a description of the test or tests and the method or methods used. In making the evaluation, the Director shall review monitoring and other test data submitted since the previous evaluation.
- F.** The Director may require additional or alternative tests if the results presented by the owner or operator under subsection (E) are not satisfactory to the Director to demonstrate that there is no movement of fluid into or between USDWs resulting from the injection activity.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B614. Plugging and Abandoning Class I, II, III, IV, and V Wells

- A.** Requirements for Class I, II and III wells.
1. Prior to abandoning Class I, II and III wells, the well shall be plugged with cement in a manner which will not allow the movement of fluids either into or between USDWs. The Director may allow Class III wells to use other plugging materials if the Director is satisfied that such materials will prevent movement of fluids into or between USDWs.
 2. Placement of the cement plugs shall be accomplished by one of the following:
 - a. The Balance method;
 - b. The Dump Bailer method;
 - c. The Two-Plug method; or
 - d. An alternative method approved by the Director, which will reliably provide a comparable level of protection to USDWs.
 3. The well to be abandoned shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Director, prior to the placement of the cement plug or plugs.
 4. The plugging and abandonment plan required under R18-9-D635(15) and R18-9-D636(A)(5) shall, in the case of a Class III project which underlies or is in an aquifer which has been exempted under R18-9-A606, also demonstrate adequate protection of USDWs. The Director shall prescribe aquifer cleanup and monitoring where it is deemed necessary and feasible to insure adequate protection of USDWs.
- B.** Requirements for Class IV wells. Prior to abandoning a Class IV well, the owner or operator shall close the well in accordance with R18-9-H649.
- C.** Requirements for Class V wells.

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1. Prior to abandoning a Class V well, the owner or operator shall close the well in a manner that prevents the movement of fluid containing any contaminant into an USDW, if the presence of that contaminant may cause a violation of any primary drinking water regulation under Table 1 of this Article or may otherwise adversely affect the health of persons.
 2. The owner or operator shall dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable Federal, State, and local regulations and requirements.
- C. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the Arizona UIC program as follows:
 1. For existing wells, as expeditiously as practicable.
 2. For new injection wells, except new wells authorized by an existing area permit under R18-9-C624(C), at a reasonable time before construction is expected to begin.
 - D. All applicants for Class I, II, III, and V permits shall provide the following information to the Director, using the application form provided by the Director. Applicants for Class VI permits shall follow the criteria provided in R18-9-J657.
 1. Activities conducted by the applicant which require a permit;
 2. Name, mailing address, and location of the facility for which the application is submitted;
 3. Up to four NAICS codes which best reflect the principal products or services provided by the facility;
 4. The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity;
 5. A listing of all state and federal environmental permits or construction approvals received or applied for and other relevant environmental permits;
 6. A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, and other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within a quarter mile of the facility property boundary;
 7. A brief description of the nature of the business;
 8. A plugging and abandonment plan that meets the requirements of R18-9-B614 and is acceptable to the Director;
 9. A listing of any historic property or potential historic property as defined by R12-8-301.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-B615. Transitioning from Class II to Class VI Injection Well

- A. Owners and operators that are injecting carbon dioxide for the primary purpose of long-term storage into an oil and gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to the USDWs compared to Class II operations. In determining if there is an increased risk to USDWs, the owner or operator must consider the factors specified in subsection (B).
- B. The Director shall determine when there is an increased risk to USDWs compared to Class II operations and a Class VI permit is required. In order to make this determination the Director shall consider the following:
 1. Increase in reservoir pressure within the injection zone or zones;
 2. Increase in carbon dioxide injection rates;
 3. Decrease in reservoir production rates;
 4. Distance between the injection zone or zones and USDWs;
 5. Suitability of the Class II area of review delineation;
 6. Quality of abandoned well plugs within the area of review;
 7. The owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;
 8. The source and properties of injected carbon dioxide; and
 9. Any additional site-specific factors as determined by the Director.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART C. AUTHORIZATION BY PERMIT FOR UNDERGROUND INJECTION**R18-9-C616. Individual Permits; Application for Individual Permits**

- A. Unless an underground injection well is authorized by rule under R18-9-I650, all injection activities including construction of an injection well are prohibited until the owner or operator is authorized by permit. Authorization by rule for a well or project that has submitted a permit application terminates for the well or project upon the effective date of the permit. Procedures for applications, issuance, and administration of emergency permits are found exclusively under R18-9-C625.
- B. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C617. Signatories

- A. All permit applications, except those submitted for Class II wells, shall be signed as follows:
 1. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:
 - a. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign docu-

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ments has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a Partnership or sole proprietorship: by a general Partner or the proprietor, respectively; or
 3. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a Federal agency includes:
 - a. The chief executive officer of the agency; or
 - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- B.** All reports required by permits, other information requested by the Director, and all permit applications submitted for Class II wells under R18-9-C616 shall be signed by a person described in subsection (A), or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in subsection (A);
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; and
 3. The written authorization is submitted to the Director.
- C.** If an authorization under subsection (B) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (B) must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D.** Any person signing a document under subsection (A) or (B) shall make the following certification: *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C618. Draft Permits

- A.** Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.
- B.** If the Director tentatively decides to deny the permit application, they shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this Section. If the Director's final decision is that the tentative decision to deny the permit application was incorrect, they shall withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (D).
- C.** If the Director decides to prepare a draft permit, it shall contain the following information, to the extent applicable:

1. All conditions under R18-9-D635;
2. All compliance schedules under R18-9-D637;
3. All monitoring requirements under R18-9-D638; and
4. Permit conditions under R18-9-D636.

- D.** All draft permits prepared under this Section shall be accompanied by a brief summary of the basis for the draft permit conditions or the intent to deny, including references to applicable statutory or regulatory provisions and a fact sheet pursuant to R18-9-C619. The Director shall provide the applicant with the draft permit and the fact sheet and allow reasonable time for informal comment by the applicant prior to publicly noticing the draft permit and fact sheet. The Director shall give notice of opportunity for a public hearing and public comment, issue a final permit decision, and respond to comments.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C619. Fact Sheet

- A.** A fact sheet shall be prepared for every draft permit for a UIC facility or activity. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Director shall send the fact sheet to the applicant and, on request, to any other person.
- B.** The fact sheet shall include, when applicable:
1. A brief description of the type of facility or activity that is the subject of the draft permit.
 2. The type and quantity of wastes, fluids, or pollutants that are proposed to be or are being injected.
 3. A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record.
 4. Reasons why any requested variance or alternatives to required standards do or do not appear justified.
 5. A description of the procedures for reaching a final decision on the draft permit, including:
 - a. The beginning and ending dates of the comment period under R18-9-C620 and the address where comments will be received;
 - b. Procedures for requesting a hearing and the nature of that hearing; and
 - c. Any other procedures by which the public may Participate in the final decision.
 6. The name and telephone number of a person to contact for additional information.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C620. Public Notice of Permit Actions and Public Comment Period

- A.** The Director shall give public notice that the following actions have occurred:
1. A draft permit that has been prepared under R18-9-C618, and
 2. A hearing has been scheduled under R18-9-C622.
- B.** Public notices may describe more than one permit or permit action.
- C.** Public notice of the preparation of a draft permit required under subsection (A):

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1. Shall allow at least 30 days for public comment; and
 2. Shall be given at least 30 days before the hearing date.
- D.** Public notice of activities described in subsection (A) shall be given by the following methods:
1. Delivery of a copy of the notice to:
 - a. The applicant;
 - b. Any affected federal, state, tribal, or local agency, or council of government;
 - c. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, and the State Historic Preservation Office;
 - d. Any person who requested, in writing, notification of the activity;
 - e. Any persons on a contact list developed from past permit proceedings and public outreach; and
 - f. For Class VI injection well UIC permits, mailing or e-mailing a notice to State and local oil and gas regulatory agencies and State agencies regulating mineral exploration and recovery and all agencies that oversee injection wells in the State.
 2. For Major Facilities only, newspaper publication in accordance with A.A.C. R18-1-401(A)(1).
- E.** All public notices issued under this Part shall contain the following information:
1. Name and address of the Department;
 2. Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;
 3. A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;
 4. Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, fact sheet, and the application;
 5. A brief description of the comment procedures, the time and place of any hearing, including a statement of procedures to request a hearing, unless a hearing has already been scheduled, and other procedures that the public may use to participate in the final permit decision; and
 6. Any additional information considered necessary to the permit decision.
- F.** In addition to the general public notice described in subsection (E), the public notice of hearing under R18-9-C622 shall contain the following information:
1. Reference to the date of previous public notices relating to the permit;
 2. Date, time, and place of the hearing; and
 3. A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.
- G.** In addition to the general public notice described in subsection (E), the Director shall deliver a copy of the fact sheet, permit application, and draft permit to all persons identified in subsections (D)(1)(a), (b), and (c).

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C621. Public Comments and Requests for Public Hearings

During the public comment period provided under R18-9-C620, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already

been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in R18-9-C623.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C622. Public Hearings

- A.** The Director shall hold a public hearing whenever they find, on the basis of a request, a significant degree of public interest in a draft permit or permits.
- B.** The Director may also hold a public hearing at their discretion such as when a hearing might clarify one or more issues involved in the permit decision. The Director may designate a presiding officer if a hearing is held.
- C.** Public notice of the hearing shall be given as specified in R18-9-C620.
- D.** Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under R18-9-C620 shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.
- E.** An audio recording or written transcript of the hearing shall be made available to the public upon request.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C623. Response to Comments

- A.** At the time that any final permit is issued under R18-9-C627, the Director shall issue a response to comments. This response shall:
1. Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
 2. Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.
- B.** The response to comments shall be available to the public.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C624. Area Permits

- A.** The Director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:
1. Described and identified by location in permit application or applications if they are existing wells, except that the Director may accept a single description of wells with substantially the same characteristics;
 2. Within the same well field, facility site, reservoir, project, or similar unit located in Arizona;
 3. Operated by a single owner or operator;
 4. Used to inject fluids other than hazardous waste; and
 5. Other than Class VI wells.
- B.** Area permits shall specify:

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1. The area within which underground injections are authorized; and
 2. The requirements for construction, monitoring, reporting, operation, and abandonment, for all wells authorized by the permit.
- C. The area permit may authorize the permittee to construct and operate, convert, or plug and abandon wells within the permit area provided:
1. The permittee notifies the Director at such time as the permit requires;
 2. The additional well satisfies the criteria in subsection (A) and meets the requirements specified in the permit under subsection (B); and
 3. The cumulative effects of drilling and operation of additional injection wells are considered by the Director during evaluation of the area permit application and are acceptable to the Director.
- D. If the Director determines any well that is constructed pursuant to subsection (C) does not satisfy any of the requirements of subsections (C)(1) and (2) the Director may modify the permit under R18-9-C632, terminate under R18-9-C634, or take enforcement action. If the Director determines that cumulative effects are unacceptable, the permit may be modified under R18-9-C632.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C625. Emergency Permits

- A. Notwithstanding any other provision of this Article, the Director may temporarily permit a specific underground injection if:
1. An imminent and substantial endangerment to the health of persons will result unless a temporary emergency permit is granted; or
 2. A substantial and irretrievable loss of oil or gas resources will occur unless a temporary emergency permit is granted to a Class II well; and
 - a. Timely application for a permit could not practically have been made; and
 - b. The injection will not result in the movement of fluids into USDWs; or
 3. A substantial delay in production of oil or gas resources will occur unless a temporary emergency permit is granted to a new Class II well and the temporary authorization will not result in the movement of fluids into an USDW.
- B. Requirements for issuance.
1. Any temporary permit under subsection (A)(1) shall be for no longer term than required to prevent the hazard.
 2. Any temporary permit under subsection (A)(2) shall be for no longer than 90 days, except that if a permit application has been submitted prior to the expiration of the 90-day period, the Director may extend the temporary permit until final action on the application.
 3. Any temporary permit under subsection (A)(3) shall be issued only after a complete permit application has been submitted and shall be effective until final action on the application.
 4. Notice of any temporary permit under this Section shall be published in accordance with R18-9-C621 within 10 days of the issuance of the permit.

5. The temporary permit under this Section may be either oral or written. If oral, it must be followed within five calendar days by a written temporary emergency permit.
6. The Director shall condition the temporary permit in any manner they determine is necessary to ensure that the injection will not result in the movement of fluids into an USDW.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C626. Effect of a Permit

- A. Except for Class II and III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with this Article and Part C of the SDWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in R18-9-C632 and R18-9-C634.
- B. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- C. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C627. Final Permit Decision and Notification

- A. Issuance of a final permit decision by the Director shall be accompanied by the permit and an updated fact sheet per R18-9-C619, if applicable, and a notification to the applicant and each person who has submitted written comments or requested notice of the final permit decision. The notice and hearing procedures are subject to either A.R.S. Title 41, Chapter 6, Article 10, or A.R.S. Title 49, Chapter 2, Article 7.
- B. The notice shall include:
1. If applicable, the reasons for the denial, revocation or termination, including reference to the statutes or rules on which the decision is based.
 2. A description of the party's right to request a hearing and a reference to the procedures for appealing the final permit decision, including the number of days within which an appeal may be filed and the name and telephone number of the Department contact person who can answer questions regarding the appeals process.
 3. A reference to the applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06.
- C. If the final permit decision is based on a determination by the Director that the applicable criteria under R18-9-A606 are not satisfied, then that determination may be included as part of the appeal.
- D. The final permit decision shall take effect 30 days after its issuance in accordance with the notification requirements of subsection A unless stayed pursuant to A.R.S. Title 41, Chapter 6, Article 10, or A.R.S. Title 49, Chapter 2, Article 7.
- E. If, under this Article, the issuance, modification, or revocation and reissuance of a permit necessitates a new aquifer exemption or enlargement of a previously approved aquifer exemption, then the issuance, modification, or revocation and reissuance of the permit is appealable, but shall not become effective unless the new aquifer exemption or enlargement of

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the previously approved aquifer exemption has been approved by the Administrator.

- F. If, under this Article, the issuance, modification, or revocation and reissuance of a permit necessitates an injection depth waiver pursuant to R18-9-J670 of this Article then the issuance, modification, or revocation and reissuance of the permit is appealable, but shall not become effective until the Director is in receipt of written concurrence from the Administrator.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C628. Permit Duration

- A. Permits for Class I and Class V wells shall be effective for a fixed term not to exceed 10 years. UIC permits for Class II and III wells shall be issued for a period up to the operating life of the facility. UIC permits for Class VI wells shall be issued for the operating life of the facility and the post-injection site care period. The Director shall review each issued Class II, III, and VI well UIC permit at least once every five years to determine whether it should be modified, revoked and reissued, terminated, or a minor modification made as provided in R18-9-C632.
- B. Except as provided in R18-9-C629, the term of a permit shall not be extended by modification beyond the maximum duration specified in this Section.
- C. The Director may issue any permit for a duration that is less than the full allowable term under this Section.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C629. Continuation of Expiring Permits

- A. The conditions of an expiring permit continue in force under A.R.S. § 41-1092.11(A) until the effective date of a new permit if:
1. The permittee has submitted a timely application that is a complete application for a new permit; and
 2. The Director, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the prior permit.
- B. Permits continued under this Section remain fully effective and enforceable.
- C. When the permittee is not in compliance with the conditions of the expiring or expired permits the Director may choose to do any or all of the following:
1. Initiate enforcement action based upon the permit that has been continued;
 2. Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
 3. Issue a new permit under this Article with appropriate conditions; or
 4. Take other action as authorized under this Article.
- D. Upon the effective date of EPA's approval of Arizona's UIC program, the Department shall administer any permit authorized or issued under the EPA UIC program in the state of Arizona, excluding Indian lands. The Director may continue expired or expiring EPA-issued UIC permits until the effective date of a new state-issued UIC permit.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C630. Permit Transfer

- A. Except as provided in subsection (B), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under R18-9-C632(F)(2), or a minor modification made under R18-9-C633(4), to identify the new permittee and incorporate such other requirements as may be necessary under this Article the Safe Drinking Water Act.
- B. As an alternative to transfers under subsection (A), any UIC permit for a well not injecting hazardous waste or injecting carbon dioxide for geological sequestration may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date referred to in subsection (B)(2);
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer or permit responsibility, coverage, and liability between them, and the notice demonstrates that the financial responsibility requirements of R18-9-D636(A)(6) will be met by the new permittee; and
 3. The Director does not notify the existing permittee and the proposed new permittee of the Director's intent to modify or revoke and reissue the permit. A modification under this Section may also be a minor modification under R18-9-C633. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection (B)(2).

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C631. Modification; Revocation and Reissuance; or Termination of Permits

- A. Permits may only be modified or revoked and reissued pursuant to R18-9-C632 or terminated pursuant to R18-9-C634 either at the request of any interested person, including the permittee, or upon the Director's initiative. All requests shall be made in writing and shall contain facts or reasons supporting the request.
- B. If the Director decides a request to modify, revoke and reissue, or terminate is not justified, they shall send the requestor a brief written response giving a reason for the decision. Denial of a request to terminate does not require a notice of intent to deny. Denial of a request for modification or revocation and reissuance requires a notice of intent to deny only when the request is made by the permittee, the scope of the request has not previously been requested and denied and the request is not for a minor modification. A notice of intent to deny is a type of draft permit which shall follow the same procedures as any draft permit prepared pursuant to R18-9-C618.
- C. If the Director preliminarily decides to modify or revoke and reissue a permit under R18-9-C632, they shall prepare a draft permit under R18-9-C618 incorporating the proposed changes and notify the permittee in writing of the reason for the preliminary decision to modify or revoke and reissue a permit with reference to the statute or rule on which the decision is based. The Director may request additional information and, in the case of a modified permit, may require the submission of an

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updated application. The Director shall require the submission of a new application in the case of revoked and reissued permits.

- D. In a permit modification under this Section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this Section, the entire permit is reopened just as if the permit had expired and was being reissued. During any modification or revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is issued.
- E. Minor modifications pursuant to R18-9-C633 are not subject to the requirements of this Section.
- F. If the Director preliminarily decides to terminate under R18-9-C634(A)(1), (2) or (3), the Director shall issue a notice of intent to terminate that identifies the reason for the preliminary decision to terminate with reference to the statute or rule on which the decision is based. A notice of intent to terminate is not required when a permittee requests termination under R18-9-C634(A)(4). A notice of intent to terminate is a type of draft permit which shall follow the same procedures as any draft permit prepared pursuant to R18-9-C618.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C632. Modification; Revocation and Reissuance of Permits

- A. When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance under R18-9-C631, or conducts a review of the permit file) they may determine whether or not one or more of the causes listed in subsections (E) and (F) for modification or revocation and reissuance or both exist.
- B. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of subsection (G), and may request an updated application if necessary.
- C. If cause does not exist under this Section or R18-9-C633, the Director shall not modify or revoke and reissue the permit.
- D. If a permit modification satisfies the criteria in R18-9-C633 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures under this Article must be followed.
- E. For Class II, Class III or Class VI wells the following may be causes for revocation and reissuance as well as modification; and for all other wells the following may be cause for revocation or reissuance as well as modification when the permittee requests or agrees:
 - 1. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
 - 2. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance, other than revised regulations, guidance, or test methods, and would have justified the application of different permit conditions at the time of issuance. For UIC area per-

mits under R18-9-C624, this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

- 3. The standards or regulations on which the permit was based have been changed by promulgation of new regulations or by judicial decision after the permit was issued. Permits other than those for Class II, Class III or Class VI wells may be modified during their permit terms for this cause only as follows:
 - a. For promulgation of amended standards or regulations, when:
 - i. The permit condition requested to be modified was based on a regulation promulgated under this Article;
 - ii. ADEQ has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and
 - iii. A permittee requests modification in accordance with R18-9-C631 within 90 days after *Arizona Administrative Register* notice of the ADEQ action on which the request is based.
 - b. For judicial decisions, a court of competent jurisdiction has remanded and stayed ADEQ promulgated regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with R18-9-C631 within 90 days of judicial remand.
- 4. The Director determines if good cause exists for modification of a compliance schedule. Good cause includes unforeseen circumstances, like a strike, a flood, a materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. See also R18-9-C633 (minor modifications).
- 5. Additionally, for Class VI wells, whenever the Director determines that permit changes are necessary based on:
 - a. Area of review reevaluations under R18-9-J659(E)(1);
 - b. Any amendments to the testing and monitoring plan under R18-9-J665(10);
 - c. Any amendments to the injection well plugging plan under R18-9-J667(C);
 - d. Any amendments to the post-injection site care and site closure plan under R18-9-J668(A)(3);
 - e. Any amendments to the emergency and remedial response plan under R18-9-J669(D); or
 - f. A review of monitoring and/or testing results conducted in accordance with permit requirements.
- F. The following are causes to modify or, alternatively, revoke and reissue a permit:
 - 1. Cause exists for termination under R18-9-C634, and the Director determines that modification or revocation and reissuance is appropriate.
 - 2. The Director has received notification of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer under R18-9-C630(B) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.
 - 3. A determination that the waste being injected is a hazardous waste as defined in A.R.S. § 49-921 either because the definition has been revised, or because a previous determination has been changed.

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- G.** Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C633. Minor Modifications of Permits

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of this Article. Any permit modification not processed as a minor modification under this Section must be made for cause and with a draft permit and public notice as required by R18-9-C632. Minor modifications may only:

1. Correct typographical errors;
2. Require more frequent monitoring or reporting by the permittee;
3. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
4. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;
5. Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification;
6. Change construction requirements approved by the Director pursuant to R18-9-D636(A)(1), provided that any such alteration shall comply with the requirements of this Article;
7. Amend a plugging and abandonment plan that has been updated under R18-9-D636(A)(5); or
8. Amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the Director.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-C634. Termination of Permits

- A.** The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:
1. Noncompliance by the permittee with any condition of the permit;
 2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

3. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
4. The permittee has requested termination of their permit due to the completion of the terms and conditions therein, including proper abandonment or plugging pursuant to R18-9-B614.

- B.** The Director shall follow the applicable procedures as required under R18-9-C631(F) in terminating any permit under this Section.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART D. PERMIT CONDITIONS FOR UNDERGROUND INJECTION

R18-9-D635. Conditions Applicable to All Permits

The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits issued under this Article, either expressly or referenced by specific citation. If incorporated by reference, a specific citation to this Section must be given in the permit.

1. The permittee must comply with all conditions of any permit issued under this Article. Any permit noncompliance constitutes a violation of this Article and is grounds for enforcement action; for permit modification, revocation and reissuance, or termination; or for denial of a permit renewal application unless otherwise authorized in an emergency permit under R18-9-C625.
2. If the permittee wishes to continue any activity regulated by permit under this Article after the expiration date of this permit, the permittee must apply for and obtain a new permit.
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
5. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, and related appurtenances, that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
6. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
7. This permit does not convey property rights of any sort, or any exclusive privilege.
8. The permittee shall furnish to the Director, within a time specified, any information which the Director may

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- request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
9. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by this Article the SDWA, any substances or parameters at any location.
 10. Monitoring and records.
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The permittee shall retain records of all monitoring information, including the following:
 - i. Calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time; and
 - ii. The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under R18-9-D636(A)(5), or under this Article as appropriate. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.
 - c. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual or individuals who performed the sampling or measurements;
 - iii. The date or dates analyses were performed;
 - iv. The individual or individuals who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
 - d. Owners or operators of Class VI wells shall retain records as specified in Part J of this Article, including R18-9-J659(G), R18-9-J666(6), R18-9-J667(D), R18-9-J668(F), and R18-9-J668(H).
 11. All applications, reports, or information submitted to the Director shall be signed and certified as required under R18-9-C617.
 12. Reporting requirements.
 - a. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
 - b. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
 - c. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under this Article.
 - d. Monitoring results shall be reported at the intervals specified in this permit.
 - e. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.
 - f. The permittee shall report any noncompliance that may endanger health or the environment within 24 hours, including:
 - i. Any monitoring or other information that indicates any contaminant may cause an endangerment to a USDW; or
 - ii. Any noncompliance with a permit condition or malfunction of the injection system that may cause fluid migration into or between USDWs. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - g. The permittee shall report all instances of noncompliance not reported under subsections (A)(12)(a), (d), (e), and (f), at the time monitoring reports are submitted. The reports shall contain the information listed in subsection (A)(12)(f).
 - h. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
 13. Except for all new wells authorized by an area permit under R18-9-C624(C), a new injection well may not commence injection until construction is complete; and:
 - a. The permittee has submitted notice of completion of construction to the Director; and
 - b. Either of the following apply:
 - i. The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or
 - ii. The permittee has not received notice from the Director of the intent to inspect or otherwise

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- review the new injection well within 13 days of the date of the notice under subsection (A)(13)(a), in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in the notice a reasonable time period in which the well shall be inspected.
14. The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.
 15. A Class I, II, or III permit shall include, and a Class V permit may include, conditions that meet the requirements of R18-9-B614 to ensure that plugging and abandonment of the well will not allow the movement of fluids into or between USDWs. Where the plan meets the requirements of R18-9-B614, the Director shall incorporate the plan into the permit as a permit condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director may require the applicant to revise the plan, prescribe conditions meeting the requirements of this subsection, or deny the permit. A Class VI permit shall include conditions that meet the requirements set forth in R18-9-J667. Where the plan meets the requirements of R18-9-J667, the Director shall incorporate it into the permit as a permit condition. For purposes of this subsection, temporary or intermittent cessation of injection operations is not abandonment.
 16. Within 60 days after plugging a well or at the time of the next quarterly report, whichever is less, the owner or operator shall submit a report to the Director. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:
 - a. A statement that the well was plugged in accordance with the plan previously submitted to the Director; or
 - b. Where actual plugging differed from the plan previously submitted, an updated version of the plan on the form supplied by the Director, specifying the differences.
 17. Duty to establish and maintain mechanical integrity.
 - a. The owner or operator of a Class I, II, III or VI well permitted under this Article shall establish mechanical integrity prior to commencing injection or on a schedule determined by the Director. Thereafter the owner or operator of Class I, II, and III wells must maintain mechanical integrity as defined in R18-9-B613 and the owner or operator of Class VI wells must maintain mechanical integrity as defined in R18-9-J664.
 - b. When the Director determines that a Class I, II, III or VI well lacks mechanical integrity pursuant to R18-9-B613 or R18-9-J664 for Class VI, written notice of the determination will be given to the owner or operator. Unless the Director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Director's determination. The Director may allow plugging of the well pursuant to the requirements of R18-9-B614 or require the permittee to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to R18-9-B613.
 - c. The Director may allow the owner or operator of a well that lacks mechanical integrity pursuant to R18-9-B613(A)(1) to continue or resume injection, if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-D636. Establishing Permit Conditions

- A. In addition to conditions required in R18-9-D635, the Director shall establish conditions, as required on a case-by-case basis under R18-9-C628 (Permit Duration), R18-9-D637 (Schedules of Compliance), and R18-9-D638 (Requirements for Recording and Reporting Monitoring Results). Permits for owners or operators of Class VI injection wells shall include conditions meeting the requirements of Part J of this Article. Permits for other wells shall contain the following requirements, when applicable.
 1. Construction requirements as set forth in this Article. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements. New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Director as minor modifications as defined under R18-9-C633. No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.
 2. Corrective action as set forth in R18-9-D639 and R18-9-J659.
 3. Operation requirements as set forth in this Article; the permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any USDW, that formation fluids are not displaced into any USDW, and to assure compliance with the operating requirements under this Article.
 4. Monitoring and reporting requirements as set forth in this Article. The permittee shall be required to identify types of tests and methods used to generate the monitoring data. Monitoring of the nature of injected fluids shall comply with an analytical method prescribed in A.A.C. R9-14-610, or an alternative analytical method approved under A.A.C. R9-14-610(C), or as approved by the Director. A test result from a sample taken to determine compliance with a national primary drinking water standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services,

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an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

5. After a cessation of operations for two years the owner or operator shall plug and abandon the well in accordance with the plan unless they:
 - a. Provide notice to the Director; and
 - b. Describe actions or procedures, satisfactory to the Director, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Director.
 6. Financial responsibility.
 - a. The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until:
 - i. The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to R18-9-D635(15), R18-9-B614, and R18-9-J667, and submitted a plugging and abandonment report pursuant to R18-9-D635(16); or
 - ii. The well has been converted in compliance with the requirements of R18-9-D635(14); or
 - iii. The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.
 - b. The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or other materials acceptable to the Director. For Class VI wells, the permittee shall show evidence of such financial responsibility to the Director by the submission of a qualifying instrument, such as a financial statement or other materials acceptable to the Director. The owner or operator of a Class VI well must comply with the financial responsibility requirements set forth in R18-9-J660.
 7. A permit for any Class I, II, III or VI well or injection project that lacks mechanical integrity shall include, and for any Class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Director under R18-9-B613 or R18-9-J664 for Class VI, that the well has mechanical integrity.
 8. The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into USDWs.
- B.** In addition to conditions required in all permits, the Director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of this Article. Applicable requirements include, but are not limited to:
1. State statutory or regulatory requirements in effect prior to final administrative disposition of a permit; or
 2. Any requirement in effect prior to the modification or revocation and reissuance of a permit, to the extent allowed under R18-9-C632.
- C. New or reissued permits, and to the extent allowed under R18-9-C632 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in this Section.
 - D. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.
 - E. Permits shall provide language on duration, expiration and termination.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-D637. Compliance Schedule

- A.** A permit may, when appropriate, specify a schedule for compliance with this Article.
1. Any compliance schedules shall require compliance as soon as possible, and in no case later than three years after the effective date of the permit.
 2. Except as provided in subsection (B)(1)(b), if a permit establishes a compliance schedule that exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.
 - a. The time between interim dates shall not exceed one year.
 - b. If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.
 3. The permit shall be written to require that if subsection (A)(1) is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.
- B.** A permit applicant or permittee may cease conducting regulated activities at a given time by plugging and abandonment rather than continue to operate and meet permit requirements as follows:
1. If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:
 - a. The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 - b. The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
 2. If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination that will ensure timely compliance with the applicable requirements.
 3. If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:
 - a. Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with

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- applicable requirements in a timely manner if the decision is to continue conducting regulated activities;
- b. One schedule shall lead to timely compliance with applicable requirements;
 - c. The second schedule shall lead to cessation of the regulated activities by a date that ensures timely compliance with applicable requirements; and
 - d. Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under subsection (B)(3)(a) it shall follow the schedule leading to compliance if the decision is to continue conducting the regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.
4. The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of Directors of a corporation.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-D638. Requirements for Recording and Reporting Monitoring Results

All permits shall specify:

1. Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods, including biological monitoring methods when appropriate;
2. Required monitoring including type, intervals, and frequency sufficient to yield data that are representative of the monitored activity including when appropriate, continuous monitoring; and
3. Applicable reporting requirements based upon the impact of the regulated activity and as specified under this Article. Reporting shall be no less frequent than specified in the above rules.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-D639. Corrective Action

- A. Applicants for Class I, II, or III injection well permits shall identify the location of all known wells within the injection well's area of review that penetrates the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells that are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into USDWs. Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under subsection (B) through (E), or deny the application. The Director may disregard the provisions of R18-9-B612 and this Section when reviewing an application to permit an existing Class II well.

- B. Any permit issued for an existing injection well, other than Class II wells, requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under subsection (A) to be completed as soon as possible.
- C. No owner or operator of a new injection well may begin injection until all required corrective action has been taken.
- D. The Director may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation shall satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and last until all other required corrective action has been taken.
- E. When setting corrective action requirements for Class III wells, the Director shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surface or surfaces and flow direction or directions rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in R18-9-G647(B) shall be designed to verify the validity of such determinations.
- F. In determining the adequacy of corrective action proposed by the applicant under this Section and in determining the additional steps needed to prevent fluid movement into USDWs, the following criteria and factors shall be considered by the Director:
 1. Nature and volume of injected fluid;
 2. Nature of native fluids or by-products of injection;
 3. Potentially affected population;
 4. Geology;
 5. Hydrology;
 6. History of the injection operation;
 7. Completion and plugging records;
 8. Abandonment procedures in effect at the time the well was abandoned; and
 9. Hydraulic connections with USDWs.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART E. CLASS I INJECTION WELL REQUIREMENTS

R18-9-E640. Class I; Construction Requirements

- A. All Class I wells shall be sited in such a fashion that they inject into a formation which is beneath the lowermost formation containing, within one-quarter mile of the well bore, an USDW.
- B. All Class I wells shall be cased and cemented to prevent the movement of fluids into or between USDWs. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:
 1. Depth to the injection zone;
 2. Injection pressure, external pressure, internal pressure, and axial loading;
 3. Hole size;
 4. Size and grade of all casing strings, such as wall thickness, diameter, nominal weight, length, joint Specification, and construction material;

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5. Corrosiveness of injected fluid, formation fluids, and temperatures;
 6. Lithology of injection and confining intervals; and
 7. Type or grade of cement.
- C.** All Class I injection wells, except those municipal wells injecting non-corrosive wastes, shall inject fluids through tubing with a packer set immediately above the injection zone, or tubing with an approved fluid seal as an alternative. The tubing, packer, and fluid seal shall be designed for the expected service.
1. The use of other alternatives to a packer may be allowed with the written approval of the Director. To obtain approval, the operator shall submit a written request to the Director, which shall set forth the proposed alternative and all technical data supporting its use. The Director shall approve the request if the alternative method will reliably provide a comparable level of protection to USDWs. The Director may approve an alternative method solely for an individual well or for general use.
 2. In determining and specifying requirements for tubing, packer, or alternatives the following factors shall be considered:
 - a. Depth of setting;
 - b. Characteristics of injection fluid such as chemical content, corrosiveness, and density;
 - c. Injection pressure;
 - d. Annular pressure;
 - e. Rate, temperature and volume of injected fluid; and
 - f. Size of casing.
- D.** Appropriate logs and other tests shall be conducted during the drilling and construction of new Class I wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, such logs and tests shall include:
1. Deviation checks on all holes constructed by first drilling a pilot hole, and then enlarging the pilot hole by reaming or another method. Such checks shall be at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.
 2. Such other logs and tests as may be needed after taking into account the availability of similar data in the area of the drilling site, the construction plan, and the need for additional information that may arise from time to time as the construction of the well progresses. In determining which logs and tests shall be required, the following logs shall be considered for use in the following situations:
 - a. For surface casing intended to protect USDWs:
 - i. Resistivity, spontaneous potential, and caliper logs before the casing is installed; and
 - ii. A cement bond, temperature, or density log after the casing is set and cemented.
 - b. For intermediate and long strings of casing intended to facilitate injection:
 - i. Resistivity, spontaneous potential, porosity, and gamma ray logs before the casing is installed;
 - ii. Fracture finder logs; and
 - iii. A cement bond, temperature, or density log after the casing is set and cemented.
- E.** At a minimum, the following information concerning the injection formation shall be determined or calculated for new Class I wells:
1. Fluid pressure;
 2. Temperature;
 3. Fracture pressure;
 4. Other physical and chemical characteristics of the injection matrix; and
 5. Physical and chemical characteristics of the formation fluids.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-E641. Class I; Operating, Monitoring, and Reporting Requirements

- A.** Operating requirements shall, at a minimum, specify that:
1. Except during stimulation injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the movement of injection or formation fluids into an USDW.
 2. Injection between the outermost casing protecting USDWs and the well bore is prohibited.
 3. Unless an alternative to a packer has been approved under R18-9-E640(C), the annulus between the tubing and the long string of casings shall be filled with a fluid approved by the Director and a pressure, also approved by the Director, shall be maintained on the annulus.
- B.** Monitoring requirements shall, at a minimum, include:
1. The analysis of the injected fluids with sufficient frequency to yield representative data of their characteristics;
 2. Installation and use of continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing;
 3. A demonstration of mechanical integrity pursuant to R18-9-B613 at least once every five years during the life of the well; and
 4. The type, number and location of wells within the area of review to be used to monitor any migration of fluids into and pressure in the USDWs, the parameters to be measured and the frequency of monitoring.
- C.** Reporting requirements shall, at a minimum, include:
1. Quarterly reports to the Director on:
 - a. The physical, chemical and other relevant characteristics of injection fluids;
 - b. Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure; and
 - c. The results of monitoring prescribed under subsection (B)(4).
 2. Reporting the results, with the first quarterly report after the completion, of:
 - a. Periodic tests of mechanical integrity;
 - b. Any other test of the injection well conducted by the permittee if required by the Director; and
 - c. Any well work over.
- D.** Ambient monitoring.
1. Based on a site-specific assessment of the potential for fluid movement from the well or injection zone and on the potential value of monitoring wells to detect such movement, the Director shall require the owner or operator to develop a monitoring program. At a minimum, the

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Director shall require monitoring of the pressure buildup in the injection zone annually, including at a minimum, a shut down of the well for a time sufficient to conduct a valid observation of the pressure fall-off curve.

2. When prescribing a monitoring system the Director may also require:
 - a. Continuous monitoring for pressure changes in the first aquifer overlying the confining zone. When such a well is installed, the owner or operator shall, on a quarterly basis, sample the aquifer and analyze for constituents specified by the Director;
 - b. The use of indirect, geophysical techniques to determine the position of the waste front, the water quality in a formation designated by the Director, or to provide other site specific data;
 - c. Periodic monitoring of the ground water quality in the first aquifer overlying the injection zone;
 - d. Periodic monitoring of the ground water quality in the lowermost USDW; and
 - e. Any additional monitoring necessary to determine whether fluids are moving into or between USDWs.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-E642. Class I; Information to be Considered by the Director

- A. This Section sets forth the information which must be considered by the Director in authorizing Class I wells.
 1. For an existing or converted new Class I well the Director may rely on the existing permit file for those items of information listed in subsections (B), (C) and (D) which are current and accurate in the file.
 2. For a newly drilled Class I well, the Director shall require the submission of all the information listed in subsections (B), (C) and (D) which are current and accurate in the file.
 3. For both existing and new Class I wells certain maps, cross sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Director and sufficiently identified to be retrieved.
- B. Prior to the issuance of a permit for an existing Class I well to operate or the construction or conversion of a new Class I well the Director shall consider the following:
 1. Information required in R18-9-C616;
 2. A map showing the injection well or wells for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number, or name, and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines, quarries, water wells and other pertinent surface features including residences and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;
 3. A tabulation of data on all wells within the area of review which penetrate into the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require;

4. Maps and cross sections indicating the general vertical and lateral limits of all USDWs within the area of review, their position relative to the injection formation and the direction of water movement, where known, in each USDW which may be affected by the proposed injection;
 5. Maps and cross sections detailing the geologic structure of the local area;
 6. Generalized maps and cross sections illustrating the regional geologic setting;
 7. Proposed operating data:
 - a. Average and maximum daily rate and volume of the fluid to be injected;
 - b. Average and maximum injection pressure; and
 - c. Source and an analysis of the chemical, physical, radiological and biological characteristics of injection fluids;
 8. Proposed formation testing program to obtain an analysis of the chemical, physical and radiological characteristics of and other information on the receiving formation;
 9. Proposed stimulation program;
 10. Proposed injection procedure;
 11. Schematic or other appropriate drawings of the surface and subsurface construction details of the well.
 12. Contingency plans to cope with all shut-ins or well failures so as to prevent migration of fluids into any USDW;
 13. Plans, including maps, for meeting the monitoring requirements in R18-9-E641(B);
 14. For wells within the area of review which penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under R18-9-D639;
 15. Construction procedures including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing, and coring program; and
 16. A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by R18-9-D636(A)(6).
- C. Prior to granting approval for the operation of a Class I well the Director shall consider the following information:
 1. All available logging and testing program data on the well;
 2. A demonstration of mechanical integrity pursuant to R18-9-B613;
 3. The anticipated maximum pressure and flow rate at which the permittee will operate;
 4. The results of the formation testing program;
 5. The actual injection procedure;
 6. The compatibility of injected waste with fluids in the injection zone and minerals in both the injection zone and the confining zone; and
 7. The status of corrective action on defective wells in the area of review.
 - D. Prior to granting approval for the plugging and abandonment of a Class I well the Director shall consider the following information:
 1. The type and number of plugs to be used;
 2. The placement of each plug including the elevation of the top and bottom;
 3. The type and grade and quantity of cement to be used;
 4. The method for placement of the plugs; and
 5. The procedure to be used to meet the requirements of R18-9-B614(C).

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART F. CLASS II INJECTION WELL REQUIREMENTS

R18-9-F643. Class II; Construction Requirements

- A.** All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review.
- B.** All Class II injection wells:
1. Shall be cased and cemented to prevent movement of fluids into or between USDWs. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:
 - a. Depth to the injection zone;
 - b. Depth to the bottom of all USDWs; and
 - c. Estimated maximum and average injection pressures.
 2. In addition the Director may consider information on:
 - a. Nature of formation fluids;
 - b. Lithology of injection and confining zones;
 - c. External pressure, internal pressure, and axial loading;
 - d. Hole size;
 - e. Size and grade of all casing strings; and
 - f. Class of cement.
- C.** The requirements in subsection (B) need not apply to existing or newly converted Class II wells located in existing fields if:
1. Regulatory controls for casing and cementing existed for those wells at the time of drilling and those wells are in compliance with those controls; and
 2. Well injection will not result in the movement of fluids into an USDW so as to create a significant risk to the health of persons.
- D.** The requirements in subsection (B) need not apply to newly drilled wells in existing fields if:
1. They meet the requirements of the State for casing and cementing applicable to that field at the time of submission of the State program to the Administrator; and
 2. Well injection will not result in the movement of fluids into an USDW so as to create a significant risk to the health of persons.
- E.** Appropriate logs and other tests shall be conducted during the drilling and construction of new Class II wells. A descriptive report interpreting the results of that portion of those logs and tests which specifically relate to (1) an USDW and the confining zone adjacent to it, and (2) the injection and adjacent formations shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, these logs and tests shall include:
1. Deviation checks on all holes constructed by first drilling a pilot hole and then enlarging the pilot hole, by reaming or another method. Such checks shall be at sufficiently frequent intervals to assure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling.
 2. Such other logs and tests as may be needed after taking into account the availability of similar data in the area of the drilling site, the construction plan, and the need for additional information that may arise from time to time as

the construction of the well progresses. In determining which logs and tests shall be required the following shall be considered by the Director in setting logging and testing requirements:

- a. For surface casing intended to protect USDWs in areas where the lithology has not been determined:
 - i. Electric and caliper logs before casing is installed; and
 - ii. A cement bond, temperature, or density log after the casing is set and cemented.
 - b. For intermediate and long strings of casing intended to facilitate injection:
 - i. Electric, porosity and gamma ray logs before the casing is installed;
 - ii. Fracture finder logs; and
 - iii. A cement bond, temperature, or density log after the casing is set and cemented.
- F.** At a minimum, the following information concerning the injection formation shall be determined or calculated for new Class II wells or projects:
1. Fluid pressure;
 2. Estimated fracture pressure; and
 3. Physical and chemical characteristics of the injection zone.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-F644. Class II; Operating, Monitoring, and Reporting Requirements

- A.** Operating requirements shall, at a minimum, specify that:
1. Injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to the USDWs. In no case shall injection pressure cause the movement of injection or formation fluids into an USDW.
 2. Injection between the outermost casing protecting USDWs and the well bore shall be prohibited.
- B.** Monitoring requirements shall, at a minimum, include:
1. Monitoring of the nature of injected fluids at time intervals sufficiently frequent to yield data representative of their characteristics;
 2. Observation of injection pressure, flow rate, and cumulative volume at least with the following frequencies:
 - a. Weekly for produced fluid disposal operations;
 - b. Monthly for enhanced recovery operations;
 - c. Daily during the injection of liquid hydrocarbons and injection for withdrawal of stored hydrocarbons; and
 - d. Daily during the injection phase of cyclic steam operations; and
 - e. Record one observation of injection pressure, flow rate and cumulative volume at reasonable intervals no greater than 30 days;
 3. A demonstration of mechanical integrity pursuant to R18-9-B613 at least once every five years during the life of the injection well;
 4. Maintenance of the results of all monitoring until the next permit review; and
 5. Hydrocarbon storage and enhanced recovery may be monitored on a field or project basis rather than on an

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individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner/operator demonstrates that manifold monitoring is comparable to individual well monitoring.

C. Reporting requirements.

1. Reporting requirements shall at a minimum include an annual report to the Director summarizing the results of monitoring required under subsection (B). Such summary shall include monthly records of injected fluids, and any major changes in characteristics or sources of injected fluid. Previously submitted information may be included by reference.
2. Owners or operators of hydrocarbon storage and enhanced recovery projects may report on a field or project basis rather than an individual well basis where manifold monitoring is used.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-F645. Class II; Information to be Considered by the Director

- A.** This Section sets forth the information which must be considered by the Director in authorizing Class II wells. Certain maps, cross sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Director and sufficiently identified to be retrieved.
- B.** Prior to the issuance of a permit for an existing Class II well to operate or the construction or conversion of a new Class II well the Director shall consider the following:
 1. Information required in R18-9-C616.
 2. A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map. This requirement does not apply to existing Class II wells.
 3. A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review included on the map required under subsection (B)(2) which penetrate the proposed injection zone or, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells. This requirement does not apply to existing Class II wells.

4. Proposed operating data:
 - a. Average and maximum daily rate and volume of fluids to be injected;
 - b. Average and maximum injection pressure; and
 - c. Source and an appropriate analysis of the chemical and physical characteristics of the injection fluid.
5. Appropriate geological data on the injection zone and confining zone including lithologic description, geological name, thickness and depth.
6. Geologic name and depth to bottom of all USDWs which may be affected by the injection.
7. Schematic or other appropriate drawings of the surface and subsurface construction details of the well.
8. In the case of new injection wells the corrective action proposed to be taken by the applicant under R18-9-D639.
9. A certificate that the applicant has assured through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by R18-9-D636(A)(6).

C. In addition the Director may consider the following:

1. Proposed formation testing program to obtain the information required by R18-9-F643(F);
2. Proposed stimulation program;
3. Proposed injection procedure;
4. Proposed contingency plans, if any, to cope with well failures so as to prevent migration of contaminating fluids into an USDW;
5. Plans for meeting the monitoring requirements of R18-9-F644(B).

D. Prior to granting approval for the operation of a Class II well the Director shall consider the following information:

1. All available logging and testing program data on the well;
2. A demonstration of mechanical integrity pursuant to R18-9-B613;
3. The anticipated maximum pressure and flow rate at which the permittee will operate;
4. The results of the formation testing program;
5. The actual injection procedure; and
6. For new wells the status of corrective action on defective wells in the area of review.

E. Prior to granting approval for the plugging and abandonment of a Class II well the Director shall consider the following information:

1. The type, and number of plugs to be used;
2. The placement of each plug including the elevation of top and bottom;
3. The type, grade, and quantity of cement to be used;
4. The method of placement of the plugs; and
5. The procedure to be used to meet the requirements of R18-9-B614(A).

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART G. CLASS III INJECTION WELL REQUIREMENTS

R18-9-G646. Class III; Construction Requirements

- A.** All new Class III wells shall be cased and cemented to prevent the migration of fluids into or between USDWs. The Director may waive the cementing requirement for new wells in existing projects or portions of existing projects where they have substantial evidence that no contamination of USDWs would result. The casing and cement used in the construction of each

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newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

1. Depth to the injection zone;
 2. Injection pressure, external pressure, internal pressure, axial loading, etc.;
 3. Hole size;
 4. Size and grade of all casing strings, such as wall thickness, diameter, nominal weight, length, joint specification, and construction material;
 5. Corrosiveness of injected fluids and formation fluids;
 6. Lithology of injection and confining zones; and
 7. Type and grade of cement.
- B.** Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.
- C.** Where the injection zone is a formation which is naturally water-bearing the following information concerning the injection zone shall be determined or calculated for new Class III wells or projects:
1. Fluid pressure;
 2. Fracture pressure; and
 3. Physical and chemical characteristics of the formation fluids.
- D.** Where the injection formation is not a water-bearing formation, the information in subsection (C)(2) must be submitted.
- E.** Where injection is into a formation which contains water with less than 10,000 mg/l TDS monitoring wells shall be completed into the injection zone and into any USDWs above the injection zone which could be affected by the mining operation. These wells shall be located in such a fashion as to detect any excursion of injection fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse the monitoring wells shall be located so that they will not be physically affected.
- F.** Where injection is into a formation which does not contain water with less than 10,000 mg/l TDS, no monitoring wells are necessary in the injection stratum.
- G.** Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse an adequate number of monitoring wells shall be completed into the USDW to detect any movement of injected fluids, process by-products or formation fluids into the USDW. The monitoring wells shall be located outside the physical influence of the subsidence or catastrophic collapse.
- H.** In determining the number, location, construction and frequency of monitoring of the monitoring wells the following criteria shall be considered:
1. The population relying on the USDW affected or potentially affected by the injection operation;
 2. The proximity of the injection operation to points of withdrawal of drinking water;
 3. The local geology and hydrology;
 4. The operating pressures and whether a negative pressure gradient is being maintained;
 5. The nature and volume of the injected fluid, the formation water, and the process by-products; and
 6. The injection well density.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-G647. Class III; Operating, Monitoring, and Reporting Requirements

- A.** Operating requirements prescribed shall, at a minimum, specify that:
1. Except during well stimulation, injection pressure at the wellhead shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case, shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an USDW.
 2. Injection between the outermost casing protecting USDWs and the well bore is prohibited.
- B.** Monitoring requirements shall, at a minimum, specify:
1. Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by R18-9-G648(B)(7)(c) is incorrect or incomplete, a new analysis as required by R18-9-G648(B)(7)(c) shall be provided to the Director.
 2. Monitoring of injection pressure and either flow rate or volume semi-monthly, or metering and daily recording of injected and produced fluid volumes as appropriate.
 3. Demonstration of mechanical integrity pursuant to R18-9-B613 at least once every five years during the life of the well for salt solution mining.
 4. Monitoring of the fluid level in the injection zone semi-monthly, where appropriate and monitoring of the parameters chosen to measure water quality in the monitoring wells required by R18-9-G646(E), semi-monthly.
 5. Quarterly monitoring of wells required by R18-9-G646(G).
 6. All Class III wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner/operator demonstrates that manifold monitoring is comparable to individual well monitoring.
- C.** Reporting requirements shall, at a minimum, include:
1. Quarterly reporting to the Director on required monitoring;
 2. Results of mechanical integrity and any other periodic test required by the Director reported with the first regular quarterly report after the completion of the test; and
 3. Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

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Historical Note

New Section made by final rulemaking at 28 A.A.R.
1903 (August 5, 2022), effective September 6, 2022
(Supp. 22-3).

R18-9-G648. Class III; Information to be Considered by the Director

- A.** This Section sets forth the information which must be considered by the Director in authorizing Class III wells. Certain maps, cross sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Director and sufficiently identified to be retrieved.
- B.** Prior to the issuance of a permit for an existing Class III well or area to operate or the construction of a new Class III well the Director shall consider the following:
1. Information required in R18-9-C616;
 2. A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems and water wells. The map may also show surface bodies of waters, mines (surface and subsurface) quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map;
 3. A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required under subsection (B)(2) which penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells;
 4. Maps and cross sections indicating the vertical limits of all USDWs within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in every USDW which may be affected by the proposed injection;
 5. Maps and cross sections detailing the geologic structure of the local area;
 6. Generalized map and cross sections illustrating the regional geologic setting;
 7. Proposed operating data:
 - a. Average and maximum daily rate and volume of fluid to be injected;
 - b. Average and maximum injection pressure; and
 - c. Qualitative analysis and ranges in concentrations of all constituents of injected fluids. If the information is confidential pursuant to R18-9-A603 an applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the Director as part of any enforcement investigation.
 8. Proposed formation testing program to obtain the information required by R18-9-G646(C);

9. Proposed stimulation program;
 10. Proposed injection procedure;
 11. Schematic or other appropriate drawings of the surface and subsurface construction details of the well;
 12. Plans (including maps) for meeting the monitoring requirements of R18-9-G647(B);
 13. Expected changes in pressure, native fluid displacement, direction of movement of injection fluid;
 14. Contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into USDWs;
 15. A certificate that the applicant has assured, through a performance bond, or other appropriate means, the resources necessary to close, plug, or abandon the well as required by R18-9-D636(A)(5); and
 16. The corrective action proposed to be taken under R18-9-D639.
- C.** Prior to granting approval for the operation of a Class III well the Director shall consider the following information:
1. All available logging and testing data on the well;
 2. A satisfactory demonstration of mechanical integrity for all new wells and for all existing salt solution wells pursuant to R18-9-B613;
 3. The anticipated maximum pressure and flow rate at which the permittee will operate;
 4. The results of the formation testing program;
 5. The actual injection procedures; and
 6. The status of corrective action on defective wells in the area of review.
- D.** Prior to granting approval for the plugging and abandonment of a Class III well the Director shall consider the following information:
1. The type and number of plugs to be used;
 2. The placement of each plug including the elevation of the top and bottom;
 3. The type, grade and quantity of cement to be used;
 4. The method of placement of the plugs; and
 5. The procedure to be used to meet the requirements of R18-9-B614(A).

Historical Note

New Section made by final rulemaking at 28 A.A.R.
1903 (August 5, 2022), effective September 6, 2022
(Supp. 22-3).

PART H. CLASS IV INJECTION WELL REQUIREMENTS**R18-9-H649. Class IV; Closure Requirements and Remediation**

- A.** Closure.
1. Prior to abandoning any Class IV well, the owner or operator shall plug or otherwise close the well in a manner acceptable to the Director.
 2. The owner or operator of a Class IV well must notify the Director of intent to abandon the well at least 30 days prior to abandonment.
- B.** Remediation. Injection wells used to inject contaminated groundwater that has been treated and is being injected into the same formation from which it was drawn are authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by the Administrator or the Director pursuant to subsections (B)(1), (2) or (3):
1. Provisions for cleanup of releases under CERCLA, or
 2. The requirements and provisions under RCRA, or
 3. The requirements and provisions under other applicable state laws for corrective and remedial action.

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART I. CLASS V INJECTION WELL REQUIREMENTS

R18-9-I650. Class V; General Requirements

A. The following requirements apply to Class V Wells authorized by rule:

1. A Class V Injection well is authorized by rule subject to the conditions under this Section.
2. Well authorization under this Section expires upon the effective date of a permit issued pursuant to R18-9-I651, R18-9-C616, R18-9-C624, R18-9-C625, or upon proper closure of the well.
3. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:
 - a. Upon the effective date of an applicable permit denial;
 - b. Upon failure to submit a permit application in a timely manner pursuant to R18-9-I651 or R18-9-C616;
 - c. Upon failure to submit inventory information in a timely manner pursuant to R18-9-I652; or
 - d. Upon failure to comply with a request for information in a timely manner pursuant to R18-9-I653.
4. Submission of the following is required in order to transfer ownership of a well that is authorized by rule pursuant to this Section:
 - a. An inventory, and
 - b. Class V authorized by rule transfer fee pursuant to R18-14-111(3).

B. The following requirements apply for all Class V Wells:

1. With certain exceptions listed in subsection (B)(2), Class V injection activity is "authorized by rule," meaning owners and operators must comply with all the requirements of this Article but do not have to get an individual permit. Well authorization expires once the injection well has been properly closed.
2. A Class V well requires a permit and shall no longer be authorized by rule upon any of the following:
 - a. Failure to comply with the prohibition of movement standard in R18-9-B608(A).
 - b. The Director specifically requires a Class V permit for the well to operate pursuant to R18-9-I651. In which case rule authorization expires upon the effective date of the permit issued, or you are prohibited from injecting into your well upon:
 - i. Failure to submit a permit application in a timely manner as specified in a notice from the Director; or
 - ii. Upon the effective date of permit denial.
 - c. Failure to submit inventory information as required under R18-9-I652.
 - d. Failure to comply with the Director's request for additional information under R18-9-I653 in a timely manner.
3. Prior to abandoning a Class V well, the owner or operator shall meet the plugging requirements in R18-9-B614(C).
4. In limited cases, the Director may authorize the conversion (reclassification) of a motor vehicle waste disposal well to another type of Class V well. Motor vehicle wells may only be converted if: all motor vehicle fluids are seg-

regated by physical barriers and are not allowed to enter the well; and, injection of motor vehicle waste is unlikely based on a facility's compliance history and records showing proper waste disposal. The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of Class V well.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-I651. Class V; Requiring a Permit

A. The Director may require the owner or operator of any Class V injection well authorized by rule under this Article to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

1. The injection well is not in compliance with any requirement under this Article or A.R.S. Title 49, Chapter 2, Article 3.3;
2. The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule; or
3. The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in the rule.

B. If an individual or area UIC permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:

1. A brief statement of the reasons for the decision,
2. An application form,
3. A statement setting a deadline to file the application,
4. A statement that on the effective date of issuance or denial of the individual or area UIC permit, coverage by rule will automatically terminate.
5. The applicant's right to appeal the individual permit requirement under A.R.S. § 49-323 and the name and telephone number of the Department contact person who can answer questions regarding the appeals process.

C. An owner or operator of a well authorized by rule may request to be excluded from the coverage of this Section by applying for an individual or area UIC permit. The owner or operator shall submit an application under R18-9-C616 with reasons supporting the request to the Director. The Director may grant any such requests.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-I652. Class V; Inventory Requirements for Class V Wells Authorized by Rule

A. The owner or operator of an injection well authorized by rule under R18-9-I650 shall submit inventory information to the Director. Such an owner or operator is prohibited from injecting into the well upon failure to submit inventory information for the well within the timeframe specified in subsection (D).

B. As part of the inventory, the Director shall require and the owner/operator shall provide at least the following information:

1. Facility name and location;
2. Name and address of legal contact;
3. Ownership of facility;

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4. Nature and type of injection well; and
 5. Operating status of injection well.
- C. Upon approval of the Arizona UIC Program, the Director shall notify all known owners or operators of injection wells of their duty to submit inventory information in the manner specified by the Director.
- D. The owner or operator of an injection well shall submit inventory information no later than one year after the effective date of the Arizona UIC program. The Director need not require inventory information from any facility with interim status under RCRA.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-I653. Class V; Requiring Other Information

- A. In addition to the inventory requirements under R18-9-I652, the Director may require the owner or operator of any well authorized by rule under this Article to submit information as deemed necessary by the Director to determine whether a well may be endangering an USDW in violation of R18-9-B608 of this Part.
- B. Such information requirements may include, but are not limited to:
1. Performance of ground-water monitoring and the periodic submission of reports of such monitoring;
 2. An analysis of injected fluids, including periodic submission of such analyses; and
 3. A description of the geologic strata through and into which injection is taking place.
- C. Any request for information under this Section shall be made in writing, and include a brief statement of the reasons for requiring the information. An owner and operator shall submit the information within the time period or time periods provided in the notice.
- D. An owner or operator of an injection well authorized by rule under this Part is prohibited from injecting into the well upon failure of the owner or operator to comply with a request for information within the time period or time periods specified by the Director pursuant to subsection (C). An owner or operator of a well prohibited from injection under this Section shall not resume injection except under a permit issued pursuant to R18-9-I651; R18-9-C616, R18-9-C624, or R18-9-C625.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-I654. Class V; Prohibition of Class V Cesspools and Motor Vehicle Waste Disposal Wells

The construction and operation of cesspools and motor vehicle waste disposal wells are prohibited.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-I655. Class V; Prohibition of Non-Experimental Class V Wells for Geologic Sequestration

The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

PART J. CLASS VI INJECTION WELL REQUIREMENTS

R18-9-J656. Class VI; Applicability

- A. This Part establishes criteria and standards for underground injection control programs to regulate any Class VI carbon dioxide geologic sequestration injection wells.
- B. This Part applies to any well used to inject carbon dioxide specifically for the purpose of geologic sequestration.
- C. This Part also applies to owners or operators of permit- or rule-authorized Class V experimental carbon dioxide injection projects who seek to apply for Class VI geologic sequestration permit for their well or wells. Owners or operators seeking to convert existing Class I, Class II, or Class V experimental wells to Class VI geologic sequestration wells must demonstrate to the Director that the wells were engineered and constructed to meet the requirements of R18-9-J661 and ensure protection of USDWs, in lieu of requirements at R18-9-J661 and R18-9-J662. A converted well must still meet all other requirements under Part F of this Article.
- D. The following definitions apply to this Part and govern for Class VI wells to the extent that these definitions conflict with those in R18-9-A601:
1. "Area of review" means the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and displaced fluids, and is based on available site characterization, monitoring, and operational data as set forth in R18-9-J659.
 2. "Carbon dioxide plume" means the extent underground, in three dimensions, of an injected carbon dioxide stream.
 3. "Carbon dioxide stream" means carbon dioxide that has been captured from an emission source, plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This Part does not apply to any carbon dioxide stream that meets the definition of a hazardous waste under A.R.S. § 49-921.
 4. "Confining zone" means a geologic formation, group of formations, or part of a formation stratigraphically overlying the injection zone or zones that acts as barrier to fluid movement. For Class VI wells operating under an injection depth waiver, confining zone means a geologic formation, group of formations, or part of a formation stratigraphically overlying and underlying the injection zone or zones.
 5. "Corrective action" means the use of Director-approved methods to ensure that wells within the area of review do not serve as conduits for the movement of fluids into USDWs.
 6. "Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.
 7. "Geologic sequestration project" means an injection well or wells used to emplace a carbon dioxide stream beneath the lowermost formation containing a USDW; or, wells used for geologic sequestration of carbon dioxide that

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have been granted a waiver of the injection depth requirements pursuant to requirements at R18-9-J670; or, wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to R18-9-A605 and R18-9-A606. It includes the subsurface three-dimensional extent of the carbon dioxide plume, associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.

8. "Injection zone" means a geologic formation, group of formations, or part of a formation that is of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.
9. "Post-injection site care" means appropriate monitoring and other actions, including corrective action, needed following cessation of injection to ensure that USDWs are not endangered, as required under R18-9-J668.
10. "Pressure front" means the zone of elevated pressure that is created by the injection of carbon dioxide into the subsurface. For the purposes of this Part, the pressure front of a carbon dioxide plume refers to a zone where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.
11. "Site closure" means the point/time, as determined by the Director following the requirements under R18-9-J668, at which the owner or operator of a geologic sequestration site is released from post-injection site care responsibilities.
12. "Transmissive fault" or "fracture" means a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J657. Class VI; Required Permit Information

- A. This Section sets forth the information which must be considered by the Director in authorizing Class VI wells. For converted Class I, Class II, or Class V experimental wells, certain maps, cross sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Director, and sufficiently identified to be retrieved.
- B. Prior to the issuance of a permit for the construction of a new Class VI well or the conversion of an existing Class I, Class II, or Class V well to a Class VI well, the owner or operator shall submit, pursuant to R18-9-J666, and the Director shall consider the following:
 1. Information required in R18-9-C616(D)(1) through (9);
 2. A map showing the injection well for which a permit is sought and the applicable area of review consistent with R18-9-J659. Within the area of review, the map must show the number or name, and location of all injection wells, producing wells, abandoned wells, plugged wells or dry holes, deep stratigraphic boreholes, State- or EPA-approved subsurface cleanup sites, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells, other pertinent surface features including structures intended for human occupancy, State, Tribal, and Territory boundaries, and roads. The map should also

show faults, if known or suspected. Only information of public record is required to be included on this map;

3. Information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, including:
 - a. Maps and cross sections of the area of review;
 - b. The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zone or zones in the area of review and a determination that they would not interfere with containment;
 - c. Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zone or zones; including geology/facies changes based on field data which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;
 - d. Geomechanical information on fractures, stress, ductility, rock strength, and in situ fluid pressures within the confining zone or zones;
 - e. Information on the seismic history including the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and
 - f. Geologic and topographic maps and cross sections illustrating regional geology, hydrogeology, and the geologic structure of the local area.
4. A tabulation of all wells within the area of review which penetrate the injection or confining zone or zones. Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require;
5. Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their positions relative to the injection zone or zones, and the direction of water movement, where known;
6. Baseline geochemical data on subsurface formations, including all USDWs in the area of review;
7. Proposed operating data for the proposed geologic sequestration site:
 - a. Average and maximum daily rate and volume and/or mass and total anticipated volume and/or mass of the carbon dioxide stream;
 - b. Average and maximum injection pressure;
 - c. The source or sources of the carbon dioxide stream; and
 - d. An analysis of the chemical and physical characteristics of the carbon dioxide stream.
8. Proposed pre-operational formation testing program to obtain an analysis of the chemical and physical characteristics of the injection zone or zones and confining zone or zones and that meets the requirements at R18-9-J662;
9. Proposed stimulation program, a description of stimulation fluids to be used and a determination that stimulation will not interfere with containment;
10. Proposed procedure to outline steps necessary to conduct injection operation;
11. Schematics or other appropriate drawings of the surface and subsurface construction details of the well;
12. Injection well construction procedures that meet the requirements of R18-9-J661;

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13. Proposed area of review and corrective action plan that meets the requirements under R18-9-J659;
 14. A demonstration, satisfactory to the Director, that the applicant has met the financial responsibility requirements under R18-9-J660;
 15. Proposed testing and monitoring plan required by R18-9-J665;
 16. Proposed injection well plugging plan required by R18-9-J667(B);
 17. Proposed post-injection site care and site closure plan required by R18-9-J668(A);
 18. At the Director's discretion, a demonstration of an alternative post-injection site care timeframe required by R18-9-J668(C);
 19. Proposed emergency and remedial response plan required by R18-9-J669;
 20. A list of contacts, submitted to the Director, for those States, Tribes, and Territories identified to be within the area of review of the Class VI project based on information provided in subsection (B)(2);
 21. A listing of any historic property or potential historic property as defined by R12-8-301; and
 22. Any other information requested by the Director.
- C.** The Director shall notify, in writing, any States, Tribes, or Territories within the area of review of the Class VI project based on information provided in subsections (B)(2) and (B)(20) of the permit application.
- D.** Prior to granting approval for the operation of a Class VI well, the Director shall consider the following information:
1. The final area of review based on modeling, using data obtained during logging and testing of the well and the formation as required by subsections (D)(2), (3), (4), (6), (7), and (10);
 2. Any relevant updates, based on data obtained during logging and testing of the well and the formation as required by subsections (D)(3), (4), (6), (7), and (10), to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted to satisfy the requirements of subsection (B)(3);
 3. Information on the compatibility of the carbon dioxide stream with fluids in the injection zone or zones and minerals in both the injection and the confining zone or zones, based on the results of the formation testing program, and with the materials used to construct the well;
 4. The results of the formation testing program required at subsection (B)(8);
 5. Final injection well construction procedures that meet the requirements of R18-9-J661;
 6. The status of corrective action on wells in the area of review;
 7. All available logging and testing program data on the well required by R18-9-J662;
 8. A demonstration of mechanical integrity pursuant to R18-9-J664;
 9. Any updates to the proposed area of review and corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, or the emergency and remedial response plan submitted under subsection (B), which are necessary to address new information collected during logging and testing of the well and the formation as required by all subsections of this Section, and any updates to the alternative post-injection site care timeframe demonstration submitted under subsection (B), which are necessary to address new information collected during the logging and testing of the well and the formation as required by this Section; and
 10. Any other information requested by the Director.
- E.** Owners or operators seeking a waiver of the requirement to inject below the lowermost USDW must also refer to R18-9-J670 and submit a supplemental report, as required at R18-9-J670. The supplemental report is not part of the permit application.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J658. Class VI; Minimum Criteria for Siting

- A.** Owners or operators of Class VI wells must demonstrate to the satisfaction of the Director that the wells will be sited in areas with a suitable geologic system. The owners or operators must demonstrate that the geologic system comprises:
1. An injection zone or zones of sufficient areal extent, thickness, porosity, and permeability to receive the total anticipated volume of the carbon dioxide stream.
 2. Confining zone or zones free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zone or zones.
- B.** The Director may require owners or operators of Class VI wells to identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation, and provide additional opportunities for monitoring, mitigation, and remediation.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J659. Class VI; Area of Review and Corrective Action

- A.** The area of review is the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and is based on available site characterization, monitoring, and operational data.
- B.** The owner or operator of a Class VI well must prepare, maintain, and comply with a plan to delineate the area of review for a proposed geologic sequestration project, periodically reevaluate the delineation, and perform corrective action that meets the requirements of this Section and is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application for approval by the Director, the owner or operator must submit an area of review and corrective action plan that includes the following information:
1. The method for delineating the area of review that meets the requirements of subsection (C), including the model to be used, assumptions that will be made, and the site characterization data on which the model will be based.

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2. A description of:
 - a. The minimum fixed frequency, not to exceed five years, at which the owner or operator proposes to reevaluate the area of review;
 - b. The monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established in subsection (B)(2)(a);
 - c. How monitoring and operational data will be used to inform an area of review reevaluation; and
 - d. How corrective action will be conducted to meet the requirements of subsection (D), including what corrective action will be performed prior to injection and what, if any, portions of the area of review will have corrective action addressed on a phased basis and how the phasing will be determined; how corrective action will be adjusted if there are changes in the area of review; and how site access will be guaranteed for future corrective action.
- C. Owners or operators of Class VI wells must perform the following actions to delineate the area of review and identify all wells that require corrective action:
 1. Predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period as determined by the Director. The model must:
 - a. Be based on detailed geologic data collected to characterize the injection zone zones, confining zone or zones and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;
 - b. Take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and
 - c. Consider potential migration through faults, fractures, and artificial penetrations.
 2. Using methods approved by the Director, identify all penetrations, including active and abandoned wells and underground mines, in the area of review that may penetrate the confining zone or zones. Provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require; and
 3. Determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.
- D. Owners or operators of Class VI wells must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.
- E. At the minimum fixed frequency, not to exceed five years, as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, owners or operators must:
 1. Reevaluate the area of review in the same manner specified in subsection (C)(1);
 2. Identify all wells in the reevaluated area of review that require corrective action in the same manner specified in subsection (C);
 3. Perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in subsection (C); and
 4. Submit an amended area of review and corrective action plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements under R18-9-C632 or R18-9-C633, as appropriate.
- F. The emergency and remedial response plan and the demonstration of financial responsibility must account for the area of review delineated as specified in subsection (C)(1) or the most recently evaluated area of review delineated under subsection (E), regardless of whether or not corrective action in the area of review is phased.
- G. All modeling inputs and data used to support area of review reevaluations under subsection (E) shall be retained for 10 years.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J660. Class VI; Financial Responsibility

- A. The owner or operator must demonstrate and maintain financial responsibility as determined by the Director that meets the following conditions:
 1. The financial responsibility instrument or instruments used must be from the following list of qualifying instruments:
 - a. Trust Funds;
 - b. Surety Bonds;
 - c. Letter of Credit;
 - d. Insurance;
 - e. Self Insurance (i.e., Financial Test and Corporate Guarantee);
 - f. Escrow Account;
 - g. Any other instrument or instruments satisfactory to the Director.
 2. The qualifying instrument or instruments must be sufficient to cover the cost of:
 - a. Corrective action under R18-9-J659;
 - b. Injection well plugging under R18-9-J667;
 - c. Post injection site care and site closure under R18-9-J668; and
 - d. Emergency and remedial response under R18-9-J669.
 3. The financial responsibility instrument or instruments must be sufficient to address endangerment of USDWs.
 4. The qualifying financial responsibility instrument or instruments must comprise protective conditions of coverage.
 - a. Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation

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provisions, specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.

- i. Cancellation – for purposes of this Part, an owner or operator must provide that their financial mechanism may not cancel, terminate or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the Director. The cancellation must not be final for 120 days after receipt of cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable (or possible), any funds from the instrument being cancelled must be released within 60 days of notification by the Director.
 - ii. Renewal – for purposes of this Part, owners or operators must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument.
 - iii. Cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that on or before the date of expiration: The Director deems the facility abandoned; or the permit is terminated or revoked or a new permit is denied; or closure is ordered by the Director or a U.S. district court or other court of competent jurisdiction; or the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the amount due is paid.
5. The qualifying financial responsibility instrument or instruments must be approved by the Director.
 - a. The Director shall consider and approve the financial responsibility demonstration for all the phases of the geologic sequestration project prior to issue a Class VI permit under R18-9-J657.
 - b. The owner or operator must provide any updated information related to their financial responsibility instrument or instruments on an annual basis and if there are any changes, the Director must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instrument or instruments used remain adequate for use. The owner or operator must maintain financial responsibility requirements regardless of the status of the Director's review of the financial responsibility demonstration.
 - c. The Director may disapprove the use of a financial instrument if they determine that it is not sufficient to meet the requirements of this Section.
 6. The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project.
 - a. In the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase such combination must be limited to instruments that are not based on financial strength or performance, for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.
 - b. When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide a proof that the third-party providers either have passed financial strength requirements based on credit ratings; or has met a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.
 - c. An owner or operator using certain types of third-party instruments must establish a standby trust to enable ADEQ to be party to the financial responsibility agreement without ADEQ being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.
 - d. An owner or operator may deposit money to an escrow account to cover financial responsibility requirements; this account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.
 - e. An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects. In order to satisfy this requirement the owner or operator must meet a Tangible Net Worth of an amount approved by the Director, have a Net working capital and tangible net worth each at least six times the sum of the current well plugging, post injection site care and site closure cost, have assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current well plugging, post injection site care and site closure cost, and must submit a report of its bond rating and financial information annually. In addition the owner or operator must either: Have a bond rating test of AAA, AA, A, or BBB as issued by Standard & Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or meet all of the following five financial ratio thresholds: A ratio of total liabilities to net worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabili-

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ties greater than 0.1; A ratio of current assets minus current liabilities to total assets greater than -0.1; and a net profit (revenues minus expenses) greater than 0.

- f. An owner or operator who is not able to meet corporate financial test criteria may arrange a corporate guarantee by demonstrating that its corporate parent meets the financial test requirements on its behalf. The parent's demonstration that it meets the financial test requirement is insufficient if it has not also guaranteed to fulfill the obligations for the owner or operator.
 - g. An owner or operator may obtain an insurance policy to cover the estimated costs of geologic sequestration activities requiring financial responsibility. This insurance policy must be obtained from a third party provider.
- B.** The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit.
1. The owner or operator must maintain financial responsibility and resources until:
 - a. The Director receives and approves the completed post-injection site care and site closure plan; and
 - b. The Director approves site closure.
 2. The owner or operator may be released from a financial instrument in the following circumstances:
 - a. The owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the Director, including obtaining financial responsibility for the next phase of the geologic sequestration project, if required; or
 - b. The owner or operator has submitted a replacement financial instrument and received written approval from the Director accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.
- C.** The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection well or wells, post-injection site care and site closure, and emergency and remedial response.
1. The cost estimate must be performed for each phase separately and must be based on the costs to the regulatory agency of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.
 2. During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument or instruments used to comply with subsection (A) and provide this adjustment to the Director. The owner or operator must also provide to the Director written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan as required under R18-9-J659, the injection well plugging plan under R18-9-J667, the post-injection site care and site closure plan as required under R18-9-J668, and the emergency and remedial response plan as required under R18-9-J669.
3. The Director must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after the Director has approved the request to modify the area of review and corrective action plan as required under R18-9-J659, the injection well plugging plan under R18-9-J667, the post-injection site care and site closure plan as required under R18-9-J668, and the emergency and response plan as required under R18-9-J669, if the change in the plan increases the cost. If the change to the plan decreases the cost, any withdrawal of funds must be approved by the Director. Any decrease to the value of the financial assurance instrument must first be approved by the Director. The revised cost estimate must be adjusted for inflation as specified at subsection (C)(2).
 4. Whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Director, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the Director.
- D.** The owner or operator must notify the Director by certified mail of adverse financial conditions such as bankruptcy that may affect the ability to carry out injection well plugging and post-injection site care and site closure.
1. In the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.
 2. A guarantor of a corporate guarantee must make such a notification to the Director if they are named as debtor, as required under the terms of the corporate guarantee.
 3. An owner or operator who fulfills the requirements of subsection (A) by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the trust fund, surety bond, letter of credit, escrow account, or insurance policy. The owner or operator must establish other financial assurance within 60 days after such an event.
- E.** The owner or operator must provide an adjustment of the cost estimate to the Director within 60 days of notification by the Director, if the Director determines during the annual evaluation of the qualifying financial responsibility instrument or instruments that the most recent demonstration is no longer adequate to cover the cost of corrective action as required under R18-9-J659, injection well plugging under R18-9-J667, post-injection site care and site closure as required under R18-9-J668, and emergency and remedial response as required under R18-9-J669.

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- F. The Director must approve the use and length of pay-in-periods for trust funds or escrow accounts.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J661. Class VI; Injection Well Construction Requirements

- A. The owner or operator must ensure that all Class VI wells are constructed and completed to:
1. Prevent the movement of fluids into or between USDWs or into any unauthorized zones;
 2. Permit the use of appropriate testing devices and work-over tools; and
 3. Permit continuous monitoring of the annulus space between the injection tubing and long string casing.
- B. Casing and Cementing of Class VI Wells.
1. Casing and cement or other materials used in the construction of each Class VI well must have sufficient structural strength and be designed for the life of the geologic sequestration project. All well materials must be compatible with fluids with which the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the Director to determine and specify casing and cementing requirements, the owner or operator must provide the following information:
 - a. Depth to the injection zone or zones;
 - b. Injection pressure, external pressure, internal pressure, and axial loading;
 - c. Hole size;
 - d. Size and grade of all casing strings (wall thickness, external diameter, nominal weight, length, joint specification, and construction material);
 - e. Corrosiveness of the carbon dioxide stream and formation fluids;
 - f. Down-hole temperatures;
 - g. Lithology of injection and confining zone or zones;
 - h. Type or grade of cement and cement additives; and
 - i. Quantity, chemical composition, and temperature of the carbon dioxide stream.
 2. Surface casing must extend through the base of the lowermost USDW and be cemented to the surface through the use of a single or multiple strings of casing and cement.
 3. At least one long string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages.
 4. Circulation of cement may be accomplished by staging. The Director may approve an alternative method of cementing in cases where the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate by using logs that the cement does not allow fluid movement behind the well bore.
 5. Cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement shall be verified

using technology capable of evaluating cement quality radially and identifying the location of channels to ensure that USDWs are not endangered.

- C. Tubing and packer.
1. Tubing and packer materials used in the construction of each Class VI well must be compatible with fluids with which the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director.
 2. All owners or operators of Class VI wells must inject fluids through tubing with a packer set at a depth opposite a cemented interval at the location approved by the Director.
 3. In order for the Director to determine and specify requirements for tubing and packer, the owner or operator must submit the following information:
 - a. Depth of setting;
 - b. Characteristics of the carbon dioxide stream (chemical content, corrosiveness, temperature, and density) and formation fluids;
 - c. Maximum proposed injection pressure;
 - d. Maximum proposed annular pressure;
 - e. Proposed injection rate (intermittent or continuous) and volume and/or mass of the carbon dioxide stream;
 - f. Size of tubing and casing; and
 - g. Tubing tensile, burst, and collapse strengths.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J662. Class VI; Logging, Sampling, and Testing Prior to Well Operation

- A. During the drilling and construction of a Class VI injection well, the owner or operator must run appropriate logs, surveys and tests to determine or verify the depth, thickness, porosity, permeability, and lithology of, and the salinity of any formation fluids in all relevant geologic formations to ensure conformance with the injection well construction requirements under R18-9-J661 and to establish accurate baseline data against which future measurements may be compared. The owner or operator must submit to the Director a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of such logs and tests. At a minimum, such logs and tests must include:
1. Deviation checks during drilling on all holes constructed by drilling a pilot hole which is enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine the location of the borehole and to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling; and
 2. Before and upon installation of the surface casing:
 - a. Resistivity, spontaneous potential, and caliper logs before the casing is installed; and
 - b. A cement bond and variable density log to evaluate cement quality radially, and a temperature log after the casing is set and cemented.
 3. Before and upon installation of the long string casing:
 - a. Resistivity, spontaneous potential, porosity, caliper, gamma ray, fracture finder logs, and any other logs

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the Director requires for the given geology before the casing is installed; and

- b. A cement bond and variable density log, and a temperature log after the casing is set and cemented.
4. A series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include:
 - a. A pressure test with liquid or gas;
 - b. A tracer survey such as oxygen-activation logging;
 - c. A temperature or noise log;
 - d. A casing inspection log; and
5. Any alternative methods that provide equivalent or better information and that are required by and/or approved of by the Director.
- B.** The owner or operator must take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from the injection zone or zones, and must submit to the Director a detailed report prepared by a log analyst that includes: Well log analyses (including well logs), core analyses, and formation fluid sample information. The Director may accept information on cores from nearby wells if the owner or operator can demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The Director may require the owner or operator to core other formations in the borehole.
- C.** The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of the injection zone or zones.
- D.** At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zone or zones:
 1. Fracture pressure;
 2. Other physical and chemical characteristics of the injection and confining zone or zones; and
 3. Physical and chemical characteristics of the formation fluids in the injection zone or zones.
- E.** Upon completion, but prior to operation, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of the injection zone or zones:
 1. A pressure fall-off test; and,
 2. A pump test; or
 3. Injectivity tests.
- F.** The owner or operator must provide the Director with the opportunity to witness all logging and testing by this Part. The owner or operator must submit a schedule of such activities to the Director 30 days prior to conducting the first test and submit any changes to the schedule 30 days prior to the next scheduled test.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J663. Class VI; Injection Well Operating Requirements

- A.** Except during stimulation, the owner or operator must ensure that injection pressure does not exceed 90 percent of the fracture pressure of the injection zone or zones so as to ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zone or zones. In no case may injection pressure initiate fractures in the confining zone or zones or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to requirements at R18-9-J657(B)(9), all stimulation programs must be approved by the

Director as part of the permit application and incorporated into the permit.

- B.** Injection between the outermost casing protecting USDWs and the well bore is prohibited.
- C.** The owner or operator must fill the annulus between the tubing and the long string casing with a non-corrosive fluid approved by the Director. The owner or operator must maintain on the annulus a pressure that exceeds the operating injection pressure, unless the Director determines that such requirement might harm the integrity of the well or endanger USDWs.
- D.** Other than during periods of well workover (maintenance) approved by the Director in which the sealed tubing-casing annulus is disassembled for maintenance or corrective procedures, the owner or operator must maintain mechanical integrity of the injection well at all times.
- E.** The owner or operator must install and use:
 1. Continuous recording devices to monitor: The injection pressure; the rate, volume and/or mass, and temperature of the carbon dioxide stream; and the pressure on the annulus between the tubing and the long string casing and annulus fluid volume; and
 2. Alarms and automatic surface shut-off systems or, at the discretion of the Director, down-hole shut-off systems for onshore wells or, other mechanical devices that provide equivalent protection.
- F.** If a shutdown (such as down-hole or at the surface) is triggered or a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify as expeditiously as possible the cause of the shutoff. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required under subsection (E) otherwise indicates that the well may be lacking mechanical integrity, the owner or operator must:
 1. Immediately cease injection;
 2. Take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;
 3. Notify the Director within 24 hours;
 4. Restore and demonstrate mechanical integrity to the satisfaction of the Director prior to resuming injection; and
 5. Notify the Director when injection can be expected to resume.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J664. Class VI; Mechanical Integrity

- A.** A Class VI well has mechanical integrity if:
 1. There is no significant leak in the casing, tubing, or packer; and
 2. There is no significant fluid movement into a USDW through channels adjacent to the injection well bore.
- B.** To evaluate the absence of significant leaks under subsection (A)(1), owners or operators must, following an initial annulus pressure test, continuously monitor injection pressure, rate, injected volumes; pressure on the annulus between tubing and long-string casing; and annulus fluid volume as specified in R18-9-J663;
- C.** At least once per year, the owner or operator must use one of the following methods to determine the absence of significant fluid movement under subsection (A)(2):

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1. An approved tracer survey such as an oxygen-activation log; or
 2. A temperature or noise log.
- D.** If required by the Director, at a frequency specified in the testing and monitoring plan required at R18-9-J665, the owner or operator must run a casing inspection log to determine the presence or absence of corrosion in the long-string casing.
- E.** The Director may require any other test to evaluate mechanical integrity under subsections (A)(1) or (2). Also, the Director may allow the use of a test to demonstrate mechanical integrity other than those listed above with the written approval of the Administrator. To obtain approval for a new mechanical integrity test, the Director must submit a written request to the Administrator setting forth the proposed test and all technical data supporting its use.
- F.** In conducting and evaluating the tests enumerated in this Section or others to be allowed by the Director, the owner or operator and the Director must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, they shall include a description of the test or tests and the method or methods used. In making his or her evaluation, the Director must review monitoring and other test data submitted since the previous evaluation.
- G.** The Director may require additional or alternative tests if the results presented by the owner or operator under subsections (A) through (F) are not satisfactory to the Director to demonstrate that there is no significant leak in the casing, tubing, or packer, or to demonstrate that there is no significant movement of fluid into a USDW resulting from the injection activity as stated in subsections (A)(1) and (2).
- Historical Note**
New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).
- R18-9-J665. Class VI; Testing and Monitoring Requirements**
- The owner or operator of a Class VI well must prepare, maintain, and comply with a testing and monitoring plan to verify that the geologic sequestration project is operating as permitted and is not endangering USDWs. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The testing and monitoring plan must be submitted with the permit application, for Director approval, and must include a description of how the owner or operator will meet the requirements of this Section, including accessing sites for all necessary monitoring and testing during the life of the project. Testing and monitoring associated with geologic sequestration projects must, at a minimum, include:
1. Analysis of the carbon dioxide stream with sufficient frequency to yield data representative of its chemical and physical characteristics;
 2. Installation and use, except during well workovers as defined in R18-9-J663, of continuous recording devices to monitor injection pressure, rate, and volume; the pressure on the annulus between the tubing and the long string casing; and the annulus fluid volume added;
 3. Corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components meet the minimum standards for material strength and performance set forth in R18-9-J661, by:
 - a. Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream; or
 - b. Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or
 - c. Using an alternative method approved by the Director;
 4. Periodic monitoring of the ground water quality and geochemical changes above the confining zone or zones that may be a result of carbon dioxide movement through the confining zone or zones or additional identified zones including:
 - a. The location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and
 - b. The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected under R18-9-J657 and on any modeling results in the area of review evaluation required by R18-9-J659(C).
 5. A demonstration of external mechanical integrity pursuant to R18-9-J664(C) at least once per year until the injection well is plugged; and, if required by the Director, a casing inspection log pursuant to requirements under R18-9-J664(D) at a frequency established in the testing and monitoring plan;
 6. A pressure fall-off test at least once every five years unless more frequent testing is required by the Director based on site-specific information;
 7. Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using:
 - a. Direct methods in the injection zone or zones; and,
 - b. Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate;
 8. The Director may require surface air monitoring and/or soil gas monitoring to detect movement of carbon dioxide that could endanger a USDW.
 - a. Design of Class VI surface air and/or soil gas monitoring must be based on potential risks to USDWs within the area of review;
 - b. The monitoring frequency and spatial distribution of surface air monitoring and/or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation and/or compliance with standards under R18-9-B608;
 - c. If an owner or operator demonstrates that monitoring employed under 40 CFR §§ 98.440 to 98.449 (Clean Air Act, 42 U.S.C. 7401 et seq.) accomplishes the goals of subsections (A)(8)(a) and (b), and meets the requirements pursuant to R18-9-J666(3)(e), a Director that requires surface air/soil gas monitoring must approve the use of monitoring employed under 40 CFR §§ 98.440 to 98.449. Compliance with 40 CFR §§ 98.440 to 98.449 pursuant

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- to this provision is considered a condition of the Class VI permit;
9. Any additional monitoring, as required by the Director, necessary to support, upgrade, and improve computational modeling of the area of review evaluation required under R18-9-J659(C) and to determine compliance with standards under R18-9-B608;
 10. The owner or operator shall periodically review the testing and monitoring plan to incorporate monitoring data collected under this Part, operational data collected under R18-9-J663, and the most recent area of review reevaluation performed under R18-9-J659(E). In no case shall the owner or operator review the testing and monitoring plan less often than once every five years. Based on this review, the owner or operator shall submit an amended testing and monitoring plan or demonstrate to the Director that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements under R18-9-C632 or R18-9-C633, as appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:
 - a. Within one year of an area of review reevaluation;
 - b. Following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells within the area of review, on a schedule determined by the Director; or
 - c. When required by the Director.
 11. A quality assurance and surveillance plan for all testing and monitoring requirements.
 - c. Any other test of the injection well conducted by the permittee if required by the Director.
 3. Report, within 24 hours:
 - a. Any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;
 - b. Any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;
 - c. Any triggering of a shut-off system (i.e., down-hole or at the surface);
 - d. Any failure to maintain mechanical integrity; or
 - e. Pursuant to compliance with the requirement at R18-9-J665(8) for surface air/soil gas monitoring or other monitoring technologies, if required by the Director, any release of carbon dioxide to the atmosphere or biosphere.
 4. Owners or operators must notify the Director in writing 30 days in advance of:
 - a. Any planned well workover;
 - b. Any planned stimulation activities, other than stimulation for formation testing conducted under R18-9-J657; and
 - c. Any other planned test of the injection well conducted by the permittee.
 5. Owners or operators must submit all required reports, submittals, and notifications under Part J of this Article to EPA in an electronic format approved by EPA.
 6. Records shall be retained by the owner or operator as follows:
 - a. All data collected under R18-9-J657 for Class VI permit applications shall be retained throughout the life of the geologic sequestration project and for 10 years following site closure.
 - b. Data on the nature and composition of all injected fluids collected pursuant to R18-9-J665(1) shall be retained until 10 years after site closure. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.
 - c. Monitoring data collected pursuant to R18-9-J665(2) through (9) shall be retained for 10 years after it is collected.
 - d. Well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at R18-9-J668(F) and (H) shall be retained for 10 years following site closure.
 - e. The Director has authority to require the owner or operator to retain any records required in this Part for longer than 10 years after site closure.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J666. Class VI; Reporting Requirements

The owner or operator must provide at a minimum, the following reports to the Director, and as specified in subsection (5) to EPA, for each permitted Class VI well:

1. Semi-annual reports containing:
 - a. Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;
 - b. Monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;
 - c. A description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;
 - d. A description of any event which triggers a shut-off device required pursuant to R18-9-J663(E) and the response taken;
 - e. The monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;
 - f. Monthly annulus fluid volume added; and
 - g. The results of monitoring prescribed under R18-9-J665.
2. Report, within 30 days, the results of:
 - a. Periodic tests of mechanical integrity;
 - b. Any well workover; and,

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J667. Class VI; Injection Well Plugging

- A. Prior to the well plugging, the owner or operator must flush each Class VI injection well with a buffer fluid, determine bottomhole reservoir pressure, and perform a final external mechanical integrity test.

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- B.** The owner or operator of a Class VI well must prepare, maintain, and comply with a plan that is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The well plugging plan must be submitted as part of the permit application and must include the following information:
1. Appropriate tests or measures for determining bottom-hole reservoir pressure;
 2. Appropriate testing methods to ensure external mechanical integrity as specified in R18-9-J664;
 3. The type and number of plugs to be used;
 4. The placement of each plug, including the elevation of the top and bottom of each plug;
 5. The type, grade, and quantity of material to be used in plugging. The material must be compatible with the carbon dioxide stream; and
 6. The method of placement of the plugs.
- C.** The owner or operator must notify the Director in writing pursuant to R18-9-J666(5), at least 60 days before plugging of a well. At this time, if any changes have been made to the original well plugging plan, the owner or operator must also provide the revised well plugging plan. The Director may allow for a shorter notice period. Any amendments to the injection well plugging plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at R18-9-C632 or R18-9-C633, as appropriate.
- D.** Within 60 days after plugging, the owner or operator must submit, pursuant to R18-9-J666(5), a plugging report to the Director. The report must be certified as accurate by the owner or operator and by the person who performed the plugging operation, if other than the owner or operator. The owner or operator shall retain the well plugging report for 10 years following site closure.
- d. A proposed schedule for submitting post-injection site care monitoring results to the Director pursuant to R18-9-J666(5); and
 - e. The duration of the post-injection site care timeframe and, if approved by the Director, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.
3. Upon cessation of injection, owners or operators of Class VI wells must either submit an amended post-injection site care and site closure plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the plan is needed. Any amendments to the post-injection site care and site closure plan must be approved by the Director, be incorporated into the permit, and are subject to the permit modification requirements at R18-9-C632 or R18-9-C633, as appropriate.
 4. At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for the Director's approval within 30 days of such change.
- B.** The owner or operator shall monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that USDWs are not being endangered.
1. Following the cessation of injection, the owner or operator shall continue to conduct monitoring as specified in the Director-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the Director pursuant to requirements in subsection (C), unless they make a demonstration under subsection (B)(2). The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under subsection (B)(2) is submitted and approved by the Director.
 2. If the owner or operator can demonstrate to the satisfaction of the Director before 50 years or prior to the end of the approved alternative timeframe based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to USDWs, the Director may approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or may authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe, where they have substantial evidence that the geologic sequestration project no longer poses a risk of endangerment to USDWs.
 3. Prior to authorization for site closure, the owner or operator must submit to the Director for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs.
 4. If the demonstration in subsection (B)(3) cannot be made at the end of the 50-year period or at the end of the approved alternative timeframe, or if the Director does not approve the demonstration, the owner or operator must submit to the Director a plan to continue post-injection site care until a demonstration can be made and approved by the Director.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J668. Class VI; Post-Injection Site Care and Site Closure

- A.** The owner or operator of a Class VI well must prepare, maintain, and comply with a plan for post-injection site care and site closure that meets the requirements of subsection (A)(2) and is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.
1. The owner or operator must submit the post-injection site care and site closure plan as a part of the permit application to be approved by the Director.
 2. The post-injection site care and site closure plan must include the following information:
 - a. The pressure differential between pre-injection and predicted post-injection pressures in the injection zone or zones;
 - b. The predicted position of the carbon dioxide plume and associated pressure front at site closure as demonstrated in the area of review evaluation required under R18-9-J659(C)(1);
 - c. A description of post-injection monitoring location, methods, and proposed frequency;
- C.** At the Director's discretion, the Director may approve, in consultation with EPA, an alternative post-injection site care timeframe other than the 50-year default, if an owner or operator

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can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non-endangerment of USDWs. The demonstration must be based on significant, site-specific data and information including all data and information collected pursuant to R18-9-J657 or R18-9-J658, and must contain substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.

1. A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:
 - a. The results of computational modeling performed pursuant to delineation of the area of review under R18-9-J659;
 - b. The predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;
 - c. The predicted rate of carbon dioxide plume migration within the injection zone, and the predicted timeframe for the cessation of migration;
 - d. A description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;
 - e. The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;
 - f. The results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information required in subsection (C)(1)(d) and (C)(1)(e);
 - g. A characterization of the confining zone or zones including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability, and integrity to impede fluid movement, such as carbon dioxide and formation fluids;
 - h. The presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;
 - i. A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;
 - j. The distance between the injection zone and the nearest USDWs above and/or below the injection zone; and
 - k. Any additional site-specific factors required by the Director.
2. Information submitted to support the demonstration in subsection (C)(1) must meet the following criteria:
 - a. All analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;
 - b. Estimation techniques must be appropriate and EPA-certified test protocols must be used where available;
 - c. Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;
 - d. Predictive models must be calibrated using existing information where sufficient data are available;
 - e. Reasonably conservative values and modeling assumptions must be used and disclosed to the Director whenever values are estimated on the basis of known, historical information instead of site-specific measurements;
 - f. An analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration;
 - g. An approved quality assurance and quality control plan must address all aspects of the demonstration; and
 - h. Any additional criteria required by the Director.
- D. The owner or operator must notify the Director in writing at least 120 days before site closure. At this time, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Director may allow for a shorter notice period.
- E. After the Director has authorized site closure, the owner or operator must plug all monitoring wells in a manner which will not allow movement of injection or formation fluids that endangers a USDW.
- F. The owner or operator must submit a site closure report to the Director within 90 days of site closure, which must thereafter be retained at a location designated by the Director for 10 years. The report must include:
 1. Documentation of appropriate injection and monitoring well plugging as specified in R18-9-J667 and subsection (E). The owner or operator must provide a copy of a survey plat which has been submitted to the local zoning authority designated by the Director. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to the Administrator of EPA Region 9;
 2. Documentation of appropriate notification and information to such State, local and Tribal authorities that have authority over drilling activities to enable such State, local, and Tribal authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zone or zones; and
 3. Records reflecting the nature, composition, and volume of the carbon dioxide stream.
- G. Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during Title search that will in perpetuity provide any potential purchaser of the property the following information:
 1. The fact that land has been used to sequester carbon dioxide;
 2. The name of the State agency, local authority, and/or Tribe with which the survey plat was filed, as well as the address of the Environmental Protection Agency Regional Office to which it was submitted; and

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3. The volume of fluid injected, the injection zone or zones into which it was injected, and the period over which injection occurred.
- H. The owner or operator must retain for 10 years following site closure, records collected during the post-injection site care period. The owner or operator must deliver the records to the Director at the conclusion of the retention period, and the records must thereafter be retained at a location designated by the Director for that purpose.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J669. Class VI; Emergency and Remedial Response

- A. As part of the permit application, the owner or operator must provide the Director with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids that may cause an endangerment to a USDW during construction, operation, and post-injection site care periods. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.
- B. If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must:
1. Immediately cease injection;
 2. Take all steps reasonably necessary to identify and characterize any release;
 3. Notify the Director within 24 hours; and
 4. Implement the emergency and remedial response plan approved by the Director.
- C. The Director may allow the operator to resume injection prior to remediation if the owner or operator demonstrates that the injection operation will not endanger USDWs.
- D. The owner or operator shall periodically review the emergency and remedial response plan developed under subsection (A). In no case shall the owner or operator review the emergency and remedial response plan less often than once every five years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the Director that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at R18-9-C632 or R18-9-C633, as appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:
1. Within one year of an area of review reevaluation;
 2. Following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the Director; or
 3. When required by the Director.

Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

R18-9-J670. Class VI; Injection Depth Waiver Requirements

- A. This Section sets forth information which an owner or operator seeking a waiver of the Class VI injection depth requirements must submit to the Director; information the Director must

consider in consultation with all affected Public Water System Supervision Directors; the procedure for Director-- Administrator communication and waiver issuance; and the additional requirements that apply to owners or operators of Class VI wells granted a waiver of the injection depth requirements.

- B. In seeking a waiver of the requirement to inject below the lowermost USDW, the owner or operator must submit a supplemental report concurrent with permit application. The supplemental report must include the following:
1. A demonstration that the injection zone or zones is/are laterally continuous, is not a USDW, and is not hydraulically connected to USDWs; does not outcrop; has adequate injectivity, volume, and sufficient porosity to safely contain the injected carbon dioxide and formation fluids; and has appropriate geochemistry.
 2. A demonstration that the injection zone or zones is/are bounded by laterally continuous, impermeable confining units above and below the injection zone or zones adequate to prevent fluid movement and pressure buildup outside of the injection zone or zones; and that the confining unit or units is/are free of transmissive faults and fractures. The report shall further characterize the regional fracture properties and contain a demonstration that such fractures will not interfere with injection, serve as conduits, or endanger USDWs.
 3. A demonstration, using computational modeling, that USDWs above and below the injection zone will not be endangered as a result of fluid movement. This modeling should be conducted in conjunction with the area of review determination, as described in R18-9-J659, and is subject to requirements, as described in R18-9-J659(C), and periodic reevaluation, as described in R18-9-J659(E).
 4. A demonstration that well design and construction, in conjunction with the waiver, will ensure isolation of the injectate in lieu of requirements at R18-9-J661(A)(1) and will meet well construction requirements in subsection (G).
 5. A description of how the monitoring and testing and any additional plans will be tailored to the geologic sequestration project to ensure protection of USDWs above and below the injection zone or zones, if a waiver is granted.
 6. Information on the location of all the public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review.
 7. Any other information requested by the Director to inform the Administrator's decision to issue a waiver.
- C. To inform the Administrator's decision on whether to grant a waiver of the injection depth requirements at R18-9-A604 and R18-9-J661(A)(1), the Director must submit, to the Administrator, documentation of the following:
1. An evaluation of the following information as it relates to siting, construction, and operation of a geologic sequestration project with a waiver:
 - a. The integrity of the upper and lower confining units;
 - b. The suitability of the injection zone or zones, such as lateral continuity, lack of transmissive faults and fractures, knowledge of current or planned artificial penetrations into the injection zone or zones, or formations below the injection zone;
 - c. The potential capacity of the geologic formation or formations to sequester carbon dioxide, accounting for the availability of alternative injection sites;

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- d. All other site characterization data, the proposed emergency and remedial response plan, and a demonstration of financial responsibility;
 - e. Community needs, demands, and supply from drinking water resources;
 - f. Planned needs, potential and/or future use of USDWs and non-USDWs in the area;
 - g. Planned or permitted water, hydrocarbon, or mineral resource exploitation potential of the proposed injection formation or formations and other formations both above and below the injection zone to determine if there are any plans to drill through the formation to access resources in or beneath the proposed injection zone or zones/formation or formations;
 - h. The proposed plan for securing alternative resources or treating USDW formation waters in the event of contamination related to the Class VI injection activity; and,
 - i. Any other applicable considerations or information requested by the Director.
2. Consultation with the Public Water System Supervision Directors of all States and Tribes having jurisdiction over lands within the area of review of a well for which a waiver is sought.
 3. Any written waiver-related information submitted by the Public Water System Supervision Director or Directors to the (UIC) Director.
- D.** Pursuant to requirements at R18-9-C620 and concurrent with the Class VI permit application notice process, the Director shall give public notice that a waiver application has been submitted. The notice shall clearly state:
1. The depth of the proposed injection zone or zones;
 2. The location of the injection well or wells;
 3. The name and depth of all USDWs within the area of review;
 4. A map of the area of review;
 5. The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and,
 6. The results of UIC-Public Water System Supervision consultation required under subsection (C)(2).
- E.** Following public notice, the Director shall provide all information received through the waiver application process to the Administrator. Based on the information provided, the Administrator shall provide written concurrence or non-concurrence regarding waiver issuance.
1. If the Administrator determines that additional information is required to support a decision, the Director shall provide the information. At the Administrator's discretion, they may require that public notice of the new information be initiated.
 2. In no case shall a Director of a State-approved program issue a waiver without receipt of written concurrence from the Administrator.
- F.** If a waiver is issued, within 30 days of waiver issuance, EPA shall post the following information on the Office of Water's Web site:
1. The depth of the proposed injection zone or zones;
 2. The location of the injection well or wells;
 3. The name and depth of all USDWs within the area of review;
 4. A map of the area of review;
5. The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and
 6. The date of waiver issuance.
- G.** Upon receipt of a waiver of the requirement to inject below the lowermost USDW for geologic sequestration, the owner or operator of the Class VI well must comply with:
1. All requirements at R18-9-J659, R18-9-J660, R18-9-J662, R18-9-J663, R18-9-J664, R18-9-J666, R18-9-J667, and R18-9-J669;
 2. All requirements at R18-9-J661 with the following modified requirements:
 - a. The owner or operator must ensure that Class VI wells with a waiver are constructed and completed to prevent movement of fluids into any unauthorized zones including USDWs, in lieu of requirements at R18-9-J661(A)(1).
 - b. The casing and cementing program must be designed to prevent the movement of fluids into any unauthorized zones including USDWs in lieu of requirements at R18-9-J661(B)(1).
 - c. The surface casing must extend through the base of the nearest USDW directly above the injection zone and be cemented to the surface; or, at the Director's discretion, another formation above the injection zone and below the nearest USDW above the injection zone.
 3. All requirements at R18-9-J665 with the following modified requirements:
 - a. The owner or operator shall monitor the groundwater quality, geochemical changes, and pressure in the first USDWs immediately above and below the injection zone or zones; and in any other formations at the discretion of the Director.
 - b. Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure by using direct methods to monitor for pressure changes in the injection zone or zones; and, indirect methods (such as seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate.
 4. All requirements at R18-9-J668 with the following, modified post-injection site care monitoring requirements:
 - a. The owner or operator shall monitor the groundwater quality, geochemical changes and pressure in the first USDWs immediately above and below the injection zone; and in any other formations at the discretion of the Director.
 - b. Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure by using direct methods in the injection zone or zones; and indirect methods, unless the Director determines based on site-specific geology, that such methods are not appropriate.
 5. Any additional requirements requested by the Director designed to ensure protection of USDWs above and below the injection zone or zones.

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Historical Note

New Section made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

Table 1: Applicable Standards National Primary Drinking Water Regulations

| Contaminant | MCL ¹ (mg/L) ² |
|------------------------------------|--------------------------------------|
| Alachlor | 0.002 |
| Alpha/photon emitters | 15 picocuries per Liter (pCi/L) |
| Antimony | 0.006 |
| Arsenic | 0.010 |
| Asbestos (fibers>10 micrometers) | 7 million fibers per Liter (MFL) |
| Atrazine | 0.003 |
| Barium | 2 |
| Benzene | 0.005 |
| Benzo(a)pyrene (PAHs) | 0.0002 |
| Beryllium | 0.004 |
| Beta photon emitters | 4 millirems per year |
| Bromate | 0.010 |
| Cadmium | 0.005 |
| Carbofuran | 0.04 |
| Carbon tetrachloride | 0.005 |
| Chlordane | 0.002 |
| Chlorite | 1.0 |
| Chlorobenzene | 0.1 |
| Chromium (total) | 0.1 |
| Cyanide (as free cyanided) | 0.2 |
| 2,4-D | 0.07 |
| Dalapon | 0.2 |
| 1,2-Dibromo-3-chloropropane (DBCP) | 0.0002 |
| o-Dichlorobenzene | 0.6 |
| p-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| Cis-1,2-Dichloroethylene | 0.07 |
| Trans-1,2-Dichloroethylene | 0.1 |
| Dichloromethane | 0.005 |
| 1,2-Dichloropropane | 0.005 |
| Di(2-ethylhexyl) adipate | 0.4 |
| DI(2-ethylhexyl) phthalate | 0.006 |
| Dinoseb | 0.007 |
| Dioxin (2,3,7,8-TCDD) | 0.00000003 |
| Diquat | 0.02 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylbenzene | 0.7 |
| Ethylene dibromide | 0.00005 |
| Fecal coliform and <i>E.coli</i> | MCL ³ |
| Fluoride | 4.0 |

| | |
|--------------------------------------|--------------------------|
| Glyphosate | 0.7 |
| Haloacetic acids (HAA5) | 0.060 |
| Heptachlor | 0.0004 |
| Heptachlor epoxide | 0.0002 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Lindane | 0.0002 |
| Mercury (inorganic) | 0.002 |
| Methoxychlor | 0.04 |
| Nitrate (measured as Nitrogen) | 10 |
| Nitrite (measured as Nitrogen) | 1 |
| Oxamyl (Vydate) | 0.2 |
| Pentachlorophenol | 0.001 |
| Picloram | 0.5 |
| Polychlorinated biphenyls (PCBs) | 0.0005 |
| Radium 226 and Radium 228 (combined) | 5 pCi/L |
| Selenium | 0.05 |
| Simazine | 0.004 |
| Styrene | 0.1 |
| Tetrachloroethylene | 0.005 |
| Thallium | 0.002 |
| Toluene | 1 |
| Total Coliforms | 5.0 percent ⁴ |
| Total Trihalomethanes (TTHMs) | 0.080 |
| Toxaphene | 0.003 |
| 2,4,5-TP (Silvex) | 0.05 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.2 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Uranium | 30µg/L |
| Vinyl chloride | 0.002 |
| Xylenes (total) | 10 |

NOTES

¹ Maximum Contaminant Level (MCL) – The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to MCLGs as feasible using the best available treatment technology and taking cost into consideration. MCLs are enforceable standards.

² Units are in milligrams per liter (mg/L) unless otherwise noted. Milligrams per liter are equivalent to parts per million (ppm).

³ A routine sample that is fecal coliform-positive or E. coli-positive triggers repeat samples-if any repeat sample is total coliform-positive, the system has an acute MCL violation. A routine sample that is total coliform-positive, and fecal coliform-negative or E. coli-negative triggers repeat samples – if any repeat sample is fecal coliform-positive or E. coli-positive, the system has an acute MCL violation. See also Total Coliforms.

⁴ No more than 5.0 percent samples total coliform-positive in a month. (For water systems that collect fewer than 40 routine sam-

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ples per month, no more than one sample can be total coliform-positive per month.) Every sample that has total coliform must be analyzed for either fecal coliforms or E. coli. If two consecutive TC-positive samples, and one is also positive for E. coli or fecal coliforms, system has an acute MCL violation.

Historical Note

New Table 1, under Article 6, Part J made by final rulemaking at 28 A.A.R. 1903 (August 5, 2022), effective September 6, 2022 (Supp. 22-3).

ARTICLE 7. USE OF RECYCLED WATER**R18-9-701. Renumbered****Historical Note**

Former Section R9-20-401 repealed, new Section R9-20-401 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-401 renumbered without change as Section R18-9-701 (Supp. 87-3). Amended by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-701 renumbered to R18-9-A701 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-702. Renumbered**Historical Note**

Former Section R9-20-402 repealed, new Section R9-20-402 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-402 renumbered without change as Section R18-9-702 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-702 renumbered to R18-9-A702 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-703. Renumbered**Historical Note**

Former Section R9-20-403 repealed, new Section R9-20-403 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-403 renumbered without change as Section R18-9-703 (Supp. 87-3). Editorial change to labels in subsection (c)(8) (Supp. 89-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-703 renumbered to R18-9-B701 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-704. Renumbered**Historical Note**

Former Section R9-20-404 repealed, new Section R9-20-404 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-404 renumbered without change as Section R18-9-704 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-704 amended by final rulemaking at 22 A.A.R. 1696, effective August 12, 2016 (Supp. 16-2). Section R18-9-704 and Table 1 renumbered to R18-9-B702 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-705. Renumbered**Historical Note**

Former Section R9-20-405 repealed, new Section R9-20-405 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-405 renumbered without change as Section R18-9-705 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-705 renumbered to R18-9-A703 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-706. Renumbered**Historical Note**

Former Section R9-20-406 repealed, new Section R9-20-406 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-406 renumbered without change as Section R18-9-706 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-706 renumbered to R18-9-B703 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-707. Renumbered**Historical Note**

Former Section R9-20-407 repealed, new Section R9-30-407 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-407 renumbered without change as Section R18-9-707 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-707 renumbered to R18-9-C701 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-708. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-708 renumbered to R18-9-A704 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-709. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-709 renumbered to R18-9-A705 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-710. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-710 renumbered to R18-9-A706 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-711. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-711 renumbered to R18-9-D701 by final rulemak-

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ing at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-712. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-712 renumbered to R18-9-B704 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-713. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-713 renumbered to R18-9-B705 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-714. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-714 renumbered to R18-9-B706 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-715. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-715 renumbered to R18-9-B707 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-716. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-716 renumbered to R18-9-B708 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-717. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-717 renumbered to R18-9-B709 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-718. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-718 renumbered to R18-9-B710 by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-719. Renumbered**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section R18-9-719 renumbered to R18-9-D702 by final rulemak-

ing at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-720. Repealed**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1). Section repealed by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART A. GENERAL PROVISIONS

R18-9-A701. Definitions

Unless provided otherwise, the definitions provided in A.R.S. § 49-201, A.A.C. R18-9-101, R18-9-601, R18-11-301, and the following terms apply to this Article:

1. "Advanced reclaimed water treatment facility" means a facility that treats and purifies Class A+ or Class B+ reclaimed water to produce potable water suitable for distribution for human consumption. R18-9-B702(B) does not apply to an advanced reclaimed water treatment facility. Potable water produced by an advanced reclaimed water treatment facility is not reclaimed water.
2. "Direct reuse" means the beneficial use of reclaimed water for a purpose allowed by this Article. The following is not a direct reuse of reclaimed water:
 - a. The use of water subsequent to its discharge under the conditions of a National or Arizona Pollutant Discharge Elimination System permit;
 - b. The use of water subsequent to discharge under the conditions of an Aquifer Protection Permit issued under 18 A.A.C. 9, Articles 1 through 3;
 - c. The use of industrial wastewater, reclaimed water, or both, in a workplace subject to a federal program that protects workers from workplace exposures; or
 - d. The use of potable water produced by an advanced reclaimed water treatment facility.
3. "Direct reuse site" means an area permitted for the application or impoundment of reclaimed water. An impoundment operated for disposal under an Aquifer Protection Permit is not a direct reuse site.
4. "End user" means a person who directly reuses reclaimed water meeting the standards for Classes A+, A, B+, B, and C, established under 18 A.A.C. 11, Article 3.
5. "*Gray water*" means wastewater that has been collected separately from a sewage flow and that originates from a clothes washer or a bathroom tub, shower or sink but that does not include wastewater from a kitchen sink, dishwasher or toilet. A.R.S. § 49-201(18).
6. "Industrial wastewater" means wastewater generated from an industrial process.
7. "Irrigation" means the beneficial use of water or reclaimed water, or both, for growing crops, turf, or silviculture, or for landscaping.
8. "Open access" means access to reclaimed water by the general public is uncontrolled.
9. "Open water conveyance" means any constructed open waterway, including canals and laterals, that transports reclaimed water from a sewage treatment facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use. An open water conveyance does not include waters of the United States.
10. "Pipeline conveyance" means any system of pipelines that transports reclaimed water from a sewage treatment

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facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use.

11. "Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. A.R.S. § 49-201(32).
12. "Reclaimed water agent" means a person who holds a permit to distribute reclaimed water to more than one end user.
13. "Reclaimed water blending facility" means an installation or method of operation that receives reclaimed water from a sewage treatment facility or other reclaimed water blending facility classified to produce Class C or better reclaimed water and blends it with other water so that the produced water may be used for a higher-class purpose listed in 18 A.A.C. 11, Article 3, Table A.
14. "Recycled water" means a processed water that originated as a waste or discarded water, including reclaimed water and gray water, for which the Department has designated water quality specifications to allow the water to be used as a supply.
15. "Restricted access" means that access to reclaimed water by the general public is controlled.
16. "Sewage Treatment Facility" means a sewage treatment facility as defined in 18 A.A.C. 9, Article 1.

Historical Note

New Section R18-9-A701 renumbered from R18-9-701 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A702. Applicability and Standards for Recycled Water

- A. This Article applies to:
 1. An owner or operator of a sewage treatment facility that generates reclaimed water for direct reuse,
 2. An owner or operator of a reclaimed water blending facility,
 3. A reclaimed water agent,
 4. An end user of reclaimed water,
 5. A person who uses recycled water regulated under this Article,
 6. A person who directly reuses reclaimed water from a sewage treatment facility combined with industrial wastewater or combined with water from an industrial wastewater treatment facility, and
 7. A person who directly reuses reclaimed water from an industrial wastewater treatment facility in the production or processing of a crop or substance that may be used as human or animal food.
- B. Reclaimed water classes A+, A, B+, B, and C specified in this Article shall meet the standards established in 18 A.A.C. 11, Article 3.
- C. Nothing in this Article exempts the disposal of reclaimed water from the Aquifer Protection Permit requirements under A.R.S. Title 49, Chapter 2, Articles 1, 2, and 3.

Historical Note

New Section R18-9-A702 renumbered from R18-9-702 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A703. Recycled Water Individual Permit Application

- A. To apply for a Recycled Water Individual Permit, a person shall provide the Department with:
 1. The applicable permit fee specified under 18 A.A.C. 14; and
 2. The following information on a form provided by the Department:
 - a. The name, e-mail address, telephone number, and mailing address of the owner or operator of the facility or, if applicable, the reclaimed water agent;
 - b. The latitude and longitude coordinates; township range, and section; site address, if applicable; and a map showing the facility or site location;
 - c. Any other federal or state environmental permits issued to the applicant;
 - d. Source of recycled water to be used;
 - e. The applicant may propose for approval, and the Department may issue, a single permit that includes more than one type of recycled water allowed by this article, including for multiple classes of reclaimed water, if the applicant demonstrates the waters will be treated appropriately for the end use;
 - f. The applicant may propose, and the Department may permit, the inclusion of kitchen sink and dishwasher wastewater with gray water under a Recycled Water Individual Permit, if the applicant demonstrates such waters will be treated appropriately for the end use;
 - g. Estimated volume of recycled water to be used on an annual basis;
 - h. Class of reclaimed water to be directly reused, if applicable;
 - i. Description of the use activity;
 - j. Any treatment measures utilized to meet or maintain reclaimed water quality standards or otherwise ensure the quality of the recycled water is fit for the intended use; and
 - k. The applicant's certification that the information submitted in the application is true and accurate to the best of the applicant's knowledge.

B. Public participation.

1. Notice of Preliminary Decision.
 - a. The Department shall publish the Notice of Preliminary Decision regarding the issuance or denial of a final permit determination on the Department's website.
 - b. The Department shall accept written comments from the public before a Recycled Water Individual Permit is issued or denied.
 - c. The written public comment period begins on the publication date of the Notice of Preliminary Decision and extends for 30 calendar days.
2. After publishing the notice specified in subsection (B)(1)(a), the Department shall hold a public hearing to address the Notice of Preliminary Decision if the Department determines that:
 - a. Significant public interest in a public hearing exists, or
 - b. Significant issues or information have been brought to the attention of the Department that are relevant to the permitting decision and have not been considered previously in the permitting process.
3. If the Department determines a public hearing is necessary and a public hearing has not already been noticed under subsection (B)(1)(a), the Department shall schedule a public hearing and republish the Notice of Preliminary Decision.

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nary Decision and notice of the public hearing on the Department's website.

4. The Department shall accept written public comment until the close of the hearing record as specified by the person presiding at the public hearing.
- C. Final permit issuance or denial.
1. The Department may deny a Recycled Water Individual Permit if the Department determines upon completion of the application process the applicant has:
 - a. Failed or refused to correct a deficiency in the permit application;
 - b. Failed to demonstrate the facility and the operation will protect public health and water quality. This determination shall be based on:
 - i. The information submitted in the permit application,
 - ii. Any information submitted to the Department as written public comment or following a public hearing; or
 - iii. Any information relevant to the demonstration developed or acquired by the Department, or
 - c. Provided false or misleading information.
 2. If the Department denies a Recycled Water Individual Permit the Department shall provide the applicant with written notification explaining the following:
 - a. The reasons for the denial with references to the statutes or rules on which the denial is based.
 - b. The applicant's right to appeal the denial, including the number of days the applicant has to file a notice of appeal, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process.
 - c. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

Historical Note

New Section R18-9-A703 renumbered from R18-9-705 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A704. Recycled Water General Permit

- A. Type 1 Recycled Water General Permit for Gray Water. A person may use recycled water without notice to the Department if the use:
1. Is specifically authorized by and meets the requirements of this Article, and
 2. Complies with the requirements of the Type 1 Recycled Water General Permit under this Article.
- B. Type 2 Recycled Water General Permit for Reclaimed Water.
1. A person may use recycled water under a Type 2 Recycled Water General Permit if:
 - a. The use is authorized by and meets the requirements of this Article;
 - b. The use meets all the conditions of the applicable Type 2 Recycled Water General Permit under this Article;
 - c. The person files a Notice of Intent to Use Recycled Water under subsection (B)(2); and
 - d. The person submits the applicable fee established in 18 A.A.C. 14.
 2. Notice of Intent to Use Recycled Water.
 - a. A person shall submit, by mail, in person, or by another method approved by the Department, the

Notice of Intent to Use Recycled Water on a form provided by the Department.

- b. The Notice of Intent to Use Recycled Water shall include:
 - i. The name, address, e-mail address, and telephone number of the applicant;
 - ii. The name, address, and telephone number of the contact person;
 - iii. The source, estimated volume, and, if applicable, class of recycled water to be used;
 - iv. The latitude and longitude coordinates of the approximate center point of the use site;
 - v. The description of the use activity; and
 - vi. The applicant's certification that the applicant agrees to comply with all requirements of this Article, including specific terms of the applicable Recycled Water General Permit.
 - c. For a Type 2 Recycled Water General Permit for Direct Reuse of Reclaimed Water, the Notice of Intent to Use Recycled Water must include the description of the direct reuse activity, including a description of acreage and the type of vegetation to be irrigated, if applicable to the type of direct reuse activity.
3. The Department shall notify the applicant that the Department received the Notice of Intent to Use Recycled Water and that the applicant is authorized to use the recycled water according to Type 2 permit conditions.
- C. Type 3 Recycled Water General Permit for Reclaimed Water and Type 3 Recycled Water General Permit for Gray Water. A person shall not operate under a Type 3 Recycled Water General Permit until the Department issues a written Recycled Water Authorization.
1. Application submittal. The applicant shall submit, either by mail, in person at the Department, or by another method approved by the Department:
 - a. The Notice of Intent to Use Recycled Water on a form provided by the Department containing the information specified in the applicable Type 3 Recycled Water General Permit under this Article, and
 - b. The applicable fee established in 18 A.A.C. 14.
 2. Issuance of Recycled Water Authorization. If, after reviewing the Notice of Intent to Use Recycled Water, the Department determines the direct reuse conforms with the conditions of a Type 3 Recycled Water General Permit and all other applicable requirements of this Article, the Department shall issue the Recycled Water Authorization.
 3. Denial of Recycled Water Authorization.
 - a. If the Department determines on the basis of its review or an inspection the use does not conform to the conditions of the applicable Type 3 Recycled Water General Permit or other applicable requirements of this Article, the Department shall notify the applicant of its decision not to issue the Recycled Water Authorization.
 - b. The applicant may appeal the decision not to issue a Recycled Water Authorization under A.R.S. §§ 41-1092 through 41-1092.12.

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Historical Note

New Section R18-9-A704 renumbered from R18-9-708 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A705. Recycled Water Permit Term, Information Changes, and Renewal

- A.** A recycled water general permit is valid as follows:
1. A Type 1 Recycled Water General Permit is valid as long as the conditions of the general permit and the requirements of this Article are met. No renewal is required.
 2. A Type 2 Recycled Water General Permit is valid for five years from the date the Department receives the Notice of Intent to Use Recycled Water;
 3. A Type 3 Recycled Water General Permit is valid for five years from the date the Recycled Water Authorization is issued.
- B.** If any change in the following information occurs, a permittee operating under any individual, or Type 2 or Type 3 recycled water general permit shall update the Department with such changes at least once annually by January 31:
1. Permittee,
 2. Ownership,
 3. Contact person,
 4. Phone number, address, email address, or telephone number, or any combination of any of the above, for permittee or contact person,
 5. Name of the use site,
 6. For a Type 2 Recycled Water General Permit for Direct Reuse of Class A + or B + Reclaimed Water remaining under the same ownership:
 - a. Expansion of the reuse area,
 - b. Addition of another allowable use if it is located within the same property boundary as the boundary identified in the Notice of Intent to Use Recycled Water submitted to the Department.
 7. An increase in Class A, B, or C reclaimed water use of more than ten percent but less than twenty percent above the volume of reclaimed water currently permitted for use at the reuse site, if applicable.
- C.** To renew any Type 2 or Type 3 Recycled Water General Permit, a permittee must submit a Notice of Renewal at least 30 days before the permit expires and include the applicable fee established in 18 A.A.C. 14. A permittee may update or change any information as described in subsection (B) in a Notice of Renewal.
- D.** For changes not described in subsections (B) or (C), the permittee must submit a new Notice of Intent to Use Recycled Water or a Recycled Water Individual Permit application, as applicable.

Historical Note

New Section R18-9-A705 renumbered from R18-9-709 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A706. Recycled Water Permit Revocation

- A.** After notice and opportunity for a hearing, the Director may revoke coverage under a Recycled Water General Permit and require the permittee to obtain an individual permit in order to operate for any of the following:
1. The permittee failed to comply with any applicable provision of A.R.S. Title 49, Chapter 2; Article 7 of this Chapter; or any permit condition;
 2. The permittee misrepresented or omitted a fact, information, or data related to an application or permit condition;

3. The Director determines a permitted activity is causing or will cause a violation of a water quality standard established under A.R.S. § 49-221;
 4. A permitted activity is causing or will cause imminent and substantial endangerment to public health or the environment.
- B.** The Director may revoke coverage under a general permit for any or all facilities within a specific geographic area, if, due to geologic or hydrologic conditions, the cumulative effect of the facilities subject to the Recycled Water General Permit has violated or will violate a water quality standard established under A.R.S. § 49-221.
- C.** If an individual permit is issued to replace general permit coverage, the coverage under the general permit is automatically revoked upon issuance of the individual permit.
- D.** The Director may, after notice and opportunity for hearing, suspend or revoke a Recycled Water Individual Permit for any of the reasons listed in subsections (A)(1) through (A)(4) of this Section.

Historical Note

New Section R18-9-A706 renumbered from R18-9-710 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-A707. Recycled Water Permit Transition

The terms and conditions of Type 2, Type 3, and individual reclaimed water permits issued before January 1, 2018, including permits issued for gray water, shall remain in effect according to the language of this Article effective as of the date the permit was issued.

Historical Note

New Section R18-9-A707 made by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART B. RECLAIMED WATER**R18-9-B701. Transition of Aquifer Protection Permits and Permits for the Reuse of Reclaimed Wastewater**

- A.** A person may directly reuse reclaimed water under an individual Aquifer Protection Permit or a Permit for the Reuse of Reclaimed Wastewater issued by the Department before January 1, 2001 if the person meets the conditions of the permit and the permit does not expire.
- B.** A person meeting the requirements of subsection (A) may apply for a new reclaimed water permit under this Article.
1. To obtain a reclaimed water permit, a person shall submit a Recycled Water Individual Permit application, required under R18-9-A703(A), or a Notice of Intent to Use Recycled Water, required under R18-9-A704(B)(2) or R18-9-A704(B)(3), to the Department at least 120 days before the current permit expires.
 2. The Department shall continue the terms of the individual Aquifer Protection Permit or the Permit for the Reuse of Reclaimed Wastewater beyond the stated date of expiration if:
 - a. The permitted direct reuse is of a continuing nature; and
 - b. The permittee submits a timely and complete application for a new permit.
- C.** Sewage treatment facility generating reclaimed water.
1. At the request of a permittee holding an individual Aquifer Protection Permit, the Department shall amend an individual Aquifer Protection Permit if the permittee adequately demonstrates that the applicable quality of

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reclaimed water produced for direct reuse is achieved. The Department shall review:

- a. The information in the individual Aquifer Protection Permit, any applicable supporting documentation, and the water quality test results from the previous two years to determine the classification of reclaimed water generated by the sewage treatment facility; and
 - b. The available water quality data if the sewage treatment facility has operated for less than two years.
2. The Department shall issue an amended individual Aquifer Protection Permit under procedures specified under 18 A.A.C. 9, Article 2 containing:
- a. Identification of the class of reclaimed water generated by the facility;
 - b. Requirements for monitoring reclaimed water quality and flow at a frequency appropriate to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;
 - c. Requirements for quarterly reporting of the following data to the Department, any reclaimed water agent who has contracted for delivery of reclaimed water from the facility, and any end user who has not waived interest in receiving this information:
 - i. Water quality test results demonstrating reclaimed water produced by the facility meets the applicable standards for the class of water identified in subsection (C)(2)(a), and
 - ii. The total volume of reclaimed water generated for direct reuse.
 - d. Provision for cessation of delivery, if necessary, and storage or disposal if reclaimed water cannot be delivered for direct reuse.

Historical Note

New Section R18-9-B701 renumbered from R18-9-703 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B702. General Requirements for Reclaimed Water

- A. Sewage treatment facility. A sewage treatment facility owner or operator shall provide reclaimed water for direct reuse only as authorized under an individual Aquifer Protection Permit.
- B. Additional treatment. If an owner or operator of a facility accepts reclaimed water and provides additional treatment for a higher quality direct reuse, the facility is considered a sewage treatment facility and shall provide reclaimed water for direct reuse only as authorized under an individual Aquifer Protection Permit.
- C. Reclaimed water blending facility. An owner or operator of a reclaimed water blending facility shall conduct blending operations only as authorized under a Recycled Water Individual Permit or a Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility.
- D. Reclaimed water agent. A person shall operate as a reclaimed water agent only as authorized under a Recycled Water Individual Permit or a Type 3 Recycled Water General Permit for a Reclaimed Water Agent.
- E. End user. A person shall not directly reuse reclaimed water unless permitted under this Article.
- F. Irrigating with reclaimed water. A permittee applying reclaimed water for an irrigation use allowed in 18 A.A.C. 11, Article 3, Table A shall:
 1. Use application methods that reasonably preclude human contact with reclaimed water;

2. Prevent reclaimed water from standing on open access areas during normal periods of use; and
 3. Prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas.
- G. Hose bibbs. A permittee directly reusing reclaimed water shall secure hose bibbs discharging reclaimed water to prevent use by the public.
- H. Prohibited activities.
1. Irrigating with untreated sewage;
 2. Providing water for human consumption from a reclaimed water source except as allowed in Part E of this Article.
 3. Providing or using reclaimed water for any of the following activities:
 - a. Direct reuse for swimming, wind surfing, water skiing, or other full-immersion water activity with a potential of ingestion; or
 - b. Direct reuse for evaporative cooling or misting.
 4. Misapplying reclaimed water for any of the following reasons:
 - a. Application of a stated class of reclaimed water of lesser quality than allowed by this Article for the type of direct reuse application;
 - b. Application of reclaimed water to any area other than a direct reuse site; or
 - c. Allowing runoff of reclaimed water or reclaimed water mixed with stormwater from a direct reuse site, except for:
 - i. agricultural return flow directed onto an adjacent field or returned to an open water conveyance; or
 - ii. a discharge authorized by an individual or general NPDES or AZPDES permit.
- I. Signage and Notification. A permittee shall place and maintain signage at locations and provide applicable notification as specified in Table 1 so the public is informed reclaimed water is in use and no one should drink from the system.
- J. Pipeline Conveyances of Reclaimed Water.
1. Applicability. Any person constructing a pipeline conveyance, whether new or a replacement of an existing pipeline, shall meet the requirements of this subsection.
 2. A person shall design and construct a pipeline conveyance system using good engineering judgment following standards of practice.
 3. A person shall construct a pipeline conveyance so that:
 - a. Reclaimed water does not find its way into, or otherwise contaminate, a potable water system;
 - b. System structural integrity is maintained; and
 - c. The capability for inspection, maintenance, and testing is maintained.
 4. A person shall construct a pipeline conveyance and all appurtenances conducting reclaimed water to withstand a static pressure of at least 50 pounds per square inch greater than the design working pressure without leakage as determined in R18-9-E301(D)(2)(j).
 5. A person shall provide a pipeline conveyance with thrust blocks or restrained joints where needed to prevent excessive movement of the pipeline.
 6. The following requirements for minimum separation distance apply. A person shall:
 - a. Locate a pipeline conveyance no closer than 50 feet from a drinking water well unless the pipeline conveyance is constructed as specified under subsection (J)(6)(c);

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- b. Locate a pipeline conveyance no closer than two feet vertically nor six feet horizontally from a potable water pipeline unless the pipeline conveyance is constructed as specified under subsection (J)(6)(c);
 - c. Construct a pipeline conveyance that does not meet the minimum separation distances specified in subsections (J)(6)(a) and (J)(6)(b) by encasing the pipeline conveyance in at least six inches of concrete or using mechanical joint ductile iron pipe or other materials of equivalent or greater tensile and compressive strength at least 10 feet beyond any point on the pipeline conveyance within the specified minimum separation distance; and
 - d. If a reclaimed water system is supplemented with water from a potable water system, separate the potable water system from the pipeline conveyance by an air gap.
7. A person shall:
- a. For a pipeline conveyance, eight inches in diameter or less, use pipe marked on opposite sides in English: "CAUTION: RECLAIMED WATER, DO NOT DRINK" in intervals of three feet or less and colored purple or wrapped with durable purple tape.
 - b. For a mechanical appurtenance to a pipeline conveyance, ensure the mechanical appurtenance is colored purple or legibly marked to identify it as part of the reclaimed water distribution system and distinguish it from systems for potable water distribution and sewage collection.
- K. Open Water Conveyances of Reclaimed Water.**
- 1. This subsection applies to an open water conveyance, regardless of the date of construction.
 - 2. A person shall maintain an open water conveyance to prevent release of reclaimed water except as allowed under federal and state regulations. The maintenance program shall include periodic inspections and follow-up corrective measures to ensure the integrity of conveyance banks and capacity of the conveyance to safely carry operational flows.
 - 3. Signage for Class B+, B, and C Reclaimed Water. A person shall:
 - a. Ensure signs state: "CAUTION: RECLAIMED WATER, DO NOT DRINK," and display the international "do not drink" symbol;
 - b. Place signs at all points of ingress and, if the open water conveyance is operated with open access, at least every 1/4-mile along the length of the open water conveyance or other interval as approved in writing by the Department; and
 - c. Ensure signs are visible and legible from both sides of the open water conveyance.

Historical Note

New Section R18-9-B702 renumbered from R18-9-704 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018; clerical error to subsections corrected at (J)(6)(a), (b), and (c) as published at 23 A.A.R. 3091 (Supp. 17-4).

Table 1. Signage and Notification Requirements for Direct Reuse Sites

| Reclaimed Water Class | Hose Bibbs | Residential Irrigation | Schoolground Irrigation | Other Open Access Irrigation | Restricted Access Irrigation | Mobile Reclaimed Water Dispersal |
|-----------------------|--------------------|--|---|------------------------------|---|--|
| A+, A | Each bibb at valve | Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association. | On premises visible to staff and students | None | None | On dispersal equipment and visible to the public |
| B+, B | Each bibb at valve | Direct Reuse Not Allowed | Direct Reuse Not Allowed | Direct Reuse Not Allowed | 1. Ingress points; 2. At reasonably spaced intervals of not more than 1/4 mile at the reuse site or along the open water conveyance, unless access to vehicular and pedestrian traffic is secured; and 3. If applicable, notice on golf score cards | On dispersal equipment and visible to the public |
| C | Each bibb at valve | Direct Reuse Not Allowed | Direct Reuse Not Allowed | Direct Reuse Not Allowed | 1. Ingress points; 2. At reasonably spaced intervals of not more than 1/4 mile at the reuse site or along the open water conveyance, unless access to vehicular and pedestrian traffic is secured; and 3. If applicable, notice on golf score cards | On dispersal equipment and visible to the public |

Note: All impoundments with open access including lakes, ponds, ornamental fountains, waterfalls, and other water features shall be posted with signs regardless of the class of reclaimed water.

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New Section R18-9-B702, Table 1 renumbered from R18-9-704, Table 1 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B703. General Provisions for Recycled Water Individual Permit for Reclaimed Water

- A.** A Recycled Water Individual Permit for Reclaimed Water is obtained under R18-9-A703. A Recycled Water Individual Permit for Reclaimed Water:
1. Is valid for five years;
 2. Must be updated as prescribed by R18-9-A705; and
 3. Continues, pending the issuance of a new permit, with the same terms following its expiration if the following are met:
 - a. The permittee submits an application for a new permit at least 60 days before the expiration of the existing permit; and
 - b. The permitted activity is of a continuing nature.
- B.** A Recycled Water Individual Permit for Reclaimed Water shall contain, if applicable:
1. The class of reclaimed water to be applied for direct reuse or the alternative water quality criteria appropriate for a direct reuse type not listed in 18 A.A.C. 11, Article 3, Table A that ADEQ may allow under R18-11-309;
 2. Specific types of direct reuse and any limitations on reuse;
 3. Requirements for monitoring reclaimed water quality and flow to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;
 4. Requirements for reporting the following data to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3:
 - a. Water quality test results demonstrating the reclaimed water meets the applicable standards for the class of water or the alternative water quality criteria identified in subsection (B)(1), and
 - b. The total volume of reclaimed water generated for direct reuse.
 5. Requirements for maintaining records of all monitoring information and monitoring activities include:
 - a. The date, description of sampling location, and time of sampling or measurement;
 - b. The name of the person who performed the sampling or measurement;
 - c. The date the analyses were performed;
 - d. The name of the person who performed the analyses;
 - e. The analytical techniques or methods used;
 - f. The results of the analyses; and
 - g. Documentation of sampling technique, sample preservation, and transportation, including chain-of-custody forms.
 6. Requirements to retain all monitoring activity records and results, including all data for continuous monitoring instrumentation, and calibration and maintenance records for five years from the date of sampling or analysis. The Director shall extend the five-year retention period:
 - a. During the course of an unresolved litigation regarding compliance with the permit conditions, or
 - b. For any other justifiable cause.
 7. A requirement to allow all end users access to the records of physical, chemical, and biological quality of the reclaimed water.
 8. Signage or other notification requirements appropriate to the use; and
 9. Closure requirements, if applicable.

Historical Note

New Section R18-9-B703 renumbered from R18-9-706 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B704. Type 2 Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water

- A.** A Type 2 Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, Table A, if the conditions in this Article are met.
- B.** Record maintenance. A permittee shall maintain records for five years describing the direct reuse site and the total amount of reclaimed water used annually for the permitted direct reuse activity. The records shall be made available to the Department upon request.
- C.** A permittee shall post signs or provide notification or both as specified in R18-9-B702(I).
- D.** No lining is required for an impoundment storing Class A+ reclaimed water.

Historical Note

New Section R18-9-B704 renumbered from R18-9-712 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B705. Type 2 Recycled Water General Permit for Direct Reuse of Class A Reclaimed Water

- A.** A Type 2 Recycled Water General Permit for the Direct Reuse of Class A Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, Table A, if the conditions in this Article are met.
- B.** Records and reporting. A permittee shall:
1. Maintain records containing the following information for five years, and make them available to the Department upon request:
 - a. The direct reuse site,
 - b. The volume of reclaimed water applied monthly for each category of direct reuse activity listed in 18 A.A.C. 11, Article 3, Table A,
 - c. The total nitrogen concentration of the reclaimed water applied, and
 - d. The acreage and type of vegetation to which the reclaimed water is applied.
 2. Report annually to the Department on or before the anniversary date of the Notice of Intent to Use Recycled Water:
 - a. The volume of reclaimed water received,
 - b. The type of reclaimed water application, and
 - c. If used for irrigation, the vegetation and acreage irrigated.
- C.** Nitrogen management. A permittee shall ensure:
1. Impoundments storing reclaimed water allowed by the general permit are lined using a low-hydraulic conductivity artificial or site-specific liner material achieving a calculated discharge rate less than 550 gallons per acre per day; and
 2. The application rates of the reclaimed water are based on one of the following:
 - a. If assigned, the water allotment specified by the Arizona Department of Water Resources;
 - b. A water balance that considers consumptive use of water by the crop, turf, or landscape vegetation; or

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- c. An alternative method approved by the Department.
- D. In addition to the Notice of Intent to Use Recycled Water specified in R18-9-A704(B)(2), the applicant shall provide a list of impoundments, water depth, freeboard, and the liner characteristics and the method chosen from the list in subsection (C)(2).
- E. The permittee shall post signs or provide notification, or both, as specified in R18-9-B702(I).

Historical Note

New Section R18-9-B705 renumbered from R18-9-713 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B706. Type 2 Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water

- A. A Type 2 Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water allows any direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Table A, if the conditions in this Article are met.
- B. A permittee shall comply with the record maintenance and posting requirements established under R18-9-B704 and make records available to the Department upon request.
- C. No lining is required for an impoundment storing Class B+ reclaimed water.

Historical Note

New Section R18-9-B706 renumbered from R18-9-714 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B707. Type 2 Recycled Water General Permit for Direct Reuse of Class B Reclaimed Water

- A. A Type 2 Recycled Water General Permit for the Direct Reuse of Class B Reclaimed Water allows the direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Table A, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under R18-9-B705(B), (C), (D), and (E).

Historical Note

New Section R18-9-B707 renumbered from R18-9-715 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B708. Type 2 Recycled Water General Permit for Direct Reuse of Class C Reclaimed Water

- A. A Type 2 Recycled Water General Permit for the Direct Reuse of Class C Reclaimed Water allows the direct reuse application of Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Table A, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under R18-9-B705(B), (C), (D), and (E).

Historical Note

New Section R18-9-B708 renumbered from R18-9-716 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B709. Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility

- A. Permit conditions.
1. A Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility allows the blending of reclaimed water with other water, if the conditions in this Article are met.

2. Blending reclaimed water with industrial wastewater or with reclaimed water from an industrial wastewater treatment plant is not authorized by this general permit.
- B. A person shall file with the Department a Notice of Intent to Operate a reclaimed water blending facility on a form provided by the Department. The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
 2. The name, address, e-mail address, and telephone number of a contact person;
 3. The source and volume of reclaimed water to be blended;
 4. The class of reclaimed water to be blended;
 5. The source, volume, and quality of other water to be blended;
 6. The latitude and longitude coordinates of the blending facility;
 7. A description of the reclaimed water blending facility, including a demonstration the proposed blending methodology will meet the standards established in 18 A.A.C. 11, Article 3 for the class of reclaimed water the facility will produce;
 8. The applicant's certification that the applicant agrees to comply with the requirements of this Article, 18 A.A.C. 11, Article 3, and the terms of this recycled water general permit; and
 9. The applicable permit fee specified under 18 A.A.C. 14.
- C. A person shall not operate a reclaimed water blending facility until the Department issues a written Recycled Water Authorization under R18-9-A704(C).
- D. A permittee shall monitor:
1. The blended water quality for total nitrogen and fecal coliform at frequencies specified by the class of reclaimed water in 18 A.A.C. 11, Article 3.
 - a. If the concentration in the blended water of either total nitrogen or fecal coliform, as applicable, exceeds the limits for the applicable reclaimed water class established in 18 A.A.C. 11, Article 3, within 30 days of the exceedance, the permittee shall submit a plan to the Department to change the blending process or to otherwise correct the deficiency. The permittee shall also double the monitoring frequency for the next four months.
 - b. If another exceedance occurs within the interval of increased monitoring, the permittee shall submit an application within 45 days for a Recycled Water Individual Permit for Reclaimed Water.
 2. The volume of reclaimed water, the volume of the other water, and the total volume of blended water delivered for direct reuse on a monthly basis.
- E. The permittee shall report the results of the monitoring under subsection (D) to the Department by January 31, for the immediately preceding calendar year, and shall make this information available to the end users.

Historical Note

New Section R18-9-B709 renumbered from R18-9-717 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-B710. Type 3 Recycled Water General Permit for a Reclaimed Water Agent

- A. A Type 3 Recycled Water General Permit for a Reclaimed Water Agent allows a person to operate as a Reclaimed Water Agent if the conditions of this Article are met, and the follow-

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ing conditions are met for the class of reclaimed water delivered by the Reclaimed Water Agent:

1. Signage and notification requirements specified under R18-9-B702(I), as applicable;
 2. Impoundment liner requirements specified under R18-9-B704(D), R18-9-B705(C), R18-9-B706(C), R18-9-B707(B) or R18-9-B708(B), as applicable; and
 3. Nitrogen management requirements specified under R18-9-B705(C), R18-9-B707(B), and R18-9-B708(B), as applicable.
- B.** A person holding a Type 3 Recycled Water Permit for a Reclaimed Water Agent:
1. Is responsible for the direct reuse of reclaimed water by more than one end user instead of direct reuse by the end users under separate Type 2 Recycled Water General Permits, and
 2. Shall maintain a contractual agreement with each end user stipulating any end user responsibilities for the requirements specified under subsection (A).
- C.** A person shall file with the Department a Notice of Intent to Operate as a reclaimed water agent. The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
 2. The name, address, e-mail address, and telephone number of a contact person;
 3. The following information for each end user to be supplied reclaimed water by the applicant:
 - a. The name, address, e-mail address, and telephone number of the end user;
 - b. A system map showing the locations of the direct reuse sites and the latitude and longitude coordinates of each site; and
 - c. A description of each direct reuse activity, including the type of vegetation, acreage, and annual volume of reclaimed water to be used, unless Class A+ or Class B+ reclaimed water is delivered.
 4. The source, class, and annual volume of reclaimed water to be delivered by the applicant;
 5. A description of the contractual arrangement between the applicant and each end user, including any end user responsibilities for the requirements specified under subsection (A); and
 6. The applicable permit fee specified under 18 A.A.C. 14.
- D.** A proposed reclaimed water agent shall not distribute reclaimed water to end users until the Department issues a written Recycled Water Authorization under R18-9-A704(C).
- E.** A reclaimed water agent shall record and annually report the following information to the Department by January 31, for the immediately preceding year:
1. The total volume of reclaimed water delivered by the reclaimed water agent;
 2. The volume of reclaimed water delivered to each end user for Class A, Class B, and Class C reclaimed water; and
 3. Any change in the information submitted under subsection (C).

Historical Note

New Section R18-9-B710 renumbered from R18-9-718 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART C. RECYCLED INDUSTRIAL WASTEWATER**R18-9-C701. Recycled Water Individual Permit for Industrial Wastewater That Is Reused**

- A.** The following activities are prohibited unless a Recycled Water Individual Permit is obtained under R18-9-A703:
1. Use of reclaimed water from a sewage treatment facility that is combined with industrial wastewater or water from an industrial wastewater treatment facility.
 2. Use of reclaimed water from an industrial wastewater treatment facility for production or processing of a crop or substance that may be used as human or animal food.
- B.** In addition to the requirements in R18-9-A703(A), an application for a Recycled Water Individual Permit shall include:
1. Each source of the industrial wastewater with Standard Industrial Code or North American Industry Classification System Code, and the projected rates and volumes from each source;
 2. The chemical, biological, and physical characteristics of the industrial wastewater from each source; and
 3. If reclaimed water will be used in the processing of any crop or substance that may be used as human or animal food, the information regarding food safety and any potential adverse health effects of this direct reuse.

Historical Note

New Section R18-9-C701 renumbered from R18-9-707 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART D. GRAY WATER**R18-9-D701. Type 1 Recycled Water General Permit for Gray Water**

- A.** A Type 1 Recycled Water General Permit for Gray Water allows private residential use of gray water for a flow of less than 400 gallons per day if all the following conditions are met:
1. Gray water originating from the residence is used and contained within the property boundary for household gardening, composting, or landscape watering;
 2. Human contact with gray water and soil watered by gray water is avoided;
 3. Surface application of gray water is not used for watering of food plants, except for trees and shrubs which have an edible portion that does not come into contact with the gray water;
 4. The gray water does not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from hobbyist or home occupational activities;
 5. The gray water does not contain water used to wash diapers or similarly soiled or infectious garments;
 6. The application of gray water is managed to minimize standing water on the surface by using measures such as avoiding overwatering, distributing the gray water beneath a mulch or other cover, and using best practices to improve soil condition and increase filtration;
 7. If blockage, backup, or overload of the system occurs, gray water distribution shall cease until the deficiency is corrected. The gray water system may include components to reduce blockage and backup and be operated using best practices to extend system lifetime;
 8. Gray water surge tanks, if any, are covered to restrict access and to eliminate habitat for mosquitoes or other vectors, and holding time is minimized to avoid development of anaerobic conditions and odors;
 9. The gray water system is sited outside of a floodway;
 10. The gray water system is operated to maintain a minimum vertical separation distance of at least five feet from

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the point of gray water application to the top of the seasonally high groundwater table;

11. For a residence using an on-site wastewater treatment facility for black water treatment and disposal, the use of a gray water system does not change the design, capacity, or reserve area requirements for the on-site wastewater treatment facility at the residence, and ensures the facility can handle the combined black water and gray water flow;
 12. Any pressure piping used in a gray water system that may be susceptible to cross connection with a potable water system clearly indicates the piping does not carry potable water; and
 13. Surface application of gray water is only by flood or drip distribution methods. Flood distribution methods may include containment by horticultural mulch basins and swales.
- B. Prohibitions.** The following are prohibited:
1. Gray water use for purposes other than watering and composting, and
 2. Application of gray water by a spray method.

Historical Note

New Section R18-9-D701 renumbered from R18-9-711 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

R18-9-D702. Type 3 Recycled Water General Permit for Gray Water

- A.** A Type 3 Recycled Water General Permit for Gray Water allows for the use of gray water for landscape irrigation and composting if:
1. The general permit described in R18-9-D701 does not apply,
 2. The flow is not more than 3000 gallons per day, and
 3. The gray water system satisfies the notification, design, and installation requirements specified in subsections (B) and (C).
- B.** A person shall file a Notice of Intent to Operate a Gray Water System with the Department on a form provided by the Department. The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
 2. The latitude and longitude coordinates;
 3. A description of the sources of gray water and calculations demonstrating the flow is not more than 3000 gallons per day;
 4. Design plans for the gray water system;
 5. The applicant's certification that the applicant agrees to comply with the requirements of this Article and the terms of this Recycled Water General Permit for Gray Water; and
 6. The applicable permit fee specified under 18 A.A.C. 14.
- C.** The following requirements apply to the design, installation, and operation of a gray water system allowed under this Recycled Water General Permit for Gray Water:
1. Human contact with gray water and soil irrigated by gray water is avoided;
 2. Gray water is not applied to an exposed surface but into a bed or trench of permeable material, through piping installed below the soil surface, or by similar means. Spray irrigation of gray water is not allowed. The application of gray water shall not result in standing water on the surface.

3. The design shall ensure gray water is used and contained within the property boundary for landscape irrigation or composting;
 4. Gray water is not used for irrigation of food plants, except for trees and shrubs which have an edible portion that does not come into contact with the gray water;
 5. The gray water may contain water from drinking fountains but does not contain hazardous chemicals derived from industrial, hobbyist, or similar activities at the site;
 6. Gray water does not contain water used to wash diapers or similarly soiled or infectious garments;
 7. The gray water system is constructed so if blockage, plugging, or backup of the system occurs, gray water can be directed into the sewage collection system or on-site wastewater treatment and disposal system, as applicable;
 8. Gray water surge tanks, if any, are covered to restrict access and to eliminate habitat for mosquitoes or other vectors, and holding time is minimized to avoid development of anaerobic conditions and odors;
 9. The gray water system is sited outside of a floodway;
 10. The gray water system is operated to maintain a minimum vertical separation distance of at least five feet from the point of gray water application to the top of the seasonally high groundwater table;
 11. If an on-site wastewater treatment facility is used for black water treatment and disposal, the use of a gray water system does not change the design, capacity, or reserve area requirements for the on-site wastewater treatment facility so the facility may handle the combined black water and gray water flow; and
 12. Any piping used in a gray water system susceptible to cross connection with a potable water system clearly indicates the piping does not carry potable water.
- D.** The applicant shall not operate the gray water system until the Department issues a written Recycled Water Authorization under R18-9-A704(C).
- E.** The Department may issue a Recycled Water Authorization that differs from the requirements specified in subsection (C) if the system provides equivalent performance and protection of human health and water quality.
- F.** In the Recycled Water Authorization, the Department may require a permittee to report data or information for any of the conditions in this Section if the Department deems the reporting necessary to protect human health or water quality or both.

Historical Note

New Section R18-9-D702 renumbered from R18-9-719 and amended by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

PART E. PURIFIED WATER FOR POTABLE USE**R18-9-E701. Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility**

- A.** An application for a Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility must be submitted to the Department according to the requirements in R18-9-A703, as applicable.
- B.** Safe Drinking Water Act. For purposes of Safe Drinking Water Act requirements, water produced by an Advanced Reclaimed Water Treatment Facility shall be considered surface water for purposes of compliance with Title 18, Chapter 4 of the Arizona Administrative Code. Nothing in this Section exempts an applicable facility from Safe Drinking Water Act requirements.

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C. Design Report. In addition to the information required by subsection (A), the applicant shall submit a design report for the Advanced Reclaimed Water Treatment Facility according to a form prescribed by the Department and certified by an Arizona-registered professional engineer. The design report must include the following information:

1. Characterization of source water quantity and quality, including:
 - a. Average and anticipated minimum and maximum source water flows to the facility;
 - b. Concentrations of the source water's physical, microbiological, and chemical constituents regulated for drinking water Maximum Contaminant Levels under the Safe Drinking Water Act and which the Department determines are appropriate for the particular facility and source water;
 - c. Description and concentrations of constituents in the source water used for unit treatment process monitoring and assessment of unit treatment process efficacy, and
 - d. A list of unregulated microbial and chemical constituents and corresponding concentrations in the source water a facility proposes to monitor in order to assess the treatment effectiveness of the overall treatment train. The particular constituents will depend on consideration of factors, such as:
 - i. Occurrence of the constituent in source and local waters,
 - ii. Availability of standardized laboratory methods for quantification of the constituent,
 - iii. Usefulness as representatives of or surrogates for larger classes of constituents, and
 - iv. Availability of toxicity data for the constituent.
2. Description of, and results from, the pilot water treatment system for the facility or of analogous systems where comparable treatment components are demonstrated as appropriate for treating the particular characteristics of the applicant's proposed source water;
3. Identification and description of the technologies, processes, methodologies, and process control monitoring to be employed for microbial control;
4. Logarithmic reduction targets for microbial control, to ensure the product water is free of pathogens and suitable for potable use;
5. Identification and description of technologies, processes, methodologies and process control monitoring for chemical control;
6. Plan for monitoring the product water for public health protection;
7. Commissioning and startup plan, including preoperational and startup testing and monitoring, expected timeframe for meeting full operational performance, and any other special startup condition meriting consideration in the individual permit;
8. Operation and maintenance plan including corrective actions for out-of-range monitoring results and contingencies for non-compliant water;
9. Operator training plan; and
10. Documentation of technical, financial, and management capability.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 3091, effective January 1, 2018 (Supp. 17-4).

ARTICLE 8. REPEALED**R18-9-801. Repealed****Historical Note**

Corrected A.R.S. reference (Supp. 77-3). Former Section R9-8-311 renumbered without change as Section R18-9-801 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-802. Repealed**Historical Note**

Amended by adding subsections (N) through (R) effective June 8, 1981 (Supp. 81-3). Former Section R9-8-312 renumbered without change as Section R18-9-802 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-803. Repealed**Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Amended by adding subsection (E) effective October 2, 1986 (Supp. 86-5). Former Section R9-8-313 renumbered without change as Section R18-9-803 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-804. Repealed**Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Amended effective February 20, 1980 (Supp. 80-1). Amended by adding subsections (I) and (J) effective June 8, 1981 (Supp. 81-3). Amended subsections (A), (F) and (H) effective October 2, 1986 (Supp. 86-5). Former Section R9-8-314 renumbered without change as Section R18-9-804 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-805. Repealed**Historical Note**

Adopted effective April 18, 1979 (Supp. 79-2). Amended effective October 2, 1986 (Supp. 86-5). Former Section R9-8-315 renumbered without change as Section R18-9-805 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-806. Repealed**Historical Note**

Adopted effective October 2, 1986 (Supp. 86-5). Former Section R9-8-317 renumbered without change as Section R18-9-806 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-807. Repealed**Historical Note**

Former Section R9-8-321 renumbered without change as Section R18-9-807 (Supp. 87-3). Section repealed by

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final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-808. Repealed**Historical Note**

Former Section R9-8-323 renumbered without change as Section R18-9-808 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-809. Repealed**Historical Note**

Former Section R9-8-324 renumbered without change as Section R18-9-809 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-810. Repealed**Historical Note**

Former Section R9-8-325 renumbered without change as Section R18-9-810 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-811. Repealed**Historical Note**

Former Section R9-8-326 repealed, new Section R9-8-326 adopted effective October 2, 1986 (Supp. 86-5). Former Section R9-8-326 renumbered without change as Section R18-9-811 (Supp. 87-3). First entry in Historical Note corrected to reflect Section numbers at time of rule repeal and adoption by changing R18-9-326 to R9-8-326 (Supp. 96-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-812. Repealed**Historical Note**

Former Section R9-8-327 renumbered without change as Section R18-9-812 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-813. Repealed**Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Former Section R9-8-329 renumbered without change as Section R18-9-813 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-814. Repealed**Historical Note**

Former Section R9-8-331 renumbered without change as Section R18-9-814 (Supp. 87-3). Amended effective October 19, 1989 (Supp. 89-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-815. Repealed**Historical Note**

Former Section R9-8-332 renumbered without change as Section R18-9-815 (Supp. 87-3). Section repealed by

final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-816. Repealed**Historical Note**

Former Section R9-8-351 renumbered without change as Section R18-9-816 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-817. Repealed**Historical Note**

Former Section R9-8-352 renumbered without change as Section R18-9-817 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-818. Repealed**Historical Note**

Former Section R9-8-353 renumbered without change as Section R18-9-818 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

R18-9-819. Repealed**Historical Note**

Former Section R9-8-361 renumbered without change as Section R18-9-819 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

ARTICLE 9. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Editor's Note: The recodification at 7 A.A.R. 2522 described below erroneously moved Sections into 18 A.A.C. 9, Article 9. Those Sections were actually recodified to 18 A.A.C. 9, Article 10. See the Historical Notes for more information (Supp. 01-4).

Article 9, consisting of Sections R18-9-901 through R18-9-914 and Appendix A, recodified from 18 A.A.C. 13, Article 15 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2).

PART A. GENERAL REQUIREMENTS**R18-9-A901. Definitions**

In addition to the definitions in A.R.S. § 49-201 and 49-255, the following terms apply to this Article:

1. "Animal confinement area" means any part of an animal feeding operation where animals are restricted or confined including open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables.
2. "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:
 - a. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
 - b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

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3. "Aquaculture project" means a defined managed water area that uses discharges of pollutants into that designated project area for the maintenance or production of harvestable freshwater plants or animals. For purposes of this definition, "designated project area" means the portion or portions of the navigable waters within which the permittee or permit applicant plans to confine the cultivated species using a method or plan of operation, including physical confinement, that on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.
4. "Border area" means 100 kilometers north and south of the Arizona-Sonora, Mexico border.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "CAFO" means any large concentrated animal feeding operation, medium concentrated animal feeding operation, or animal feeding operation designated under R18-9-D901.
7. "Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility that contains, grows, or holds aquatic animals in either of the following categories:
 - a. Cold-water aquatic animals. Cold-water fish species or other cold-water aquatic animals (including the Salmonidae family of fish) in a pond, raceway, or other similar structure that discharges at least 30 days per year, but does not include:
 - i. A facility that produces less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and
 - ii. A facility that feeds the aquatic animals less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.
 - b. Warm-water aquatic animals. Warm-water fish species or other warm-water aquatic animals (including the Ameiuridae, Centrarchidae, and Cyprinidae families of fish) in a pond, raceway, or other similar structure that discharges at least 30 days per year, but does not include:
 - i. A closed pond that discharges only during periods of excess runoff; or
 - ii. A facility that produces less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.
8. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
9. "Discharge of a pollutant" means any addition of any pollutant or combination of pollutants to a navigable water from any point source.
 - a. The term includes the addition of any pollutant into a navigable water from:
 - i. A treatment works treating domestic sewage;
 - ii. Surface runoff that is collected or channeled by man;
 - iii. A discharge through a pipe, sewer, or other conveyance owned by a state, municipality, or other person that does not lead to a treatment works; and
 - iv. A discharge through a pipe, sewer, or other conveyance, leading into a privately owned treatment works.
 - b. The term does not include an addition of a pollutant by any industrial user as defined in A.R.S. § 49-255(4).
10. "Draft permit" means a document indicating the Director's tentative decision to issue, deny, modify, revoke and reissue, terminate, or reissue a permit.
 - a. A notice of intent to terminate a permit is a type of draft permit unless the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW, but not by land application or disposal into a well.
 - b. A notice of intent to deny a permit is a type of draft permit.
 - c. A proposed permit or a denial of a request for modification, revocation and reissuance, or termination of a permit, are not draft permits.
11. "EPA" means the U.S. Environmental Protection Agency.
12. "General permit" means an AZPDES permit issued under 18 A.A.C. 9, Article 9, authorizing a category of discharges within a geographical area.
13. "Individual permit" means an AZPDES permit for a single point source, a single facility, or a municipal separate storm sewer system.
14. "Land application area," for purposes of Article 9, Part D, means land under the control of an animal feeding operation owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.
15. "Large concentrated animal feeding operation" means an animal feeding operation that stables or confines at least the number of animals specified in any of the following categories:
 - a. 700 mature dairy cows, whether milked or dry;
 - b. 1,000 veal calves;
 - c. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, and cow and calf pairs;
 - d. 2,500 swine each weighing 55 pounds or more;
 - e. 10,000 swine each weighing less than 55 pounds;
 - f. 500 horses;
 - g. 10,000 sheep or lambs;
 - h. 55,000 turkeys;
 - i. 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
 - j. 125,000 chickens (other than laying hens), if the animal feeding operation uses other than a liquid manure handling system;
 - k. 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
 - l. 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
 - m. 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.
16. "Large municipal separate storm sewer system" means a municipal separate storm sewer that is either:

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- a. Located in an incorporated area with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census;
 - b. Located in a county with an unincorporated urbanized area with a population of 250,000 or more, according to the 1990 Decennial Census by the Bureau of Census, but not a municipal separate storm sewer that is located in an incorporated place, township, or town within the county; or
 - c. Owned or operated by a municipality other than those described in subsections (16)(a) and (16)(b) and that are designated by the Director under R18-9-A902(D)(2) as part of the large municipal separate storm sewer system.
17. "Manure" means any waste or material mixed with waste from an animal including manure, bedding, compost and raw materials, or other materials commingled with manure or set aside for disposal.
18. "Manure storage area" means any part of an animal feeding operation where manure is stored or retained including lagoons, run-off ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles.
19. "Medium concentrated animal feeding operation" means an animal feeding operation in which:
- a. The type and number of animals that it stables or confines falls within any of the following ranges:
 - i. 200 to 699 mature dairy cows, whether milked or dry;
 - ii. 300 to 999 veal calves;
 - iii. 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, and cow and calf pairs;
 - iv. 750 to 2,499 swine each weighing 55 pounds or more;
 - v. 3,000 to 9,999 swine each weighing less than 55 pounds;
 - vi. 150 to 499 horses;
 - vii. 3,000 to 9,999 sheep or lambs;
 - viii. 16,500 to 54,999 turkeys;
 - ix. 9,000 to 29,999 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
 - x. 37,500 to 124,999 chickens (other than laying hens), if the animal feeding operation uses other than a liquid manure handling system;
 - xi. 25,000 to 81,999 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
 - xii. 10,000 to 29,999 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
 - xiii. 1,500 to 4,999 ducks, if the animal feeding operation uses a liquid manure handling system; and
 - b. Either one of the following conditions are met:
 - i. Pollutants are discharged into a navigable water through a man-made ditch, flushing system, or other similar man-made device; or
 - ii. Pollutants are discharged directly into a navigable water that originates outside of and passes over, across, or through the animal feeding operation or otherwise comes into direct contact with the animals confined in the operation.
20. "Medium municipal separate storm sewer system" means a municipal separate storm sewer that is either:
- a. Located in an incorporated area with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census; or
 - b. Located in a county with an unincorporated urbanized area with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census by the Bureau of the Census; or
 - c. Owned or operated by a municipality other than those described in subsections (20)(a) and (20)(b) and that are designated by the Director under R18-9-A902(D)(2) as part of the medium municipal separate storm sewer system.
21. "MS4" means municipal separate storm sewer system.
22. "Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):
- a. Owned or operated by a state, city, town county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
 - b. Designed or used for collecting or conveying stormwater;
 - c. That is not a combined sewer; and
 - d. That is not part of a POTW.
23. "Municipal separate storm sewer system" means all separate storm sewers defined as "large," "medium," or "small" municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under R18-9-C902(A)(1)(g)(i) through (iv).
24. "New discharger" includes an industrial user and means any building, structure, facility, or installation:
- a. From which there is or may be a discharge of pollutants;
 - b. That did not commence the discharge of pollutants at a particular site before August 13, 1979;
 - c. That is not a new source; and
 - d. That has never received a finally effective NPDES or AZPDES permit for discharges at that site.
25. "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
- a. After the promulgation of standards of performance under section 306 of the Clean Water Act (33 U.S.C. 1316) that are applicable to the source, or
 - b. After the proposal of standards of performance in accordance with section 306 of the Clean Water Act (33 U.S.C. 1316) that are applicable to the source, but only if the standards are promulgated under section 306 (33 U.S.C. 1316) within 120 days of their proposal.
26. "NPDES" means the National Pollutant Discharge Elimination System, which is the national program for issuing, modifying, revoking, reissuing, terminating, monitoring,

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- and enforcing permits, and imposing and enforcing pretreatment and biosolids requirements under sections 307 (33 U.S.C. 1317), 318 (33 U.S.C. 1328), 402 (33 U.S.C. 1342), and 405 (33 U.S.C. 1345) of the Clean Water Act.
27. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. It does not mean:
- Sewage from vessels; or
 - Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of this state, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources. (40 CFR 122.2)
28. "POTW" means a publicly owned treatment works.
29. "Process wastewater," for purposes of Article 9, Part D, means any water that comes into contact with a raw material, product, or byproduct including manure, litter, feed, milk, eggs, or bedding and water directly or indirectly used in the operation of an animal feeding operation for any or all of the following:
- Spillage or overflow from animal or poultry watering systems;
 - Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities;
 - Direct contact swimming, washing, or spray cooling of animals; or
 - Dust control.
30. "Proposed permit" means an AZPDES permit prepared after the close of the public comment period (including EPA review), and any applicable public hearing and administrative appeal, but before final issuance by the Director. A proposed permit is not a draft permit.
31. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or instead of discharging or otherwise introducing the pollutants into a POTW.
32. "Production area," for purposes of Article 9, Part D, means the animal confinement area, manure storage area, raw materials storage area, and waste containment areas. Production area includes any egg washing or egg processing facility and any area used in the storage, handling, treatment, or disposal of animal mortalities.
33. "Raw materials storage area" means the part of an animal feeding operation where raw materials are stored including feed silos, silage bunkers, and bedding materials.
34. "Silviculture point source" means any discernible, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities that are operated in connection with silvicultural activities and from which pollutants are discharged into navigable waters. The term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. For purposes of this definition:
- "Log sorting and log storage facilities" means facilities whose discharge results from the holding of unprocessed wood, for example, logs or round wood with or without bark held in self-contained bodies of water or stored on land if water is applied intentionally on the logs.
 - "Rock crushing and gravel washing facilities" mean facilities that process crushed and broken stone, gravel, and riprap.
35. "Small municipal separate storm sewer system" means a separate storm sewer that is:
- Owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharge to navigable waters.
 - Not defined as a "large" or "medium" municipal separate storm sewer system or designated under R18-9-A902(D)(2).
 - Similar to municipal separate storm sewer systems such as systems at military bases, large hospital or prison complexes, universities, and highways and other thoroughfares. The term does not include a separate storm sewer in a very discrete area such as an individual building.
36. "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.
37. "Treatment works treating domestic sewage" means a POTW or any other sewage sludge or waste water treatment device or system, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works.
38. "Waste containment area" means any part of an animal feeding operation where waste is stored or contained including settling basins and areas within berms and diversions that separate uncontaminated stormwater.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-A902. AZPDES Permit Transition, Applicability, and Exclusions

- A. Upon the effective date of EPA approval of the AZPDES program, the Department shall, under A.R.S. Title 49, Chapter 2, Article 3.1 and Articles 9 and 10 of this Chapter, administer any permit authorized or issued under the NPDES program,

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including an expired permit that EPA has continued in effect under 40 CFR 122.6.

1. The Director shall give a notice to all Arizona NPDES permittees, except NPDES permittees located on and discharging in Indian Country, and shall publish a notice in one or more newspapers of general circulation in the state. The notice shall contain:
 - a. The effective date of EPA approval of the AZPDES program;
 - b. The name and address of the Department;
 - c. The name of each individual permitted facility and its permit number;
 - d. The title of each general permit administered by the Department;
 - e. The name and address of the contact person, to which the permittee will submit notification and monitoring reports;
 - f. Information specifying the state laws equivalent to the federal laws or regulations referenced in a NPDES permit; and
 - g. The name, address, and telephone number of a person from whom an interested person may obtain further information about the transition.
 2. The Department shall provide the following entities with a copy of the notice:
 - a. Each county department of health, environmental services, or comparable department;
 - b. Each Arizona council of government, tribal government, the states of Utah, Nevada, New Mexico, and California, and EPA Region 9;
 - c. Any person who requested, in writing, notification of the activity;
 - d. The Mexican Secretaria de Medio Ambiente y Recursos Naturales, and
 - e. The United States Section of the International Boundary and Water Commission.
 3. If a timely application for a NPDES permit is submitted to EPA before approval of the AZPDES program, the applicant may continue the process with EPA or request the Department to act on the application. In either case, the Department shall issue the permit.
 4. The terms and conditions under which the permit was issued remain the same until the permit is modified.
- B.** Article 9 of this Chapter applies to any “discharge of a pollutant.” Examples of categories that result in a “discharge of a pollutant” and may require an AZPDES permit include:
1. CAFOs;
 2. Concentrated aquatic animal production facilities;
 3. Case-by-case designation of concentrated aquatic animal production facilities;
 - a. The Director may designate any warm- or cold-water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to navigable waters. The Director shall consider the following factors when making this determination:
 - i. The location and quality of the receiving waters of the United States;
 - ii. The holding, feeding, and production capacities of the facility;
 - iii. The quantity and nature of the pollutants reaching navigable waters; and
 - iv. Any other relevant factor;
 - b. A permit application is not required from a concentrated aquatic animal production facility designated under subsection (B)(3)(a) until the Director conducts an onsite inspection of the facility and determines that the facility should and could be regulated under the AZPDES permit program;
4. Aquaculture projects;
 5. Manufacturing, commercial, mining, and silviculture point sources;
 6. POTWs;
 7. New sources and new dischargers;
 8. Stormwater discharges:
 - a. Associated with industrial activity as defined under 40 CFR 122.26(b)(14), incorporated by reference in R18-9-A905(A)(1)(d). The Department shall not consider a discharge to be a discharge associated with industrial activity if the discharge is composed entirely of stormwater and meets the conditions of no exposure as defined under 40 CFR 122.26(g), incorporated by reference in R18-9-A905(A)(1)(d);
 - b. From a large, medium, or small MS4;
 - c. From a construction activity, including clearing, grading, and excavation, that results in the disturbance of:
 - i. Equal to or greater than one acre or;
 - ii. Less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre; but
 - iii. Not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility;
 - d. Any discharge that the Director determines contributes to a violation of a water quality standard or is a significant contributor of pollutants to a navigable water, which may include a discharge from a conveyance or system of conveyances (including roads with drainage systems and municipal streets) used for collecting and conveying stormwater runoff or a system of discharges from municipal separate storm sewers.
- C.** Articles 9 and 10 of this Chapter apply to the following biosolids categories and may require an AZPDES permit:
1. Treatment works treating domestic sewage that would not otherwise require an AZPDES permit; and
 2. Using, applying, generating, marketing, transporting, and disposing of biosolids.
- D.** Director designation of MS4s.
1. The Director may designate and require any small MS4 located outside of an urbanized area to obtain an AZPDES stormwater permit. The Director shall base this designation on whether a stormwater discharge results in or has the potential to result in an exceedance of a water quality standard, including impairment of a designated use, or another significant water quality impact, including a habitat or biological impact.
 - a. When deciding whether to designate a small MS4, the Director shall consider the following criteria:
 - i. Discharges to sensitive waters,
 - ii. Areas with high growth or growth potential,
 - iii. Areas with a high population density,
 - iv. Areas that are contiguous to an urbanized area,

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- v. Small MS4s that cause a significant contribution of pollutants to a navigable water,
 - vi. Small MS4s that do not have effective programs to protect water quality, and
 - vii. Any other relevant criteria.
- b. The same requirements for small MS4s designated under 40 CFR 122.32(a)(1) apply to permits for designated MS4s not waived under R18-9-B901(A)(3).
2. The Director may designate an MS4 as part of a large or medium system due to the interrelationship between the discharges from a designated storm sewer and the discharges from a municipal separate storm sewer described under R18-9-A901(16)(a) and (b), or R18-9-A901(20)(a) or (b), as applicable. In making this determination, the Director shall consider the following factors:
 - a. Physical interconnections between the municipal separate storm sewers;
 - b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in R18-9-A901(16)(a) and R18-9-A901(20)(a);
 - c. The quantity and nature of pollutants discharged to a navigable water;
 - d. The nature of the receiving waters; and
 - e. Any other relevant factor.
 3. The Director shall designate a small MS4 that is physically interconnected with a MS4 that is regulated by the AZPDES program if the small MS4 substantially contributes to the pollutant loading of the regulated MS4.
- E.** Petitions. The Director may, upon a petition, designate as a large, medium or small MS4, a municipal separate storm sewer located within the boundaries of a region defined by a stormwater management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in R18-9-A901(16), R18-9-A901(20) or R18-9-A901(35), as applicable.
- F.** Phase-ins.
1. The Director may phase-in permit coverage for a small MS4 serving a jurisdiction with a population of less than 10,000 if a phasing schedule is developed and implemented for approximately 20 percent annually of all small MS4s that qualify for the phased-in coverage.
 - a. If the phasing schedule is not yet approved for permit coverage, the Director shall, by December 9, 2002, determine whether to issue an AZPDES permit or allow a waiver under R18-9-B901(A)(3) for each eligible MS4.
 - b. All regulated MS4s shall have coverage under an AZPDES permit no later than March 8, 2007.
 2. The Director may provide a waiver under R18-9-B901(A)(3) for any municipal separate storm sewage system operating under a phase-in plan.
- G.** Exclusions. The following discharges do not require an AZPDES permit:
1. Discharge of dredged or fill material into a navigable water that is regulated under section 404 of the Clean Water Act (33 U.S.C. 1344);
 2. The introduction of sewage, industrial wastes, or other pollutants into POTWs by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with a permit until all discharges of pollutants to a navigable water are eliminated. This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through a pipe, sewer, or other conveyance owned by the state, a municipality, or other party not leading to treatment works;
3. Any discharge in compliance with the instructions of an on-scene coordinator under 40 CFR 300, The National Oil and Hazardous Substances Pollution Contingency Plan; or 33 CFR 153.10(e), Control of Pollution by Oil and Hazardous Substances, Discharge Removal;
 4. Any introduction of pollutants from a nonpoint source agricultural or silvicultural activity, including stormwater runoff from an orchard, cultivated crop, pasture, rangeland, and forest land, but not discharges from a concentrated animal feeding operation, concentrated aquatic animal production facility, silvicultural point source, or to an aquaculture project;
 5. Return flows from irrigated agriculture;
 6. Discharges into a privately owned treatment works, except as the Director requires under 40 CFR 122.44(m), which is incorporated by reference in R18-9-A905(A)(3)(d);
 7. Discharges from conveyances for stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations, or transmission facilities, composed entirely of flows from conveyances or systems of conveyances, including pipes, conduits, ditches, and channels, used for collecting and conveying precipitation runoff and that are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste product located on the site of the operations.
- H.** Conditional no exposure exclusion.
1. Discharges composed entirely of stormwater are not considered stormwater discharges associated with an industrial activity if there is no exposure, and the discharger satisfies the conditions under 40 CFR 122.26(g), which is incorporated by reference in R18-9-A905(A)(1)(d).
 2. For purposes of this subsection:
 - a. "No exposure" means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and runoff.
 - b. "Industrial materials or activities" include material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.
 - c. "Material-handling activities" include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product.
- Historical Note**
- New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2704, effective June 5, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).
- R18-9-A903. Prohibitions**
- A.** The Director shall not issue a permit for a discharge to a WOTUS:
1. If the conditions of the permit do not provide for compliance with the applicable requirements of A.R.S. Title 49,

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Chapter 2, Article 3.1; 18 A.A.C. 9, Articles 9 and 10; and the Clean Water Act;

2. Before resolution of an EPA objection to a draft or proposed permit under R18-9-A908(C);
 3. If the imposition of conditions cannot ensure compliance with the applicable water quality requirements from Arizona or an affected state or tribe, or a federally promulgated water quality standard under 40 CFR 131.31;
 4. If in the judgment of the Secretary of the U.S. Army, acting through the Chief of Engineers, the discharge will substantially impair anchorage and navigation in or on any navigable water;
 5. For the discharge of any radiological, chemical, or biological warfare agent, or high-level radioactive waste;
 6. For any discharge inconsistent with a plan or plan amendment approved under section 208(b) of the Clean Water Act (33 U.S.C. 1288); and
 7. To a new source or a new discharger if the discharge from its construction or operation will cause or contribute to the violation of a water quality standard. The owner or operator of a new source or new discharger proposing to discharge into a water segment that does not meet water quality standards or is not expected to meet those standards even after the application of the effluent limitations required under R18-9-A905(A)(8), and for which the Department has performed a wasteload allocation for the proposed discharge, shall demonstrate before the close of the public comment period that:
 - a. There are sufficient remaining wasteload allocations to allow for the discharge, and
 - b. The existing dischargers into the segment are subject to schedules of compliance designed to bring the segment into compliance with water quality standards.
- B.** The Director shall not issue a permit for a discharge to a non-WOTUS protected surface water:
1. If the permit or the conditions of the permit violate the restrictions listed in A.R.S. § 49-255.04; and
 2. If the conditions of the permit do not provide for compliance with 18 A.A.C. 11, Article 2 and the applicable requirements of 18 A.A.C. 9, Article 9.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2704, effective June 5, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 296 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-9-A904. Effect of a Permit

- A.** Except for a standard or prohibition imposed under section 307 of the Clean Water Act (33 U.S.C. 1317) for a toxic pollutant that is injurious to human health and standards for sewage sludge use or disposal under Article 10 of this Chapter, compliance with an AZPDES permit during its term constitutes compliance, for purposes of enforcement, with Article 9 of this Chapter. However, the Director may modify, revoke and reissue, suspend, or terminate a permit during its term for cause under R18-9-B906.
- B.** The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- C.** The issuance of a permit does not authorize any injury to a person or property or invasion of other private rights, or any infringement of federal, state, or local law, or regulations.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-A905. AZPDES Program Standards

- A.** Except for subsection (A)(11), the following 40 CFR sections and appendices, amended as of April 15, 2023, as they apply to the NPDES program, are incorporated by reference, do not include any later amendments or editions of the incorporated matter, and are on file with the Department:
 1. General program requirements.
 - a. 40 CFR 122.7;
 - b. 40 CFR 122.21, except 40 CFR 122.21(a) through (e) and (l);
 - c. 40 CFR 122.22;
 - d. 40 CFR 122.26, except 40 CFR 122.26(c)(2), and 40 CFR 122.26(e)(2);
 - e. 40 CFR 122.29;
 - f. 40 CFR 122.32;
 - g. 40 CFR 122.33;
 - h. 40 CFR 122.34;
 - i. 40 CFR 122.35;
 - j. 40 CFR 122.62(a) and (b).
 2. Procedures for Decision making.
 - a. 40 CFR 124.8, except 40 CFR 124.8(b)(3); and
 - b. 40 CFR 124.56.
 3. Permit requirements and conditions.
 - a. 40 CFR 122.41, except 40 CFR 122.41(a)(2) and (a)(3);
 - b. 40 CFR 122.42;
 - c. 40 CFR 122.43;
 - d. 40 CFR 122.44;
 - e. 40 CFR 122.45;
 - f. 40 CFR 122.47;
 - g. 40 CFR 122.48; and
 - h. 40 CFR 122.50.
 4. Criteria and standards for the national pollutant discharge elimination system. 40 CFR 125, subparts A, B, D, H, and I.
 5. Toxic pollutant effluent standards. 40 CFR 129.
 6. Secondary treatment regulation. 40 CFR 133.
 7. Guidelines for establishing test procedures for the analysis of pollutants, 40 CFR 136.
 8. Effluent guidelines and standards.
 - a. General provisions, 40 CFR 401; and
 - b. General pretreatment regulations for existing and new sources of pollution, 40 CFR 403 and Appendices A, D, E, and G.
 9. Effluent limitations guidelines. 40 CFR 405 through 40 CFR 471.
 10. Standards for the use or disposal of sewage sludge. 40 CFR 503, Subpart C.
 11. The following substitutions apply to the material in subsections (A)(1) through (A)(10):
 - a. Substitute the term AZPDES for any reference to NPDES;
 - b. Except for 40 CFR 122.21(f) through (q), substitute R18-9-B901 (individual permit), and R18-9-C901 (general permit), for any reference to 40 CFR 122.21;
 - c. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 122;
 - d. Substitute R18-9-C901 for any reference to 40 CFR 122.28;

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- e. Substitute R18-9-B901 (individual permit), and R18-9-C901 (general permit), for any reference to 40 CFR 122 subpart B;
- f. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 123;
- g. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 124;
- h. Substitute R18-9-1006 for any reference to 40 CFR 503.32; and
- i. Substitute R18-9-1010 for any reference to 40 CFR 503.33.

B. A person shall analyze a pollutant using a test procedure for the pollutant specified by the Director in an AZPDES permit. If the Director does not specify a test procedure for a pollutant in an AZPDES permit, a person shall analyze the pollutant using:

1. A test procedure listed in 40 CFR 136, which is incorporated by reference in subsection (A)(7);
2. An alternate test procedure approved by the EPA as provided in 40 CFR 136;
3. A test procedure listed in 40 CFR 136, with modifications allowed by the EPA and approved as a method alteration by the Arizona Department of Health Services under A.A.C. R9-14-610(B); or
4. If a test procedure for a pollutant is not available under subsection (B)(1) through (B)(3), a test procedure listed in A.A.C. R9-14-612 or approved under A.A.C. R9-14-610(C).

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2704, effective June 5, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4). Amended by final expedited rulemaking at 30 A.A.R. 28 (January 5, 2024), with an immediate effective date of December 15, 2023 (Supp. 23-4).

R18-9-A906. General Pretreatment Regulations for Existing and New Sources of Pollution

- A.** The reduction or alteration of a pollutant may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited under 40 CFR 403.6(d), which is incorporated by reference in R18-9-A905(A)(8)(b). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, if wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility shall meet an adjusted pretreatment limit calculated under 40 CFR 403.6(e), which is incorporated by reference in R18-9-A905(A)(8)(b).
- B.** Pretreatment applies to:
1. Pollutants from non-domestic sources covered by pretreatment standards that are indirectly discharged, transported by truck or rail, or otherwise introduced into POTWs;
 2. POTWs that receive wastewater from sources subject to national pretreatment standards; and
 3. Any new or existing source subject to national pretreatment standards.

- C.** National pretreatment standards do not apply to sources that discharge to a sewer that is not connected to a POTW.
- D.** For purposes of this Section the terms “National Pretreatment Standard” and “Pretreatment Standard” mean any regulation containing pollutant discharge limits promulgated by EPA under section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317), which applies to Industrial Users. This term includes prohibitive discharge limits established under 40 CFR 403.5.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-A907. Public Notice

- A.** Individual permits.
1. The Director shall publish a notice that a draft individual permit has been prepared, or a permit application has been tentatively denied, in one or more newspapers of general circulation where the facility is located. The notice shall contain:
 - a. The name and address of the Department;
 - b. The name and address of the permittee or permit applicant and if different, the name of the facility or activity regulated by the permit;
 - c. A brief description of the business conducted at the facility or activity described in the permit application;
 - d. The name, address, and telephone number of a person from whom an interested person may obtain further information, including copies of the draft permit, fact sheet, and application;
 - e. A brief description of the comment procedures, the time and place of any hearing, including a statement of procedures to request a hearing (unless a hearing has already been scheduled), and any other procedure by which the public may participate in the final permit decision;
 - f. A general description of the location of each existing or proposed discharge point and the name of the receiving water;
 - g. For sources subject to section 316(a) of the Clean Water Act, a statement that the thermal component of the discharge is subject to effluent limitations under the Clean Water Act, section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316) and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316);
 - h. Requirements applicable to cooling water intake structures at new facilities subject to 40 CFR 125, subpart I; and
 - i. Any additional information considered necessary to the permit decision.
 2. The Department shall provide the applicant with a copy of the draft individual permit.
 3. Copy of the notice. The Department shall provide the following entities with a copy of the notice:
 - a. The applicant or permittee;
 - b. Any user identified in the permit application of a privately owned treatment works;
 - c. Any affected federal, state, tribal, or local agency, or council of government;
 - d. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Arizona

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Historic Preservation Office, and the U.S. Army Corps of Engineers;

- e. Each applicable county department of health, environmental services, or comparable department;
- f. Any person who requested, in writing, notification of the activity; and
- g. The Secretaria de Medio Ambiente y Recursos Naturales and the United States Section of the International Boundary and Water Commission, if the Department is aware the effluent discharge is expected to reach Sonora, Mexico, either through surface water or groundwater.

- B. General permits.** If the Director considers issuing a general permit applicable to a category of discharge under R18-9-C901, the Director shall publish a general notice of the draft permit in the *Arizona Administrative Register*. The notice shall contain:
1. The name and address of the Department,
 2. The name of the person to contact regarding the permit,
 3. The general permit category,
 4. A brief description of the proposed general permit,
 5. A map or description of the permit area,
 6. The web site or any other location where the proposed general permit may be obtained, and
 7. The ending date for public comment.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-A908. Public Participation, EPA Review, EPA Hearing

- A. Public comment period.**
1. The Director shall accept written comments from any interested person before a decision is made on any notice published under R18-9-A907(A) or (B).
 2. The public comment period begins on the publication date of the notice and extends for 30 calendar days.
 3. The Director may extend the comment period to provide commenters a reasonable opportunity to participate in the decision-making process.
 4. If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Director may reopen or extend the comment period to provide interested persons an opportunity to comment on the information or arguments submitted. Comments filed during a reopened comment period are limited to the substantial new questions that caused its reopening.
 - a. Corps of Engineers.
 - i. If the District Engineer advises the Director that denying the permit or imposing specified conditions upon a permit is necessary to avoid any substantial impairment of anchorage or navigation, then the Director shall deny the permit or include the specified conditions in the permit.
 - ii. A person shall use the applicable procedures of the Corps of Engineers Review and not the procedures under this Article to appeal the denial of a permit or conditions specified by the District Engineer.

iii. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the Corps of Engineers, those conditions are considered stayed in the AZPDES permit for the duration of that stay.

- b. If an agency with jurisdiction over fish, wildlife, or public health advises the Director in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resource, the Director may include the specified conditions in the permit to the extent they are determined necessary to carry out the provisions of the Clean Water Act.

B. Public hearing.

1. The Director shall provide notice and conduct a public hearing to address a draft permit or denial regarding a final decision if:
 - a. Significant public interest in a public hearing exists, or
 - b. Significant issues or information have been brought to the attention of the Director during the comment period that was not considered previously in the permitting process.
2. If, after publication of the notice under R18-9-A907, the Director determines that a public hearing is necessary, the Director shall schedule a public hearing and publish notice of the public hearing at least once, in one or more newspapers of general circulation where the facility is located. The notice for public hearing shall contain:
 - a. The date, time, and place of the hearing;
 - b. Reference to the date of a previous public notice relating to the proposed decision, if any; and
 - c. A brief description of the nature and purpose of the hearing, including reference to the applicable laws and rules.
3. The Department shall accept written public comment until the close of the hearing or until a later date specified by the person presiding at the public hearing.

C. EPA review of draft and proposed permits.

1. Individual permits.
 - a. The Department shall send a copy of the draft permit to EPA.
 - b. If EPA objects to the draft permit within 30 days from the date of receipt of the draft permit, the EPA comment period is extended to 90 days from the date of receipt of the draft permit and the substantive review time-frame is suspended until EPA makes a final determination.
 - c. If, based on public comments, the Department revises the draft permit, the Department shall send EPA a copy of the proposed permit. If EPA objects to the proposed permit within 30 days from the date of receipt of the proposed permit, the EPA comment period is extended to 90 days from the date of receipt of the proposed permit and the substantive review time-frame is suspended until EPA makes a final determination.
 - d. If EPA withdraws its objection to the draft or proposed permit or does not submit specific objections within 90 days, the Director shall issue the permit.
2. General permits. The Director shall send a copy of the draft permit to EPA and comply with the following review procedure for EPA comments:

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- a. If EPA objects to the draft permit within 90 days from receipt of the draft permit, the Department shall not issue the permit until the objection is resolved;
 - b. If, based on public comments, the Department revises the draft permit, the Department shall send EPA a copy of the proposed permit. If EPA objects to the proposed permit within 90 days from receipt of the proposed permit, the Department shall not issue the permit until the objection is resolved;
 - c. If EPA withdraws its objection to the draft or proposed permit or does not submit specific objections within 90 days, the Director shall issue the permit.
- D. EPA hearing.** Within 90 days of receipt by the Director of a specific objection by EPA, the Director or any interested person may request that EPA hold a public hearing on the objection.
1. If following the public hearing EPA withdraws the objection, the Director shall issue the permit.
 2. If a public hearing is not held, and EPA reaffirms the original objection, or modifies the terms of the objection, and the Director does not resubmit a permit revised to meet the EPA objection within 90 days of receipt of the objection, EPA may issue the permit for one term. Following the completion of the permit term, authority to issue the permit reverts to the Department.
 3. If a public hearing is held and EPA does not withdraw an objection or modify the terms of the objection, and the Director does not resubmit a permit revised to meet the EPA objection within 30 days of notification of the EPA objection, EPA may issue the permit for one permit term. Following the completion of the permit term, authority to issue the permit reverts to the Department.
 4. If EPA issues the permit instead of the Director, the Department shall close the application file.
- E. Final permit determination.**
1. Individual permits. At the same time the Department notifies a permittee or an applicant of the final individual permit determination, the Department shall send, through regular mail, a notice of the determination to any person who submitted comments or attended a public hearing on the final individual permit determination. The Department shall:
 - a. Specify the provisions, if any, of the draft individual permit that have been changed in the final individual permit determination, and the reasons for the change; and
 - b. Briefly describe and respond to all significant comments on the draft individual permit or the permit application raised during the public comment period, or during any hearing.
 2. General permits. The Director shall publish a general notice of the final permit determination in the *Arizona Administrative Register*. The notice shall:
 - a. Specify the provisions, if any, of the draft general permit that have been changed in the final general permit determination, and the reasons for the change;
 - b. Briefly describe and respond to all significant comments on the draft general permit raised during the public comment period, or during any hearing; and
 - c. Specify where a copy of the final general permit may be obtained.
 3. The Department shall make the response to comments available to the public.
- Historical Note**
New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).
- R18-9-A909. Petitions**
- A.** Any person may submit a petition to the Director requesting:
 1. The issuance of a general permit;
 2. An individual permit covering any discharge into an MS4 under 40 CFR 122.26(f), which is incorporated by reference in R18-9-A905(A)(1)(d); or
 3. An individual permit under R18-9-C902(B)(1).
 - B.** The petition shall contain:
 1. The name, address, and telephone number of the petitioner;
 2. The location of the facility;
 3. The exact nature of the petition, and
 4. Evidence of the validity of the petition.
 - C.** The Department shall provide the permittee with a copy of the petition.
- Historical Note**
New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).
- PART B. INDIVIDUAL PERMITS**
- R18-9-B901. Individual Permit Application**
- A.** Time to apply.
 1. Any person who owns or operates a facility covered by R18-9-A902(B) or R18-9-A902(C), shall apply for an AZPDES individual permit at least 180 days before the date of the discharge or a later date if granted by the Director, unless the person:
 - a. Is exempt under R18-9-A902(G);
 - b. Is covered by a general permit under Article 9, Part C of this Chapter; or
 - c. Is a user of a privately owned treatment works, unless the Director requires a permit under 40 CFR 122.44(m).
 2. Construction. Any person who proposes a construction activity under R18-9-A902(B)(9)(c) or R18-9-A902(B)(9)(d) and wishes coverage under an individual permit, shall apply for the individual permit at least 90 days before the date on which construction is to commence.
 3. Waivers.
 - a. Unless the Director grants a waiver under 40 CFR 122.32, a person operating a small MS4 is regulated under the AZPDES program.
 - b. The Director shall review any waiver granted under subsection (A)(3)(a) at least every five years to determine whether any of the information required for granting the waiver has changed.
 - B.** Application. An individual permit applicant shall submit the following information on an application obtained from the Department. The Director may require more than one application from a facility depending on the number and types of discharges or outfalls.
 1. Discharges, other than stormwater.
 - a. The information required under 40 CFR 122.21(f) through (k);
 - b. The signature of the certifying official required under 40 CFR 122.22;

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- c. The name and telephone number of the operator, if the operator is not the applicant; and
- d. Whether the facility is located in the border area, and, if so:
 - i. A description of the area into which the effluent discharges from the facility may flow, and
 - ii. A statement explaining whether the effluent discharged is expected to cross the Arizona-Sonora, Mexico border.
2. Stormwater. In addition to the information required in subsection (B)(1)(c) and (B)(1)(d):
 - a. For stormwater discharges associated with industrial activity, the application requirements under 40 CFR 122.26(c)(1);
 - b. For large and medium MS4s, the application requirements under 40 CFR 122.26(d);
 - c. For small MS4s:
 - i. A stormwater management program under 40 CFR 122.34, and
 - ii. The application requirements under 40 CFR 122.33.
- C. Consolidation of permit applications.
 1. The Director may consolidate two or more permit applications for any facility or activity that requires a permit under Articles 9 and 10 of this Chapter.
 2. Whenever a facility or activity requires an additional permit under Articles 9 and 10 of this Chapter, the Director may coordinate the expiration date of the new permit with the expiration date of an existing permit so that all permits expire simultaneously. The Department may then consolidate the processing of the subsequent applications for renewal permits.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final expedited rulemaking at 30 A.A.R. 28 (January 5, 2024), with an immediate effective date of December 15, 2023 (Supp. 23-4).

R18-9-B902. Requested Coverage Under a General Permit

An owner or operator may request that an individual permit be revoked, if a source is excluded from a general permit solely because it already has an individual permit.

1. The Director shall grant the request for revocation of an individual permit upon determining that the permittee otherwise qualifies for coverage under a general permit.
2. Upon revocation of the individual permit, the general permit applies to the source.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-B903. Individual Permit Issuance or Denial

- A. Once the application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.
- B. Permit issuance. If, based upon the information obtained by or available to the Department under R18-9-A907, R18-9-A908, and R18-9-B901, the Director determines that an applicant complies with A.R.S. Title 49, Chapter 2, Article 3.1 and Articles 9 and 10 of this Chapter, the Director shall issue a permit that is effective as prescribed in A.R.S. 49-255.01(H).
- C. Permit denial.
 1. If the Director decides to deny the permit application, the Director shall provide the applicant with a written notice of intent to deny the permit application. The written notification shall include:
 - a. The reason for the denial with reference to the statute or rule on which the denial is based;
 - b. The applicant's right to appeal the denial with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the denial, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - c. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
 2. The Director shall provide an opportunity for public comment under R18-9-A907 and R18-9-A908 on a denial.
 3. The decision of the Director to deny the permit application takes effect 30 days after the decision is served on the applicant, unless the applicant files an appeal under A.R.S. 49-255.01(H)(1).

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-B904. Individual Permit Duration, Reissuance, and Continuation

- A. Permit duration.
 1. An AZPDES individual permit is effective for a fixed term of not more than five years. The Director may issue a permit for a duration that is less than the full allowable term.
 2. If the Director does not reissue a permit within the period specified in the permit, the permit expires, unless it is continued under subsection (C).
 3. If a permittee of a large or medium MS4 allows a permit to expire by failing to reapply within the time period specified in subsection (B), the permittee shall submit a new application under R18-9-B901 and follow the application requirements under 40 CFR 122.26(d), which is incorporated by reference in R18-9-A905(A)(1)(d).
- B. Permit reissuance.
 1. A permittee shall reapply for an individual permit at least 180 days before the permit expiration date.
 2. Unless otherwise specified in the permit, an annual report submitted 180 days before the permit expiration date satisfies the reapplication requirement for an MS4 permit. The annual report shall contain:
 - a. The name, address, and telephone number of the MS4;
 - b. The name, address, and telephone number of the contact person;
 - c. The status of compliance with permit conditions, including an assessment of the appropriateness of the selected best management practices and progress toward achieving the selected measurable goals for each minimum measure;
 - d. The results of any information collected and analyzed, including monitoring data, if any;
 - e. A summary of the stormwater activities planned for the next reporting cycle;

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- f. A change in any identified best management practices or measurable goals for any minimum measure; and
 - g. Notice of relying on another governmental entity to satisfy some of the permit obligations.
- C. Continuation. An AZPDES individual permit may continue beyond its expiration date if:
1. The permittee has submitted a complete application for an AZPDES individual permit at least 180 days before the expiration date of the existing permit and the permitted activity is of a continuing nature; and
 2. The Department is unable, through no fault of the permittee, to issue an AZPDES individual permit on or before the expiration date of the existing permit.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final expedited rulemaking at 30 A.A.R. 28 (January 5, 2024), with an immediate effective date of December 15, 2023 (Supp. 23-4).

R18-9-B905. Individual Permit Transfer

- A. A permittee may request the Director to transfer an individual permit to a new permittee. The Director may modify, or revoke and reissue the permit to identify the new permittee, or make a minor modification to identify the new permittee.
- B. Automatic transfer. The Director may automatically transfer an individual permit to a new permittee if:
1. The current permittee notifies the Director by certified mail at least 30 days in advance of the proposed transfer date and includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 2. The Director does not notify the existing permittee and the proposed new permittee of the Director's intent to modify, or revoke and reissue the permit. A modification under this subsection may include a minor modification specified in R18-9-B906(B).

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-B906. Modification, Revocation and Reissuance, and Termination of Individual Permits

- A. Permit modification, revocation and reissuance.
1. The Director may modify, or revoke and reissue an individual permit for any of the following reasons:
 - a. The Director receives a written request from an interested person;
 - b. The Director receives information, such as when inspecting a facility;
 - c. The Director receives a written request to modify, or revoke and reissue a permit from a permittee as required in the individual permit; or
 - d. After review of a permit file, the Director determines one or more of the causes listed under 40 CFR 122.62(a) or (b) exists.
 - i. If the Director decides a written request is not justified under 40 CFR 122.62 or subsection (B), the Director shall send the requester a brief written response giving a reason for the decision.
- B. Minor modifications.
1. Upon consent of the permittee, the Director may make any of the following modifications to an individual permit:
 - a. Correct typographical errors;
 - b. Update a permit condition that changed as a result of updating an Arizona water quality standard;
 - c. Require more frequent monitoring or reporting by the permittee;
 - d. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
 - e. Allow for a change in ownership or operational control of a facility, if no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;
 - f. Change the construction schedule for a new source discharger. The change shall not affect a discharger's obligation to have all pollution control equipment installed and in operation before the discharge;
 - g. Delete a point source outfall if the discharge from that outfall is terminated and does not result in a discharge of pollutants from other outfalls except under permit limits;
 - h. Incorporate conditions of a POTW pretreatment program approved under 40 CFR 403.11 and 40 CFR 403.18, which is incorporated by reference in R18-9-A905(A)(8) as enforceable conditions of the permit, and
 - i. Annex an area by a municipality.
 2. Any modification processed under subsection (B)(1) is not subject to the public notice provision under R18-9-A907 or public participation procedures under R18-9-A908.
- C. Permit termination.

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1. The Director may terminate an individual permit during its term or deny reissuance of a permit for any of the following causes:
 - a. The permittee's failure to comply with any condition of the permit;
 - b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant fact;
 - c. The Director determined that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - d. A change occurs in any condition that requires either a temporary or permanent reduction or elimination of any discharge, sludge use, or disposal practice controlled by the permit, for example, a plant closure or termination of discharge by connection to a POTW.
2. If the Director terminates a permit during its term or denies a permit renewal application for any cause listed in subsection (C)(1), the Director shall issue a Notice of Intent to Terminate, except when the entire discharge is terminated.
 - a. Unless the permittee objects to the termination notice within 30 days after the notice is sent, the termination is final at the end of the 30 days.
 - b. If the permittee objects to the termination notice, the permittee shall respond in writing to the Director within 30 days after the notice is sent.
 - c. Expedited permit termination. If a permittee requests an expedited permit termination procedure, the permittee shall certify that the permittee is not subject to any pending state or federal enforcement actions, including citizen suits brought under state or federal law.
 - d. The denial of a request for termination is not subject to public notice, comment, or hearing under R18-9-A907 and R18-9-A908(A) and (B).

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final expedited rulemaking at 30 A.A.R. 28 (January 5, 2024), with an immediate effective date of December 15, 2023 (Supp. 23-4).

R18-9-B907. Individual Permit Variances

- A. The Director may grant or deny a request for any of the following variances:
 1. An extension under section 301(i) of the Clean Water Act (33 U.S.C. 1311) based on a delay in completion of a POTW;
 2. After consultation with EPA, an extension under section 301(k) of the Clean Water Act (33 U.S.C. 1311) based on the use of innovative technology;
 3. A variance under section 316(a) of the Clean Water Act (33 U.S.C. 1326) for thermal pollution, or
 4. A variance under R18-11-122 for a water quality standard.
- B. The Director may deny, forward to EPA with a written concurrence, or submit to EPA without recommendation a completed request for:
 1. A variance based on the economic capability of the applicant under section 301(c) of the Clean Water Act (33 U.S.C. 1311); or
 2. A variance based on water quality related effluent limitations under 302(b)(2) (33 U.S.C. 1312) of the Clean Water Act.

- C. The Director may deny or forward to EPA with a written concurrence a completed request for:
 1. A variance based on the presence of fundamentally different factors from those on which an effluent limitations guideline is based; and
 2. A variance based upon water quality factors under section 301(g) of the Clean Water Act (33 U.S.C. 1311).
- D. If the Department approves a variance under subsection (A) or if EPA approves a variance under subsection (B) or (C), the Director shall prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or modification has been approved or denied shall identify the applicable procedures for appealing the decision.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

PART C. GENERAL PERMITS**R18-9-C901. General Permit Issuance**

- A. The Director may issue a general permit to cover one or more categories of discharges, sludge use, or disposal practices, or facilities within a geographic area corresponding to existing geographic or political boundaries, if the sources within a covered category of discharges are either:
 1. Stormwater point sources; or
 2. One or more categories of point sources other than stormwater point sources, or one or more categories of treatment works treating domestic sewage, if the sources, or treatment works treating domestic sewage, within each category all:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;
 - c. Require the same effluent limitations, operating conditions, or standards for sludge use or disposal;
 - d. Require the same or similar monitoring; and
 - e. Are more appropriately controlled under a general permit than under an individual permit.
- B. Any person seeking coverage under a general permit issued under subsection (A) shall submit a Notice of Intent on a form provided by the Department within the time-frame specified in the general permit unless exempted under the general permit as provided in subsection (C)(2). The person shall not discharge before the time specified in the general permit unless the discharge is authorized by another permit.
- C. Exemption from filing a Notice of Intent.
 1. The following dischargers are not exempt from submitting a Notice of Intent:
 - a. A discharge from a POTW;
 - b. A combined sewer overflow;
 - c. A MS4;
 - d. A primary industrial facility;
 - e. A stormwater discharge associated with industrial activity;
 - f. A CAFO;
 - g. A treatment works treating domestic sewage; and

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- h. A stormwater discharge associated with construction activity.
2. For dischargers not listed in subsection (C)(1), the Director may consider a Notice of Intent inappropriate for the discharge and authorize the discharge under a general permit without a Notice of Intent. In making this finding, the Director shall consider:
- The type of discharge,
 - The expected nature of the discharge,
 - The potential for toxic and conventional pollutants in the discharge,
 - The expected volume of the discharge,
 - Other means of identifying the discharges covered by the permit, and
 - The estimated number of discharges covered by the permit.
3. The Director shall provide reasons for not requiring a Notice of Intent for a general permit in the public notice.
- D. Notice of Intent.** The Director shall specify the contents of the Notice of Intent in the general permit and the applicant shall submit information sufficient to establish coverage under the general permit, including, at a minimum:
- The name, position, address, and telephone number of the owner of the facility;
 - The name, position, address, and telephone number of the operator of the facility, if different from subsection (D)(1);
 - The name and address of the facility;
 - The type and location of the discharge;
 - The receiving streams;
 - The latitude and longitude of the facility;
 - For a CAFO, the information specified in 40 CFR 122.21(i)(1) and a topographic map;
 - The signature of the certifying official required under 40 CFR 122.22; and
 - Any other information necessary to determine eligibility for the AZPDES general permit.
- E. The general permit shall contain:**
- The expiration date; and
 - The appropriate permit requirements, permit conditions, and best management practices, and measurable goals for MS4 general permits, under R18-9-A905(A)(1), R18-9-A905(A)(2), and R18-9-A905(A)(3) and determined by the Director as necessary and appropriate for the protection of navigable waters.
- F. The Department shall inform a permittee if EPA requests the permittee's Notice of Intent, unless EPA requests that the permittee not be notified.**
- Historical Note**
- New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).
- R18-9-C902. Required and Requested Coverage Under an Individual Permit**
- A. Individual permit requirements.**
- The Director may require a person authorized by a general permit to apply for and obtain an individual permit for any of the following cases:
 - A discharger or treatment works treating domestic sewage is not in compliance with the conditions of the general permit;
 - A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;
 - Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - Standards for sewage sludge use or disposal are promulgated for the sludge use and disposal practices covered by the general permit; or
 - If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - The location of the discharge with respect to navigable waters,
 - The size of the discharge,
 - The quantity and nature of the pollutants discharged to navigable waters, and
 - Any other relevant factor.
2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
- A brief statement of the reasons for the decision,
 - An application form,
 - A statement setting a deadline to file the application,
 - A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate,
 - The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
3. The discharger shall apply for a permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
4. If the permittee fails to submit the individual permit application within the time period established in subsection (A)(3), the applicability of the general permit to the permittee is automatically terminated at the end of the day specified by the Director for application submittal.
5. Coverage under the general permit shall continue until an individual permit is issued unless the permit coverage is terminated under subsection (A)(4).
- B. Individual permit request.**
- An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
 - The owner or operator shall submit an individual permit application under R18-9-B901(B) and

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include the reasons supporting the request no later than 90 days after publication of the general permit.

- b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
2. If an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-C903. General Permit Duration, Reissuance, and Continuation

- A. General permit duration.
 1. An AZPDES general permit is effective for a fixed term of not more than five years. The Director may issue a permit for a duration that is less than the full allowable term.
 2. If the Director does not reissue a general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
- B. Continued coverage. Any permittee granted permit coverage before the expiration date automatically remains covered by the continued permit until the earlier of:
 1. Reissuance or replacement of the permit, at which time the permittee shall comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
 2. The date the permittee has submitted a Notice of Termination; or
 3. The date the Director has issued an individual permit for the discharge; or
 4. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the permittee shall seek coverage under an alternative general permit or an individual permit.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-C904. Change of Ownership or Operator Under a General Permit

If a change of ownership or operator occurs for a facility operating under a general permit:

1. Permitted owner or operator. The permittee shall provide the Department with a Notice of Termination by certified mail within 30 days after the new owner or operator assumes responsibility for the facility.
 - a. The Notice of Termination shall include all requirements for termination specified in the general permit for which the Notice of Termination is submitted.
 - b. A permittee shall comply with the permit conditions specified in the general permit for which the Notice of Termination is submitted until the Notice of Termination is received by the Department.
2. New owner or operator.
 - a. The new owner or operator shall complete and file a Notice of Intent with the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the facility.

- b. If the previous permittee was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.
- c. The permittee shall provide the Department with a Notice of Termination if a permitted facility ceases operation, ceases to discharge, or changes operator status. In the case of a construction site, the permittee shall submit a Notice of Termination to the Department when:
 - i. The facility ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
 - ii. The construction is complete and final site stabilization is achieved, or
 - iii. The operator's status changes.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-C905. General Permit Modification and Revocation and Reissuance

- A. The Director may modify or revoke a general permit issued under R18-9-A907(B), R18-9-A908, and R18-9-C901 if one or more of the causes listed under 40 CFR 122.62(a) or (b) exists.
- B. The Director shall follow the procedures specified in R18-9-A907(B) and R18-9-A908 to modify or revoke and reissue a general permit.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

PART D. ANIMAL FEEDING OPERATIONS AND CONCENTRATED ANIMAL FEEDING OPERATIONS**R18-9-D901. CAFO Designations**

- A. Two or more animal feeding operations under common ownership are considered a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.
- B. The Director shall designate an animal feeding operation as a CAFO if the animal feeding operation significantly contributes a pollutant to a navigable water. The Director shall consider the following factors when making this determination:
 1. The size of the animal feeding operation and the amount of wastes reaching a navigable water;
 2. The location of the animal feeding operation relative to a navigable water;
 3. The means of conveyance of animal wastes and process wastewaters into a navigable water;
 4. The slope, vegetation, rainfall, and any other factor affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into a navigable water; and
 5. Any other relevant factor.
- C. The Director shall conduct an onsite inspection of the animal feeding operation before the making a designation under subsection (B).
- D. The Director shall not designate an animal feeding operation having less than the number of animals established in R18-9-A901(19)(a) as a CAFO unless a pollutant is discharged:

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1. Into a navigable water through a manmade ditch, flushing system, or other similar manmade device; or
 2. Directly into a navigable water that originates outside of and passes over, across, or through the animal feeding operation or otherwise comes into direct contact with the animals confined in the operation.
- E. If the Director makes a designation under subsection (B), the Director shall notify the owner or operator of the operation, in writing, of the designation.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-D902. AZPDES Permit Coverage Requirements

- A. Any person who owns or operates a CAFO, except as provided in subsections (B) and (C), shall submit an application for an individual permit under R18-9-B901(B) or seek coverage under a general permit under R18-9-C901(B) within the applicable deadline specified in R18-9-D904(A).
- B. If a person who owns or operates a large CAFO receives a no potential to discharge determination under R18-9-D903, coverage under an AZPDES permit described in this Part is not required.
- C. The discharge of manure, litter, or process wastewater to a navigable water from a CAFO as a result of the application of manure, litter, or process wastewater by the CAFO to land areas under its control is subject to AZPDES permit requirements, except where it is an agricultural stormwater discharge as provided in section 502(14) of the Clean Water Act (33 U.S.C. 1362(14)). For purposes of this Section, an "agricultural stormwater discharge" means a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO when the person who owns or operates the CAFO has applied the manure, litter, or process wastewater according to site-specific nutrient management practices to ensure appropriate agricultural use of the nutrients in the manure, litter, or process wastewater, as specified under 40 CFR 122.42(e)(1)(vi) through (ix).

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-D903. No Potential To Discharge Determinations for Large CAFOs

- A. For purposes of this Section, "no potential to discharge" means that there is no potential for any CAFO manure, litter, or process wastewater to enter into a navigable water under any circumstance or climatic condition.
- B. Any person who owns or operates a large CAFO and has not had a discharge within the previous five years may request a no potential to discharge determination by submitting to the Department:
1. The information specified in 40 CFR 122.21(f) and 40 CFR 122.21(i)(1)(i) through (ix) on a form obtained from the Department, by the applicable date specified in R18-9-D904(A); and
 2. Any additional information requested by the Director to supplement the request or requested through an onsite inspection of the CAFO.
- C. Process for making a no potential to discharge determination.
1. Upon receiving a request under subsection (B), the Director shall consider:
 - a. The potential for discharges from both the production area and any land application area, and

- b. Any record of prior discharges by the CAFO.
2. The Director shall issue a public notice that includes:
- a. A statement that a no potential to discharge request has been received;
 - b. A fact sheet, when applicable;
 - c. A brief description of the type of facility or activity that is the subject of the no potential to discharge determination;
 - d. A brief summary of the factual basis, upon which the request is based, for granting the no potential to discharge determination; and
 - e. A description of the procedures for reaching a final decision on the no potential to discharge determination.
3. The Director shall base the decision to grant a no potential to discharge determination on the administrative record, which includes all information submitted in support of a no potential to discharge determination and any other supporting data gathered by the Director.
4. The Director shall notify the owner or operator of the large CAFO of the final determination within 90 days of receiving the request.
- D. If the Director determines that the operation has the potential to discharge, the person who owns or operates the CAFO shall seek coverage under an AZPDES permit within 30 days after the determination of potential to discharge.
- E. A no potential to discharge determination does not relieve the CAFO from the consequences of a discharge. An unpermitted CAFO discharging a pollutant into a navigable water is in violation of the Clean Water Act even if the Director issues a no potential to discharge determination for the facility. If the Director issues a determination of no potential to discharge to a CAFO facility but the owner or operator anticipates a change in circumstances that could create the potential for a discharge, the owner or operator shall contact the Director and apply for and obtain permit authorization before the change of circumstances.
- F. When the Director issues a determination of no potential to discharge, the Director retains the authority to subsequently require AZPDES permit coverage if:
1. Circumstances at the facility change;
 2. New information becomes available; or
 3. The Director determines, through other means, that the CAFO has a potential to discharge.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-D904. AZPDES Permit Coverage Deadlines

- A. Any person who owns or operates a CAFO shall apply for or seek coverage under an AZPDES permit and shall comply with all applicable AZPDES requirements, including the duty to maintain permit coverage under subsection (C).
1. Permit coverage deadline for an animal feeding operation operating before April 14, 2003.
 - a. An owner or operator of an animal feeding operation that operated before April 14, 2003 and was defined as a CAFO before February 2, 2004 shall apply for or seek permit coverage or maintain permit coverage and comply with the conditions of the applicable AZPDES permit;
 - b. An owner or operator of an animal feeding operation that operated before April 14, 2003 and was not defined as a CAFO until February 2, 2004 shall

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apply for or seek permit coverage by a date specified by the Director, but no later than February 13, 2006;

- c. An owner or operator of an animal feeding operation that operated before April 14, 2003 who changes the operation on or after February 2, 2004, resulting in the operation being defined as a CAFO, shall apply for or seek permit coverage as soon as possible, but no later than 90 days after the operational change. If the operational change will not make the operation a CAFO as defined before February 2, 2004, the owner or operator may take until April 13, 2006 or 90 days after the operation is defined as a CAFO, whichever is later, to apply for or seek permit coverage;
- d. An owner or operator of an animal feeding operation that operated before April 14, 2003 who constructs additional facilities on or after February 2, 2004, resulting in the operation being defined as a CAFO that is a new source, shall apply for or seek permit coverage at least 180 days before the new source portion of the CAFO commences operation. If the calculated 180-day deadline occurs before February 2, 2004 and the operation is not subject to this Article before February 2, 2004, the owner or operator shall apply for or seek permit coverage no later than March 3, 2004.

2. Permit coverage deadline for an animal feeding operation operating on or after April 14, 2003. An owner or operator who started construction of a CAFO on or after April 14, 2003, including a CAFO subject to the effluent limitations guidelines in 40 CFR 412, shall apply for or seek permit coverage at least 180 days before the CAFO commences operation. If the calculated 180-day deadline occurs before February 2, 2004 and the operation is not subject to this Article before February 2, 2004, the owner or operator shall apply for or seek permit coverage no later than March 3, 2004.
3. Permit coverage deadline for a designated CAFO. Any person who owns or operates a CAFO designated under R18-9-D901(B) shall apply for or seek permit coverage no later than 90 days after receiving a designation notice.

B. Unless specified under R18-9-D903(E) and (F), the Director shall not require permit coverage for a CAFO that the Director determines under R18-9-D903 to have no potential to discharge. If circumstances change at a CAFO that has a no potential to discharge determination and the CAFO now has a potential to discharge, the person who owns or operates the CAFO shall notify the Director within 30 days after the change in circumstances and apply for or seek coverage under an AZPDES permit.

C. Duty to maintain permit coverage.

1. The permittee shall:
- If covered by an individual AZPDES permit, submit an application to renew the permit no later than 180 days before the expiration of the permit under R18-9-B904(B); or
 - If covered by a general AZPDES permit, comply with R18-9-C903(B).
2. Continued permit coverage or reapplication for a permit is not required if:
- The facility ceases operation or is no longer a CAFO; and
 - The permittee demonstrates to the Director that there is no potential for a discharge of remaining manure,

litter, or associated process wastewater (other than agricultural stormwater from land application areas) that was generated while the operation was a CAFO.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-D905. Closure Requirements

A. Closure.

- A person who owns or operates a CAFO shall notify the Department of the person's intent to cease operations without resuming an activity for which the facility was designed or operated.
- A person who owns or operates a CAFO shall submit a closure plan to the Department for approval 90 days before ceasing operation. The closure plan shall describe:
 - For operations that met the "no potential to discharge" under R18-9-D903, facility-related information based on the Notice of Termination form for the applicable general permit;
 - The approximate quantity of manure, process wastewater, and other materials and contaminants to be removed from the facility;
 - The destination of the materials to be removed from the facility and documentation that the destination is approved to accept the materials;
 - The method to treat any material remaining at the facility;
 - The method to control the discharge of pollutants from the facility;
 - Any limitations on future land or water use created as a result of the facility's operations or closure activities;
 - A schedule for implementing the closure plan; and
 - Any other relevant information the Department determines necessary.

B. The owner or operator shall provide the Department with written notice that a closure plan has been fully implemented within 30 calendar days of completion and before redevelopment.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

ARTICLE 10. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM - DISPOSAL, USE, AND TRANSPORTATION OF BIOSOLIDS**R18-9-1001. Definitions**

In addition to the definitions in A.R.S. § 49-255 and R18-9-A901, the following terms apply to this Article:

- "Aerobic digestion" means the biochemical decomposition of organic matter in biosolids into carbon dioxide and water by microorganisms in the presence of air.
- "Agronomic rate" means the whole biosolids application rate on a dry-weight basis that meets the following conditions:
 - The amount of nitrogen needed by existing vegetation or a planned or actual crop has been provided, and
 - The amount of nitrogen that passes below the root zone of the crop or vegetation is minimized.

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3. "Anaerobic digestion" means the biochemical decomposition of organic matter in biosolids into methane gas and carbon dioxide by microorganisms in the absence of air.
4. "Annual biosolids application rate" means the maximum amount of biosolids (dry-weight basis) that can be applied to an acre or hectare of land during a 365-day period.
5. "Annual pollutant loading rate" means the maximum amount of a pollutant that can be applied to an acre or hectare of land during a 365-day period.
6. "Applicator" means a person who arranges for and controls the site-specific land application of biosolids in Arizona.
7. "Biosolids" means sewage sludge, including exceptional quality biosolids, that is placed on, or applied to the land to use the beneficial properties of the material as a soil amendment, conditioner, or fertilizer. Biosolids do not include any of the following:
 - a. Sludge determined to be hazardous under A.R.S. Title 49, Chapter 5, Article 2 and 40 CFR 261;
 - b. Sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry-weight basis);
 - c. Grit (for example, sand, gravel, cinders, or other materials with a high specific gravity) or screenings generated during preliminary treatment of domestic sewage by a treatment works;
 - d. Sludge generated during the treatment of either surface water or groundwater used for drinking water;
 - e. Sludge generated at an industrial facility during the treatment of industrial wastewater, including industrial wastewater combined with domestic sewage;
 - f. Commercial septage, industrial septage, or domestic septage combined with commercial or industrial septage; or
 - g. Special wastes as defined and controlled under A.R.S. Title 49, Chapter 4, Article 9.
8. "Bulk biosolids" means biosolids that are transported and land-applied in a manner other than in a bag or other container holding biosolids of 1.102 short tons or 1 metric ton or less.
9. "Class I sludge management facility" means any POTW identified under 40 CFR 403.8(a) as being required to have an approved pretreatment program (including a POTW for which the Department assumes local program responsibilities under 40 CFR 403.10(e)) and any other treatment works treating domestic sewage classified as a Class I sludge management facility by the regional administrator in conjunction with the Director or by the Director because of the potential for its sludge use or disposal practices to adversely affect public health or the environment.
10. "Clean water act" means the federal water pollution control act amendments of 1972, as amended (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1251 through 1376). A.R.S. 49-201(6).
11. "Coarse fragments" means rock particles in the gravel-size range or larger.
12. "Coarse or medium sands" means a soil mixture of which more than 50% of the sand fraction is retained on a No. 40 (0.425 mm) sieve.
13. "Cumulative pollutant loading rate" means the maximum amount of a pollutant applied to a land application site.
14. "Domestic septage" means the liquid or solid material removed from a septic tank, cesspool, portable toilet, marine sanitation device, or similar system or device that receives only domestic sewage. Domestic septage does not include commercial or industrial wastewater or restaurant grease-trap wastes.
15. "Domestic sewage" means waste or wastewater from humans or household operations that is discharged to a publicly or privately owned treatment works. Domestic sewage also includes commercial and industrial wastewaters that are discharged into a publicly-owned or privately-owned treatment works if the industrial or commercial wastewater combines with human excreta and other household and nonindustrial wastewaters before treatment.
16. "Dry-weight basis" means the weight of biosolids calculated after the material has been dried at 105° C until reaching a constant mass.
17. "Exceptional quality biosolids" means biosolids certified under R18-9-1013(A)(6) as meeting the pollutant concentrations in R18-9-1005 Table 2, Class A pathogen reduction in R18-9-1006, and one of the vector attraction reduction requirements in subsections R18-9-1010(A)(1) through R18-9-1010(A)(8).
18. "Feed crops" means crops produced for animal consumption.
19. "Fiber crops" means crops grown for their physical characteristics. Fiber crops, including flax and cotton, are not produced for human or animal consumption.
20. "Food crops" means crops produced for human consumption.
21. "Gravel" means soil predominantly composed of rock particles that will pass through a 3-inch (75 mm) sieve and be retained on a No. 4 (4.75 mm) sieve.
22. "Industrial wastewater" means wastewater that is generated in a commercial or industrial process.
23. "Land application," "apply biosolids," or "biosolids applied to the land" means spraying or spreading biosolids on the surface of the land, injecting biosolids below the land's surface, or incorporating biosolids into the soil to amend, condition, or fertilize the soil.
24. "Monthly average" means the arithmetic mean of all measurements taken during a calendar month.
25. "Municipality" means a city, town, county, district, association, or other public body, including an intergovernmental agency of two or more of the foregoing entities created by or under state law. The term includes special districts such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity that has as one of its principal responsibilities, the treatment, transport, use, or disposal of biosolids.
26. "Navigable waters" means the waters of the United States as defined by section 502(7) of the clean water act (33 United States Code section 1362(7)). A.R.S. § 49-201(21).
27. "Other container" means a bucket, bin, box, carton, trailer, pickup truck bed, or a tanker vehicle or an open or closed receptacle with a load capacity of 1.102 short tons or one metric ton or less.
28. "Pathogen" means a disease-causing organism.
29. "Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political

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subdivision of this state, a commission, the United States government or a federal facility, interstate body or other entity. A.R.S. § 49-201(26).

30. "Person who prepares biosolids" means a person who generates biosolids during the treatment of domestic sewage in a treatment works, packages biosolids, or derives a new product from biosolids either through processing or by combining it with another material, including blending several biosolids together.
31. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration.
32. "Pollutant" means an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after release into the environment and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through the food chain, could cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformities in either organisms or reproduced offspring.
33. "Pollutant limit" means:
 - a. A numerical value that describes the quantity of a pollutant allowed in a unit of biosolids such as milligrams per kilogram of total solids,
 - b. The quantity of a pollutant that can be applied to a unit area of land such as kilograms per hectare, or
 - c. The volume of biosolids that can be applied to a unit area of land such as gallons per acre.
34. "Privately owned treatment works" means a device or system owned by a non-governmental entity used to treat, recycle, or reclaim, either domestic sewage or a combination of domestic sewage and industrial waste that is generated off-site.
35. "Public contact site" means a park, sports field, cemetery, golf course, plant nursery, or other land with a high potential for public exposure to biosolids.
36. "Reclamation" means the use of biosolids to restore or repair construction sites, active or closed mining sites, landfill caps, or other drastically disturbed land.
37. "Responsible official" means a principal corporate officer, general partner, proprietor, or, in the case of a municipality, a principal executive official or any duly authorized agent.
38. "Runoff" means rainwater, leachate, or other liquid that drains over any part of a land surface and runs off of the land surface.
39. "Sand" means soil that contains more than 85% grains in the size range that will pass through a No. 4 (4.75 mm) sieve and be retained on a No. 200 (0.075 mm) sieve.
40. "Sewage sludge":
 - (a) Means solid, semisolid or liquid residue that is generated during the treatment of domestic sewage in a treatment works.
 - (b) Includes domestic septage, scum or solids that are removed in primary, secondary or advanced wastewater treatment processes, and any material derived from sewage sludge.
 - (c) Does not include ash that is generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings that are generated during preliminary treatment of domestic sewage in a treatment works. A.R.S. § 49-255(6)
41. "Sewage sludge unit" means land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. Land does not include navigable waters.
42. "Specific oxygen uptake rate (SOUR)" means the mass of oxygen consumed per unit time per unit mass of total solids (dry-weight basis) in biosolids.
43. "Store biosolids" or "storage of biosolids" means the temporary holding or placement of biosolids on land before land application.
44. "Surface disposal site" means an area of land that contains one or more active sewage sludge units.
45. "Ton" means a net weight of 2000 pounds and is known as a short ton.
46. "Total solids" means the biosolids material that remains when sewage sludge is dried at 103° C to 105° C.
47. "Treatment of biosolids" means the thickening, stabilization, dewatering, and other preparation of biosolids for land application. Storage is not a treatment of biosolids.
48. "Unstabilized solids" means the organic matter in biosolids that has not been treated or reduced through an aerobic or anaerobic process.
49. "Vectors" means rodents, flies, mosquitoes, or other organisms capable of transporting pathogens.
50. "Volatile solids" means the amount of total solids lost when biosolids are combusted at 550° C in the presence of excess air.
51. "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and do under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, cienegas, tinajas, and similar areas.

Historical Note

New Section recodified from R18-13-1502 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1002. Applicability and Prohibitions

- A. This Article applies to:
 1. Any person who:
 - a. Prepares biosolids for land application or disposal in a sewage sludge unit or in an incinerator,
 - b. Transports biosolids for land application or incineration, or disposal in a sewage sludge unit,
 - c. Applies biosolids to the land,
 - d. Owns or operates a sewage sludge unit,
 - e. Owns or leases land to which biosolids are applied, or
 - f. Owns or operates an incinerator that fires sewage sludge,
 2. Biosolids applied to the land or placed on a surface disposal site,
 3. Land where biosolids are applied, and
 4. A surface disposal site.
- B. The land application of biosolids in a manner consistent with this Article is exempt from the requirements of the aquifer protection program established under A.R.S. Title 49, Chapter 2, Article 3 and 18 A.A.C. 9, Articles 1, 2, and 3.

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- C. Except as provided in subsection (D), the land application of biosolids in a manner that is not consistent with Articles 9 and 10 of this Chapter is prohibited.
- D. The Department may permit the land application of biosolids in a manner that differs from the requirements in R18-9-1007 and R18-9-1008 if the land application is permitted under the aquifer protection permit program established under A.R.S. Title 49, Chapter 2, Article 3, and 18 A.A.C. 9, Articles 1, 2, and 3.
- E. Surface disposal site.
1. Any person who prepares biosolids that are placed in a sewage sludge unit, or places biosolids in a sewage sludge unit, or who owns or operates a biosolids surface disposal site shall comply with 40 CFR 503, Subpart C, which is incorporated by reference in R18-9-A905(A)(9), and
 - a. The pathogen reduction requirements in R18-9-1006, and
 - b. The vector attraction reduction requirements in R18-9-1010.
 2. In addition to the requirements under subsection (E)(1), any person who owns or operates a biosolids surface disposal site shall apply for, and obtain, a permit under 18 A.A.C. 9, Articles 1 and 2.
- F. A person shall not apply bulk biosolids to the land or place bulk biosolids in a surface disposal site or fire sewage sludge in a sewage sludge incinerator if the biosolids are likely to adversely affect a threatened or endangered species as listed under section 4 of the Endangered Species Act (16 U.S.C. 1533), or its designated critical habitat as defined in 16 U.S.C. 1532.
- G. A person incinerating biosolids shall comply with the requirements set out in 40 CFR Part 503, Subpart E, July 1, 2013 edition, which is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the U.S. General Printing office at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

Historical Note

New Section recodified from R18-13-1501 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 21 A.A.R. 751, effective July 4, 2015 (Supp. 15-2).

R18-9-1003. General Requirements

- A. A person shall not use or transport biosolids, apply biosolids to land, or place biosolids on a surface disposal site in Arizona, except as established in this Article.
- B. The management practices in R18-9-1007 and R18-9-1008 do not apply if biosolids are exceptional quality biosolids.
- C. The applicator shall obtain, submit to the Department, and maintain the information required to comply with the requirements of this Article.
- D. The applicator shall not receive bulk biosolids without prior written confirmation of the filing of a "Request for Registration" under R18-9-1004.
- E. The land owner or lessee of land on which bulk biosolids, that are not exceptional quality biosolids, have been applied shall notify any subsequent land owner and lessee of all previous land applications of biosolids and shall disclose any site restrictions listed in R18-9-1009 that are in effect at the time the property is transferred.
- F. A person who prepares biosolids shall ensure that the applicable requirements in this Article are met when the biosolids are applied to the land or placed on a surface disposal site.
- G. If necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids, the Department may impose, on a case-by-case basis, requirements for the use or disposal of biosolids, including exceptional quality biosolids, in addition to, or more stringent than, the requirements in this Article. The Department shall notify the preparer, applicator, or land owner of these requirements by letter and include the justification for the requirements and the length of time or applicability for the requirements.

Historical Note

New Section recodified from R18-13-1503 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1004. Applicator Registration, Bulk Biosolids

- A. Any person intending to land-apply bulk biosolids in Arizona shall submit, on a form provided by the Department, a completed "Request for Registration."
- B. An applicator shall not engage in land application of bulk biosolids, unless the applicator has obtained a prior written acknowledgment of the Request for Registration or a supplemental request from the Department.
- C. The Request for Registration for all biosolids, except exceptional quality biosolids, shall include:
 1. The name, address, and telephone number of the applicator and any agent of the applicator;
 2. The name and telephone number of a primary contact person who has specific knowledge of the land application activities of the applicator;
 3. Whether the applicator holds a NPDES or AZPDES permit, and, if so, the permit number;
 4. The identity of the person, if different from the applicator, including the NPDES or AZPDES permit number, who will prepare the biosolids for land application; and
 5. The following information, unless the information is already on file at the Department as part of an approved land application plan, for each site on which application is anticipated to take place:
 - a. The name, mailing address, and telephone number of the land owner and lessee, if any;
 - b. The physical location of the site by county;
 - c. The legal description of the site, including township, range, and section, or latitude and longitude at the center of each site;
 - d. The number of acres or hectares at each site to be used;
 - e. Except for sites described in R18-9-1005(D)(2)(c), background concentrations of the pollutants listed in Table 4 of R18-9-1005 from representative soil samples;
 - f. The location of any portion of the site having a slope greater than 6%; and
 - g. Public notice. Proof of placement of a public notice announcing the potential use of the site for the application of biosolids when a site has not previously

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received biosolids, or when a site has not been used for land application for at least three consecutive years.

- i. The notice shall appear at least once each week for at least two consecutive weeks in the largest newspaper in general circulation in the area in which the site is located.
- ii. If a site is not used for land application for at least three consecutive years, the applicator shall renotice the site following the process described in subsection (C)(5)(g)(i) before its reuse.

- D. The Request for Registration for exceptional quality biosolids shall include the information in subsections (C)(1) through (C)(4).
- E. A responsible official of the applicator shall sign the Request for Registration.
- F. The Department shall mail a written acknowledgment of a Request for Registration or supplemental request, within 15 business days of receipt of the request.
- G. An applicator wishing to use a site that has not been identified in a Request for Registration shall file a supplemental request with the Department before using the new site. Public notice requirements under R18-9-1004(C)(5)(g) apply.

Historical Note

New Section recodified from R18-13-1504 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1005. Pollutant Concentrations

- A. A person shall not apply biosolids with pollutant concentrations that exceed any of the ceiling concentrations established in Table 1.
- B. A person shall not apply biosolids sold or given away in a bag or other container that are not exceptional quality biosolids to a site if any annual pollutant loading rate in Table 3 will be exceeded. A person shall determine annual application rates using the methodology established in Appendix A.
- C. A person shall not apply bulk biosolids to a lawn or garden unless the biosolids are exceptional quality biosolids.
- D. Unless using exceptional quality biosolids, a person shall not apply bulk biosolids to a site when:
 - 1. The pollutant concentrations exceed the levels in Table 2, or
 - 2. Any cumulative pollutant loading rate in Table 4 will be exceeded. A person shall determine compliance with the site cumulative pollutant loading rates using the following:
 - a. By identifying all known biosolids application events and information relevant to a site since September 13, 1979.
 - b. By calculating the existing cumulative level of the pollutants established in Table 4 using actual analytical data from the application events or if actual analytical data from application events before April 1996 are not available, background concentrations determined by taking representative soil samples of the site, if it is known that the site received biosolids before April 1996.

- c. Background soil tests are not required for those sites that have not received biosolids before April 23, 1996.

Table 1. Ceiling Concentrations

| Pollutant | Ceiling concentrations (milligrams per kilogram) ⁽¹⁾ |
|------------|---|
| Arsenic | 75.0 |
| Cadmium | 85.0 |
| Chromium | 3000.0 |
| Copper | 4300.0 |
| Lead | 840.0 |
| Mercury | 57.0 |
| Molybdenum | 75.0 |
| Nickel | 420.0 |
| Selenium | 100.0 |
| Zinc | 7500.0 |

⁽¹⁾ Dry-weight basis.

Table 2. Monthly Average Pollutant Concentrations

| Pollutant | Concentration limits (milligrams per kilogram) ⁽¹⁾ |
|-----------|---|
| Arsenic | 41.0 |
| Cadmium | 39.0 |
| Copper | 1500.0 |
| Lead | 300.0 |
| Mercury | 17.0 |
| Nickel | 420.0 |
| Selenium | 100.0 |
| Zinc | 2800.0 |

⁽¹⁾ Dry-weight basis.

Table 3. Annual Pollutant Loading Rates

| Pollutant | Annual pollutant loading rates (in kilograms per hectare) |
|-----------|---|
| Arsenic | 2.0 |
| Cadmium | 1.9 |
| Copper | 75.0 |
| Lead | 15.0 |
| Mercury | 0.85 |
| Nickel | 21.0 |
| Selenium | 5.0 |
| Zinc | 140.0 |

Table 4. Cumulative Pollutant Loading Rates

| Pollutant | Cumulative pollutant loading rates (in kilograms per hectare) |
|-----------|---|
| Arsenic | 41.0 |
| Cadmium | 39.0 |
| Copper | 1500.0 |
| Lead | 300.0 |
| Mercury | 17.0 |

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| | |
|----------|--------|
| Nickel | 420.0 |
| Selenium | 100.0 |
| Zinc | 2800.0 |

Historical Note

New Section recodified from R18-13-1505 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1006. Class A and Class B Pathogen Reduction Requirements

A. An applicator shall ensure that all biosolids applied to land meet Class A or Class B pathogen reduction requirements at the time the biosolids are:

1. Placed on an active sewage sludge unit unless the biosolids are covered with soil or other material at the end of each operating day, or
2. Land applied.

B. Biosolids that are sold or given away in a bag or other container for land application, or that are applied on a lawn or home garden, shall meet the Class A pathogen reduction requirements established in subsection (D).

C. Land on which biosolids with Class B pathogen reduction requirements are applied is subject to the use restrictions established in R18-9-1009.

D. Biosolids satisfy the Class A pathogen reduction requirements when the density of fecal coliform is less than 1000 Most Probable Number per gram of total solids (dry-weight basis), or the density of *Salmonella sp.* bacteria is less than three Most Probable Number per four grams of total solids (dry-weight basis), and any one of the following alternative pathogen treatment options is used:

1. Alternative 1. The pathogen treatment process meets one of the following time and temperature requirements:
 - a. When the percent solids of the biosolids are seven percent or greater, the temperature of the biosolids shall be held at 50° C or higher for at least 20 minutes. The temperature and time period is determined using the equation in subsection (D)(1)(b), except when small particles of the biosolids are heated by either warmed gases or an immiscible liquid;
 - b. When the percent solids of the biosolids are seven percent or greater, and small particles of the biosolids are heated by either warmed gases or an immiscible liquid, a temperature of 50° C or higher shall be held for 15 seconds or longer. The temperature and time period is determined using the following equation:

$$D = \frac{131,700,000}{10^{[0.1400t]}}$$

D = time in days, and
t = temperature in degrees Celsius;

- c. When the percent solids of the biosolids are less than seven percent, the temperature of the biosolids is 50° C or higher and the time period is 30 minutes or lon-

ger. The temperature and time period shall be determined using the following equation:

$$D = \frac{50,070,000}{10^{[0.1400t]}}$$

D = time in days, and
t = temperature in degrees Celsius; or

- d. When the percent solids of the biosolids are less than seven percent, and the time of heating is at least 15 seconds, but less than 30 minutes, the time and temperature is determined using the following equation:

$$D = \frac{131,700,000}{10^{[0.1400t]}}$$

D = time in days, and
t = temperature in degrees Celsius.

2. Alternative 2. The pathogen treatment process meets all the following parameters:
 - a. The pH of the quantity of biosolids treated is raised to 12 or higher and held at least 72 hours;
 - b. During the period that the pH is above 12, the temperature of the biosolids is held above 52° C for at least 12 hours; and
 - c. At the end of the 72-hour period during which the pH is above 12, the biosolids are air dried to achieve a percent solids in the biosolids greater than 50%.
3. Alternative 3. The following conditions are met:
 - a. The biosolids, before pathogen treatment and until the next monitoring event, have an enteric virus density less than one plaque-forming unit for four grams of total solids (dry-weight basis);
 - b. The biosolids, before pathogen treatment and until the next monitoring event, have a viable helminth ova density less than one for four grams of total solids (dry-weight basis); and
 - c. Once the density requirements in subsections (D)(3)(a) and (D)(3)(b) are consistently met after pathogen treatment and the values and ranges of the pathogen treatment process used are documented, the biosolids continue to be Class A with respect to enteric viruses and viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the previously documented values or ranges of values.
4. Alternative 4. The following requirements are met at the time the biosolids are used or disposed or at the time the biosolids are prepared for sale or given away in a bag or other container for application to the land:
 - a. The biosolids have an enteric virus density less than one plaque-forming unit for four grams of total solids (dry-weight basis), and
 - b. The biosolids have a viable helminth ova density less than one for four grams of total solids (dry-weight basis).
5. Alternative 5. Composting.
 - a. Use either the within-vessel or the static-aerated-pile composting method, maintaining the temperature of the biosolids at 55° C or higher for three days; or
 - b. Use the windrow composting method, maintaining the temperature of the biosolids at 55° C or higher for at least 15 days. The windrow shall be turned at

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least five times when the compost is maintained at 55° C or higher.

6. Alternative 6. Heat drying. The biosolids are dried by direct or indirect contact with hot gases to reduce the moisture content to 10% or lower by weight. During the process:
 - a. The temperature of the sewage sludge particles shall exceed 80° C, or
 - b. The wet bulb temperature of the gas as the biosolids leave the dryer shall exceed 80° C.
 7. Alternative 7. Heat treatment. The quantity of liquid biosolids treated are heated to a temperature of 180° C or higher for at least 30 minutes.
 8. Alternative 8. Thermophilic aerobic digestion. Liquid biosolids are agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the biosolids is 10 days at 55 ° to 60° C.
 9. Alternative 9. Beta ray irradiation. Biosolids are irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (approximately 20° C).
 10. Alternative 10. Gamma ray irradiation. Biosolids are irradiated with gamma rays from certain isotopes, such as ⁶⁰Cobalt and ¹³⁷Cesium at dosages of at least 1.0 megarad at room temperature (approximately 20° C).
 11. Alternative 11. Pasteurization. The temperature of the biosolids is maintained at 70° C or higher for at least 30 minutes.
 12. Alternative 12. The Director shall approve another process if the process is equivalent to a Process to Further Reduce Pathogens specified in subsections (D)(5) through (D)(11), as determined by the EPA Pathogen Equivalency Committee.
- E. Biosolids satisfy the Class B pathogen reduction requirements when the biosolids meet any one of the following options:
1. Alternative 1. The geometric mean of the density of fecal coliform in seven representative samples is less than either 2,000,000 Most Probable Number per gram of total solids (dry-weight basis), or 2,000,000 colony forming units per gram of total solids (dry-weight basis);
 2. Alternative 2. Air drying. The biosolids are dried on sand beds or paved or unpaved basins for at least three months. During at least two of the three months, the ambient average daily temperature is above 0° C;
 3. Alternative 3. Lime stabilization. Sufficient lime is added to the biosolids to raise the pH of the biosolids to 12 after at least two hours of contact;
 4. Alternative 4. Aerobic digestion. The biosolids are agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature between 40 days at 20° C and 60 days at 15° C;
 5. Alternative 5. Anaerobic digestion. The biosolids are treated in the absence of air for a specific mean cell residence time at a specific temperature between 15 days at 35° C to 55° C and 60 days at 20° C;
 6. Alternative 6. Composting. Using the within-vessel, static-aerated-pile or windrow composting methods, the temperature of the biosolids is raised to 40° C or higher for five consecutive days. For at least four hours during the five days, the temperature in the compost pile exceeds 55° C; or
 7. Alternative 7. The Director shall approve another process if it is equivalent to a Process to Significantly Reduce Pathogens specified in subsections (E)(2) through (E)(6),

as determined by the EPA Pathogen Equivalency Committee.

Historical Note

New Section recodified from R18-13-1506 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1007. Management Practices and General Requirements

- A. An applicator of bulk biosolids that are not exceptional quality biosolids shall comply with the following management practices at each land application site, except a site where bulk biosolids are applied for reclamation. The applicator shall not:
1. Apply bulk biosolids to soil with a pH less than 6.5 at the time of the application, unless the biosolids are treated under one of the procedures in subsections R18-9-1006(D)(2), R18-9-1006(E)(3), or R18-9-1010(A)(6), or the soil and biosolids mixture has a pH of 6.5 or higher immediately after land application;
 2. Apply bulk biosolids to land with slopes greater than 6%, unless the site is operating under an AZPDES permit or a permit issued under section 402 of the Clean Water Act (33 U.S.C. 1342);
 3. Apply bulk biosolids to land under the following conditions:
 - a. Bulk biosolids with Class A pathogen reduction. If the depth to groundwater is five feet (1.52 meters) or less;
 - b. Bulk biosolids with Class B pathogen reduction.
 - i. If the depth to groundwater is 10 feet (3.04 meters) or less; or
 - ii. To gravel, coarse or medium sands, or sands with less than 15% coarse fragments, if the depth to groundwater is 40 feet (12.2 meters) or less from the point of application of biosolids;
 4. Apply bulk biosolids to land that is 32.8 feet (10 meters) or less from navigable waters;
 5. Store or apply bulk biosolids closer than 1000 feet (305 meters) from a public or semi-public drinking water supply well or no closer than 250 feet (76.2 meters) from any other water well;
 6. Store or apply bulk biosolids within 25 feet (7.62 meters) of a public right-of-way or private property line unless the applicator receives permission to apply bulk biosolids from the land owner or lessee of the adjoining property;
 7. Apply bulk biosolids at an application rate greater than the agronomic rate of the vegetation or crop grown on the site;
 8. Apply domestic septage or any other bulk biosolids with less than 10% solids at a rate that exceeds the annual application rate, calculated in gallons per acre for a 365-day period by dividing the amount of nitrogen needed by the crop or vegetation grown on the land, in pounds per acre per 365-day period, by 0.0026;
 9. Apply bulk biosolids to land that is flooded, frozen, or snow-covered, so that the bulk biosolids enter a wetland or other navigable waters, except as provided in an AZPDES permit or a permit issued under section 402 of the Clean Water Act (33 U.S.C. 1342);
 10. Apply any additional bulk biosolids before a crop is grown on the site if the site has received biosolids con-

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taining nitrogen at the equivalent of the agronomic rate appropriate for that crop;

11. Exceed the irrigation needs of the crop of an application site;
12. To minimize odors, apply bulk biosolids within 1000 feet (305 meters) of a dwelling unless the biosolids are injected or incorporated into the soil within 10 hours of being applied; or
13. Store bulk biosolids within 1000 feet (305 meters) of a dwelling unless the applicator obtains permission from the dwelling owner or lessee to store the biosolids at a shorter distance from the dwelling. If the dwelling owner or lessee changes, the applicator shall obtain permission from the new dwelling owner or lessee to continue to store the bulk biosolids within 1000 feet of the dwelling or move the biosolids to a location at least 1000 feet from the dwelling.

B. If biosolids are placed in a bag or other container, the person who prepares the biosolids shall distribute a label or information sheet to the person receiving the material. This label or information sheet shall, at a minimum, contain the following information:

1. The identity and address of the person who prepared the biosolids;
2. Instructions on the proper use of the material, including agronomic rates and an annual application rate that ensures that the annual pollutant rates established in R18-9-1005 are not exceeded; and
3. A statement that application of biosolids to the land shall not exceed application rates described in the instructions on the label or information sheet.

Historical Note

New Section recodified from R18-13-1507 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1008. Management Practices, Application of Biosolids to Reclamation Sites

A. An applicator of bulk biosolids that are not exceptional quality biosolids shall comply with the following management practices at each land application site where the bulk biosolids are applied for reclamation. The applicator shall not:

1. Apply bulk biosolids unless the soil and biosolids mixture has a pH of 5.0 or higher immediately after land application;
2. Apply bulk biosolids to land with slopes greater than 6% unless:
 - a. The site is operating under an AZPDES permit or a permit issued under section 402 (33 U.S.C. 1342) or 404 (33 U.S.C. 1344) of the Clean Water Act;
 - b. The site is reclaimed as specified under A.R.S. Title 27, Chapter 5, and controls are in place to prevent runoff from leaving the application area; or
 - c. Runoff from the site does not reach navigable waters;
3. Apply bulk biosolids to land under the following conditions:
 - a. Bulk biosolids with Class A pathogen reduction. To land if the depth to groundwater is 5 feet (1.52 meters) or less;
 - b. Bulk biosolids with Class B pathogen reduction.

i. To land if the depth to groundwater is 10 feet (3.04 meters) or less; and

ii. To gravel, coarse or medium sands, or sands with less than 15% coarse fragments if the depth to groundwater is 40 feet (12.2 meters) or less from the point of application of biosolids;

4. Apply bulk biosolids to land that is 32.8 feet (10 meters) or less from navigable waters;
 5. Store or apply bulk biosolids closer than 1000 feet (305 meters) from a public or semi-public drinking water supply well, unless the applicator justifies and the Department approves a shorter distance, or apply bulk biosolids closer than 250 feet (76.2 meters) from any other water well;
 6. Store or apply bulk biosolids within 1000 feet (305 meters) of a public right-of-way or private property line unless the applicator receives permission to apply bulk biosolids from the land owner or lessee of the adjoining property;
 7. Exceed a total of 150 dry tons per acre to any portion of a reclamation site if bulk biosolids are applied;
 8. Apply bulk biosolids with less than 10% solids;
 9. Apply bulk biosolids to land that is flooded, frozen, or snow-covered so that the bulk biosolids enter a wetland or other navigable waters, except as provided in an AZPDES permit or a permit issued under section 402 (33 U.S.C. 1342) or 404 (33 U.S.C. 1344) of the Clean Water Act;
 10. Apply more water than necessary to control dust and establish vegetation; and
 11. Apply bulk biosolids within 1000 feet (305 meters) of a dwelling unless the biosolids are injected or incorporated into the soil within 10 hours of being applied.
 12. Store bulk biosolids within 1000 feet (305 meters) of a dwelling unless the applicator obtains permission from the dwelling owner or lessee to store the biosolids at a shorter distance from the dwelling. If the dwelling owner or lessee changes, the applicator shall obtain permission from the new dwelling owner or lessee to continue to store the bulk biosolids within 1000 feet of the dwelling or move the biosolids to a location at least 1000 feet from the dwelling.
- B.** The requirements of R18-9-1007(B) apply if biosolids placed in a bag or other container are used to reclaim a site.

Historical Note

New Section recodified from R18-13-1508 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1008 renumbered to R18-9-1009; new Section R18-9-1008 made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1009. Site Restrictions

A. The following site restrictions apply to land where biosolids, which do not meet the Class A pathogen reduction requirements established in R18-9-1006, are land-applied.

1. A person shall not:
 - a. Harvest food crop parts that touch the biosolids, or biosolids and soil mixture, but otherwise grow above the land's surface for 14 months following application;
 - b. Harvest food crop parts growing in or below the land's surface for 20 months following application if

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the biosolids remain unincorporated on the land's surface for four months or more;

- c. Harvest food crop parts growing in or below the land's surface for 38 months following application if the biosolids remain on the land's surface for less than four months before incorporation;
 - d. Harvest food, feed, and fiber crops for 30 days after application;
 - e. Graze animals on the land for 30 days after application; or
 - f. Harvest turf to be used at a public contact site or private residence for one year after application.
2. A person shall restrict public access to:
 - a. Public contact sites for one year after application, and
 - b. Land with a low potential for public exposure for 30 days after application.
- B.** If the vector attraction reduction requirement is met using the method:
1. In R18-9-1010(C)(1) or R18-9-1010(C)(2), the requirements of subsection (A) apply to domestic septage applied to agricultural land, forests, or reclamation sites; or
 2. In R18-9-1010(C)(3), the requirements of subsection (A)(1)(a) through (A)(1)(d) apply to domestic septage applied to agricultural land, forests, or reclamation sites.
- C.** Once application is completed at a site, the applicator shall, in writing, provide the land owner and lessee with the following information:
1. The cumulative pollutant loading at the site if it is greater than or equal to 90% of the available site capacity established in Table 4 of R18-9-1005;
 2. Any restriction established in this Section that applies to the property and the nature of the restriction; and
 3. The signature of a responsible official of the applicator on this document that includes the following statement:
"I certify under penalty of law, that the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for false representations, including fines and imprisonment."
- D.** The land owner or lessee shall provide each applicator with a signature indicating receipt of the site restriction statement.
- Historical Note**
- New Section recodified from R18-13-1509 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1009 renumbered to R18-9-1010; new Section R18-9-1009 renumbered from R18-9-1008 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).
- R18-9-1010. Vector Attraction Reduction**
- A.** Except as provided in subsection (B), an applicator or person who prepares biosolids shall use one of the following vector attraction reduction procedures if biosolids are land-applied:
1. Reducing the mass of volatile solids by a minimum of 38% using the calculation procedures established in "Environmental Regulations and Technology -- Control of Pathogens and Vector Attraction in Sewage Sludge," EPA/625/R-92-013, published by the U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, 1999 edition. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State;
 2. If the 38% volatile solids reduction cannot be met for anaerobically digested biosolids the reduction can be met by digesting a portion of the previously digested material anaerobically in a laboratory in a bench-scale unit for 40 additional days at a temperature between 30° C and 37° C. Vector attraction reduction is achieved if, at the end of the 40 days, the volatile solids in the material at the beginning of the period are reduced by less than 17%;
 3. If the 38% volatile solids reduction cannot be met for aerobically digested biosolids, the reduction can be met by digesting a portion of the previously digested material, which has a percent solids of 2% or less, aerobically in a laboratory in a bench-scale unit for 30 additional days at 20° C. Vector attraction reduction is achieved if, at the end of the 30 days, the volatile solids in the material at the beginning of the period are reduced by less than 15%;
 4. Treat the biosolids in an aerobic process during which the specific oxygen uptake rate (SOUR) is equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry-weight basis) at 20° C;
 5. Treat the biosolids in an aerobic process for 14 days or longer, during which the temperature of the biosolids is higher than 40° C and the average temperature of the biosolids is higher than 45° C;
 6. Raising the pH of the biosolids to 12 or higher by alkali addition and, without the addition of more alkali, remain at 12 or higher for two hours and at 11.5 or higher for an additional 22 hours;
 7. The percent solids of the biosolids that do not contain unstabilized solids generated in a primary wastewater treatment process is equal to or greater than 75% based on the moisture content and total solids before mixing with other materials;
 8. The percent solids of the biosolids containing unstabilized solids generated in a primary wastewater treatment process are equal to or greater than 90% based on the moisture content and total solids before mixing with other materials;
 9. Injecting the biosolids below the surface of the land so that no significant amount of biosolids is present on the land surface one hour after injection. If the biosolids meet Class A pathogen reduction, injection shall occur within eight hours after being discharged from a Class A pathogen treatment process; or
 10. Incorporating the biosolids into the soil within six hours after application. If the biosolids meet Class A pathogen reduction, application shall occur within eight hours after being discharged from a Class A pathogen treatment process.
- B.** Biosolids that are sold or given away in a bag or other container, or are applied to a lawn or home garden, shall meet one of the vector attraction reduction alternatives established in subsections (A)(1) through (A)(8).
- C.** For domestic septage, vector attraction reduction is met by one of the following methods:
1. By injecting as specified in subsection (A)(9);
 2. By incorporating as specified in subsection (A)(10); or
 3. By raising the pH of the domestic septage to 12 or higher through the addition of alkali and, without the addition of more alkali, holding the pH at 12 or higher for at least 30 minutes.

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Historical Note

New Section recodified from R18-13-1510 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1010 renumbered to R18-9-1011; new Section R18-9-1010 renumbered from R18-9-1009 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-1011. Transportation

- A. A transporter of bulk biosolids into and within Arizona shall use covered trucks, trailers, rail-cars, or other vehicles that are leakproof.
- B. A transporter of bulk biosolids in liquid or semisolid form, including domestic septage, into and within Arizona shall comply with the requirements in A.A.C. R18-13-310. A transporter of bulk biosolids in solid form into and within Arizona shall comply with the requirements in A.A.C. R18-13-310.
- C. A transporter of biosolids shall clean any truck, trailer, rail-car, or other vehicle used to transport biosolids to prevent odors or insect breeding. A transporter shall clean any tank vessel used to transport commercial or industrial septage or restaurant grease-trap wastes, that is also used to haul domestic septage, before loading the domestic septage to ensure that mixing of wastes does not occur.
- D. If bulk biosolids are spilled while being transported, the transporter shall:
 1. Immediately pick up any spillage, including any visibly discolored soil, unless otherwise determined by the Department on a case-by-case basis;
 2. Within 24 hours after the spill, notify the Department of the spill and submit written notification of the spill within seven days. The written notification shall include the location of the spill, the reason it occurred, the amount of biosolids spilled, and the steps taken to clean up the spill.

Historical Note

New Section recodified from R18-13-1511 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1011 renumbered to R18-9-1012; new Section R18-9-1011 renumbered from R18-9-1010 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4). A.C.C. citation corrected in subsection (B) at the request of the Department; Office file number M16-185 (Supp. 16-3).

R18-9-1012. Self-monitoring

- A. Except as provided in subsection (B) the person who prepares the biosolids shall conduct self-monitoring events at the frequency listed in Table 5 for the pollutants listed in R18-9-1005, the pathogen reduction in R18-9-1006 and the vector attraction reduction requirements in R18-9-1010.

Table 5. Frequency of Self-monitoring

| Amount of biosolids prepared (tons/metric tons per 365-day period ⁽¹⁾) | Frequency |
|--|--|
| Greater than zero but less than 319.6/290 | Once per year |
| Equal to or greater than 319.6/290 but less than 1,653/1,500 | Once per quarter (Four times per year) |
| Equal to or greater than 1,653/1,500 but less than 16,530/15,000 | Once per 60 days (Six times per year) |
| Equal to or greater than 16,530/15,000 | Once per month (12 times per year) |

- (1) The amount of biosolids prepared in a calendar year (dry-weight basis).
- B. If biosolids are stockpiled or lagooned, the person shall sample the biosolids for pathogen and vector attraction reduction before land application. A person shall sample in a manner that is representative of the entire stockpile or lagoon.
- C. A person who prepares biosolids shall submit additional or more frequent biosolids samples, collected and analyzed during the reporting period, to the Department with the regularly-scheduled data required in subsection (A).
- D. The Department may order the person who prepares biosolids or the applicator to collect and analyze additional samples to measure pollutants of concern other than those established in Table 1 of R18-9-1005.
- E. The applicator, person who prepares biosolids, or a person collecting samples for the applicator or preparer for analysis shall obtain the samples in a manner that does not compromise the integrity of the sample, sample method, or sampling instrument and shall be representative of the quality of the biosolids being applied during the reporting period.
- F. A person responsible for sampling the biosolids shall track biosolids samples using a chain-of-custody procedure that documents each person in control of the sample from the time it was collected through the time of analysis.
- G. The person who prepares biosolids or the applicator shall ensure that the biosolids samples are analyzed as specified by the analytical methods established in 40 CFR 503.8, July 1, 2001 edition, or by the wastewater sample methods and solid, liquid, and hazardous waste sample methods established in A.A.C. R9-14-612 and R9-14-613. The person who prepares the biosolids or the applicator shall ensure that the biosolids analyses are performed at a laboratory operating in compliance with A.R.S. § 36-495 et seq. The information in 40 CFR 503.8 is incorporated by reference, does not include any later amendments or editions of the incorporated matter and is on file with the Department and the Office of the Secretary of State.
- H. The person who prepares the biosolids or the applicator shall monitor pathogen and vector attraction reduction treatment operating parameters, such as time and temperature, shall be monitored on a continual basis.
- I. An applicator shall conduct and record monitoring of each site for the management practices established in R18-9-1007 and R18-9-1008.
- J. A person shall maintain, as specified in R18-9-1013, and report to the Department as specified in R18-9-1014, all compliance measurements, including the analysis of pollutant concentrations.

Historical Note

New Section recodified from R18-13-1512 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1012 renumbered to R18-9-1013; new Section R18-9-1012 renumbered from R18-9-1011 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-1013. Recordkeeping

- A. A person who prepares biosolids shall collect and retain the following information for at least five years:
 1. The date, time, and method used for each sampling activity and the identity of the person collecting the sample;
 2. The date, time, and method used for each sample analysis and the identity of the person conducting the analysis;

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3. The results of all analyses of pollutants regulated under R18-9-1005 and organic and ammonium nitrogen to comply with R18-9-1007(A)(7);
4. The results of all pathogen density analyses and applicable descriptions of the methods used for pathogen treatment in R18-9-1006;
5. A description of the methods used, if any, and the operating values and ranges observed in any pre-land application, vector attraction reduction activities required in R18-9-1010(A); and
6. For the records described in subsections (A)(1) through (A)(5), the following certification statement signed by a responsible official of the person who prepares the biosolids:

“I certify, under penalty of law, that the pollutant analyses and the description of pathogen treatment and vector attraction reduction activities have been made under my direction and supervision and under a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine whether the applicable biosolids requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

- B.** An applicator of bulk biosolids, except exceptional quality biosolids, shall collect the following information for each land application site, and, except as indicated in subsection (B)(6), shall retain this information for at least five years:

1. The location of each site, by either street address or latitude and longitude;
2. The number of acres or hectares;
3. The date and time the biosolids were applied;
4. The amount of biosolids (in dry metric tons);
5. The biosolids loading rates for domestic septage and other biosolids with less than 10 percent solids in tons or kilograms of biosolids per acre or hectare and in gallons per acre and the biosolids loading rates for other biosolids in tons or kilograms of biosolids per acre or hectare;
6. The cumulative pollutant levels of each regulated pollutant (in tons or kilograms per acre or hectare). The applicator shall retain these records permanently;
7. The results of all pathogen density analyses and applicable descriptions of the methods used for pathogen treatment in R18-9-1006;
8. A description of the activities and measures used to ensure compliance with the management practices in R18-9-1007 and R18-9-1008, including information regarding the amount of nitrogen required for the crop grown on each site;
9. If vector attraction reduction was not met by the person who prepares the biosolids, a description of the vector attraction reduction activities used by the applicator to ensure compliance with the requirements in R18-9-1010;
10. A description of any applicable site restriction imposed by in R18-9-1009 if biosolids with Class B pathogen reduction have been applied and documentation that the applicator has notified the land owner and lessee of these restrictions;
11. For the records described in subsections (B)(1) through (B)(8), the following certification statement signed by a responsible official of the applicator of the biosolids:

“I certify, under penalty of law, that the information and descriptions, have been made under my direction and supervision and under a system designed to

ensure that qualified personnel properly gather and evaluate the information used to determine whether the applicable biosolids requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

12. The information in subsections (A)(1) through (A)(6) if the person who prepares the biosolids is not located in this state.

- C.** All records required for retention under this Section are subject to periodic inspection and copying by the Department.
- D.** If there is unresolved litigation, including enforcement, concerning the activities documented by the records required in this Section, the period of record retention shall be extended pending final resolution of the litigation.

Historical Note

New Section recodified from R18-13-1513 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1013 renumbered to R18-9-1014; new Section R18-9-1013 renumbered from R18-9-1012 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1014. Reporting

- A.** A person who prepares biosolids for application shall provide the applicator with the necessary information to comply with this Article including the concentration of pollutants listed in R18-9-1005 and the concentration of nitrogen in the biosolids.
- B.** A transporter shall report spills to the Department under R18-9-1011(D).
- C.** A bulk applicator of biosolids other than exceptional quality biosolids shall provide the land owner and lessee of land application sites with information on the concentrations of the pollutants listed in R18-9-1005 and loading rates of biosolids applied to that site, and any applicable site restrictions under R18-9-1009.
- D.** A bulk applicator of biosolids other than exceptional quality biosolids shall report to the Department if 90% or more of any cumulative pollutant loading rate has been used at a site.
- E.** On or before February 19 of each year, any person land-applying bulk biosolids that are not exceptional quality biosolids shall, by letter or on a form provided by the Department, report to the Department the following applicable information for the previous calendar year:
1. The actual sites used; and
 2. For each site used, the following information:
 - a. The amount of biosolids applied (in tons or kilograms per acre or hectare);
 - b. The application loading rates (in tons or kilograms per acre or hectare, and gallons per acre for domestic septage);
 - c. The concentrations of the pollutants listed in R18-9-1005 (in milligrams per kilogram of biosolids on a dry-weight basis);
 - d. The pathogen treatment methodologies used during the year and the results; and
 - e. The vector attraction reduction methodologies used during the year and the results.
- F.** On or before February 19 of each year, a person preparing biosolids in a Class I Sludge Management Facility, POTW with a design flow rate equal to or greater than one million gallons per day, or POTW that serves 10,000 people or more, that are

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applied to land, shall, by letter or on a form provided by the Department, report to the Department all the following applicable information regarding their activities during the previous calendar year:

1. The amount of biosolids received if the preparer purchased or received the biosolids from another preparer or source;
2. The amount of biosolids produced (tons or kilograms);
3. The amount of biosolids distributed;
4. The concentrations of the pollutants listed in R18-9-1005 (in milligrams per kilogram of biosolids on a dry-weight basis);
5. The pathogen treatment methodologies used during the year, including the results; and
6. The vector attraction reduction methodologies used during the year, including the results.

G. All annual self-monitoring reports shall contain the following certification statement signed by a responsible official:

"I certify, under penalty of law, that the information and descriptions, have been made under my direction and supervision and under a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine whether the applicable biosolids requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

Historical Note

New Section recodified from R18-13-1514 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Former Section R18-9-1014 renumbered to R18-9-1015; new Section R18-9-1014 renumbered from R18-9-1013 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 4923, effective January 5, 2003 (Supp. 02-4).

R18-9-1015. Inspection

A person subject to this Article shall allow, during reasonable times, a representative of the Department to enter property subject to this Article, to:

1. Inspect all biosolids pathogen and vector treatment facilities, transportation vehicles, incinerators that fire sewage sludge, and land application sites to determine compliance with this Article;
2. Inspect and copy records prepared in accordance with this Article; and

3. Sample biosolids quality.

Historical Note

Renumbered from R18-9-1014 and amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 21 A.A.R. 751, effective July 4, 2015 (Supp. 15-2).

Appendix A. Procedures to Determine Annual Biosolids Application Rates

The following procedure determines the annual biosolids application rate (ABAR) that ensures that the annual pollutant loading rates in Table 3 of R18-9-1005 are not exceeded.

1. The relationship between the annual pollutant loading rate (APLR) for a pollutant and the ABAR is shown in the following equation.

$$APLR = C \times ABAR \times 0.001$$

APLR = Annual pollutant loading rate in kilograms of biosolids, per hectare, per 365-day period;

C = Pollutant concentration in milligrams, per kilogram of total solids (dry-weight basis);

ABAR = Annual biosolids application rate in metric tons, per hectare, per 365-day period (dry-weight basis); and

0.001 = A conversion factor.
metric ton = 1.102 short tons
hectare = 2.471 acres

2. The ABAR is calculated using the following procedure:
 - a. Analyze a biosolids sample to determine a concentration for each of the pollutants listed in Table 3 of R18-9-1005; and
 - b. Using each of the pollutant concentrations from subsection (2)(a) and the APLRs from Table 3 of R18-9-1005, calculate a separate ABAR for each pollutant using the following equation:

$$ABAR = \frac{APLR}{C \times 0.001}$$

- c. The ABAR for biosolids is the lowest value calculated in under subsection (2)(b) for any pollutant.

Historical Note

New Appendix recodified from 18 A.A.C. 13, Article 15 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Amended by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.
17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-203. Powers and duties of the director and department

A. The director shall:

1. Adopt, by rule, water quality standards in the form and subject to the considerations prescribed by article 2 of this chapter.
2. Adopt, by rule, a permit program for WOTUS that is consistent with but not more stringent than the requirements of the clean water act for the point source discharge of any pollutant or combination of pollutants into WOTUS. The program and the rules shall be sufficient to enable this state to administer the permit program identified in section 402(b) of the clean water act, including the sewage sludge requirements of section 405 of the clean water act and as prescribed by article 3.1 of this chapter.
3. Apply the program and rules authorized under paragraph 2 of this subsection to point source discharges to non-WOTUS protected surface waters, consistent with section 49-255.04, which establishes the program components and rules that do not apply to non-WOTUS protected surface waters. The following are exempt from the non-WOTUS protected surface waters point source discharge program:
 - (a) Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 - (b) Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 - (c) Maintenance but not construction of drainage ditches.
 - (d) Construction and maintenance of irrigation ditches.
 - (e) Maintenance of structures such as dams, dikes and levees.
4. Adopt, by rule, a program to control nonpoint source discharges of any pollutant or combination of pollutants into WOTUS.
5. Adopt, by rule, an aquifer protection permit program to control discharges of any pollutant or combination of pollutants that are reaching or may with a reasonable probability reach an aquifer. The permit program shall be as prescribed by article 3 of this chapter.
6. Adopt, by rule, the permit program for underground injection control described in the safe drinking water act.
7. Adopt, by rule, technical standards for conveyances of reclaimed water and a permit program for the direct reuse of reclaimed water.
8. Adopt, by rule or as permit conditions, discharge limitations, best management practice standards, new source performance standards, toxic and pretreatment standards and other standards and conditions as reasonable and necessary to carry out the permit programs and regulatory duties described in paragraphs 2 through 6 of this subsection.
9. Assess and collect fees to revoke, issue, deny, modify or suspend permits issued pursuant to this chapter and to process permit applications. The director may also assess and collect costs reasonably necessary if the director must conduct sampling or monitoring relating to a facility because the owner or operator of the facility has refused or failed to do so on order by the director. The director shall set fees that are reasonably related to the department's costs of providing the service for which the fee is charged. Monies collected from aquifer protection permit fees and from Arizona pollutant discharge elimination system permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. Monies from other permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund unless otherwise provided by law. Monies paid by an applicant for review by consultants for the department pursuant to section 49-241.02, subsection B shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. State agencies are exempt from all fees imposed pursuant to this chapter.
10. Adopt, modify, repeal and enforce other rules that are reasonably necessary to carry out the director's functions under this chapter.
11. Require monitoring at an appropriate point of compliance for any organic or inorganic pollutant listed under section 49-243, subsection I if the director has reason to suspect the presence of the pollutant in a discharge.
12. Adopt rules establishing what constitutes a significant increase or adverse alteration in the characteristics or volume of pollutants discharged for purposes of determining what constitutes a major modification to an existing facility under the definition of new facility pursuant to section 49-201. Before adopting these rules, the director shall determine whether a change at a particular facility results in a significant increase or adverse alteration in the characteristics or volume of pollutants discharged on a case-by-case basis, taking into account site conditions and operational factors.
13. Consider evidence gathered by the Arizona navigable stream adjudication commission established by section 37-1121 when deciding whether a permit is required to discharge pursuant to article 3.1 of this chapter.

B. The director may:

1. On presentation of credentials, enter into, on or through any public or private property from which a discharge has occurred, is occurring or may occur or on which any disposal, land application of sludge or treatment regulated by this chapter has occurred, is occurring or may be occurring and any public or private property where records relating to a discharge or records that are otherwise required to be maintained as prescribed by this chapter are kept, as reasonably necessary to ensure compliance with this chapter. The director or a department employee may take samples, inspect and copy records required to be maintained pursuant to this chapter, inspect equipment, activities, facilities and monitoring equipment or methods of monitoring, take photographs and take other action reasonably necessary to determine the application of, or compliance with, this chapter. The owner or managing agent of the property shall be afforded the opportunity to accompany the director or department employee during inspections and investigations, but prior notice of entry to the owner or managing agent is not required if reasonable grounds exist to believe that notice would frustrate the enforcement of this chapter. If the director or department employee obtains any samples before leaving the premises, the director or department employee shall give the owner or managing agent a receipt describing the samples obtained and a portion of each sample equal in volume or weight to the portion retained. If an analysis is made of samples, or monitoring and testing are performed, a copy of the results shall be furnished promptly to the owner or managing agent.
2. Require any person who has discharged, is discharging or may discharge into the waters of the state under article 3, 3.1 or 3.3 of this chapter and any person who is subject to pretreatment standards and requirements or sewage sludge use or disposal requirements under article 3.1 of this chapter to collect samples, to establish and maintain records, including photographs, and to install, use and maintain sampling and monitoring equipment to determine the absence or presence and nature of the discharge or indirect discharge or sewage sludge use or disposal.

3. Administer state or federal grants, including grants to political subdivisions of this state, for the construction and installation of publicly and privately owned pollutant treatment works and pollutant control devices and establish grant application priorities.

4. Develop, implement and administer a water quality planning process, including a ranking system for applicant eligibility, wherein appropriated state monies and available federal monies are awarded to political subdivisions of this state to support or assist regional water quality planning programs and activities.

5. Enter into contracts and agreements with the federal government to implement federal environmental statutes and programs.

6. Enter into intergovernmental agreements pursuant to title 11, chapter 7, article 3 if the agreement is necessary to more effectively administer the powers and duties described in this chapter.

7. Participate in, conduct and contract for studies, investigations, research and demonstrations relating to the causes, minimization, prevention, correction, abatement, mitigation, elimination, control and remedy of discharges and collect and disseminate information relating to discharges.

8. File bonds or other security as required by a court in any enforcement actions under article 4 of this chapter.

C. Subject to section 38-503 and other applicable statutes and rules, the department may contract with a private consultant to assist the department in reviewing aquifer protection permit applications and on-site wastewater treatment facilities to determine whether a facility meets the criteria and requirements of this chapter and the rules adopted by the director. Except as provided in section 49-241.02, subsection B, the department shall not use a private consultant if the fee charged for that service would be greater than the fee the department would charge to provide that service. The department shall pay the consultant for the services rendered by the consultant from fees paid by the applicant or facility to the department pursuant to subsection A, paragraph 9 of this section.

D. The director shall integrate all of the programs authorized in this section and other programs affording water quality protection that are administered by the department for purposes of administration and enforcement and shall avoid duplication and dual permitting to the maximum extent practicable.

[49-221. Water quality standards in general; protected surface waters list](#)

A. The director shall:

1. Adopt, by rule, water quality standards for all WOTUS and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses. For non-WOTUS protected surface waters, the director shall apply surface water quality standards established as of January 1, 2021, until specifically changed by the director pursuant to paragraph 2 of this subsection. Rules regarding the following shall not be adopted or applied as water quality standards for non-WOTUS protected surface waters:

- (a) Antidegradation.
- (b) Antidegradation criteria.
- (c) Outstanding Arizona waters.

2. Adopt, by rule, water quality standards for non-WOTUS protected surface waters, by December 31, 2022, consistent with paragraph 1 of this subsection and as determined necessary in the rulemaking process. In adopting those standards, the director shall consider the unique characteristics of this state's surface waters and the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

B. The director may adopt, by rule, water quality standards for waters of the state other than those described in subsection A of this section, including standards for the use of water pumped from an aquifer that does not meet the standards adopted pursuant to section 49-223, subsections A and B and that is put to a beneficial use other than drinking water. These standards may include standards for the use of water pumped as part of a remedial action. In adopting such standards, the director shall consider the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

C. In setting standards pursuant to subsection A or B of this section, the director shall consider the following:

- 1. The protection of the public health and the environment.
- 2. The uses that have been made, are being made or with reasonable probability may be made of these waters.
- 3. The provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts.
- 4. The degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories.
- 5. Guidelines, action levels or numerical criteria adopted or recommended by the United States environmental protection agency or any other federal agency.
- 6. Any unique physical, biological or chemical properties of the waters.

D. Water quality standards shall be expressed in terms of the uses to be protected and, if adequate information exists to do so, numerical limitations or parameters, in addition to any narrative standards that the director deems appropriate.

E. The director may adopt by rule water quality standards for the direct reuse of reclaimed water. In establishing these standards, the director shall consider the following:

- 1. The protection of public health and the environment.
- 2. The uses that are being made or may be made of the reclaimed water.
- 3. The degree to which standards for the direct reuse of reclaimed water may cause violations of water quality standards for other hydrologically connected water categories.

F. If the director proposes to adopt water quality standards for agricultural water, the director shall consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture relating to its administration pursuant to title 3, chapter 3, article 4.1 of this state's authority relating to agricultural water under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112, subpart E) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252). For the purposes of this subsection:

1. "Agricultural water":

(a) Means water that is used in a covered activity on produce where water is intended to, or is likely to, contact produce or food contact surfaces.

(b) Includes all of the following:

- (i) Water used in growing activities, including irrigation water, water used for preparing crop sprays and water used for growing sprouts.
- (ii) Water used in harvesting, packing and holding activities, including water used for washing or cooling harvested produce and water used for preventing dehydration of produce.

2. "Covered activity" means growing, harvesting, packing or holding produce. Covered activity includes processing produce to the extent that the activity is within the meaning of farm as defined in section 3-525.

3. "Harvesting" has the same meaning prescribed in section 3-525.

4. "Holding" has the same meaning prescribed in section 3-525.

5. "Packing" has the same meaning prescribed in section 3-525.

6. "Produce" has the same meaning prescribed in section 3-525.

G. The director shall maintain and publish a protected surface waters list. The department shall publish the initial list on the department's website and in the Arizona administrative register within thirty days after September 29, 2021. Not later than December 31, 2022, the department shall adopt by rule the protected surface waters list, including procedures for determining economic, social and environmental costs and benefits. Publication of the list in the Arizona administrative register is an appealable agency action pursuant to title 41, chapter 6, article 10 and may be appealed by any party that provides evidence of an actual adverse effect that the party appealing the decision would suffer as a result of the director's decision. All of the following apply to the protected surface water list:

1. The protected surface waters list shall include:

(a) All WOTUS.

(b) Any perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States:

(i) The Bill Williams river, from the confluence of the Big Sandy and Santa Maria rivers at 113°31'38.617"w, 34°18'22.373"n, to its confluence with the Colorado river at 114°8'9.854"w, 34°18'9.33"n.

(ii) The Colorado river, from the Arizona-Utah border at 111°32'35.741"w, 36°58'51.698"n, to the Arizona-Mexico border at 114°43'12.564"w, 32°43'6.218"n.

(iii) The Gila river, from the Arizona-New Mexico border at 109°2'52.8"w, 32°41'11.2015"n, to the confluence with the Colorado river at 114°33'28.145"w, 32°43'14.408"n.

(iv) The Little Colorado river, from the confluence of the east and west forks of the Little Colorado river at 109°28'7.131"w, 33°59'39.852"n, to its confluence with the Colorado river at 111°49'4.693"w, 36°12'10.243"n.

(v) The Salt river, from the confluence of the Black and White rivers at 110°13'39.5"w, 33°44'6.082"n, to the confluence with the Gila river at 112°18'5.704"w, 33°22'42.978"n.

(vi) The San Pedro river, from the Arizona-Mexico border at 110°9'1.704"w, 31°20'2.387"n, to the confluence with the Gila river at 110°47'0.905"w, 32°59'5.671"n.

(vii) The Santa Cruz river, from its origins in the Canelo Hills of southeastern Arizona at 110°37'3.968"w, 31°27'39.21"n, to its confluence with the Gila river at 111°33'26.02"w, 32°41'39.058"n.

(viii) The Verde river, from Sullivan lake at 112°28'10.588"w, 34°52'11.136"n, to its confluence with the Salt river at 111°39'48.32"w, 33°33'20.538"n.

(c) Any non-WOTUS waters of the state that are added under paragraphs 3 and 4 of this subsection.

2. Notwithstanding paragraph 1 of this subsection, the protected surface waters list shall not contain any of the following non-WOTUS waters:

(a) Canals in the Yuma project and ditches, canals, pipes, impoundments and other facilities that are operated by districts organized under title 48, chapters 18, 19, 20, 21 and 22 and that are not used to directly deliver water for human consumption, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner and operator of the ditch or canal until the owner and operator withdraws its request.

(b) Irrigated areas, including fields flooded for agricultural production.

(c) Ornamental and urban ponds and lakes such as those owned by homeowners' associations and golf courses, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the ornamental or urban pond or lake until the owner withdraws its request.

(d) Swimming pools and other bodies of water that are regulated pursuant to section 49-104, subsection B.

(e) Livestock and wildlife water tanks and aquaculture tanks that are not constructed within a protected surface water.

(f) Stormwater control features.

(g) Groundwater recharge, water reuse and wastewater recycling structures, including underground storage facilities and groundwater savings facilities permitted under title 45, chapter 3.1 and detention and infiltration basins, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the groundwater recharge, water reuse or wastewater recycling structure until the owner withdraws its request.

(h) Water-filled depressions created as part of mining or construction activities or pits excavated to obtain fill, sand or gravel.

(i) All waste treatment systems components, including constructed wetlands, lagoons and treatment ponds, such as settling or cooling ponds, designed to either convey or retain, concentrate, settle, reduce or remove pollutants, either actively or passively, from wastewater before discharge or to eliminate discharge.

(j) Groundwater.

(k) Ephemeral waters except for those prescribed in paragraph 1, subdivision (b) of this subsection.

(l) Lakes and ponds owned and managed by the United States department of defense and other surface waters located on and that do not leave United States department of defense property, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the United States department of defense until it withdraws its request.

3. Unless listed in paragraph 2 of this subsection, the director shall add the following non-WOTUS surface waters to the protected surface waters list:

(a) All lakes, ponds and reservoirs that are public waters used as a drinking source, for recreational or commercial fish consumption or for water-based recreation such as swimming, wading and boating and other types of recreation in and on the water.

(b) Perennial waters or intermittent waters of the state that are used as a drinking water source, including ditches and canals.

(c) Perennial or intermittent tributaries to the Bill Williams river, the Colorado river, the Gila river, the Little Colorado river, the Salt river, the San Pedro river, the Santa Cruz river and the Verde river.

- (d) Perennial or intermittent public waters used for recreational or commercial fish consumption.
 - (e) Perennial or intermittent public waters used for water-based recreation such as swimming, wading, boating and other types of recreation in and on the water.
 - (f) Perennial or intermittent wetlands adjacent to waters on the protected surface waters list.
 - (g) Perennial or intermittent waters of the state that cross into another state, the Republic of Mexico or the reservation of a federally recognized tribe.
4. The director may add additional non-WOTUS surface waters to the protected surface waters list if all of the following apply:
- (a) The water is not required to be listed under paragraph 1 or 3 of this subsection.
 - (b) The water is not excluded under paragraph 2 of this subsection.
 - (c) The economic, environmental and social benefits of adding the water outweigh the economic, environmental and social costs of excluding the water from the list.
5. The director shall remove any erroneously listed, non-WOTUS waters from the protected surface waters list when the water is excluded under paragraph 2 of this subsection and shall not regulate discharges to those waters in the interim.
6. The director shall remove non-WOTUS waters from the protected surface waters list when the water is not required to be listed under paragraph 3 of this subsection and the economic, environmental and social benefits of removing the water outweigh the economic, environmental and social costs of retaining the water on the list.
7. The director, on an emergency basis, may add a water to the protected surface waters list if the director discovers an imminent and substantial danger to public health or welfare or the environment, if the water would otherwise qualify to be added under paragraph 3 of this subsection. Notwithstanding any other law, the emergency addition shall take effect immediately on the director's determination that describes the imminent and substantial danger in writing. Within thirty days after the director's determination, the department shall publish a notice of that determination in the Arizona administrative register and on the department's website. Waters added under this subsection shall be incorporated into the protected surface waters list during the next rulemaking that follows the addition.

[49-223. Aquifer water quality standards](#)

- A. Primary drinking water maximum contaminant levels established by the administrator before August 13, 1986 are adopted as drinking water aquifer water quality standards. The director may only adopt additional aquifer water quality standards by rule. Within one year after the administrator establishes additional primary drinking water maximum contaminant levels, the director shall open a rule making docket pursuant to section 41-1021 for adoption of those maximum contaminant levels as drinking water aquifer water quality standards. If substantial opposition is demonstrated in the rule making docket regarding a particular constituent, the director may adopt for that constituent the maximum contaminant level as a drinking water aquifer water quality standard upon making a finding that this level is appropriate for adoption in Arizona as an aquifer water quality standard. In making this finding, the director shall consider whether the assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction used by the administrator in developing and implementing the maximum contaminant level are appropriate for establishing a drinking water aquifer water quality standard. For purposes of this subsection "substantial opposition" means information submitted to the director that explains with reasonable specificity why the maximum contaminant level is not appropriate as an aquifer water quality standard.
- B. The director may adopt by rule numeric drinking water aquifer water quality standards for pollutants for which the administrator has not established primary drinking water maximum contaminant levels or for which a maximum contaminant level has been established but the director has determined it to be inappropriate as an aquifer water quality standard pursuant to subsection A of this section. These standards shall be based on the protection of human health. In establishing numeric drinking water aquifer water quality standards, the director shall rely on technical protocols appropriate for the development of aquifer water quality standards and shall base the standards on credible medical and toxicological evidence that has been subjected to peer review.
- C. Any person may petition the director to adopt a numeric drinking water aquifer quality standard for any pollutant for which no drinking water aquifer quality standard exists. The director shall grant the petition and institute rule making proceedings adopting a numeric standard as provided under subsection B of this section within one hundred eighty days if the petition shows that the pollutant is a toxic pollutant, that the pollutant has been, or may in the future be, detected in any of the state's drinking water aquifers, and that there exists technical information on which a numeric standard might reasonably be based. Within one year of the commencement of the rule making proceeding, the director shall either adopt a numeric standard or make and publish a finding that, pursuant to subsection B of this section, the development of a numeric standard is not possible. The decision to not adopt a numeric standard shall, for purposes of judicial review, be treated in the same manner as a rule adopted pursuant to title 41, chapter 6.
- D. For purposes of assessing compliance with each aquifer water quality standard adopted pursuant to this section, the director shall for purposes of articles 3 and 4 of this chapter, and may for purposes of other provisions of this title, identify sampling and analytical protocols appropriate for detecting and measuring the pollutant in the aquifers in the state.
- E. Within one year from the reclassification of an aquifer to a non-drinking water status, pursuant to section 49-224, the director shall adopt water quality standards for that aquifer. For any pollutants which were not the basis for the reclassification, the applicable standard shall be identical with the standard for those pollutants adopted pursuant to subsections A and B of this section. For any pollutants which were the basis for reclassification, the standard shall be sufficient to achieve the purpose for which the aquifer was reclassified but shall minimize unnecessary degradation of the aquifer by taking into consideration the potential long-term uses of the aquifer and the short-term and long-term benefits of the activities resulting in discharges into the aquifer.
- F. The director shall adopt water quality standards for an aquifer for which a petition has been submitted pursuant to section 49-224, subsection D sufficient to achieve the non-drinking water use for which that aquifer was classified, taking into consideration the potential long-term uses of that aquifer and the short-term and long-term benefits of the discharging activities creating that aquifer.
- G. In any action pursuant to this title, aquifer water quality protection provisions, including monitoring requirements, may be imposed only for pollutants for which aquifer water quality standards have been established that are likely to be present in a discharge. Indicator parameters and quality assurance parameters appropriate for such pollutants also may be specified.

49-224. Aquifer identification, classification and reclassification

A. Not later than June 30, 1987 the director shall, by rule, identify and define the boundaries of all aquifers in this state utilizing, to the maximum extent possible, data available from the department of water resources.

B. All aquifers in this state identified and defined under subsection A of this section and any other aquifers subsequently discovered, identified and defined shall be classified for drinking water protected use unless the classification is changed in the manner provided in subsection C of this section.

C. The director, after consulting with the appropriate groundwater users advisory council established pursuant to title 45, chapter 2, article 2 if the aquifer is in an active management area, and a public hearing held pursuant to section 49-208, may change the classification of an aquifer or part of an aquifer for a protected use other than drinking water on making all of the following findings:

1. The identified aquifer or part of an aquifer is or will be so hydrologically isolated from other aquifers or other parts of the same aquifer that there is no reasonable probability that poorer quality water from the identified aquifer or part of an aquifer will cause or contribute to a violation of aquifer water quality standards in other aquifers or parts of the same aquifer.

2. Water from the identified aquifer or part of an aquifer is not being used as drinking water.

3. The short-term and long-term benefits to the public that would result from the degradation of the quality of the water in the identified aquifer or part of an aquifer below standards established pursuant to section 49-223, subsections A and B would significantly outweigh the short-term and long-term costs to the public of such degradation. Benefits and costs to be considered include economic, social and environmental.

D. Owners or operators of facilities whose discharges are solely responsible for creating an aquifer may petition the director for a classification of the aquifer for a non-drinking water use. The director may, by rule, classify that aquifer for a non-drinking water use upon making the findings prescribed in subsection C, paragraphs 1 and 2 of this section.

E. The director shall provide for public participation in proceedings under this section pursuant to section 49-208 and shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification.

D-13.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11 (Microbiological Contaminants)

Amend: R18-11-406



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 9

Amend: R18-11-406

Summary:

This regular rulemaking from the Department of Environmental Quality (Department) seeks to amend one (1) rule in Title 18, Chapter 11, regarding aquifer water quality standards.

The Department is proposing to make amendments and additions to Chapter 11 as part of a four part rulemaking package. The Department is required by A.R.S. § 49-223(A) to adopt Aquifer Water Quality Standards (AWQS) with these standards being based on maximum contaminant levels (MCLs). These MCLs are prescribed by the Environmental Protection Agency (EPA) and the Department is required to adopt the same MCLs unless there is a showing of substantial opposition, which allows the Department to prescribe different standards if the Department or stakeholder can show that the EPA levels are not appropriate for Arizona. The Department has indicated to Department staff that this substantial opposition language is unique to Arizona and the Department believes Arizona to be the only state to have this type of language.

For this part of the rulemaking package, the Department has indicated that they received substantial opposition to the EPA regulations concerning microbiological contaminants. The

Department currently uses Total coliform test for microbiological contaminants, which the Department has indicated causes a high number of false positives and requires retestings. The Department believes these false positive retestings result in tens of thousands of dollars spent in unnecessary testing. The Department is proposing to change the testing perimeters to Fecal Coliform or E.Coli. The Department has indicated that Total Coliforms is too general of a term and many are naturally occurring. The Department believes the change will better identify those contaminants that actually pose a risk to human health.

The Department is proposing to amend the rule to reflect this substantial opposition to EPA guidance by stating that a permit holder shall test for microbiological contaminants based on either fecal coliform or E.coli, with the test being determined by the requirements of the Aquifer Protection Permit (APP). The rule is also being amended to decrease the amount of time a permit holder has to conduct a repeat sample if microbiological contaminants are detected.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates it did review three studies relevant to this rulemaking.

- MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support: The Department indicates that this report was used to review Microbiological Contaminants at 78 Federal Register 10270 in order to inform the Department on the subject matter and its applicability in the AWQS setting, which included looking at technologies, costs, sampling, and analytical methodologies for public health risks reduction.
- Draft Economic Impact Statement for Arsenic Proposed AWQS: The Department indicates that this report informed DEQ on the economic impact of the subject matter of the rulemaking.
- State-Based AWQS Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support: The Department indicates that this study was used to review EPA assumptions regarding the MCL for Microbiological Contaminants and potential alternatives based on medical and toxicological evidence.

4. **Summary of the agency's economic impact analysis:**

The Department states that this rulemaking is being taken by the Arizona Department of

Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Microbiological Contaminants as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. The Department indicates that the AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (see A.R.S. § 49-224(B)). The Department states the AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the voluntary Remediation Program (VRP), and elsewhere.

The Department states that the full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. The Department indicates that while not all costs and benefits are borne evenly, these are the identified groups generally impacted from this Microbiological Contaminants AWQS rulemaking. The Department states that whereas permittees will continue to incur costs (primarily for routine and repeat sampling) to comply with the new/proposed AWQS, these costs are expected to decrease in comparison to the costs of complying with the current AWQS. The Department states that these potential cost savings are attributable to the expectation that the routine sampling and repeat sampling requirements under the new AWQS would result in fewer "false positive" samples, thereby reducing the need for follow-up sampling and unwarranted corrective actions for facilities falsely deemed to be non-compliant. The Department indicates that benefits in the form of cost saving could also accrue to community water system and their clientele due to a reduction of Microbiological Contaminants in the groundwater systems and their clientele due to a reduction in Microbiological Contaminants in the groundwater, under the proposed AWQS. The Department states that as many as 1.8 million Arizonans could be potentially affected in this way.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states that the controlling statute A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. The Department indicates that it simply requires ADEQ to open a rulemaking docket pursuant to A.R.S. § 41-1021 for adoption of new or adjusted MCL as an AWQS within one year of the MCLs establishment or adjustment.

6. What are the economic impacts on stakeholders?

The Department says that compared to the current AWQS, the indicated changes to the AWQS are intended to maintain the same (or better) levels of protection with respect to

human health, while potentially resulting in significant costs saving to impacted permittees (due to the expectations that the modified sampling requirements would substantially reduce the incident of “false positive” results). The Department indicates that, as such, many of the stakeholder categories that would typically be impacted by the costs of the new regulation would actually benefit from the reduced cost burdens under the proposed new AWQS. The Department indicates that from a total of 434 Aquifer Protection permittees in Arizona, it is estimated that 153 to 300 permittees are required to sample for Microbiological Contaminants. This subset of 153 to 300 permittees would be the impacted stakeholder group that would potentially experience cost savings under the proposed AWQS.

The Department believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. The Department anticipates that hundreds of permits may need to be amended to update monitoring tables that include Microbiological Contaminant indicator parameters. The Department indicates that any additional costs would generally be covered by increased fees paid by permittees.

The Department believes, generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resources as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. The Department states that savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstances} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike. In addition, the Department states that following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. Additionally, the Department states that reduced sampling requirements of permittees would potentially result in some loss of business (and associated reductions in employment) for firms engaged in sample analysis. The Department goes on to say the potential loss of direct jobs would in turn (in theory at least) generate additional employment losses through reductions in indirect and induced (secondary) economic activity, and subsequent tax revenues.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Department indicates that there were changes between the proposed draft and final rules before the Council. The changes are summarized below and can be found in full at pg. 25 of the NFR preamble. Council Staff believes the changes are non-substantive and meets the requirements of A.R.S. § 41-1025.

- R18-406(F):
 - Replacing the term “presence or absence” with “detection or non-detection”, this was in response to a public comments in which the Department agreed with stakeholders that detection was a better description of the process.

- R18-11-406(F)(1):
 - Replaced “exceedance” with “detection”, to align with changes made above.
 - Replaced “of” with “for”, for semantic purposes.
- R18-11-406(F)(2)
 - Replaced “exceedance” with “detection”, to align with changes made above.
 - Replaced “of” with “for”, for semantic purposes.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Department indicates it received 9 public comments as it relates to this rulemaking. The Department indicates that they conducted stakeholder meetings on 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, and 2/20/25. The Department has also indicated to Department staff that stakeholders were given an opportunity to review and comment on the rules after changes were made in response to the public comments. The comments will be summarized below, and the full comments can be found in the materials and on pages 25-32 in the preamble.

Of the 8 comments, 5 came from utilities, 1 came from a citizen, and 2 came from interest groups. 1 comment was in support, 4 comments were seeking clarification on the presence language and what constitutes presence, in which the Department changed to detection, 1 comment was seeking clarification on the steps for substantial opposition, and 2 comments were opposed to not following the EPA standards. Both opposing comments came from interest groups.

The first opposition comment (Comment #5, pg. 27-28) states that they felt the EPA standards were protective and increases the risk to Arizona Communities. The Department responded by saying that while the Department is proposing to use a different standard (total coliform vs. fecal coliform and E.coli), the level of protection will not drop and the non-EPA method will result in cost savings. The Department has indicated that the EPA standard results in high numbers of false positives and additional costs/labor related to retesting. The Department indicated that they used the following [standard work](#) to determine that the EPA guidance was not the best choice for Arizona. Additionally, the Department has indicated to Department staff that Fecal Coliform and E.Coli testing will result in the same amount of correct positive tests but will not have the same number of false positives.

The second opposition comment (Comment #6, pg, 29-30) states that the Department should not deviate from EPA standards and states that the deviation increases the risk of exposure and damaging the water system. The Departments replied by stating that they considered the requirements found at 40 CFR 141.63(c) related to total coliform, but ultimately decided against because fecal coliform and E.colu are more appropriate for exacting a threat to human health.

Council staff believes that the department adequately addressed the comments in accordance with A.R.S. § 41-1052(D)(7).

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

This specific rulemaking does not create a permit or a license. The Department's other proposed rulemakings before the Council do require a permit or license and are addressed in those particular rulemakings. As a summary of those permitting requirements, they are specific to AWP programs and it would not be technically feasible to issue a general permit under A.R.S. § 41-1037(A)(3).

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates that these rules are not more stringent than corresponding federal laws.

11. **Conclusion**

This regular rulemaking by the Department seeks to amend one rule regarding aquifer purification standards. The Department specifically seeks to amend the rule by changing the current standard for microbiological contaminant testing for Aquifer Protect Permit holders. The Department currently follows the EPA standard for microbiological contaminants by using total coliforms. The Department is normally required to follow EPA standards unless there is substantial opposition. The Department indicated that there has been substantial opposition because of the number of false positives generated by the current testing of total coliforms. The Department has proposed an alternative testing method of fecal coliform and e.coli because this will result in fewer false positives and will not increase the risks for public health. The Department believes this will reduce costs for stakeholders because there will be fewer retestings.

The Department is seeking a standard 60-day delayed effective date.

Council staff recommends approval of this rulemaking.

March 13, 2025

Jessica Klein, Chair
Governor's Regulatory Review Council
100 N. 15th Ave., Ste. 302
Phoenix, AZ 85007

Re: Aquifer Water Quality Standards Update Regular Rulemaking: Title 18,
Environmental Quality, Chapters 9 and 11

Dear Chair Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits this final rulemaking package to the Governor's Regulatory Review Council (GRRC) for consideration and approval at the Council Meeting scheduled for May 6th, 2025.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. §§ 41-1039, 41-1052 and A.A.C. R1-6-201:

I. Information required under A.A.C. R1-6-201(A)(1):

- (A)(1)(a) The public record closed for all rules on December 16th, 2024 at 11:59 p.m.
- (A)(1)(b) The rulemaking activity does relate to a five-year review report. The report on 18 AAC 11, Articles 4 and 5 was approved on November 3rd, 2020.
- (A)(1)(c) The rulemaking activity does not establish a new fee.
- (A)(1)(d) The rulemaking does not contain a fee increase.
- (A)(1)(e) An immediate effective date is not requested.
- (A)(1)(f) The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- (A)(1)(g) The Department's preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council, pursuant to A.R.S. § 41-1055(B)(3) (a) (see subheading IV, below).
- (A)(1)(h) A list of documents is enclosed (see subheading IV, below).

II. Information required under A.A.C. R1-6-201(A)(2) through (8):

- (A)(2) Five (5) Notices of Final Rulemaking (NFRMs), including the preamble, table of contents, and text of each rule (*see* subheading IV, below);
- (A)(3) The preambles contain economic, small business, and consumer impact statements that contain the information required by A.R.S. § 41-1055 (*see* subheading IV, below);
- (A)(4) The preambles contain comments received by the agency, both written and oral, concerning the proposed rule (*see* subheading IV, below);
- (A)(5) No analyses were submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
- (A)(6) No materials were incorporated by reference in this rulemaking;
- (A)(7) The general and specific statutes authorizing the rule, including relevant statutory definitions (*see* subheading IV, below);
- (A)(8) All statutes referred to in the definitions are represented in the general and specific statutes authorizing the rule.

III. Governor's office approvals pursuant to A.R.S. § 41-1039:

- (A) ADEQ received prior written approval from the Governor's Office twice. Once for Title 18, Chapter 11, Article 4 on August 24, 2022 and then again for Title 18, Chapter 9, Articles 1 and 2 on February 5th, 2024 (*see* subheading IV, below);
- (B) ADEQ received written final approval from the Governor's Office for this rulemaking on March 11th, 2025 (*see* subheading IV, below).

IV. List of documents enclosed (25 documents total):

- One (1) Cover Letter (R1-6-201(A)(1));
 - AWQS_CL.pdf
- One (1) JLBC email (R1-6-201(A)(1)(g));
 - AWQS_JLBC.pdf
- Five (5) NFRMs (R1-6-201(A)(2));
 - AWQS_NFRM_18_AAC_9_Impl.pdf
 - AWQS_NFRM_18_AAC_11_As.pdf
 - AWQS_NFRM_18_AAC_11_U.pdf
 - AWQS_NFRM_18_AAC_11_DBP.pdf
 - AWQS_NFRM_18_AAC_11_MBC.pdf
- Five (5) EISs (R1-6-201(A)(3));
 - AWQS_EIS_18_AAC_9_Impl.pdf
 - AWQS_EIS_18_AAC_11_As.pdf
 - AWQS_EIS_18_AAC_11_U.pdf
 - AWQS_EIS_18_AAC_11_DBP.pdf
 - AWQS_EIS_18_AAC_11_MBC.pdf
- Five (5) Public Comments Received Documents (R1-6-201(A)(4));

- AWQS_Cmts_18_AAC_9_Impl.pdf
- AWQS_Cmts_18_AAC_11_As.pdf
- AWQS_Cmts_18_AAC_11_U.pdf
- AWQS_Cmts_18_AAC_11_DBP.pdf
- AWQS_Cmts_18_AAC_11_MBC.pdf
- Five (5) General and Specific Authorizing Statutes (R1-6-201(A)(7));
 - 49-104 - Powers and duties of the department and director.pdf
 - 49-203 - Powers and duties of the director and department.pdf
 - 49-221 - Water quality standards in general; protected surface waters list.pdf
 - 49-223 - Aquifer water quality standards.pdf
 - 49-224 - Aquifer identification, classification and reclassification.pdf
- Three (3) A.R.S. § 41-1039 Governor's Approvals
 - 8_24_22_Gov_Approval.pdf
 - 2_5_24_Gov_Approval.pdf
 - 25_3_11_Gov_Approval.pdf

Thank you for your timely review and approval. Please contact Jon Rezabek, Legal Specialist, Water Quality Division, 602-771-8219 or rezabek.jon@azdeq.gov if you have any questions.

Sincerely,



Karen Peters, Director
Arizona Department of Environmental Quality

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &

February 5, 2024

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

R18-11-406

Amend

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

Authorizing statute: A.R.S. §§ 49-221, and 49-223.

Implementing statute: A.R.S. §§ 49-221, and 49-223.

4. The effective date of the rule:

July 7, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Proposed Rulemaking: 30 A.A.R. 3421, Issue Date: November 15, 2024, Issue Number: 46, File Number: R24-232.

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

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

Name: Jon Rezabek
Title: Legal Specialist
Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awp-rulemaking>

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

Introduction:

General Explanation of the Collective Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. AWQSs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium with corresponding MCLs are either unestablished as AWQSs or are established but currently have a misaligned value as the standard. MCLs for the seven (7) pollutants can be viewed at 40 *Code of Federal Regulations* (C.F.R.) 141.60 *et seq.* A.R.S. § 49-223(A) requires ADEQ to move forward with the adoption of MCLs as AWQSs through the rulemaking process unless substantial opposition to the adoption is received from stakeholders. Upon receipt of substantial opposition, ADEQ may adopt for that pollutant the verbatim MCL as an AWQS, but only upon a finding that the MCL is appropriate for adoption in Arizona as an AWQS. In making this finding, ADEQ must consider whether the assumptions used by the EPA in developing and implementing the MCLs are appropriate for establishing an Arizona state AWQSs. The listed assumptions for consideration are technology, cost, sampling and analytical methodologies and public health risk reduction. If ADEQ determines the MCL is inappropriate as an AWQS, the Department may establish an alternative AWQS for the pollutant with an MCL. The alternative AWQS must be:

- (1) Based on the protection of human health and shall rely on technical protocols appropriate for the development of AWQSs,
and

(2) Based on credible medical and toxicological evidence that has been subjected to peer review.

Subject Matter of this NFRM: This *Notice of Final Rulemaking* (NFRM) proposes an alternate AWQS for Microbiological Contaminants from the MCL for Microbiological Contaminants. The original MCL for Microbiological Contaminants was established through Final Rule by the Environmental Protection Agency (EPA), published in the *Federal Register* at 78 *Federal Register* 10270.

Standard Work Development: In approaching and preparing for the execution of the requirements in A.R.S. § 49-223, ADEQ developed a guidance document or “standard work” as the language of the statute leaves a number of determinations to the discretion of the Department. An example of this is whether an MCL is “appropriate” as an AWQS or relying on “technical protocols” appropriate for the development of an alternative AWQS. These statutorily-based and reasoned procedures were developed and released to the public for comment in the summer of 2023. They can be viewed at the following webpage: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

Substantial Opposition: ADEQ has received substantial opposition from stakeholders on the proposal to adopt the Microbiological Contaminants MCL as an AWQS. “Substantial opposition” is defined in A.R.S. § 49-223(A) as “information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Its functionality in the procedure laid out in A.R.S. § 49-223 is explained above in the subsection entitled, *General Explanation of the Collective Rulemaking*. The submitted opposition includes current permittees voicing concerns about the high numbers of false positive samples of Total Coliform that would have tested negative had Fecal Coliform or *E.coli* been the indicator parameter used in the standard instead. Details of the hardships encountered by the regulated community include hundreds of hours of labor in verification or repeat sampling. This, along with shipping and laboratory testing costs, amount to tens of thousands of dollars in unnecessary spending. With this series of AWQS rulemakings, ADEQ proposes to establish or align AWQSs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Total Trihalomethanes and Uranium verbatim with the MCL. However, given the substantial opposition received on the Microbiological Contaminants MCL, ADEQ was prompted to follow the procedure in A.R.S. § 49-223(A) for determining whether the Microbiological Contaminants MCL is appropriate as an Arizona state AWQS. ADEQ used its newly developed “standard work” as explained above in executing this requirement. The conclusion is that the MCL is inappropriate (*See* “‘Inappropriate’ Determination for the Microbiological Contaminants MCL (A.R.S. § 49-223(A))” for detail below). Thereafter, ADEQ followed the procedure for establishing an alternative AWQS for Microbiological Contaminants, pursuant to A.R.S. § 49-223(B), also using the newly developed “standard work”. The conclusion is that an alternative AWQS should be established, which is proposed via this NFRM (*See* “Alternative AWQS Development and Setting for Microbiological Contaminants (A.R.S. § 49-223(B))” for detail below).

What is the MCL for Microbiological Contaminants? The MCL for Microbiological Contaminants involves a sampling

procedure that can be found at 40 C.F.R. 141.63(c). The essential part of the MCL is that a system must sample for Total Coliform and *E.coli* routinely. Upon a positive result of Total Coliform, the system must sample for *E.coli*. A positive result from the *E.coli* repeat sample (following a positive Total Coliform routine sample) constitutes a violation of the standard. Furthermore, upon a positive result of a routine *E.coli* sample, the system must repeat the sample for *E.coli*. A positive result from the *E.coli* repeat sample (following a positive *E.coli* routine sample) constitutes a violation of the standard. Additionally, a system violates the standard when:

- (1) it fails to take a repeat sample following an *E.coli*-positive routine sample, or
- (2) it fails to test for *E.coli* when any repeat sample tests positive for Total Coliform.

What is the current AWQS for Microbiological Contaminants?

The current AWQS for Microbiological Contaminants involves a similar sampling procedure to that of the corresponding MCL. The standard can be found at A.A.C. R18-11-406(F). The essential part of the current AWQS is that a facility must sample for Total Coliform routinely. Upon a positive Total Coliform routine sample, a Total Coliform repeat sample shall be taken within two weeks of the time the sample results are reported. A positive Total Coliform repeat sample following a positive Total Coliform routine sample constitutes a violation of the standard.

Associated Rulemakings ADEQ proposes a total of five (5) NFRMs in the collective AWQS Update rulemaking. Three (3) of the five (5) NFRMs propose to establish or align the AWQSs with the MCLs in *Arizona Administrative Code*, (A.A.C.) Title 18, Chapter 11, Article 4 for pollutants Arsenic, Bromate, Chlorite, Haloacetic Acids, Total Trihalomethanes and Uranium. This NFRM's scope is limited to Microbiological Contaminants and proposes an alternative AWQS to the corresponding MCL under the procedure described in A.R.S. § 49-223 and above. A second NFRM's scope includes Arsenic. A third NFRM's scope includes Uranium. A fourth NFRM's scope includes the four (4) disinfection byproducts, which are Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes. A fifth and final NFRM includes in its scope a proposed new section and some amendments to A.A.C., Title 18, Chapter 9, Articles 1 and 2. With the fifth NFRM, ADEQ proposes a rule detailing implementation of new or adjusted AWQSs into existing Individual Aquifer Protection Program permits (APPs), along with adjacent amendments to existing rule to make way for this purpose.

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or "AWQSs" are protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona's aquifer quality for drinking water-protected use (See A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQSs are used in ADEQ's Aquifer Protection Program (APP), and, to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

“Inappropriate” Determination for the Microbiological Contaminants MCL (A.R.S. § 49-223(A)) ADEQ developed a “standard work” procedure for conducting an “appropriateness” determination pursuant to A.R.S. § 49-223(A). The “standard work” can be reviewed on ADEQ’s website at <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ’s review of EPA’s assumptions on technology, costs, sampling and analytical methodologies and public health risk reduction resulted in significant concern for the costs, analytical methods and public health risk reduction assumptions in particular. ADEQ found that the MCL at 40 C.F.R. 141.63(c) is simply inappropriate as is for verbatim adoption as an AWQS and applicability upon the facilities regulated by the APP program, such as Wastewater Treatment Plants, Mines and Industrial facilities. One of the main reasons is that the MCL is designed for Public Water Systems, not APP type facilities. Specifically, this is because the Microbiological Contaminants MCL requires routine sampling of both Total Coliform and *E.coli* parameters. Thereafter, upon a positive result of either Total Coliform or *E.coli*, a repeat sample is required for both parameters. Violation occurs when a positive result is obtained from an *E. coli* repeat sample that occurs after a total coliform-positive routine sample. Violation also occurs when a positive result is obtained from a Total Coliform repeat sample that occurs after an *E. coli*-positive routine sample. ADEQ has found that the Total Coliform parameter is a very general indicator of coliforms in a sampling well, many of which occur naturally and are not indicative of a threat to human health. In particular, Total Coliform is too broad of an indicator parameter to signal fecal coliform health concerns. On the contrary, ADEQ has found that Fecal Coliform and *E.coli* are more exacting indicators or surrogates of fecal coliforms, which are dangerous to human health. Additionally, when a permittee samples for Total Coliform and receives a positive result, more often than not, the result is what is known as a “false positive”, signaling non-health threatening coliforms in a sample. ADEQ notes that false positives have led to a number of permittees having to perform accelerated or more frequent monitoring intervals pursuant to the permits unnecessarily, which have associated costs.

Alternative AWQS Development and Proposal for Microbiological Contaminants (A.R.S. § 49-223(B)) After determining that the MCL for Microbiological Contaminants is inappropriate as an AWQS, ADEQ followed the “standard work” procedure for alternative AWQS development and establishment. ADEQ is proposing an appropriate alternative Microbiological Contaminants AWQS based upon the detection or non-detection of either Fecal Coliform or *E.coli* in a 100-milliliter sample (depending on the requirement of the permit). Upon detection during a routine Fecal Coliform sample, a repeat sample of either Fecal Coliform or *E.coli* with a detect result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Upon a detect result of a routine *E.coli* sample, a repeat sample of *E.coli* with a detect result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Through research and consultation, ADEQ determined that *E. coli* is a better indicator of fecal contamination than total or fecal coliforms and that total coliform positive samples are known to result in a “false positive”. A “false positive” in a Total Coliform context is when a sample result is positive, but the cause of the positive result indicates a type of total coliform that does not originate in fecal contamination and is not dangerous to human health and occurs

naturally. A common “false positive” is when a positive Total Coliform sample is actually indicating rust in a well. Additionally, ADEQ considered the language of 40 C.F.R. 141.63(c), the state of existing Individual APP and Reclaimed Water permits, the Department’s mission to protect human health and the environment, as well as costs to permittees, analytical methodologies and public health risk reduction. Ultimately, ADEQ determined that shifting away from Total Coliform as an indicator parameter for an alternative Microbiological Contaminants AWQS and moving towards Fecal Coliform and *E.coli* is appropriate. Specifically, Fecal Coliform and *E.coli* are more exacting at indicating a threat to human health. The decision to configure the AWQS proposal to allow permittees to utilize Fecal Coliform or *E.coli* was due to the fact that protecting human health is not diminished under any of the possible orientations and existing permittees are sampling for both parameters already in some cases. Allowing permittees to keep those sampling traditions and optimize a sampling orientation from a cost effective perspective are all factors that led to ADEQ’s proposal.

Sampling and Analytical Methodologies. In the Baseline Monitoring Requirement subsection of the final rule at R18-9-A215(E)(4), the following is provided,

“[s]ampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.”

At the time this NFRM was compiled, wastewater methods for some of the pollutants with new or adjusted AWQSs were not ADHS-Approved (*see* A.A.C. Title 9, Chapter 14, Article 6, Tables 6.2.A and 6.2.B). In March 2025, ADEQ formally requested that the following sampling methods be reviewed and considered for addition to ADHS’s “Director Approved” list of sampling methods pursuant to A.A.C. R9-14-610, found published outside of the rule on ADHS’s website, here: <https://www.azdhs.gov/documents/preparedness/state-laboratory/lab-licensure-certification/environmental-laboratory/application/application-part-e.pdf>

Table 1. Analytical Methods for Baseline Monitoring

| Analyte | Analytical Method |
|-----------------------|--|
| Arsenic | EPA 200.8, SM 3113B, SM 3114B |
| Bromate | EPA 300.1, EPA 317.0 Rev 2.0, EPA 321.8, EPA 326.0 |
| Chlorite | EPA 300.0, EPA 300.1, EPA 317.0 Rev 2.0, EPA 326.0 |
| Haloacetic Acids | EPA 552.1, EPA 552.2, EPA 552.3, SM 6251B |
| Fecal coliform | SM 9223B |
| <i>E. coli</i> | SM 9223B |
| Total Trihalomethanes | EPA 502.2, EPA 524.2, EPA 551.1, SM 6251B |
| Uranium (Total) | EPA 200.8 |

* “EPA” - Environmental Protection Agency; “SM” - Standard Methods

Applicability of Microbiological Contaminants AWQS Indicator Parameters to Baseline Monitoring. The associated NFRM for Title 18, Chapter 9, Articles 1 and 2 specifies in Final Rule R18-9-A215(C) that all persons with issued individual permits as of a new or adjusted AWQS effective date shall begin Baseline Monitoring, pursuant to R18-9-A215(E), for a new or adjusted AWQS within three months. Additionally, the Final Rule or AWQS for Microbiological Contaminants in this NFRM specifies that either Fecal Coliform or *E. coli* may be used in routine monitoring as indicator parameters. ADEQ understands that for various reasons, issued APP permits may be sampling for one or both or none of these indicator parameters already. In accordance with the rule, ADEQ's expectation is that an applicable permittee may choose one or both indicator parameters for the purpose of Baseline Monitoring under Final Rule R18-9-A215.

Who are the stakeholders to this rulemaking? The stakeholders for this rulemaking are predominantly the permittees of the APP, and to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP). Other stakeholders include private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state's aquifers being protected for drinking water use.

What has been the stakeholder process thus far for this rulemaking? ADEQ has conducted a number of general and specific stakeholder meetings, as well as tribal listening sessions, concerning this rulemaking. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

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

State-Based AWQS Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support:

Summary: This report provides information to the Department for the purpose of “standard work” guidance in determining an appropriate alternative AWQS for microbiological contaminants per A.R.S. § 49-223(B).

Study Resource: Provided recommendations on the establishment of an alternative AWQS to the Microbiological Contaminants MCL based on credible medical and toxicological evidence that has been subjected to peer review, as well as technical protocols appropriate in the development of an AWQS.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: LaPat-Polasko, L., Hoagland-Stamatovski, B., and Brenton, H. (2023). State-Based AWQS Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support. Matrix New World Engineering, Land

Surveying and Landscape Architecture, PC.

MCL Assumptions Report – Microbiological Standards Aquifer Water Quality Standards Technical Support:

Summary: This report provides a review of the EPA assumptions used to establish the MCL for Microbiological Contaminants at 78 *Federal Register* 10270. The assumptions reviewed are listed in A.R.S. § 49-223(A) and include technologies, costs, sampling and analytical methodologies and public health risk reduction.

Study Resource: Provided review of the EPA assumptions used to establish the MCL for Microbiological Contaminants at 78 *Federal Register* 10270 in order to inform ADEQ further on the subject matter and its applicability in the AWQS setting.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: LaPat-Polasko, L., Hoagland-Stamatovski, B., and Brenton, H. (2023). MCL Assumptions Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support. Matrix New World Engineering, Land Surveying and Landscape Architecture, PC.

Draft Economic Impact Statement for Microbiological Contaminants Proposed AWQS:

Summary: This report provides the Department a draft economic impact statement on the proposed Microbiological Contaminants AWQS modeled after the requirements of A.R.S. § 41-1055.

Study Resource: This report informs ADEQ on the economic impact of the subject matter of the rulemaking.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: McClure Consulting LLC with The Natelson Dale Group, Inc. (2024). Draft Economic Impact Statement for Microbiological Contaminants Proposed AWQS. McClure Consulting LLC with The Natelson Dale Group, Inc.

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

Not applicable.

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

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(F) in Title 18, Chapter 11, Article 4 of the
Revision: 6/14/2024

Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Microbiological Contaminants as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting an alternative AWQS to the corresponding MCL. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Microbiological Contaminants AWQS rulemaking.

Costs to permittees to meet the new AWQS for Microbiological Contaminants are None to Minimal. In fact, ADEQ expects cost savings in many cases. The proposed AWQS for microbiological contaminants does not propose a numeric change in water quality standards, but instead proposes to implement more efficient/effective monitoring protocols. In this regard, the EIS generally follows a key premise of the Matrix Report: that the primary cost impact of the proposed AWQS would be a *reduction* in permittee sampling costs due to the reduced incidence of false-positive routine testing, repeat tests and accelerated monitoring thereafter. Consistent with the Matrix Report, the EIS estimates the cost *savings* related to more efficient sampling protocols. The EIS follows the format of the cost analysis in the Matrix Report, which evaluates *incremental* changes (reductions) in permittee costs compared to baseline conditions (i.e., costs under the current AWQS compared to costs under the proposed AWQS).

In addition to creating cost savings for permittees, the proposed AWQS would potentially generate economic benefits in terms of a reduction in cases of illness and death associated with microbiological contamination. In particular, the improved sampling protocols are expected to allow for quicker identification of incidents of contamination, allowing for more timely implementation

of corrective measures (according to ADEQ staff, the higher incidence of false-positive test results under the existing protocols – and the associated need for retesting – can result in delays in identifying actual cases of contamination, potentially resulting in disease outbreaks that could otherwise be contained sooner). These potentially significant health benefits are not quantified in the EIS, as ADEQ and their consultant do not have sufficient information to develop such estimates. However, following the methodology of the Matrix Report, the EIS provides *general* estimates of the annual economic benefits attributable to regulation of Microbiological Contaminants. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be *incremental* benefits associated with the proposed AWQS).

Costs. Whereas permittees will continue to incur costs (primarily for routine and repeat sampling) to comply with the new/proposed AWQS, these costs are expected to *decrease* in comparison to the costs of complying with the current AWQS. These potential cost savings are attributable to the expectation that the routine sampling and repeat sampling requirements under the new AWQS would result in fewer “false positive” samples, thereby reducing the need for follow-up sampling and unwarranted corrective actions for facilities falsely deemed to be non-compliant. Statewide, the cost savings to permittees are estimated to range from \$882,000 to \$1.7 million annually (in 2023 dollars).

Benefits. Based on available time series data from ADHS and CDC, the Matrix Report estimates that regulation of Microbiological Contaminants results in 80 fewer cases of illness and 0.3 fewer deaths per year (statewide). In monetary terms, these prevented illnesses and deaths represent annual statewide benefits of \$3.5 million per year (in 2023 dollars).

Specific impacts

From a total 434 Aquifer Protection permittees in Arizona, it is estimated (based on the Matrix Report) that 153 to 300 permittees annually are required to sample for Microbiological Contaminants. This subset of 153 to 300 permittees would be the impacted stakeholder group that would potentially experience cost savings under the proposed AWQS. In Arizona, the potentially affected benefiting population consists primarily of private well users throughout the state (estimated at 350,000 persons in total), although some of these will be effectively excluded from the additional benefits of the higher AWQS because existing Microbiological Contaminant levels in some wells are already zero. Benefits in the form of cost savings could also accrue to community water systems and their clientele due to a reduction of Microbiological Contaminants in the groundwater, under the proposed AWQS. As many as 1.8 million Arizonans could be potentially affected in this way.

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening

sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: "permittees") will be the primary bearers of costs associated with this rulemaking.

Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees' fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultant have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Microbiological Contaminants in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost impacts in this EIS relate primarily to potential cost *savings* to permittees due to the more efficient (and more effective) sampling protocols under the proposed AWQS. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| | |
| *Small Businesses as a segmented category | 135 |

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|--|
| <i>Costs</i> | | |
| Total APP’s | Matrix report, page 25 | The Matrix Report evaluates two alternatives for a new AWQS: <ol style="list-style-type: none"> 1. ADEQ would adopt the EPA’s MCL as the AWQS; or 2. ADEQ would develop and establish an appropriate alternative AWQS (for which the Matrix Report assumed that the routine and repeat samples would both be Fecal Coliform). Per direction of ADEQ staff, the EIS considers a proposed AWQS that would require testing <i>E. coli</i> for the routine sample, with all required repeat samples testing for <i>E. coli</i> . Where appropriate, the Matrix Report factors have been applied to the AWQS proposal considered in the EIS. |
| Type and number of facilities impacted by changes in AWQS | Matrix report, page 25 | |
| Sampling frequency | Matrix report, page 25 | |
| Coliform type(s) sampled | Matrix report (with updated assumptions provided by ADEQ staff) | |
| False-positive percentages by sample type | Matrix report, page 25 | |
| Sampling costs by sample type | Matrix report, Chart 8 | |
| <i>Benefits</i> | | |
| Annual cases of illness and annual number of deaths related to microbiological contamination of drinking water in Arizona (these are assumed to be prevented by compliance with the AWQS) | Matrix report, page 24 | Illnesses and deaths related to microbiological contamination of drinking water are assumed to be prevented by compliance with the AWQS and are therefore interpreted as “benefits” of the AWQS. For |

| | | |
|--|---|---|
| and are therefore interpreted as “benefits” of the AWQS) – for purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS | | purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be <i>incremental</i> benefits associated with the proposed AWQS). |
| Average cost per case of illness caused by foodborne pathogens | Matrix report, page 25 | |
| Value of statistical life (VSL) | Matrix report, page 25 | |
| General | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Microbiological Contaminants. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (see Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA), which takes into account multiple factors affecting potential costs and benefits.

Health Risk Reduction (Benefits)

The EIS measures the economic benefits of the AWQS in terms of the monetized value of illnesses and deaths that would be prevented by compliance with the State’s AWQS for Microbiological Contaminants. These calculations are based on the following steps:

- Estimate the annual number of cases of enteric disease that would occur in Arizona in the absence of effective AWQS for microbiological contaminants;
- Estimate the annual number of deaths that would result from outbreaks transmitted by water in Arizona in the absence of effective AWQS;
- Calculate the costs associated with treatment of estimated cases of enteric disease; and
- Calculate the monetary value of lives lost due to disease outbreaks transmitted by water (using “Value of Statistical Life” data).

Based on available time series data from ADHS and CDC, the Matrix Report estimates that the AWQS would create the following benefits in terms of prevented illnesses and deaths:

- Prevention of 80 cases of illness per year
- Prevention of 0.3 deaths per year
- Avoided costs of \$2,397.76 per case of illness prevented

- Value of Statistical Life (VSL) of \$11.1 million

Using the above factors, the Matrix Report calculates total benefits from the AWQS of \$3.5 million per year. For purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be *incremental* benefits associated with the proposed AWQS).

The proposed AWQS would potentially generate economic benefits in terms of a reduction in cases of illness and death associated with microbiological contamination. In particular, the improved sampling protocols are expected to allow for quicker identification of incidents of contamination, allowing for more timely implementation of corrective measures (according to ADEQ staff, the higher incidence of false-positive test results under the existing protocols – and the associated need for retesting – can result in delays in identifying actual cases of contamination, potentially resulting in disease outbreaks that could otherwise be contained sooner). These potentially significant health benefits are not quantified in the EIS, as the consulting team does not have sufficient information to develop such estimates.

Cost Analysis

Consistent with the Matrix Report, the cost analysis provided in this EIS is based on the premise that the proposed AWQS would result in cost *reductions* (to permittees and the State) compared to the existing AWQS. The cost savings would result from revised sampling protocols intended to significantly reduce the occurrence of false-positive test results (while more quickly identifying contaminants that are of actual concern from a public health perspective). Within the framework provided in the Matrix Report, these cost savings are calculated in terms of the avoided costs of follow-up sampling compared to estimated costs under the existing AWQS protocols. As such, the calculated “costs” are negative (compared to baseline levels) and therefore can actually be interpreted as benefits rather than costs.

The Matrix report evaluates two alternatives for a new AWQS:

1. ADEQ would adopt the EPA’s MCL as the AWQS; or
2. ADEQ would develop and establish an appropriate alternative AWQS (for which Matrix assumed that the routine and repeat samples would both be Fecal Coliform).

The EIS considers a proposed AWQS that would require testing *E. coli* for the routine sample, with all required repeat samples testing for *E. coli*. Where appropriate, the Matrix Report factors have been applied to the AWQS proposal considered in the EIS.

Cost factors/assumptions derived from the Matrix report are summarized below.

Costs of Sample Analysis. The Matrix Report estimated ranges of costs for the sample analysis by contacting four ADHS certified laboratories. If the contacted laboratories offered more than one analysis method, the least expensive method was used. The following are the range of costs used for the Matrix analysis (and also in the EIS):

- Total coliform: \$25 - \$50

- *E. coli*: \$25 - \$50

Costs for labor, reporting, and administrative work were assumed in the Matrix Report based on the author's knowledge and previous experience with APPs. These assumptions are outlined on the tables below.

Work Costs per False-Positive Sample

| Work Category | Hours | Rate | Cost |
|----------------|-----------|-----------|----------------|
| Labor | 8 | \$95 | \$760 |
| Data analysis | 4 | \$125 | \$500 |
| Reporting | 20 | \$100 | \$2,000 |
| Administrative | 4 | \$100 | \$400 |
| TOTAL: | 36 | -- | \$3,660 |

Breakdown of Work Costs based Coliform Type per False-Positive Sample

| Category | Total Coliform | <i>E. Coli</i> |
|--|--------------------------|--------------------------|
| Sampling Cost (labor, analysis, consumables) | \$795 - \$820 | \$795 - \$820 |
| Reporting Costs | \$2,500 | \$2,500 |
| Administrative Costs | \$400 | \$400 |
| TOTAL: | \$3,695 - \$3,720 | \$3,695 - \$3,720 |

Note: Consumables include ice, gloves, etc. for collecting samples. Assumed to be approximately \$10 per sample.

In the EIS, the factors summarized above have been applied to the proposed AWQS. The costs of sampling under the current AWQS and the proposed AWQS are calculated on the table on the next page.

Total and Incremental Sampling Costs Per Year Statewide (in 2023 dollars)

| Factor | Current AWQS (Baseline) | | Proposed AWQS | |
|---|-------------------------|-------------|----------------|----------------|
| | Low | High | Low | High |
| Total APP's | 434 | 434 | 434 | 434 |
| Facilities required to sample for coliforms | 153 | 300 | 153 | 300 |
| Sampling frequency (times per year) | 4 | 4 | 4 | 4 |
| Routine coliform samples per year | 612 | 1,200 | 612 | 1,200 |
| Coliform type sampled (routine) | Total | Total | <i>E. Coli</i> | <i>E. Coli</i> |
| False-positive percentage | 43% | 43% | 4% | 4% |
| Repeat samples triggered by false positives | 263 | 516 | 24 | 48 |
| Coliform type sampled (repeat) | Total | Total | <i>E. Coli</i> | <i>E. Coli</i> |
| Total cost per sample (by type): | | | | |
| Total coliform | \$3,695 | \$3,720 | \$3,695 | \$3,720 |
| <i>E. Coli</i> | \$3,695 | \$3,720 | \$3,695 | \$3,720 |
| Aggregate (statewide) sampling costs/year: | | | | |
| Routine samples | \$2,261,340 | \$4,464,000 | \$2,261,340 | \$4,464,000 |

| | | | | |
|---|--------------------|--------------------|--------------------|----------------------|
| Repeat samples | \$972,375 | \$1,919,520 | \$90,454 | \$178,560 |
| <i>Total</i> | <i>\$3,233,716</i> | <i>\$6,383,520</i> | <i>\$2,351,794</i> | <i>\$4,642,560</i> |
| Cost Increase (Reduction) Compared to Baseline | <i>N/A</i> | <i>N/A</i> | <i>(\$881,923)</i> | <i>(\$1,740,960)</i> |

Source: ADEQ and consultant.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|----------------------------------|--|----------------------------------|---|
| Costs to Stakeholders | | | |
| Cost stakeholders | General: The EIS follows the format of the cost analysis in the Matrix Report, which essentially looks at <i>incremental</i> changes in permittee costs compared to baseline conditions (i.e., costs under the current AWQS compared to costs under the proposed AWQS). An underlying premise of the Matrix Report analysis (and therefore the EIS) is that more efficient sampling requirements under the proposed AWQS would result in a significantly lower occurrence of false-positive test results and would therefore <i>reduce</i> compliance costs without compromising (while potentially improving) water quality standards | | Significant |
| Permittees, generally | In general, microbiological contaminants are more likely to be generated within Wastewater Treatment Facilities, and also in treated wastewater. Microbiological Contaminants also can enter groundwater under certain conditions | | Moderate: AWQS would potentially reduce costs for routine and repeat sampling (by \$882,000 to \$1.7 million per year statewide) |
| Mines | Microbiological Contaminants are least likely to be found in mine-related water being treated, compared to other permittee types | | |
| Industrial activities | Microbiological Contaminants would not be particularly likely to be occurring in industrial-related water being treated, compared to other permittee types | | |
| Wastewater Treatment Plants | This category of permittee type is most likely to be dealing with Microbiological Contaminants, because of the urban-use connection | | |
| Rate payers in municipal systems | Private citizens and businesses could potentially benefit from reduced user fees for wastewater processing, based on reduced costs to permittees under the revised AWQS. However, these benefits are likely to be minimal (given the relatively small cost savings on a per-system basis) | | Proposed AWQS is expected to reduce compliance costs to permittees, which could potentially be passed on to rate payers in the form of lower rates; in practice, rate |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|---|----------------------------------|--|
| | | | <p>reductions are likely to be minimal</p> <p>Minimal. Aggregate revenues would potentially decrease in proportion to the cost savings from reduced sampling requirements. Given state-wide cost savings of \$882,000 to \$1.7 million per year, cost savings on a per-system basis are likely to be minimal</p> |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | | Moderate. Overall, the AWQS would potentially create moderate cost savings to permittees compared to the existing AWQS |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Microbiological Contaminant indicator parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Minimal | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduced loss of life and illness and costs associated with treatment for disease. | | <p>Moderate: Potential health benefits attributable to existing AWQS are estimated at \$3.5 million per year; this benefit would not change by virtue of the proposed new AWQS</p> <p>Significant: Potential reduction in the impacts of disease outbreaks (by virtue of more rapid identification and mitigation of contamination</p> |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|--|-------------------------------------|
| Community water systems (CWSs) and their clientele | Savings could potentially accrue to CWSs due to reduced microbiological contaminants in the ground water. Any savings would presumably be passed on to customers. | | Significant |
| State costs | Some state-supported medical costs would decrease (this benefit already exists under existing AWQS and would continue under new AWQS) | | Significant |
| State revenue effects | Reduced sampling requirements of permittees would potentially result in some loss of business (and associated reductions in employment) for firms engaged in sample analysis. The potential loss of direct jobs would in turn (in theory at least) generate additional employment losses through reductions in indirect and induced (secondary) economic activity, and subsequent tax revenues | Minimal. Lost State income taxes are estimated to be \$6,700 per year due to direct and secondary losses of employment | |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

Compared to the current AWQS, the indicated changes to the AWQS are intended to maintain the same (or better) levels of protection with respect to human health, while potentially resulting in significant cost savings to impacted permittees (due to the expectation that the modified sampling requirements would substantially reduce the incidence of “false positive” results). As such, many of the stakeholder categories that would typically be impacted by the costs of new regulation would actually benefit from *reduced* cost burdens under the proposed new AWQS.

Estimated cost savings to permittees are based on factors in the Matrix report, applied to the proposed AWQS (as defined by ADEQ staff). Consistent with the Matrix report, the EIS focuses strictly on potential cost savings related to the issue of reducing false-positive test results (due to more efficient requirements for contaminant sampling under the new AWQS); the analysis does not quantify other potential costs savings such as reduced costs for assessments and correction actions (reductions in false-positive test results would presumably reduce the incidence of unwarranted assessments).

Mines

Because mines are not necessarily associated, locationally or otherwise, with water treated for household consumption, Microbiological Contaminants are likely to be minimal compared with discharge systems that have an urban connection.

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive.

Industrial Facilities

This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity. For some industrial processes, water use will involve treatments similar to those for households, therefore microbiological contamination would potentially be an issue; but other industrial processes will have minimal or no connection to microbiological contamination. The estimated number of industrial wastewater processing permittees is 56.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources, and so will typically have significant potential for microbiological contamination. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could potentially benefit from reduced user fees for wastewater processing, based on reduced costs to permittees under the revised AWQS. However, these benefits are likely to be minimal (given the relatively small cost savings on a per-system basis).

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because

treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains.

There are two segments to the benefiting stakeholders:

1. Some Community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced sampling requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQS.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group benefits from diseases forgone due to water quality standards related to Microbiological Contaminants.

The first segment is addressed below under the section *Community water systems (CWSs) and their clientele*.

Segment 2. As more fully documented in the Matrix Report, one major purpose of fecal pollution detection is to identify the presence of pathogens related to fecal waste sources and potential health risks (from the many bacterial, protozoan, and viral enteric pathogens that can cause diseases). Water quality monitoring to detect fecal pollution usually applies microbial fecal indicators to represent numerous potential pathogens.

Based on available time series data from ADHS and CDC, the Matrix report estimates that the AWQS would create the following benefits in terms of prevented illnesses and deaths:

- Prevention of 80 cases of illness per year
- Prevention of 0.3 deaths per year

Community water systems (CWSs) and their clientele

This affected group (segment 1 as noted above) includes a portion of customers of municipal or water utility water systems.

Estimates of this segment of the population, served by water sources that included groundwater, were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater, along with populations served by various categories of providers. An estimated 2.04 million Arizonans would be affected in this way (by both existing and proposed AWQS).

State cost savings

The proposed AWQS would potentially create incremental health benefits compared to existing policy by allowing for more rapid identification of contamination (and therefore more proactive containment of potential disease outbreaks). Related to these potential health benefits, the proposed AWQS would potentially result in some reduction in state-supported medical costs.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees would be subject to more efficient sampling requirements under the proposed AWQS, the need for employment related to sampling and sample analysis would potentially decrease somewhat. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems). In the summary of the model as tabulated below for the contaminant of Microbiological Contaminants, direct employment and earnings resulting from permittees’ investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|-------------|
| Annualized Costs (with financing etc.)/Increased "Output" | (\$881,923) |
| <i>Jobs Per Million Dollars in Output</i> | 1.80 |
| <i>Earnings Per Dollar of Output</i> | \$0.17 |
| New Wastewater Treatment Direct Jobs Created | (1.59) |
| New Annual Earnings for Direct Jobs Created | (\$148,229) |
| Total New Jobs (Direct + Secondary) | (4.87) |
| <i>Effective Income Tax Rate</i> | 2.1% |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | (\$6,732) |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided

for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee’s particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in

A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|---|
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced Microbiological Contaminants in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary employment generated by investments in Microbiological Contaminants technology (using the low end of costs where ranges are given) are approximately \$6,700.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing

specific contaminants referenced extensively by the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

R18-11-406(F) - Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- Replaced “presence or absence” with “detection or non-detection” as the latter terms reference the minimum detection level (MDL) of the sampling instrument or method which is more apt, more appropriate than the previous terms.

R18-11-406(F)(1) - Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- Replaced “of” with “for” three times for non-substantive, semantic purposes.
- Replaced “exceedance” with “detection” in order to align with the change to subsection (F) explained above.

R18-11-406(F)(2) - Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- Replaced “of” with “for” three times for non-substantive, semantic purposes.
- Replaced “exceedance” with “detection” in order to align with the change to subsection (F) explained above.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Comment 1: Utility

Concerning the proposed alternative AWQS for Microbiological Contaminants, our current APP monitoring table utilizes the unit Most Probable Number (MPN) with a limit of (< 2.2) for *E. coli* monitoring. Will the units stay the same with this change in standard? Will Presence / Absence (P/A) be installed instead?

ADEQ Response 1:

ADEQ appreciates the comment. No, P/A will not be used for the *E. coli* indicator parameter utilized in the proposed AWQS for microbiological contaminants. Rather, detection or non-detection of either Fecal Coliform or *E. coli* is used. This means, for *E. coli*, “detect / non-detect” is likely to appear in the applicable APP monitoring tables along with a footnote stating that “non-detect” means a result of < 2.2 MPN or < 1 CFU, depending on the unit used in the permit.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in

A.R.S. § 49-223(A) as, "... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS]." Upon receipt of "substantial opposition", the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is "appropriate" as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ has received substantial opposition from stakeholders on the proposal to adopt the Microbiological Contaminants MCL as an AWQS (see heading No. 7, subsection "Substantial Opposition" for more information).

Comment 3: Concerned Citizen

If there are any lab people on the call, can they answer if there are sampling methods associated with the proposed Microbiological Contaminants AWQS that will provide a presence/absence (P/A) result for fecal coliforms? I know P/A exists for Total Coliforms and *E. coli*. I found this statement in a Google search, "[t]he P/A tests for the presence/absence of indicator organisms in a water sample. This is usually observed in the form of a color change after an incubation period. Two common P/A tests are: H2S-producing bacteria P/A test Total Coliform and *E. coli* P/A Test." I am not sure P/A exists for fecal coliform.

ADEQ Response 3:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed Microbiological Contaminants AWQS, ADEQ has revised the rule language, essentially swapping the "absence / presence" binary with "detection / non-detection". Under the new language, any *E. coli* detection result from routine sampling would need to be followed by a repeat *E. coli* sample within 5 days of becoming aware of the result. A repeat sample that results in a detection of *E. coli* would constitute a violation of the Microbiological Contaminants AWQS. Additionally, ADEQ conducted some research which shows that Eurofins Scientific laboratory testing services offers a Fecal Coliform testing method (SM 9222D) separately from the EPA Total Coliform method (EPA 1604). Both methods have an 8-hour holding time. Source:

https://www.eurofinsus.com/media/447768/appendix-d-section-5-attachment-holdtime-container-list_2016-july.pdf.

Also, Standard Method 9222D is a membrane filtration test for fecal coliforms and is offered by local labs in Arizona.

This method can detect fecal coliforms from 20 - 60 CFU/100 mL. Source:

https://www.nemi.gov/methods/method_summary/5587/. Also, please find a table in Heading No. 7, subheading "Sampling and Analytical Methodologies" explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 4: Utility

We support the proposed alternate AWQS for microbiological contaminants with the following minor edits to the language:

1. If a routine sample of ~~Fecal Coliform~~ is positive for Fecal Coliform, a 100-milliter repeat sample of ~~either Fecal Coliform or *E. coli*~~ shall be taken within five days of becoming aware of the exceedance for analysis of Fecal Coliform or *E. coli*.

2. If a routine sample ~~of *E. coli*~~ is positive for *E. coli*, a 100-milliter repeat sample ~~of *E. coli*~~ shall be taken within five days of becoming aware of the exceedance for analysis of *E. coli*...

ADEQ Response 4:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed Microbiological Contaminants AWQS, ADEQ has revised the rule language, essentially swapping the "absence / presence" binary with "detection / non-detection". Under the new language, any Fecal Coliform detection result from routine sampling would need to be followed by a repeat Fecal Coliform or *E. coli* sample within 5 days of becoming aware of the detection result. A repeat sample that results in a detection of either parameter would constitute a violation of the Microbiological Contaminants AWQS. The Fecal Coliform indicator parameter is understood by ADEQ to encompass many species of fecal-derived, potentially harmful species therein; whereas, the *E. coli* parameter is a single, potentially harmful species. *E. coli* is used in this setting as an indicator; meaning that if it is detected in a sample, other potentially harmful species are likely to be present as well. Because the Fecal Coliform parameter encompasses within its scope *E. coli* and a number of other fecal-derived species, ADEQ believes an *E. coli* repeat sample is appropriate if either Fecal Coliform or *E. coli* were sampled routinely. Please note that for the *E. coli* indicator parameter, "detect / non-detect" is likely to appear in the applicable APP monitoring tables along with a footnote stating that "non-detect" means a result of <2.2 MPN or <1 CFU, depending on the unit used in the permit. Additionally, ADEQ conducted some research which shows that Eurofins Scientific laboratory testing services offers a Fecal Coliform testing method (SM 9222D) separately from the EPA Total Coliform method (EPA 1604). Both methods have an 8-hour holding time. Source:

https://www.eurofinsus.com/media/447768/appendix-d-section-5-attachment-holdtime-container-list_2016-july.pdf.

Also, Standard Method 9222D is a membrane filtration test for fecal coliforms and is offered by local labs in Arizona.

This method can detect fecal coliforms from 20 - 60 CFU/100 mL. Source:

https://www.nemi.gov/methods/method_summary/5587/. Also, please find a table in Heading No. 7, subheading "Sampling and Analytical Methodologies" explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 5: Interest Group

We are deeply concerned about the proposed deviations from U.S. Environmental Protection Agency (EPA) standards for uranium, *E. coli*, and other pollutants. Arizona's aquifers are invaluable resources that sustain drinking water supplies, ecological systems, and cultural heritage. Protecting these resources with robust, science-based standards is essential to ensure public health and environmental sustainability. We urge ADEQ to adopt the most protective standards possible by aligning AWQS with EPA's maximum contaminant levels (MCLs) and guidelines for all pollutants under consideration, including arsenic, uranium, and *E. coli*. Prolonged delays in adopting federal standards leave Arizona communities vulnerable to contamination and illness.

ADEQ Response 5:

ADEQ appreciates the comment. There are seven (7) MCLs proposed for adoption as AWQSs within the scope of the collective “AWQS Update” rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQSs verbatim. This includes uranium cited by the commenter.

For the alternative Microbiological Contaminants AWQS, ADEQ believes the proposed AWQS is equally effective as the corresponding MCL, but deviates from the MCL’s employment of “Total Coliform” as an indicator parameter, utilizing the more precise “Fecal Coliform” and “*E. coli*” indicator parameters instead. Pursuant to A.R.S. § 49-223, ADEQ received “substantial opposition” to adoption of the Microbiological Contaminants MCL, mostly concerning the high numbers of “false positive” samples of Total Coliform that would have tested negative had Fecal Coliform or *E. coli* been the indicator parameter used in the standard instead. Details of the hardships encountered by the regulated community include hundreds of hours of labor in verification or repeat sampling. This, along with shipping and laboratory testing costs, amount to tens of thousands of dollars in unnecessary spending.

Given the substantial opposition received on the Microbiological Contaminants MCL, ADEQ was prompted to follow the procedure in A.R.S. § 49-223(A) for determining whether the Microbiological Contaminants MCL is appropriate as an Arizona state AWQS. ADEQ used its newly developed “standard work” as explained in Heading No. 7 above. ADEQ developed this “standard work” procedure for conducting an “appropriateness” determination pursuant to A.R.S. § 49-223(A). The “standard work” can be reviewed on ADEQ’s website at <https://www.azdeq.gov/rulemaking/awqs-update/resources>. Concerning the Microbiological Contaminants MCL, ADEQ’s review of EPA’s assumptions on technology, costs, sampling and analytical methodologies and public health risk reduction resulted in significant concern for the costs, analytical methods and public health risk reduction assumptions in particular. ADEQ found that the MCL at 40 C.F.R. 141.63(c) is simply inappropriate as-is for verbatim adoption as an AWQS and applicability upon the facilities regulated by Arizona’s APP program, such as Wastewater Treatment Plants, Mines and Industrial facilities. One of the main reasons is that the MCL is designed for Public Water Systems, not APP type facilities. Specifically, this is because the Microbiological Contaminants MCL requires routine sampling of both Total Coliform and *E. coli* parameters. Thereafter, upon a positive result of either Total Coliform or *E. coli*, a repeat sample is required for both parameters. Violation occurs when a positive result is obtained from an *E. coli* repeat sample that occurs after a total coliform-positive routine sample. Violation also occurs when a positive result is obtained from a Total Coliform repeat sample that occurs after an *E. coli*-positive routine sample. ADEQ found that the Total Coliform parameter is a very general indicator of coliforms in a sampling well, many of which occur naturally and are not indicative of a threat to human health. In particular, Total Coliform is too broad of an indicator parameter to signal fecal coliform health concerns in an APP regulatory program setting. On the contrary, ADEQ has found that Fecal Coliform and *E. coli* are more exacting indicators or surrogates of fecal coliforms, which are dangerous to human health. Additionally, when a permittee samples for Total Coliform and receives a

positive result, more often than not, the result is what is known as a “false positive”, signaling non-health threatening coliforms in a sample. ADEQ notes that false positives have led to a number of permittees having to perform accelerated or more frequent monitoring intervals pursuant to the permits unnecessarily, which have associated costs.

After determining that the MCL for Microbiological Contaminants was inappropriate as an AWQS, ADEQ followed the “standard work” procedure for alternative AWQS development and establishment. ADEQ is proposing with this final rule an appropriate alternative Microbiological Contaminants AWQS based upon the detection or non-detection of either Fecal Coliform or *E. coli* in a 100-milliliter sample (depending on the requirement of the permit). Upon a detection result for a routine Fecal Coliform sample, a repeat sample of either Fecal Coliform or *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Upon a detection result for a routine *E. coli* sample, a repeat sample for *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Through research and consultation, ADEQ determined that *E. coli* is a better indicator of fecal contamination than total or fecal coliforms and that Total Coliform positive samples are known to result in a “false positive”. A “false positive” in a Total Coliform sampling context is when a sample result is positive, but the cause of the positive result indicates a type of total coliform that does not originate in fecal contamination, is not dangerous to human health and occurs naturally. A common “false positive” is when a positive Total Coliform sample is actually indicating rust in a well. Additionally, ADEQ considered the language of 40 C.F.R. 141.63(c), the state of existing Individual APP and Reclaimed Water permits, the Department’s mission to protect human health and the environment, as well as costs to permittees, analytical methodologies and public health risk reduction. Ultimately, ADEQ determined that shifting away from Total Coliform as an indicator parameter for an alternative Microbiological Contaminants AWQS and moving towards Fecal Coliform and *E. coli* is appropriate. Specifically, Fecal Coliform and *E. coli* are more exacting at indicating a threat to human health. The decision to configure the AWQS proposal to allow permittees to utilize Fecal Coliform or *E. coli* was due to the fact that protecting human health is not diminished under any of the possible orientations and existing permittees are sampling for both parameters already in some cases. Allowing permittees to keep those sampling traditions and optimize a sampling orientation from a cost effective perspective are all factors that led to ADEQ’s proposal.

Comment 6: Interest Group

E. coli and Fecal Coliform Standards. *E. coli* and fecal coliform serve as critical indicators of fecal contamination and pathogen presence in groundwater. EPA’s guidelines for these indicators are based on decades of rigorous research and are designed to minimize risks of gastrointestinal illness and waterborne disease outbreaks. We strongly oppose ADEQ’s proposal to adopt alternative standards for *E. coli* and fecal coliform that deviate from EPA guidelines. Such deviations are highly problematic for the following reasons:

1. **Inadequate Public Health Protection:** ADEQ's proposed alternative standards would allow higher concentrations of *E. coli* and fecal coliform in groundwater than EPA's established limits for recreational and potable water. This could significantly increase the risk of pathogen exposure, particularly for communities relying on groundwater for drinking and recreation.
2. **Contradiction of Established Science:** EPA's standards are grounded in decades of epidemiological studies that demonstrate the link between elevated *E. coli* levels and disease outbreaks. Any deviation undermines the credibility and effectiveness of Arizona's water quality protections.
3. **Environmental and Ecological Risks:** Groundwater contamination often affects interconnected surface water systems. Weakening *E. coli* standards could exacerbate contamination in rivers, streams, and reservoirs, threatening aquatic ecosystems and biodiversity. As Arizona's aquifers often discharge into surface waters, contaminants like fecal coliform can migrate from groundwater to surface water, compounding the public health risks and damaging ecosystems. This connectivity between groundwater and surface water underscores the importance of robust water quality standards that address all potential pathways for contamination.
4. **Economic and Social Costs:** Relaxed standards could result in increased public health expenses, decreased trust in water quality management, and greater costs associated with contamination events.

We strongly urge ADEQ to align *E. coli* and fecal coliform standards with EPA's protective guidelines. Ensuring consistency with federal standards will bolster public confidence in Arizona's water quality management and safeguard both human and ecological health.

ADEQ Response 6:

ADEQ appreciates the comment. Generally, please reference the response to Comment No. 5 above. It is important to understand that ADEQ's adoption of an alternative AWQS from the Microbiological Contaminants MCL deviates only slightly from the MCL and remains equally as protective. The MCL requires routine sampling of both Total Coliform and *E. coli* parameters. Thereafter, upon a positive result of either Total Coliform or *E. coli*, a repeat sample is required for both parameters. Violation occurs when a positive result is obtained from an *E. coli* repeat sample that occurs after a total coliform-positive routine sample. Violation also occurs when a positive result is obtained from a Total Coliform repeat sample that occurs after an *E. coli*-positive routine sample. ADEQ found that the Total Coliform parameter is a very general indicator of coliforms in a sampling well, many of which occur naturally and are not indicative of a threat to human health. In particular, Total Coliform is too broad of an indicator parameter to signal Fecal Coliform health concerns in the APP regulatory program setting. On the contrary, ADEQ has found that Fecal Coliform and *E. coli* are more exacting indicators or surrogates of fecal coliforms, which are dangerous to human health. Additionally, when a permittee samples for Total Coliform and receives a positive result, more often than not, the result is what is known as a "false positive", signaling non-health threatening coliforms in a sample. ADEQ notes that false positives have led to a

number of permittees having to perform accelerated or more frequent monitoring intervals pursuant to the permits unnecessarily, which have associated costs.

With this final rule, ADEQ is establishing an appropriate alternative Microbiological Contaminants AWQS based upon the detection or non-detection of either Fecal Coliform or *E. coli* in a 100-milliliter sample (depending on the requirement of the permit). Upon a detection result for a routine Fecal Coliform sample, a repeat sample of either Fecal Coliform or *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Upon a detection result for a routine *E. coli* sample, a repeat sample for *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants.

1. ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective of public health and is oriented more appropriately for the AWQS setting. Again, the MCL utilized indicator parameters Total Coliform and *E. coli* to be routinely sampled; then, upon a positive result, both repeat sampled. Upon a repeat positive, the MCL has been formally violated. Compare with the alternative AWQS, which utilizes indicator parameters Fecal Coliform and *E. coli* to be routinely sampled; then, upon a detect result, a repeat sample of one or the other parameter is required, depending on the permit. Upon a repeat “detect” result, the AWQS has been formally violated. ADEQ notes that the Fecal Coliform parameter is *more* exacting than Total Coliform when it comes to identifying a risk to public health.
2. ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective of public health and is oriented more appropriately for the AWQS setting as is demonstrated in the previous paragraph. Additionally, ADEQ engaged experts composed of epidemiologists and toxicologists, among other professionals to assist in the process of reviewing EPA’s MCL development assumptions. Following statutory mandate and careful consideration of the totality of the appropriate considerations, ADEQ determined that a slight deviation from the MCL was appropriate given the statutory mandate. In making this determination, ADEQ considered the language of the MCL at 40 C.F.R. 141.63(c), the state of existing Individual APP and Reclaimed Water permits, the Department’s mission to protect human health and the environment, as well as costs to permittees, analytical methodologies and public health risk reduction. Ultimately, ADEQ determined that shifting away from Total Coliform as an indicator parameter for an alternative Microbiological Contaminants AWQS and moving towards Fecal Coliform and *E. coli* is appropriate, pursuant to A.R.S. § 49-223. Specifically, indicator parameters Fecal Coliform and *E. coli* are more exacting at indicating a threat to human health. The decision to configure the AWQS proposal to allow permittees to utilize Fecal Coliform or *E. coli* was due to the fact that protecting human health is not diminished under any of the possible orientations and existing permittees are sampling for both parameters already in some cases. Allowing permittees to keep those sampling traditions and optimize a sampling orientation from a cost effective perspective are all factors that led to ADEQ’s proposal.

3. As is stated and explained above, ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective as the corresponding MCL and is oriented more appropriately for the AWQS setting.

4. As is stated and explained above, ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective as the corresponding MCL and is oriented more appropriately for the AWQS setting.

In summary, ADEQ's alternative Microbiological Contaminants AWQS is oriented in a similar and equally protective manner as the corresponding MCL. Also, the alternative Microbiological Contaminants AWQS is oriented more appropriately for the AWQS setting. ADEQ believes the alternative Microbiological Contaminants AWQS is appropriately protective of public health and the environment and conforms to the mandate at A.R.S. § 49-223.

Comment 8: Utility

Overall, we commend and agree with ADEQ's approach, and anticipate efficiencies with the microbiological contaminants AWQS replacing indicator parameter Total Coliform with *E. coli*.

ADEQ Response 8:

ADEQ appreciates the comment.

Comment 9: Utility

A non-detection of *E. coli* should be specified as < 2.2 Most Probable Number (MPN)/100 ml sample. This threshold is specified on all permits.

ADEQ Response 9:

ADEQ appreciates the comment. For *E. coli*, "detect / non-detect" will appear in the applicable APP monitoring tables along with a footnote stating that "non-detect" means a result of < 2.2 MPN or < 1 CFU, depending on the unit used in the permit.

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

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This rulemaking does not create a requirement for a permit.

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

Federal law is not applicable to the subject matter of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the

competitiveness of business in this state to the impact on business in other states:

Not applicable.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rule follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS
ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. Aquifer water quality standard for microbiological contaminants. The aquifer water quality standard for microbiological contaminants is based upon the ~~presence or absence~~ detection or non-detection of ~~total coliforms~~ either Fecal Coliform or *E.coli* in a 100-milliliter sample, depending on the requirement in the permit. ~~If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological eontaminants.~~
 - 1. If a routine sample for Fecal Coliform results in a detection, a 100-milliliter repeat sample of either Fecal Coliform or *E.coli* shall be taken within five (5) days of becoming aware of the detection. A repeat sample for Fecal Coliform or for *E.coli* resulting in a detection following a routine Fecal Coliform sample that resulted in a detection constitutes a violation of the aquifer water quality standard for microbiological contaminants.
 - 2. If a routine sample for *E.coli* results in a detection, a 100-milliliter repeat sample for *E.coli* shall be taken within five (5) days of becoming aware of the detection. A repeat sample for *E.coli* resulting in a detection following a routine *E.coli* sample that resulted in a detection constitutes a violation of the aquifer water quality standard for microbiological contaminants.

G. No Change

Revision: 6/14/2024

AWP NFRM Economic Impact Statement (EIS) - 18 AAC 11 - Microbiological Contaminants

A summary of the economic, small business, and consumer impact:

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(F) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Microbiological Contaminants as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting an alternative AWQS to the corresponding MCL. The AWQSS are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSS are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Microbiological Contaminants AWQS rulemaking.

Costs to permittees to meet the new AWQS for Microbiological Contaminants are None to Minimal. In fact, ADEQ expects cost savings in many cases. The proposed AWQS for microbiological contaminants does not propose a numeric change in water quality standards, but instead proposes to implement more efficient/effective monitoring protocols. In this regard, the EIS generally follows a key premise of the Matrix Report: that the primary cost impact of the proposed AWQS would be a *reduction* in permittee sampling costs due to the reduced incidence of false-positive routine testing, repeat tests and accelerated monitoring thereafter. Consistent with the Matrix Report, the EIS estimates the cost *savings* related to more efficient sampling protocols. The EIS follows the format of the cost analysis in the Matrix Report, which evaluates *incremental* changes (reductions) in permittee costs compared to baseline conditions (i.e., costs under the current AWQS compared to costs under the proposed AWQS).

In addition to creating cost savings for permittees, the proposed AWQS would potentially generate economic benefits in terms of a reduction in cases of illness and death associated with microbiological contamination. In particular, the improved sampling protocols are expected to allow for quicker identification of incidents of contamination, allowing for more timely implementation of corrective measures (according to ADEQ staff, the higher incidence of false-positive test results under the existing protocols – and the associated need for retesting – can result in delays in identifying actual cases of contamination, potentially resulting in disease outbreaks that could otherwise be contained sooner). These potentially significant health benefits are not quantified in the EIS, as ADEQ and their consultant do not have sufficient information to develop such estimates. However, following the methodology of the Matrix Report, the EIS provides *general* estimates of the annual economic benefits attributable to regulation of Microbiological Contaminants. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be *incremental* benefits associated with the proposed AWQS).

Costs. Whereas permittees will continue to incur costs (primarily for routine and repeat sampling) to comply with the new/proposed AWQS, these costs are expected to *decrease* in comparison to the costs of complying with the current AWQS. These potential cost savings are attributable to the expectation that the routine sampling and repeat sampling requirements under the new AWQS would result in fewer “false positive” samples, thereby reducing the need for follow-up sampling and unwarranted corrective actions for facilities falsely deemed to be non-compliant. Statewide, the cost savings to permittees are estimated to range from \$882,000 to \$1.7 million annually (in 2023 dollars).

Benefits. Based on available time series data from ADHS and CDC, the Matrix Report estimates that regulation of Microbiological Contaminants results in 80 fewer cases of illness and 0.3 fewer deaths per year (statewide). In monetary terms, these prevented illnesses and deaths represent annual statewide benefits of \$3.5 million per year (in 2023 dollars).

Specific impacts

From a total 434 Aquifer Protection permittees in Arizona, it is estimated (based on the Matrix Report) that 153 to 300 permittees annually are required to sample for Microbiological Contaminants. This subset of 153 to 300 permittees would be the impacted stakeholder group that would potentially experience cost savings under the proposed AWQS. In Arizona, the potentially affected benefiting population consists primarily of private well users throughout the state (estimated at 350,000 persons in total), although some of these will be effectively excluded from the additional benefits of the higher AWQS because existing Microbiological Contaminant levels in some wells are already zero. Benefits in the form of cost savings could also accrue to community water systems and their clientele due to a reduction of Microbiological Contaminants in the groundwater, under the proposed AWQS. As many as 1.8 million Arizonans could be potentially affected in this way.

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ’s dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: “permittees”) will be the primary bearers of costs associated with this rulemaking. Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultant have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Microbiological Contaminants in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost impacts in this EIS relate primarily to potential cost *savings* to permittees due to the more efficient (and more effective) sampling protocols under the proposed AWQS. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|-----------------------------|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |

| Category | # Permittees |
|---|--------------|
| *Small Businesses as a segmented category | 135 |

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|--|
| Costs | | |
| Total APP's | Matrix report, page 25 | <p>The Matrix Report evaluates two alternatives for a new AWQS:</p> <ol style="list-style-type: none"> 1. ADEQ would adopt the EPA's MCL as the AWQS; or 2. ADEQ would develop and establish an appropriate alternative AWQS (for which the Matrix Report assumed that the routine and repeat samples would both be Fecal Coliform). <p>Per direction of ADEQ staff, the EIS considers a proposed AWQS that would require testing <i>E. coli</i> for the routine sample, with all required repeat samples testing for <i>E. coli</i>. Where appropriate, the Matrix Report factors have been applied to the AWQS proposal considered in the EIS.</p> |
| Type and number of facilities impacted by changes in AWQS | Matrix report, page 25 | |
| Sampling frequency | Matrix report, page 25 | |
| Coliform type(s) sampled | Matrix report (with updated assumptions provided by ADEQ staff) | |
| False-positive percentages by sample type | Matrix report, page 25 | |
| Sampling costs by sample type | Matrix report, Chart 8 | |
| Benefits | | |
| Annual cases of illness and annual number of deaths related to microbiological contamination of drinking water in Arizona (these are assumed to be prevented by compliance with the AWQS and are therefore interpreted as "benefits" of the AWQS) – for purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS | Matrix report, page 24 | <p>Illnesses and deaths related to microbiological contamination of drinking water are assumed to be prevented by compliance with the AWQS and are therefore interpreted as "benefits" of the AWQS. For purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be <i>incremental</i> benefits associated with the proposed AWQS).</p> |
| Average cost per case of illness caused by foodborne pathogens | Matrix report, page 25 | |
| Value of statistical life (VSL) | Matrix report, page 25 | |
| General | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Microbiological Contaminants. ADEQ and its consultant rely on estimates prepared by the authors of the "MCL Assumptions Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support", prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 ("Matrix Report") (see Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report's source material (primarily from the EPA), which takes into account multiple factors affecting potential costs and benefits.

Health Risk Reduction (Benefits)

The EIS measures the economic benefits of the AWQS in terms of the monetized value of illnesses and deaths that would be prevented by compliance with the State's AWQS for Microbiological Contaminants. These calculations are based on the following steps:

- Estimate the annual number of cases of enteric disease that would occur in Arizona in the absence of effective AWQS for microbiological contaminants;
- Estimate the annual number of deaths that would result from outbreaks transmitted by water in Arizona in the absence of effective AWQS;
- Calculate the costs associated with treatment of estimated cases of enteric disease; and

- Calculate the monetary value of lives lost due to disease outbreaks transmitted by water (using “Value of Statistical Life” data).

Based on available time series data from ADHS and CDC, the Matrix Report estimates that the AWQS would create the following benefits in terms of prevented illnesses and deaths:

- Prevention of 80 cases of illness per year
- Prevention of 0.3 deaths per year
- Avoided costs of \$2,397.76 per case of illness prevented
- Value of Statistical Life (VSL) of \$11.1 million

Using the above factors, the Matrix Report calculates total benefits from the AWQS of \$3.5 million per year. For purposes of the EIS, health-related benefits are understood to be the same for both the existing AWQS and the proposed AWQS. These general estimates of economic benefits are provided for contextual purposes (i.e., they quantify the existing benefits of regulating Microbiological Contaminants irrespective of proposed adjustments to the AWQS and therefore are not represented to be *incremental* benefits associated with the proposed AWQS).

The proposed AWQS would potentially generate economic benefits in terms of a reduction in cases of illness and death associated with microbiological contamination. In particular, the improved sampling protocols are expected to allow for quicker identification of incidents of contamination, allowing for more timely implementation of corrective measures (according to ADEQ staff, the higher incidence of false-positive test results under the existing protocols – and the associated need for retesting – can result in delays in identifying actual cases of contamination, potentially resulting in disease outbreaks that could otherwise be contained sooner). These potentially significant health benefits are not quantified in the EIS, as the consulting team does not have sufficient information to develop such estimates.

Cost Analysis

Consistent with the Matrix Report, the cost analysis provided in this EIS is based on the premise that the proposed AWQS would result in cost *reductions* (to permittees and the State) compared to the existing AWQS. The cost savings would result from revised sampling protocols intended to significantly reduce the occurrence of false-positive test results (while more quickly identifying contaminants that are of actual concern from a public health perspective). Within the framework provided in the Matrix Report, these cost savings are calculated in terms of the avoided costs of follow-up sampling compared to estimated costs under the existing AWQS protocols. As such, the calculated “costs” are negative (compared to baseline levels) and therefore can actually be interpreted as benefits rather than costs.

The Matrix report evaluates two alternatives for a new AWQS:

1. ADEQ would adopt the EPA’s MCL as the AWQS; or
2. ADEQ would develop and establish an appropriate alternative AWQS (for which Matrix assumed that the routine and repeat samples would both be Fecal Coliform).

The EIS considers a proposed AWQS that would require testing *E. coli* for the routine sample, with all required repeat samples testing for *E. coli*. Where appropriate, the Matrix Report factors have been applied to the AWQS proposal considered in the EIS. Cost factors/assumptions derived from the Matrix report are summarized below.

Costs of Sample Analysis. The Matrix Report estimated ranges of costs for the sample analysis by contacting four ADHS certified laboratories. If the contacted laboratories offered more than one analysis method, the least expensive method was used. The following are the range of costs used for the Matrix analysis (and also in the EIS):

- Total coliform: \$25 - \$50
- *E. coli*: \$25 - \$50

Costs for labor, reporting, and administrative work were assumed in the Matrix Report based on the author's knowledge and previous experience with APPs. These assumptions are outlined on the tables below.

Work Costs per False-Positive Sample

| Work Category | Hours | Rate | Cost |
|----------------|-----------|-----------|----------------|
| Labor | 8 | \$95 | \$760 |
| Data analysis | 4 | \$125 | \$500 |
| Reporting | 20 | \$100 | \$2,000 |
| Administrative | 4 | \$100 | \$400 |
| TOTAL: | 36 | -- | \$3,660 |

Breakdown of Work Costs based Coliform Type per False-Positive Sample

| Category | Total Coliform | <i>E. Coli</i> |
|----------|----------------|----------------|
| | | |

| | | |
|--|--------------------------|--------------------------|
| Sampling Cost (labor, analysis, consumables) | \$795 - \$820 | \$795 - \$820 |
| Reporting Costs | \$2,500 | \$2,500 |
| Administrative Costs | \$400 | \$400 |
| TOTAL: | \$3,695 - \$3,720 | \$3,695 - \$3,720 |

Note: Consumables include ice, gloves, etc. for collecting samples. Assumed to be approximately \$10 per sample.

In the EIS, the factors summarized above have been applied to the proposed AWQS. The costs of sampling under the current AWQS and the proposed AWQS are calculated on the table on the next page.

Total and Incremental Sampling Costs Per Year Statewide (in 2023 dollars)

| Factor | Current AWQS (Baseline) | | Proposed AWQS | |
|---|-------------------------|--------------------|--------------------|----------------------|
| | Low | High | Low | High |
| Total APP's | 434 | 434 | 434 | 434 |
| Facilities required to sample for coliforms | 153 | 300 | 153 | 300 |
| Sampling frequency (times per year) | 4 | 4 | 4 | 4 |
| Routine coliform samples per year | 612 | 1,200 | 612 | 1,200 |
| Coliform type sampled (routine) | Total | Total | <i>E. Coli</i> | <i>E. Coli</i> |
| False-positive percentage | 43% | 43% | 4% | 4% |
| Repeat samples triggered by false positives | 263 | 516 | 24 | 48 |
| Coliform type sampled (repeat) | Total | Total | <i>E. Coli</i> | <i>E. Coli</i> |
| Total cost per sample (by type): | | | | |
| Total coliform | \$3,695 | \$3,720 | \$3,695 | \$3,720 |
| <i>E. Coli</i> | \$3,695 | \$3,720 | \$3,695 | \$3,720 |
| Aggregate (statewide) sampling costs/year: | | | | |
| Routine samples | \$2,261,340 | \$4,464,000 | \$2,261,340 | \$4,464,000 |
| Repeat samples | \$972,375 | \$1,919,520 | \$90,454 | \$178,560 |
| <i>Total</i> | <i>\$3,233,716</i> | <i>\$6,383,520</i> | <i>\$2,351,794</i> | <i>\$4,642,560</i> |
| Cost Increase (Reduction) Compared to Baseline | <i>N/A</i> | <i>N/A</i> | (\$881,923) | (\$1,740,960) |

Source: ADEQ and consultant.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--------------------------------|--|----------------------------------|-------------------------------------|
| Costs to Stakeholders | | | |
| Cost stakeholders | General: The EIS follows the format of the cost analysis in the Matrix Report, which essentially looks at <i>incremental</i> changes in permittee costs compared to baseline conditions (i.e., costs under the current AWQS compared to costs under the proposed AWQS). An underlying premise of the Matrix Report analysis (and therefore the EIS) is that more efficient sampling requirements under the proposed AWQS would result in a significantly lower occurrence of false-positive test | | Significant |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|---|----------------------------------|---|
| | results and would therefore <i>reduce</i> compliance costs without compromising (while potentially improving) water quality standards | | |
| Permittees, generally | In general, microbiological contaminants are more likely to be generated within Wastewater Treatment Facilities, and also in treated wastewater. Microbiological Contaminants also can enter groundwater under certain conditions | | Moderate: AWQS would potentially reduce costs for routine and repeat sampling (by \$882,000 to \$1.7 million per year statewide) |
| Mines | Microbiological Contaminants are least likely to be found in mine-related water being treated, compared to other permittee types | | |
| Industrial activities | Microbiological Contaminants would not be particularly likely to be occurring in industrial-related water being treated, compared to other permittee types | | |
| Wastewater Treatment Plants | This category of permittee type is most likely to be dealing with Microbiological Contaminants, because of the urban-use connection | | |
| Rate payers in municipal systems | Private citizens and businesses could potentially benefit from reduced user fees for wastewater processing, based on reduced costs to permittees under the revised AWQS. However, these benefits are likely to be minimal (given the relatively small cost savings on a per-system basis) | | Proposed AWQS is expected to reduce compliance costs to permittees, which could potentially be passed on to rate payers in the form of lower rates; in practice, rate reductions are likely to be minimal Minimal. Aggregate revenues would potentially decrease in proportion to the cost savings from reduced sampling requirements. Given state-wide cost savings of \$882,000 to \$1.7 million per year, cost savings on a per-system basis are likely to be minimal |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | | Moderate. Overall, the AWQS would potentially create moderate cost savings to permittees compared to the existing AWQS |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Microbiological Contaminant indicator parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Minimal | |
| Benefits to Stakeholders | | | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|--|--|
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduced loss of life and illness and costs associated with treatment for disease. | | Moderate: Potential health benefits attributable to existing AWQS are estimated at \$3.5 million per year; this benefit would not change by virtue of the proposed new AWQS Significant: Potential reduction in the impacts of disease outbreaks (by virtue of more rapid identification and mitigation of contamination) |
| Community water systems (CWSs) and their clientele | Savings could potentially accrue to CWSs due to reduced microbiological contaminants in the ground water. Any savings would presumably be passed on to customers. | | Significant |
| State costs | Some state-supported medical costs would decrease (this benefit already exists under existing AWQS and would continue under new AWQS) | | Significant |
| State revenue effects | Reduced sampling requirements of permittees would potentially result in some loss of business (and associated reductions in employment) for firms engaged in sample analysis. The potential loss of direct jobs would in turn (in theory at least) generate additional employment losses through reductions in indirect and induced (secondary) economic activity, and subsequent tax revenues | Minimal. Lost State income taxes are estimated to be \$6,700 per year due to direct and secondary losses of employment | |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

Compared to the current AWQS, the indicated changes to the AWQS are intended to maintain the same (or better) levels of protection with respect to human health, while potentially resulting in significant cost savings to impacted permittees (due to the expectation that the modified sampling requirements would substantially reduce the incidence of “false positive” results). As such, many of the stakeholder categories that would typically be impacted by the costs of new regulation would actually benefit from *reduced* cost burdens under the proposed new AWQS.

Estimated cost savings to permittees are based on factors in the Matrix report, applied to the proposed AWQS (as defined by ADEQ staff). Consistent with the Matrix report, the EIS focuses strictly on potential cost savings related to the issue of reducing false-positive test results (due to more efficient requirements for contaminant sampling under the new AWQS); the analysis does not quantify other potential costs savings such as reduced costs for assessments and correction actions (reductions in false-positive test results would presumably reduce the incidence of unwarranted assessments).

Mines

Because mines are not necessarily associated, locationally or otherwise, with water treated for household consumption, Microbiological Contaminants are likely to be minimal compared with discharge systems that have an urban connection.

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive.

Industrial Facilities

This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity. For some industrial processes, water use will involve treatments similar to those for households, therefore microbiological contamination would potentially be an issue; but other industrial processes will have minimal or no connection to microbiological contamination. The estimated number of industrial wastewater processing permittees is 56.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources, and so will typically have significant potential for microbiological contamination. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could potentially benefit from reduced user fees for wastewater processing, based on reduced costs to permittees under the revised AWQS. However, these benefits are likely to be minimal (given the relatively small cost savings on a per-system basis).

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains. There are two segments to the benefiting stakeholders:

1. Some Community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced sampling requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQS.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group benefits from diseases forgone due to water quality standards related to Microbiological Contaminants.

The first segment is addressed below under the section *Community water systems (CWSs) and their clientele*.

Segment 2. As more fully documented in the Matrix Report, one major purpose of fecal pollution detection is to identify the presence of pathogens related to fecal waste sources and potential health risks (from the many bacterial, protozoan, and viral enteric pathogens that can cause diseases). Water quality monitoring to detect fecal pollution usually applies microbial fecal indicators to represent numerous potential pathogens.

Based on available time series data from ADHS and CDC, the Matrix report estimates that the AWQS would create the following benefits in terms of prevented illnesses and deaths:

- Prevention of 80 cases of illness per year
- Prevention of 0.3 deaths per year

Community water systems (CWSs) and their clientele

This affected group (segment 1 as noted above) includes a portion of customers of municipal or water utility water systems. Estimates of this segment of the population, served by water sources that included groundwater, were derived

from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater, along with populations served by various categories of providers. An estimated 2.04 million Arizonans would be affected in this way (by both existing and proposed AWQS).

State cost savings

The proposed AWQS would potentially create incremental health benefits compared to existing policy by allowing for more rapid identification of contamination (and therefore more proactive containment of potential disease outbreaks). Related to these potential health benefits, the proposed AWQS would potentially result in some reduction in state-supported medical costs.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees would be subject to more efficient sampling requirements under the proposed AWQS, the need for employment related to sampling and sample analysis would potentially decrease somewhat. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems). In the summary of the model as tabulated below for the contaminant of Microbiological Contaminants, direct employment and earnings resulting from permittees’ investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|-------------|
| Annualized Costs (with financing etc.)/Increased "Output" | (\$881,923) |
| <i>Jobs Per Million Dollars in Output</i> | 1.80 |
| <i>Earnings Per Dollar of Output</i> | \$0.17 |
| New Wastewater Treatment Direct Jobs Created | (1.59) |
| New Annual Earnings for Direct Jobs Created | (\$148,229) |
| Total New Jobs (Direct + Secondary) | (4.87) |
| <i>Effective Income Tax Rate</i> | 2.1% |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | (\$6,732) |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings

generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee’s particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility’s employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|---|
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (<i>see</i> A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced Microbiological Contaminants in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect.

Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary employment generated by investments in Microbiological Contaminants technology (using the low end of costs where ranges are given) are approximately \$6,700.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Microbiological Contaminants Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing specific contaminants referenced extensively by the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

AWP NFRM Public Comments - 18 AAC 11 - Microbiological Contaminants

Comment 1: Utility

Concerning the proposed alternative AWQS for Microbiological Contaminants, our current APP monitoring table utilizes the unit Most Probable Number (MPN) with a limit of (< 2.2) for *E. coli* monitoring. Will the units stay the same with this change in standard? Will Presence / Absence (P/A) be installed instead?

ADEQ Response 1:

ADEQ appreciates the comment. No, P/A will not be used for the *E. coli* indicator parameter utilized in the proposed AWQS for microbiological contaminants. Rather, detection or non-detection of either Fecal Coliform or *E. coli* is used. This means, for *E. coli*, "detect / non-detect" is likely to appear in the applicable APP monitoring tables along with a footnote stating that "non-detect" means a result of < 2.2 MPN or < 1 CFU, depending on the unit used in the permit.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. "Substantial Opposition" is a term defined in A.R.S. § 49-223(A) as, "... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS]." Upon receipt of "substantial opposition", the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is "appropriate" as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ has received substantial opposition from stakeholders on the proposal to adopt the Microbiological Contaminants MCL as an AWQS (see heading No. 7, subsection "Substantial Opposition" for more information).

Comment 3: Concerned Citizen

If there are any lab people on the call, can they answer if there are sampling methods associated with the proposed Microbiological Contaminants AWQS that will provide a presence/absence (P/A) result for fecal coliforms? I know P/A exists for Total Coliforms and *E. coli*. I found this statement in a Google search, "[t]he P/A tests for the presence/absence of indicator organisms in a water sample. This is usually observed in the form of a color change after an incubation period. Two common P/A tests are: H2S-producing bacteria P/A test Total Coliform and *E. coli* P/A Test." I am not sure P/A exists for fecal coliform.

ADEQ Response 3:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed Microbiological Contaminants AWQS, ADEQ has revised the rule language, essentially swapping the "absence / presence" binary with "detection / non-detection". Under the new language, any *E. coli* detection result from routine sampling would need to be followed by a repeat *E. coli* sample within 5 days of becoming aware of the result. A repeat sample that results in a detection of *E. coli* would constitute a violation of the Microbiological Contaminants AWQS. Additionally, ADEQ conducted some research which shows that Eurofins Scientific laboratory testing services offers a Fecal Coliform testing method (SM 9222D) separately from the EPA Total Coliform method (EPA 1604). Both methods have an 8-hour holding time. Source:

https://www.eurofinsus.com/media/447768/appendix-d-section-5-attachment-holdtime-container-list_2016-july.pdf

Also, Standard Method 9222D is a membrane filtration test for fecal coliforms and is offered by local labs in Arizona. This method can detect fecal coliforms from 20 - 60 CFU/100 mL. Source:

https://www.nemi.gov/methods/method_summary/5587/. Also, please find a table in Heading No. 7, subheading "Sampling and Analytical Methodologies" explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 4: Utility

We support the proposed alternate AWQS for microbiological contaminants with the following minor edits to the language:

1. If a routine sample of ~~Fecal Coliform~~ is positive for Fecal Coliform, a 100-milliter repeat sample of ~~either Fecal Coliform or *E. coli*~~ shall be taken within five days of becoming aware of the exceedance for analysis of Fecal Coliform or *E. coli*.
2. If a routine sample of ~~*E. coli*~~ is positive for *E. coli*, a 100-milliter repeat sample of ~~*E. coli*~~ shall be taken within five days of becoming aware of the exceedance for analysis of *E. coli*...

ADEQ Response 4:

ADEQ appreciates the comment. Due to this comment and others submitted on the proposed Microbiological Contaminants AWQS, ADEQ has revised the rule language, essentially swapping the "absence / presence" binary with "detection / non-detection". Under the new language, any Fecal Coliform detection result from routine sampling would need to be followed by a repeat Fecal Coliform or *E. coli* sample within 5 days of becoming aware of the detection result. A repeat sample that results in a detection of either parameter would constitute a violation of the Microbiological Contaminants AWQS. The Fecal Coliform indicator parameter is understood by ADEQ to encompass many species of fecal-derived, potentially harmful species therein; whereas, the *E. coli* parameter is a single, potentially harmful species. *E. coli* is used in this setting as an indicator; meaning that if it is detected in a sample, other potentially harmful species are likely to be present as well. Because the Fecal Coliform parameter encompasses within its scope *E. coli* and a number

of other fecal-derived species, ADEQ believes an *E. coli* repeat sample is appropriate if either Fecal Coliform or *E. coli* were sampled routinely. Please note that for the *E. coli* indicator parameter, “detect / non-detect” is likely to appear in the applicable APP monitoring tables along with a footnote stating that “non-detect” means a result of <2.2 MPN or <1 CFU, depending on the unit used in the permit. Additionally, ADEQ conducted some research which shows that Eurofins Scientific laboratory testing services offers a Fecal Coliform testing method (SM 9222D) separately from the EPA Total Coliform method (EPA 1604). Both methods have an 8-hour holding time. Source:

https://www.eurofinsus.com/media/447768/appendix-d-section-5-attachment-holdtime-container-list_2016-july.pdf.

Also, Standard Method 9222D is a membrane filtration test for fecal coliforms and is offered by local labs in Arizona.

This method can detect fecal coliforms from 20 - 60 CFU/100 mL. Source:

https://www.nemi.gov/methods/method_summary/5587/. Also, please find a table in Heading No. 7, subheading

“Sampling and Analytical Methodologies” explaining the preliminarily appropriate analytical methods for each new or adjusted AWQS.

Comment 5: Interest Group

We are deeply concerned about the proposed deviations from U.S. Environmental Protection Agency (EPA) standards for uranium, *E. coli*, and other pollutants. Arizona’s aquifers are invaluable resources that sustain drinking water supplies, ecological systems, and cultural heritage. Protecting these resources with robust, science-based standards is essential to ensure public health and environmental sustainability. We urge ADEQ to adopt the most protective standards possible by aligning AWQS with EPA’s maximum contaminant levels (MCLs) and guidelines for all pollutants under consideration, including arsenic, uranium, and *E. coli*. Prolonged delays in adopting federal standards leave Arizona communities vulnerable to contamination and illness.

ADEQ Response 5:

ADEQ appreciates the comment. There are seven (7) MCLs proposed for adoption as AWQSs within the scope of the collective “AWQS Update” rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQSs verbatim. This includes uranium cited by the commenter.

For the alternative Microbiological Contaminants AWQS, ADEQ believes the proposed AWQS is equally effective as the corresponding MCL, but deviates from the MCL’s employment of “Total Coliform” as an indicator parameter, utilizing the more precise “Fecal Coliform” and “*E. coli*” indicator parameters instead. Pursuant to A.R.S. § 49-223, ADEQ received “substantial opposition” to adoption of the Microbiological Contaminants MCL, mostly concerning the high numbers of “false positive” samples of Total Coliform that would have tested negative had Fecal Coliform or *E. coli* been the indicator parameter used in the standard instead. Details of the hardships encountered by the regulated community include hundreds of hours of labor in verification or repeat sampling. This, along with shipping and laboratory testing costs, amount to tens of thousands of dollars in unnecessary spending.

Given the substantial opposition received on the Microbiological Contaminants MCL, ADEQ was prompted to follow the procedure in A.R.S. § 49-223(A) for determining whether the Microbiological Contaminants MCL is appropriate as an Arizona state AWQS. ADEQ used its newly developed “standard work” as explained in Heading No. 7 above. ADEQ developed this “standard work” procedure for conducting an “appropriateness” determination pursuant to A.R.S. § 49-223(A). The “standard work” can be reviewed on ADEQ’s website at

<https://www.azdeq.gov/rulemaking/awqs-update/resources>. Concerning the Microbiological Contaminants MCL,

ADEQ’s review of EPA’s assumptions on technology, costs, sampling and analytical methodologies and public health risk reduction resulted in significant concern for the costs, analytical methods and public health risk reduction assumptions in particular. ADEQ found that the MCL at 40 C.F.R. 141.63(c) is simply inappropriate as-is for verbatim adoption as an AWQS and applicability upon the facilities regulated by Arizona’s APP program, such as Wastewater Treatment Plants, Mines and Industrial facilities. One of the main reasons is that the MCL is designed for Public Water Systems, not APP type facilities. Specifically, this is because the Microbiological Contaminants MCL requires routine sampling of both Total Coliform and *E. coli* parameters. Thereafter, upon a positive result of either Total Coliform or *E. coli*, a repeat sample is required for both parameters. Violation occurs when a positive result is obtained from an *E. coli* repeat sample that occurs after a total coliform-positive routine sample. Violation also occurs when a positive result is obtained from a Total Coliform repeat sample that occurs after an *E. coli*-positive routine sample. ADEQ found that the Total Coliform parameter is a very general indicator of coliforms in a sampling well, many of which occur naturally and are not indicative of a threat to human health. In particular, Total Coliform is too broad of an indicator parameter to signal fecal coliform health concerns in an APP regulatory program setting. On the contrary, ADEQ has found that Fecal Coliform and *E. coli* are more exacting indicators or surrogates of fecal coliforms, which are dangerous to human health.

Additionally, when a permittee samples for Total Coliform and receives a positive result, more often than not, the result is what is known as a “false positive”, signaling non-health threatening coliforms in a sample. ADEQ notes that false positives have led to a number of permittees having to perform accelerated or more frequent monitoring intervals pursuant to the permits unnecessarily, which have associated costs.

After determining that the MCL for Microbiological Contaminants was inappropriate as an AWQS, ADEQ followed the “standard work” procedure for alternative AWQS development and establishment. ADEQ is proposing with this final rule an appropriate alternative Microbiological Contaminants AWQS based upon the detection or non-detection of either Fecal Coliform or *E. coli* in a 100-milliliter sample (depending on the requirement of the permit). Upon a detection result for a routine Fecal Coliform sample, a repeat sample of either Fecal Coliform or *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Upon a detection result for a routine *E.*

coli sample, a repeat sample for *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Through research and consultation, ADEQ determined that *E. coli* is a better indicator of fecal contamination than total or fecal coliforms and that Total Coliform positive samples are known to result in a “false positive”. A “false positive” in a Total Coliform sampling context is when a sample result is positive, but the cause of the positive result indicates a type of total coliform that does not originate in fecal contamination, is not dangerous to human health and occurs naturally. A common “false positive” is when a positive Total Coliform sample is actually indicating rust in a well. Additionally, ADEQ considered the language of 40 C.F.R. 141.63(c), the state of existing Individual APP and Reclaimed Water permits, the Department’s mission to protect human health and the environment, as well as costs to permittees, analytical methodologies and public health risk reduction. Ultimately, ADEQ determined that shifting away from Total Coliform as an indicator parameter for an alternative Microbiological Contaminants AWQS and moving towards Fecal Coliform and *E. coli* is appropriate. Specifically, Fecal Coliform and *E. coli* are more exacting at indicating a threat to human health. The decision to configure the AWQS proposal to allow permittees to utilize Fecal Coliform or *E. coli* was due to the fact that protecting human health is not diminished under any of the possible orientations and existing permittees are sampling for both parameters already in some cases. Allowing permittees to keep those sampling traditions and optimize a sampling orientation from a cost effective perspective are all factors that led to ADEQ’s proposal.

Comment 6: Interest Group

E. coli and Fecal Coliform Standards. *E. coli* and fecal coliform serve as critical indicators of fecal contamination and pathogen presence in groundwater. EPA’s guidelines for these indicators are based on decades of rigorous research and are designed to minimize risks of gastrointestinal illness and waterborne disease outbreaks. We strongly oppose ADEQ’s proposal to adopt alternative standards for *E. coli* and fecal coliform that deviate from EPA guidelines. Such deviations are highly problematic for the following reasons:

1. Inadequate Public Health Protection: ADEQ’s proposed alternative standards would allow higher concentrations of *E. coli* and fecal coliform in groundwater than EPA’s established limits for recreational and potable water. This could significantly increase the risk of pathogen exposure, particularly for communities relying on groundwater for drinking and recreation.
2. Contradiction of Established Science: EPA’s standards are grounded in decades of epidemiological studies that demonstrate the link between elevated *E. coli* levels and disease outbreaks. Any deviation undermines the credibility and effectiveness of Arizona’s water quality protections.
3. Environmental and Ecological Risks: Groundwater contamination often affects interconnected surface water systems. Weakening *E. coli* standards could exacerbate contamination in rivers, streams, and reservoirs, threatening aquatic ecosystems and biodiversity. As Arizona’s aquifers often discharge into surface waters, contaminants like fecal coliform can migrate from groundwater to surface water, compounding the public health risks and damaging ecosystems. This connectivity between groundwater and surface water underscores the importance of robust water quality standards that address all potential pathways for contamination.
4. Economic and Social Costs: Relaxed standards could result in increased public health expenses, decreased trust in water quality management, and greater costs associated with contamination events.

We strongly urge ADEQ to align *E. coli* and fecal coliform standards with EPA’s protective guidelines. Ensuring consistency with federal standards will bolster public confidence in Arizona’s water quality management and safeguard both human and ecological health.

ADEQ Response 6:

ADEQ appreciates the comment. Generally, please reference the response to Comment No. 5 above. It is important to understand that ADEQ’s adoption of an alternative AWQS from the Microbiological Contaminants MCL deviates only slightly from the MCL and remains equally as protective. The MCL requires routine sampling of both Total Coliform and *E. coli* parameters. Thereafter, upon a positive result of either Total Coliform or *E. coli*, a repeat sample is required for both parameters. Violation occurs when a positive result is obtained from an *E. coli* repeat sample that occurs after a total coliform-positive routine sample. Violation also occurs when a positive result is obtained from a Total Coliform repeat sample that occurs after an *E. coli*-positive routine sample. ADEQ found that the Total Coliform parameter is a very general indicator of coliforms in a sampling well, many of which occur naturally and are not indicative of a threat to human health. In particular, Total Coliform is too broad of an indicator parameter to signal Fecal Coliform health concerns in the APP regulatory program setting. On the contrary, ADEQ has found that Fecal Coliform and *E. coli* are more exacting indicators or surrogates of fecal coliforms, which are dangerous to human health. Additionally, when a permittee samples for Total Coliform and receives a positive result, more often than not, the result is what is known as a “false positive”, signaling non-health threatening coliforms in a sample. ADEQ notes that false positives have led to a number of permittees having to perform accelerated or more frequent monitoring intervals pursuant to the permits unnecessarily, which have associated costs.

With this final rule, ADEQ is establishing an appropriate alternative Microbiological Contaminants AWQS based upon the detection or non-detection of either Fecal Coliform or *E. coli* in a 100-milliliter sample (depending on the requirement of the permit). Upon a detection result for a routine Fecal Coliform sample, a repeat sample of either Fecal Coliform or *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants. Upon a detection result for a routine *E. coli* sample, a repeat sample for *E. coli* with a “detect” result constitutes a violation of the aquifer water quality standard for microbiological contaminants.

1. ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective of public health and is oriented more appropriately for the AWQS setting. Again, the MCL utilized indicator parameters Total Coliform and *E. coli* to be routinely sampled; then, upon a positive result, both repeat sampled. Upon a repeat positive, the MCL has been formally violated. Compare with the alternative AWQS, which utilizes indicator parameters Fecal Coliform and *E. coli* to be routinely sampled; then, upon a detect result, a repeat sample of one or the other parameter is required, depending on the permit. Upon a repeat “detect” result, the AWQS has been formally violated. ADEQ notes that the Fecal Coliform parameter is *more* exacting than Total Coliform when it comes to identifying a risk to public health.
2. ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective of public health and is oriented more appropriately for the AWQS setting as is demonstrated in the previous paragraph. Additionally, ADEQ engaged experts composed of epidemiologists and toxicologists, among other professionals to assist in the process of reviewing EPA’s MCL development assumptions. Following statutory mandate and careful consideration of the totality of the appropriate considerations, ADEQ determined that a slight deviation from the MCL was appropriate given the statutory mandate. In making this determination, ADEQ considered the language of the MCL at 40 C.F.R. 141.63(c), the state of existing Individual APP and Reclaimed Water permits, the Department’s mission to protect human health and the environment, as well as costs to permittees, analytical methodologies and public health risk reduction. Ultimately, ADEQ determined that shifting away from Total Coliform as an indicator parameter for an alternative Microbiological Contaminants AWQS and moving towards Fecal Coliform and *E. coli* is appropriate, pursuant to A.R.S. § 49-223. Specifically, indicator parameters Fecal Coliform and *E. coli* are more exacting at indicating a threat to human health. The decision to configure the AWQS proposal to allow permittees to utilize Fecal Coliform or *E. coli* was due to the fact that protecting human health is not diminished under any of the possible orientations and existing permittees are sampling for both parameters already in some cases. Allowing permittees to keep those sampling traditions and optimize a sampling orientation from a cost effective perspective are all factors that led to ADEQ’s proposal.
3. As is stated and explained above, ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective as the corresponding MCL and is oriented more appropriately for the AWQS setting.
4. As is stated and explained above, ADEQ has determined the alternative Microbiological Contaminants AWQS is equally protective as the corresponding MCL and is oriented more appropriately for the AWQS setting.

In summary, ADEQ’s alternative Microbiological Contaminants AWQS is oriented in a similar and equally protective manner as the corresponding MCL. Also, the alternative Microbiological Contaminants AWQS is oriented more appropriately for the AWQS setting. ADEQ believes the alternative Microbiological Contaminants AWQS is appropriately protective of public health and the environment and conforms to the mandate at A.R.S. § 49-223.

Comment 8: Utility

Overall, we commend and agree with ADEQ’s approach, and anticipate efficiencies with the microbiological contaminants AWQS replacing indicator parameter Total Coliform with *E. coli*.

ADEQ Response 8:

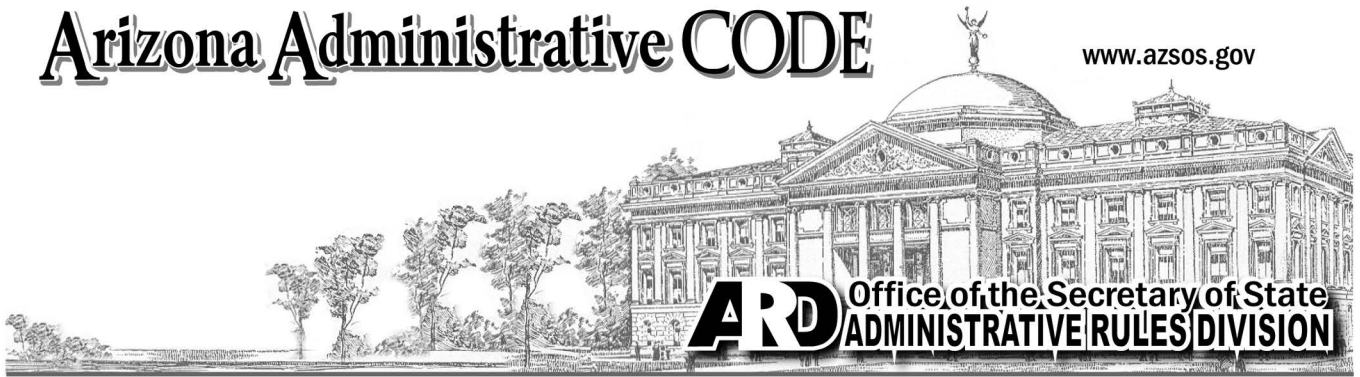
ADEQ appreciates the comment.

Comment 9: Utility

A non-detection of *E. coli* should be specified as < 2.2 Most Probable Number (MPN)/100 ml sample. This threshold is specified on all permits.

ADEQ Response 9:

ADEQ appreciates the comment. For *E. coli*, “detect / non-detect” will appear in the applicable APP monitoring tables along with a footnote stating that “non-detect” means a result of < 2.2 MPN or < 1 CFU, depending on the unit used in the permit.



18 A.A.C. 11

Supp. 23-3

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2023 through September 30, 2023

| | | | | | |
|-----------------------------|---|--------------------|-----------------------------|--|--------------------|
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The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-99 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Authority: A.R.S. §§49-202(A), 49-203(A)(1)

Supp. 23-3

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Article 1, consisting of Section R18-11-103, reserved effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-105 and R18-11-106, and Appendices A and B, adopted April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 and R18-11-102, R18-11-104, R18-11-107 through R18-11-109, R18-11-111 through R18-11-113, R18-11-115, R18-11-117 and R18-11-118, R18-11-120 and R18-11-121, amended effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 through R18-11-121 and Appendices A through C, adopted effective February 18, 1992 (Supp. 92-1).

Article 1, consisting of Section R18-11-101, repealed effective February 18, 1992 (Supp. 92-1).

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TITLE 18. ENVIRONMENTAL QUALITY

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Article 3 heading repealed effective April 24, 1996 (Supp. 96-2).

Article 3, consisting of Sections R18-11-301 through R18-11-304 repealed effective February 18, 1992 (Supp. 92-1).

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS**R18-11-101. Definitions**

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation (AgI)" means the use of a surface water for crop irrigation.
3. "Agricultural livestock watering (AgL)" means the use of a surface water as a water supply for consumption by livestock.
4. "Annual mean" is the arithmetic mean of monthly values determined over a consecutive 12-month period, provided that monthly values are determined for at least three months. A monthly value is the arithmetic mean of all values determined in a calendar month.
5. "Aquatic and wildlife (cold water) (A&Wc)" means the use of a surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
6. "Aquatic and wildlife (effluent-dependent water) (A&Wedw)" means the use of an effluent-dependent water by animals, plants, or other organisms for habitation, growth, or propagation.
7. "Aquatic and wildlife (ephemeral) (A&We)" means the use of an ephemeral water by animals, plants, or other organisms, excluding fish, for habitation, growth, or propagation.
8. "Aquatic and wildlife (warm water) (A&Ww)" means the use of a surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
9. "Arizona Pollutant Discharge Elimination System (AZPDES)" means the point source discharge permitting program established under 18 A.A.C. 9, Article 9.
10. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
11. "Clean Water Act" means the Federal Water Pollution Control Act [33 U.S.C. 1251 to 1387].
12. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
13. "Criteria" means elements of water quality standards that are expressed as pollutant concentrations, levels, or narrative statements representing a water quality that supports a designated use.
14. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
15. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health based water quality standard criteria, in order to simulate long-term exposure, the receiving water critical flow condition is the harmonic mean flow.
16. "Deep lake" means a lake or reservoir with an average depth of more than 6 meters.
17. "Designated use" means a use specified in Appendix B of this Article for a surface water.
18. "Domestic water source (DWS)" means the use of a surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
19. "Effluent-dependent water (EDW)" means a surface water or portion of a surface water, that consists of a point source discharge without which the surface water would be ephemeral. An effluent-dependent water may be perennial or intermittent depending on the volume and frequency of the point source discharge of treated wastewater.
20. "Ephemeral water" means a surface water or portion of surface water that flows or pools only in direct response to precipitation.
21. "Existing use" means a use attained in the waterbody on or after November 28, 1975, whether or not it is included in the water quality standards.
22. "Fish consumption (FC)" means the use of a surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
23. "Full-body contact (FBC)" means the use of a surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
24. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_Y = \sqrt[n]{(Y_1)(Y_2)(Y_3)\dots(Y_n)}$$
25. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO3) in milligrams per liter.
26. "Igneous lake" means a lake located in volcanic, basaltic, or granite geology and soils.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

27. "Intermittent water" means a surface water or portion of surface water that flows continuously during certain times of the year and more than in direct response to precipitation, such as when it receives water from a spring, elevated groundwater table or another surface source, such as melting snowpack.
28. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
29. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
30. "Outstanding Arizona water (OAW)" means a surface water that is classified as an outstanding state resource water by the Director under R18-11-112.
31. "Partial-body contact (PBC)" means the recreational use of a surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
32. "Perennial water" means a surface water or portion of surface water that flows continuously throughout the year.
33. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance. A.R.S. § 49-201(29)
34. "Pollutant Minimization Program" means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loadings.
35. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
36. "Reference condition" means a set of abiotic physical stream habitat, water quality, and site selection criteria established by the Director that describe the typical characteristics of stream sites in a region that are least disturbed by environmental stressors. Reference biological assemblages of macroinvertebrates and algae are collected from these reference condition streams for calculating the Arizona Indexes of Biological Integrity thresholds.
37. "Regional Administrator" means the Regional Administrator of Region IX of the U.S. Environmental Protection Agency.
38. "Regulated discharge" means a point-source discharge regulated under an AZPDES permit, a discharge regulated by a § 404 permit, and any discharge authorized by a federal permit or license that is subject to state water quality certification under § 401 of the Clean Water Act.
39. "Riffle habitat" means a stream segment where moderate water velocity and substrate roughness produce moderately turbulent conditions that break the surface tension of the water and may produce breaking wavelets that turn the surface water into white water.
40. "Run habitat" means a stream segment where there is moderate water velocity that does not break the surface tension of the water and does not produce breaking wavelets that turn the surface water into white water.
41. "Sedimentary lake" means a lake or reservoir in sedimentary or karst geology and soils.
42. "Shallow lake" means a lake or reservoir, excluding an urban lake, with a smaller, flatter morphology and an average depth of less than 3 meters and a maximum depth of less than 4 meters.
43. "Significant degradation" means:
 - a. The consumption of 20 percent or more of the available assimilative capacity for a pollutant of concern at critical flow conditions, or
 - b. Any consumption of assimilative capacity beyond the cumulative cap of 50 percent of assimilative capacity.
44. "Surface water" means "WOTUS" as defined in A.R.S. § 49-201(53).
45. "Total nitrogen" means the sum of the concentrations of ammonia (NH₃), ammonium ion (NH₄⁺), nitrite (NO₂), and nitrate (NO₃), and dissolved and particulate organic nitrogen expressed as elemental nitrogen.
46. "Total phosphorus" means all of the phosphorus present in a sample, regardless of form, as measured by a persulfate digestion procedure.
47. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
48. "Urban lake" means a manmade lake within an urban landscape.
49. "Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of a designated use including physical, chemical, biological, and economic factors.
50. "Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the variance.
51. "Wadable" means a surface water can be safely crossed on foot and sampled without a boat.
52. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
53. "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas.

TITLE 18. ENVIRONMENTAL QUALITY

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54. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Former Section R9-21-101 repealed, new Section R9-21-101 adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Amended effective January 7, 1985 (Supp. 85-1). Amended by adding subsection (C) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-101 renumbered without change as Section R18-11-101 (Supp. 87-3). Former Section R18-11-101 repealed, new Section R18-11-101 adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Deleted first definition to R18-11-101(32) "Navigable Water", previously printed in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-102. Applicability

- A.** The water quality standards prescribed in this Article apply to surface waters.
- B.** The water quality standards prescribed in this Article do not apply to the following:
1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is a part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores that is not a surface water or is located in an area that once was a surface water but is no longer a surface water because it has been and remains legally converted, including:
 - a. A pit,
 - b. Pregnant leach solution pond,
 - c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond or a sump in a mine pit associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product and that is being held for recycling,
 - h. Spill or upset catchment pond, or
 - i. A pond used for onsite remediation;
 3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-103. Repealed**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Repealed effective April 24, 1996 (Supp. 96-2).

R18-11-104. Designated Uses

- A.** The Director shall adopt or remove a designated use or subcategory of a designated use by rule.
- B.** Designated uses of a surface water may include full-body contact, partial-body contact, domestic water source, fish consumption, aquatic and wildlife (cold water), aquatic and wildlife (warm water), aquatic and wildlife (ephemeral), aquatic and wildlife (effluent-dependent water), agricultural irrigation, and agricultural livestock watering. The designated uses for specific surface waters are listed in Appendix B of this Article.
- C.** Numeric water quality criteria to maintain and protect water quality for the designated uses are prescribed in Appendix A, R18-11-109, R18-11-110, and R18-11-112. Narrative water quality standards to protect all surface waters are prescribed in R18-11-108.
- D.** If a surface water has more than one designated use listed in Appendix B, the most stringent water quality criterion applies.
- E.** The Director shall revise the designated uses of a surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in Appendix B.
- F.** In designating uses of a surface water and in establishing water quality criteria to protect the designated uses, the Director shall take into consideration the applicable water quality standards for downstream surface waters and shall ensure that the water quality standards that are established for an upstream surface water also provide for the attainment and maintenance of the water quality standards of downstream surface waters.
- G.** A use attainability analysis shall be conducted prior to removal of a designated use or adoption of a subcategory of a designated use that requires less stringent water quality criteria.
- H.** The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria, provided the designated use is not an existing use and it is demonstrated through a use attainability analysis that attaining the designated use is not feasible for any of the following reasons:
1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A natural, ephemeral, intermittent, or low-flow condition or water level prevents the attainment of the use;
 3. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
 4. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
 5. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use; or
 6. Controls more stringent than those required by § 301 (b) and § 306 of the Clean Water Act [33 U.S.C. § 1311 and § 1316] are necessary to attain the use and implementation

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of the controls would result in substantial and widespread economic and social impact.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-105. Tributaries; Designated Uses

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000 feet in elevation.
3. The aquatic and wildlife (warm water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000 feet in elevation.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Section heading amended per instructions of the Department of Environmental Quality, August 9, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-106. Net Ecological Benefit

- A. The Director may, by rule, modify a water quality standard on the ground that there is a net ecological benefit associated with the discharge of effluent to support or create a riparian and aquatic habitat in an area where water resources are limited. The Director may modify a water quality standard for a pollutant if it is demonstrated that:
 1. The discharge of effluent creates or supports an ecologically valuable aquatic, wetland, or riparian ecosystem in an area where these resources are limited;
 2. The ecological benefits associated with the discharge of effluent under a modified water quality standard exceed the environmental costs associated with the elimination of the discharge of effluent;
 3. The cost of treatment to achieve compliance with a water quality standard is so high that it is more cost effective to eliminate the discharge of effluent to the surface water. The discharger shall demonstrate that it is feasible to eliminate the discharge of effluent that creates or supports the ecologically valuable aquatic, wetland, or riparian ecosystem;
 4. The discharge of effluent to the surface water will not cause or contribute to a violation of a water quality standard that has been established for a downstream surface water;
 5. All practicable point source discharge control programs, including local pretreatment, waste minimization, and source reduction programs are implemented; and
 6. The discharge of effluent does not produce or contribute to the concentration of a pollutant in the tissues of aquatic organisms or wildlife that is likely to be harmful to humans or wildlife through food chain concentration.
- B. The Director shall not modify a water quality criterion for a pollutant to be less stringent than a technology-based effluent

limitation that applies to the discharge of that effluent. The discharge of effluent shall, at a minimum, comply with applicable technology-based effluent limitations.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-107. Antidegradation

- A. The Director shall, using R18-11-107.01 and this Section, determine whether there is degradation of water quality in a surface water on a pollutant-by-pollutant basis.
- B. Tier 1: The level of water quality necessary to support an existing use shall be maintained and protected. No degradation of existing water quality is permitted in a surface water where the existing water quality does not meet the applicable water quality standards.
- C. Tier 2: Where existing water quality in a surface water is better than the applicable water quality standard the existing water quality shall be maintained and protected. The Director may allow degradation of existing water quality in the surface water, if the Director makes all of the following findings:
 1. The water quality necessary for existing uses is fully protected and water quality is not lowered to a level that does not comply with applicable water quality standards,
 2. The highest statutory and regulatory requirements for new and existing point sources are achieved,
 3. All cost-effective and reasonable best management practices for nonpoint source pollution control are implemented, and
 4. Allowing lower water quality is necessary to accommodate important economic or social development in the area where the surface water is located.
- D. Tier 3: Existing water quality shall be maintained and protected in a surface water that is classified as an OAW under R18-11-112. Degradation of an OAW under subsection (C) is prohibited.
- E. The Director shall implement this Section in a manner consistent with § 316 of the Clean Water Act [33 U.S.C. 1326] if a potential water quality impairment associated with a thermal discharge is involved.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-107.01. Antidegradation Criteria

- A. Tier 1 antidegradation protection.
 1. Tier 1 antidegradation protection applies to the following surface waters:
 - a. A surface water listed on the 303(d) list for the pollutant that resulted in the listing,
 - b. An effluent dependent water,
 - c. An ephemeral water,
 - d. An intermittent water, and
 - e. A canal listed in Appendix B.
 2. A regulated discharge shall not cause a violation of a surface water quality standard or a wasteload allocation in a total maximum daily load approved by EPA.

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3. Except as provided in subsections (E) and (F), Tier 1 antidegradation review requirements are satisfied for a point-source discharge regulated under an individual AZPDES permit to an ephemeral water, effluent dependent water, intermittent water, or a canal listed in Appendix B, if water quality-based effluent limitations designed to achieve compliance with applicable surface water quality standards are established in the permit and technology-based requirements of the Clean Water Act for the point source discharge are met.
- B. Tier 2 antidegradation protection.**
1. Tier 2 antidegradation protection applies to a perennial water with existing water quality that is better than applicable water quality standards. A perennial water that is not listed in subsection (A)(1) nor classified as an OAW under A.A.C. R18-9-112(G) has Tier 2 antidegradation protection for all pollutants of concern.
 2. A regulated discharge that meets the following criteria, at critical flow conditions, does not cause significant degradation:
 - a. The regulated discharge consumes less than 20 percent of the available assimilative capacity for each pollutant of concern, and
 - b. At least 50 percent of the assimilative capacity for each pollutant of concern remains available in the surface water for each pollutant of concern.
 3. Antidegradation review. Any person proposing a new or expanded regulated discharge under an individual AZPDES permit that may cause significant degradation shall provide ADEQ with the following information:
 - a. Baseline characterization. A person seeking authorization to discharge under an individual AZPDES permit to a perennial water shall provide baseline water quality data on pollutants of concern where no data exists or there are insufficient data to characterize baseline water quality and to determine available assimilative capacity. A discharger shall characterize baseline water quality at a location upstream of the proposed discharge location;
 - b. Alternative analysis.
 - i. The person seeking authorization for the discharge shall prepare and submit a written analysis of alternatives to the discharge. The analysis shall provide information on all reasonable, cost-effective, less-degrading or non-degrading discharge alternatives. Alternatives may include wastewater treatment process changes or upgrades, pollution prevention measures, source reduction, water reclamation, alternative discharge locations, groundwater recharge, land application or treatment, local pretreatment programs, improved operation and maintenance of existing systems, seasonal or controlled discharge to avoid critical flow conditions, and zero discharge;
 - ii. The alternatives analysis shall include cost information on base pollution control measures associated with the regulated discharge and cost information for each alternative;
 - iii. The person shall implement the alternative that is cost-effective and reasonable, results in the least degradation, and is approved by the Director. An alternative is cost-effective and reasonable if treatment costs associated with the alternative are less than a 10 percent increase above the cost of base pollution control measures;
- iv. For purposes of this subsection, "base pollution control measures" are water pollution control measures required to meet technology-based requirements of the Clean Water Act and water quality-based effluent limits designed to achieve compliance with applicable water quality standards; and
- c. Social and economic justification. The person shall demonstrate to the Director that significant degradation is necessary to accommodate important economic or social development in the local area. The person seeking authorization for the discharge shall prepare a written social and economic justification that includes a description of the following:
 - i. The geographic area where significant degradation of existing water quality will occur;
 - ii. The current baseline social and economic conditions in the local area;
 - iii. The net positive social and economic effects of development associated with the regulated discharge and allowing significant degradation;
 - iv. The negative social, environmental, and economic effects of allowing significant degradation of existing water quality; and
 - v. Alternatives to the regulated discharge that do not significantly degrade water quality yet may yield comparable social and economic benefits.
4. For purposes of this Section, the term "pollutant of concern" means a pollutant with either a numeric or narrative water quality standard.
 5. Public participation. The Director shall provide public notice and an opportunity to comment on an antidegradation review under subsection (B)(3) and shall provide an opportunity for a public hearing under A.A.C. R18-9-A908(B).
- C. Tier 3 antidegradation protection.**
1. Tier 3 antidegradation protection applies only to an OAW listed in R18-11-112(G).
 2. A new or expanded point-source discharge directly to an OAW is prohibited.
 3. A person seeking authorization for a regulated discharge to a tributary to, or upstream of, an OAW shall demonstrate in a permit application or in other documentation submitted to ADEQ that the regulated discharge will not degrade existing water quality in the downstream OAW.
 4. A discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires a determination by the Director to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less and are not regularly occurring. The form of such a determination shall be as follows:
 - a. For Corps-issued § 404 permits, an individual § 401 water quality certification.
 - b. For Director-issued § 404 permits, a § 404 permit action, wherein the Director shall conduct a water quality evaluation as a part of the state's requirements for issuing § 404 permits and in accordance with this Section.

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- D. Antidegradation review of a § 404 permit shall be conducted as follows:
 1. For a Corps-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a nationwide or regional § 404 permit as part of the § 401 water quality certification prior to issuance of the nationwide or regional permit. The Director shall conduct the antidegradation review of an individual § 404 permit if the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters. For regulated discharges that may degrade water quality in an OAW or a water that is on the 303(d) List of impaired waters, the Director shall conduct the antidegradation review as part of the § 401 water quality certification process.
 2. For a Director-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a general § 404 permit as a part of its determination whether to issue a general permit in accordance with state requirements for issuing a § 404 general permit and with this Section. The Director shall conduct the antidegradation review of an individual § 404 permit as part of the § 404 permit action in accordance with state requirements for issuing a § 404 permit and in accordance with this Section.
- E. Antidegradation review of an AZPDES stormwater permit. An individual stormwater permit for a municipal separate storm sewer system (MS4) meets antidegradation requirements if the permittee complies with the permit, including developing a stormwater management plan containing controls that reduce the level of pollutants in stormwater discharges to the maximum extent practicable.
- F. Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-108. Narrative Water Quality Standards

- A. A surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or

- 8. Change the color of the surface water from natural background levels of color.
- B. A surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard.
- C. A surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.
- D. A surface water shall not contain solid waste such as refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, appliances, or tires.
- E. A Wadeable, perennial stream shall support and maintain a community of organisms having a taxa richness, species composition, tolerance, and functional organization comparable to that of a stream with reference conditions in Arizona.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.01. Narrative Biological Criteria for Wadeable, Perennial Streams

- A. The narrative biological criteria in this Section apply to a wadeable, perennial stream with either an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.
- B. The biological standard in R18-11-108(E) is met when a bioassessment result, as measured by the Arizona Index of Biological Integrity (IBI), for cold or warm water is:
 1. Greater than or equal to the 25th percentile of reference condition, or
 2. Greater than the 10th percentile of reference condition and less than the 25th percentile of reference condition and a verification bioassessment result is greater than or equal to the 25th percentile of reference condition.
- C. Arizona Index of Biological Integrity (IBI) scores:

| Bioassessment Result | Index of Biological Integrity Scores | |
|--|--------------------------------------|---------|
| | A&Wc | A&Ww |
| Greater than or equal to the 25th percentile of reference condition | ≥52 | ≥50 |
| Greater than the 10th and less than the 25th percentile of reference condition | 46 - 51 | 40 - 49 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.02. Narrative Bottom Deposit Criteria for Wadeable, Perennial Streams

- A. The narrative bottom deposit criteria in this Section apply to wadeable, perennial streams with an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.

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- B. The narrative water quality standard for bottom deposits at R18-11-108(A)(1) is met when:
 1. The percentage of fine sediments in the riffle habitats of a wadeable, perennial stream with an A&Wc designated use, as determined by a riffle pebble count, is less than or equal to 30 percent.
 2. The percentage of fine sediments in all stream habitats of a wadeable, perennial stream with an A&Ww designated use, as determined by a reach level pebble count, is equal to or less than 50 percent.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.03. Narrative Nutrient Criteria for Lakes and Reservoirs

- A. The narrative nutrient criteria in this Section apply to those lakes and reservoirs categorized in Appendix B.
- B. The narrative water quality standard for nutrients at R18-11-108(A)(6) is met when, based on a minimum of two lake sample events conducted during the peak season based on lake productivity, the results show an average chlorophyll-*a* value below the applicable threshold for designated use and lake and reservoir category in subsection (D).
 1. The mean chlorophyll-*a* concentration is less than the lower value in the target range chlorophyll-*a* for the lake and reservoir category, or
 2. The mean chlorophyll-*a* concentration is within the target range for the lake and reservoir category and:
 - a. The mean blue green algae count is at or below 20,000 per milliliter, and

- b. The blue green algae count is less than 50 percent of the total algae count, and
- c. There is no evidence of nutrient-related impairments such as:
 - i. An exceedance of dissolved oxygen or pH standards;
 - ii. A fish kill coincident with a dissolved oxygen or pH exceedance;
 - iii. A fish kill or other aquatic organism mortality coincident with algal toxicity;
 - iv. Secchi depth is less than the lower value prescribed for the lake and reservoir category;
 - v. A nuisance algal bloom is present in the limnetic portion of the lake or reservoir; or
 - vi. The concentration of total phosphorous, total nitrogen, or total Kjehldal nitrogen (TKN) is greater than the upper value in the range prescribed for the lake and reservoir category; or

- 3. For a shallow lake. In addition to meeting the mean chlorophyll-*a* concentrations in subsections (B)(1) or (2), submerged aquatic vegetation covers 50 percent or less of the lake bottom and there is less than a 5 mg/L swing in diel-dissolved oxygen concentration measured within the photic zone.

- C. The following threshold ranges apply during the peak season for lake productivity:
 1. Warm water lakes peak season, April – October;
 2. Cold water lakes peak season, May – September.
- D. The following table lists the numeric targets for lakes and reservoirs.

| NUMERIC TARGETS FOR LAKES AND RESERVOIRS | | | | | | | | | | |
|--|--------------------------|----------------------|------------------|-------------------------|-----------------------|--------------------------------------|---------------------------|-------------------------------------|-------------------------|---------|
| Designated Use | Lake Category | Chl- <i>a</i> (µg/L) | Secchi Depth (m) | Total Phosphorus (µg/L) | Total Nitrogen (mg/L) | Total Kjehldal Nitrogen (TKN) (mg/L) | Blue-Green Algae (per ml) | Blue-Green Algae (% of total count) | Dissolved Oxygen (mg/L) | pH (SU) |
| FBC and PBC | Deep | 10-15 | 1.5-2.5 | 70-90 | 1.2-1.4 | 1.0-1.1 | 20,000 | | | 6.5-9.0 |
| | Shallow | 10-15 | 1.5-2.0 | 70-90 | 1.2-1.4 | 1.0-1.1 | | | | |
| | Igneous | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Sedimentary | 20-30 | 1.5-2.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Urban | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| A&Wc | All | 5-15 | 1.5-2.0 | 50-90 | 1.0-1.4 | 0.7-1.1 | | <50 | 7 (top m) | 6.5-9.0 |
| A&Ww | All (except urban lakes) | 25-40 | 0.8-1.0 | 115-140 | 1.6-1.8 | 1.3-1.6 | | | 6 (top m) | |
| | Urban | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | |
| A&Wedw | All | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | 6.5-9.0 |
| DWS | All | 10-20 | 0.5-1.5 | 70-100 | 1.2-1.5 | 1.0-1.2 | 20,000 | | | 5.0-9.0 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-109. Numeric Water Quality Standards

- A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC | PBC |
|---|-----|-----|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

- B. pH. The following water quality standards for pH are expressed in standard units:

| pH | DWS | FBC, PBC, A&W ¹ | AgI | AgL |
|---------|-----|----------------------------|-----|-----|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

Footnotes:

- 1. "1" Includes A&Wc, A&Ww, A&Wedw, and A&We.

- C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww | A&Wedw | A&Wc |
|------|--------|------|
| | | |

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| | | |
|--------|--------|--------|
| 3.0° C | 3.0° C | 1.0° C |
|--------|--------|--------|

- D. Suspended sediment concentration.
- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:

| A&Wc | A&Ww |
|------|------|
| 25 | 80 |

- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

- E. Dissolved oxygen. A surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|---|---|
| A&Ww | 6.0 |
| A&Wc | 7.0 |
| A&W edw for a sample taken from three hours after sunrise to sunset | 3.0 |
| A&W edw for a sample taken from sunset to three hours after sunrise | 1.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Nutrient criteria. The following are water quality standards for total phosphorus and total nitrogen (expressed in milligrams per liter (mg/L)) that apply to the surface waters listed below. A minimum of 10 samples, each taken at least 10 days apart in a consecutive 12-month period, are required to determine a 90th percentile. Not more than 10 percent of the samples may exceed the 90th percentile value listed below. The Director will apply these water quality standards for total phosphorus and total nitrogen to the surface waters listed below, and to their perennial tributaries, if listed. The Director may also apply these total phosphorus and total nitrogen standards to any source discharging to any tributary (ephemeral, intermittent, effluent dependent water, or perennial) of the surface waters listed below, if necessary to protect nutrient water quality in the listed surface water, based on the volume, frequency, magnitude and duration of the discharge, and distance to the downstream surface water listed below:

- Verde River and its perennial tributaries from the Verde headwaters to Bartlett Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.30 | 1.00 |
| Total nitrogen | 1.00 | 1.50 | 3.00 |

- Black River, Tonto Creek and their perennial tributaries for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.20 | 0.80 |
| Total nitrogen | 0.50 | 1.00 | 2.00 |

- Salt River and its perennial tributaries above Roosevelt Lake for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.12 | 0.30 | 1.00 |
| Total nitrogen | 0.60 | 1.20 | 2.00 |

- Salt River below Stewart Mountain Dam to its confluence with the Verde River:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.05 | – | 0.20 |
| Total nitrogen | 0.60 | – | 3.00 |

- Little Colorado River and its perennial tributaries upstream from:

- The headwaters to River Reservoir,
- South Fork of Little Colorado River at 34°00'49"/109°24'18" to above South Fork Campground at 34°04'49"/109°24'18", and
- The headwaters of Water Canyon Creek to the Apache-Sitgreaves National Forest boundary:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.08 | 0.10 | 0.75 |
| Total nitrogen | 0.60 | 0.75 | 1.10 |

- From the Little Colorado River and State Route 260 at 34°06'39"/109°18'55" to Lyman Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.20 | 0.30 | 0.75 |
| Total nitrogen | 0.70 | 1.20 | 1.50 |

- Colorado River at the Northern International Boundary near Morelos Dam:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | – | 0.33 | – |
| Total nitrogen | – | 2.50 | – |

- Oak Creek from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River and the West Fork of Oak Creek from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek.

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.1 | 0.25 | 0.30 |
| Total nitrogen | 1.00 | 1.50 | 2.50 |

- No discharge of wastewater to Show Low Creek or its perennial tributaries upstream of and including Fools Hollow Lake shall exceed 0.16 mg/L total phosphates as P.
- No discharge of wastewater to the San Francisco River or its perennial tributaries upstream of Luna Lake Dam shall exceed 1.0 mg/L total phosphates as P.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final

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rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-110. Salinity Standards for the Colorado River

- A. The flow-weighted average annual salinity in the lower main stem of the Colorado River shall not exceed the following criteria:

| Location | Total Dissolved Solids |
|------------------|------------------------|
| Below Hoover Dam | 723 mg/L |
| Below Parker Dam | 747 mg/L |
| At Imperial Dam | 879 mg/L |

- B. The plan of implementation contained in the “2014 Review, Water Quality Standards for Salinity, Colorado River System,” approved October 2014, is incorporated by reference to preserve the basin-wide approach to salinity control developed by the Colorado River Basin Salinity Control Forum and to ensure compliance with the numeric criteria for salinity in subsection (A). This material does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the Colorado River Basin Salinity Control Forum, 106 West 500 South, Suite 101, Bountiful, Utah 84010-6232 or at <http://www.coloradoriversalinity.org/>.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-111. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610, 40 CFR 136.3, or an alternative analytical method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-112. Outstanding Arizona Waters

- A. The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B. The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C. Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
1. A map and a description of the surface water;

2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
 3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
 4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D. The Director may classify a surface water as an OAW based upon the following criteria:
1. The surface water is a perennial or intermittent water;
 2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
 3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
 4. The surface water meets one or both of the following conditions:
 - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
 - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E. The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F. The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
 2. The social and economic impact of Tier 3 antidegradation protection;
 3. The public comments in support of, or in opposition to, an OAW classification;
 4. The timing of the nomination relative to the triennial review of surface water quality standards;
 5. The consistency of an OAW classification with applicable water quality management plans; and

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6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).
- G.** The following surface waters are classified as OAWs:
1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
 2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
 3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
 4. Peeples Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
 5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
 6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
 7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
 8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
 9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
 10. Cave Creek, from its headwaters to the Coronado National Forest boundary (approximately 10.4 river miles);
 11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
 12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
 13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
 14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
 15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
 18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
 19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
 20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
 21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).
- R18-11-113. Effluent-Dependent Waters**
- A.** The Director shall classify a surface water as an effluent-dependent water by rule.
- B.** The Director may adopt, under R18-11-115, a site-specific water quality standard for an effluent-dependent water.
- C.** Any person may submit a petition for rule adoption requesting that the Director classify a surface water as an effluent-dependent water. The petition shall include:
1. A map and a description of the surface water;
 2. Information that demonstrates that the surface water consists of a point source discharge of wastewater; and
 3. Information that demonstrates that, without a point source discharge of a wastewater, the receiving water is an ephemeral water.
- D.** The Director shall use the water quality standards that apply to an effluent-dependent water to derive water quality-based effluent limits for a point source discharge of wastewater to an ephemeral water.
- E.** The Director may use aquatic and wildlife (edw) acute standards only to derive water quality based effluent limits for a sporadic, infrequent, or emergency point source discharge to an ephemeral water or to an effluent-dependent water. The Director shall consider the following factors when deciding whether to apply A&Wedw (acute) standards:
1. The amount, frequency, and duration of the discharge;
 2. The length of time water may be present in the receiving water;
 3. The distance to a downstream water with aquatic and wildlife chronic standards; and
 4. The likelihood of chronic exposure to pollutants.
- F.** The Director may establish alternative water quality-based effluent limits in an AZPDES permit based on seasonal differences in the discharge.
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective December 18, 1992 (Supp. 92-4). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).
- R18-11-114. Mixing Zones**
- A.** The Director may establish a mixing zone for a point source discharge to a surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited in an ephemeral water or where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B.** The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director

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for a mixing zone as part of an application for an AZPDES permit. The request shall include:

1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C.** The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D.** Director determination.
1. The Director shall deny a request to establish a mixing zone if a water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E.** Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F.** The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.
- G.** Mixing zone requirements.
1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
 2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
 3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
 4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
 5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.
- H.** The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:
1. Chlordane,
 2. DDT and its metabolites (DDD and DDE),
 3. Dieldrin,
 4. Dioxin,
 5. Endrin,
 6. Endrin aldehyde,
 7. Heptachlor,
 8. Heptachlor epoxide,
 9. Lindane,
 10. Mercury,
 11. Polychlorinated biphenyls (PCBs), and
 12. Toxaphene.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-115. Site-Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in Appendix A;
 3. Resident aquatic organisms that occur in a surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in Appendix A;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in Appendix A. "Natural background" means the concentration of a pollutant in a surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically-defensible procedure.

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1. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Uses one of the following procedures, as defined by the most recent EPA guidance documents:
 - i. The recalculation procedure,
 - ii. The water effects ratio for metals,
 - iii. The streamlined water effects ratio, or
 - iv. The Biotic ligand model.
 - d. Demonstrates that all designated uses are protected.
2. Alternatively, a study outline submitted for the Director's approval must contain the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Describes the hydrologic regime of the waterbody;
 - d. Describes the scientifically-defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 - e. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 - f. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 - g. Demonstrates that all designated uses are protected; and
 - h. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration. Modeling approaches include Better Assessment Science Integrating Source and Nonpoint Sources (Basins), Hydrologic Simulation Program-Fortran (HSPF), and Hydrologic Engineering Center (HEC) programs developed by the U.S. Army Corps of Engineers.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Section repealed by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-116. Resource Management Agencies

Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-117. Canals and Urban Park Lakes

A. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified in Appendix B. Physical or mechanical maintenance

includes dewatering, lining, dredging, and the physical, biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified in Appendix B.

B. The discharge of lubricating oil associated with the start-up of well pumps that discharge to canals is not a violation of R18-11-108(B).

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-118. Dams and Flood Control Structures

Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-119. Natural background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is not caused by human activity but is due solely to naturally-occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

R18-11-120. Enforcement of Non-permitted Discharges

A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.

B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-121. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve com-

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pliance. The permittee shall demonstrate that all requirements under § 301(b) and § 306 of the Clean Water Act [33 U.S.C. 1311(b) and 1316] are achieved and that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-122. Variances

- A. Upon request, the Director may establish, by rule, a discharger-specific or water segment(s)-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B. A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.
 4. A detailed discussion of the discharge control technologies that are available for achieving compliance with the water quality standard for which a variance is sought.
 5. Documentation that more advanced treatment technology than applicable technology-based effluent limitations is necessary to achieve compliance with the water quality standard for which a variance is sought.
 6. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
 7. Documentation that the proposed term is only as long as necessary to achieve the highest attainable condition.
 8. Documentation that is appropriate to the type of use to which the variance would apply as follows:
 - a. For a water quality standard variance to a use specified in Clean Water Act § 101(a)(2), documentation must include demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - i. Naturally occurring pollutant concentrations prevent attainment of the use;
 - ii. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - iii. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - iv. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - v. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - vi. That installation and operation of each of the available discharge technologies more advanced than those required to comply with technology-based effluent limitations to achieve compliance with the water quality standard would result in substantial and widespread economic and social impact; or
 - vii. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
 - b. For a water quality standard variance to a use other than those uses specified in Clean Water Act § 101(a)(2), documentation must justify how consideration and value of the water subject to the use appropriately supports the variance and term. A demonstration consistent with (B)(8)(a) of this Section may be used to satisfy this requirement.
 9. For a waterbody segment(s)-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant(s) or water quality parameter(s) and water body or waterbody segment(s) specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(9)(a) previously applied to the water body or waterbody seg-

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ment(s), documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant(s) or water quality parameter(s) subject to the water quality variance and the water quality progress achieved.

10. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification of the permittee subject to the variance;
 - b. For an existing point source discharge, a detailed description of the existing discharge control technologies that are used to achieve compliance with applicable water quality standards. For a new point source discharge, a detailed description of the proposed discharge control technologies that will be used to achieve compliance with applicable water quality standards; and
 - c. Documentation that the existing or proposed discharge control technologies will comply with applicable technology-based effluent limitations.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(8)(a)(vii). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable; or
 3. If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time of the issuance of the variance, and the adoption and implementation of a Pollutant Minimization Program.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The Director may not grant a variance for a point source discharge to an OAW listed in R18-11-112(G).
 - I. Each variance established by the Director is subject to review and approval by the Regional Administrator.
 - J. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E). The variance term runs from the approval of the variance by the Regional Administrator.
 - K. The Director shall reevaluate, in its triennial review, whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance in its triennial review rulemaking.
 - L. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - M. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.
 - N. The following are discharger-specific variances adopted by the Director:
 - O. The following are water body and waterbody segment-specific variances adopted by the Director:

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).
- R18-11-123. Discharge Prohibitions**
- A. The discharge of wastewater to the following surface waters is prohibited:
 1. Sabino Canyon Creek;
 2. Vekol Wash, upstream of the Ak-Chin Indian Reservation; and
 3. Smith Wash, upstream of the Ak-Chin Indian Reservation.
 - B. The discharge to Lake Powell of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel is prohibited.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

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| | | | | | | | | | | | | | | |
|---|----------|--------------|---------|-----------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------|----------|
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 19 | 19 | 2 | 0.01 | 2 | 0.02 | 2 | 0.02 | 11 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | | 2 T | 33 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | 5,600 | 370 | | | |
| Sulfides | | | | | | | | | | | | 100 | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | 0.01 | 0.005 | 0.1 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | 4,700 | 3,200 | | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | 6,500 | 680 | 15,000 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | 700 D | 150 D | | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | 8,700 | 180 | | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.7 | 0.0002 | 11 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | 0.5 | 0.07 | | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | 1,700 | 300 | | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 2,600 | 1,600 | | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | 18,000 | 12,000 | | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | 20,000 | 1,300 | | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | 160 | 25 | 3,000 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Footnotes

- a. The asbestos standard is 7 million fibers (longer than 10 micrometers) per liter.
- b. The aldrin/dieldrin standard is exceeded when the sum of the two compounds exceeds 0.003 µg/L.
- c. In lakes, the acute criteria for hydrogen sulfide apply only to water samples taken from the epilimnion, or the upper layer of a lake or reservoir.
- d. Hardness, expressed as mg/L CaCO₃, is determined according to the following criteria:
 - i. If the receiving water body has an A&Wc or A&Ww designated use, then hardness is based on the hardness of the receiving water body from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - ii. If the receiving water has an A&Wedw or A&We designated use, then the hardness is based on the hardness of the effluent from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - iii. The mathematical equations for the hardness-dependent parameter represent the water quality standards. Examples of criteria for the hardness-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- e. pH is determined according to the following criteria:
 - i. If the receiving water has an A&Wc or A&Ww designated use, then pH is based on the pH of the receiving water body from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - ii. If the receiving water body has an A&Wedw or A&We designated use, then the pH is based on the pH of the effluent from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - iii. The mathematical equations for ammonia represent the water quality standards. Examples of criteria for ammonia have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- f. Table 1 abbreviations.
 - i. µg/L = micrograms per liter,
 - ii. mg/kg = milligrams per kilogram,
 - iii. pCi/L = picocuries per liter,
 - iv. D = dissolved,
 - v. T = total recoverable,
 - vi. TTHM indicates that the chemical is a trihalomethane.
- g. The total trihalomethane (TTHM) standard is exceeded when the sum of these four compounds exceeds 80 µg/L, as a rolling annual average.
- h. The concentration of gross alpha particle activity includes radium-226, but excludes radon and uranium.
- i. The average annual concentration of beta particle activity and photon emitters from manmade radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirems per year.
- j. The mathematical equations for the pH-dependent parameters represent the water quality standards. Examples of criteria for the pH-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- k. Abbreviations for the mathematical equations are as follows:
 e = the base of the natural logarithm and is a mathematical constant equal to 2.71828
 LN = is the natural logarithm
 CMC = Criterion Maximum Concentration (acute)
 CCC= Criterion Continuous Concentration (chronic)

Historical Note

Appendix A repealed; new Appendix A, Table 1 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 1 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 1 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 1 repealed; new Appendix A, Table 1 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 1 amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater | | Aquatic and Wildlife warm water, and edw | | Aquatic and Wildlife ephemeral | |
|--|-----------|--|-----------|--|------------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L. |
| 20 | 0.40 | 20 | 2.1 | 20 | 4.9 |
| 100 | 1.8 | 100 | 9.4 | 100 | 22 |
| 400 | 6.5 | 400 | 34 | 400 | 80 |
| $e^{(0.9789 \cdot \text{LN}(\text{Hardness}) - 3.866)} \cdot (1.136672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | | $e^{(0.9789 \cdot \text{LN}(\text{Hardness}) - 2.208)} \cdot (1.136672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | | $e^{(0.9789 \cdot \text{LN}(\text{Hardness}) - 1.363)} \cdot (1.136672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Appendix A repealed; new Appendix A, Table 2 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 2 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 2 amended to correct references to footnotes (Supp. 02-4). Appendix A, Table 2 footnotes amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 2 repealed; new Appendix A, Table 2 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 2 repealed; new Table 2 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater, warmwater, and edw | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977 \cdot \text{LN}(\text{Hardness}) - 3.909)} \cdot (1.101672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Appendix A, Table 3 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 3 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 3 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 3 repealed; new Table 3 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 | 20 | 512 |
| 100 | 570 | 100 | 74.1 | 100 | 1,912 |
| 400 | 1,773 | 400 | 231 | 400 | 5,950 |
| $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 3.7256)} \cdot (0.316)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 0.6848)} \cdot (0.86)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 4.9361)} \cdot (0.316)$ | |

Historical Note

Appendix A, Table 4 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 4 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 4 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 4 repealed; new Table 4 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 | 20 | 5.1 |
| 100 | 13 | 100 | 9.0 | 100 | 23 |
| 400 | 50 | 400 | 29 | 400 | 86 |
| $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.8545 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.1514)} \cdot (0.96)$ | |

Historical Note

Appendix A, Table 5 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 5 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 5 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 5 repealed; new Table 5 made by final

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rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 | 20 | 22.8 |
| 100 | 64.6 | 100 | 2.5 | 100 | 136.3 |
| 400 | 281 | 400 | 10.9 | 400 | 592.7 |
| $e^{(1.273 * \text{LN}(\text{Hardness}) - 1.46)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 4.705)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 0.7131)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | |

Historical Note

Appendix A, Table 6 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 6 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 6 renumbered to Table 9; new Table 6 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 6 repealed; new Table 6 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 | 20 | 1066 |
| 100 | 468 | 100 | 52.0 | 100 | 4158 |
| 400 | 1513 | 400 | 168 | 400 | 13436 |
| $e^{(0.846 * \text{LN}(\text{Hardness}) + 2.255)} * (0.998)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 0.0584)} * (0.997)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 4.4389)} * (0.998)$ | |

Historical Note

Appendix A, Table 7 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 7 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 7 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 7 repealed; new Table 7 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife coldwater, warmwater, edw, and ephemeral | |
|---|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e^{(1.72 * \text{LN}(\text{Hardness}) - 6.59)} * (0.85)$ | |

Historical Note

Appendix A, Table 8 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 8 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 8 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 8 repealed; new Table 8 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 30.0 | 20 | 284 |
| 100 | 117 | 100 | 1112 |
| 400 | 379 | 400 | 3599 |
| $e^{(0.8473 * \text{LN}(\text{Hardness}) + 0.884)} * (0.978)$ | | $e^{(0.8473 * \text{LN}(\text{Hardness}) + 3.1342)} * (0.978)$ | |

Historical Note

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Appendix A, Table 9 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 9 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 9 renumbered to Table 11; new Table 9 renumbered from Table 6 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 9 repealed; new Table 9 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|------|---|------|--------------------------------------|------|
| pH | µg/L | pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 | 3 | 0.66 |
| 6 | 3.3 | 6 | 2.1 | 6 | 13.5 |
| 9 | 67.7 | 9 | 42.7 | 9 | 274 |
| $e^{(1.005*(pH)-4.83)}$ | | $e^{(1.005*(pH)-5.29)}$ | | $e^{(1.005*(pH)-3.4306)}$ | |

Historical Note

Appendix A, Table 10 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 10 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 10 renumbered to Table 12; new Table 10 renumbered from Table 11 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 10 repealed; new Table 10 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Present

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$MIN\left(\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}\right) \cdot \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.098 \times (20-p)})\right)\right)$$

Historical Note

Appendix A, Table 11 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 11 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 11 renumbered to Table

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10; new Table 11 renumbered from Table 9 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 11 repealed; new Table 11 renumbered from Table 25 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater, Unionid Mussels Present
 For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Appendix A, Table 12 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 12 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 12 renumbered to Table 18; new Table 12 renumbered from Table 10 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 12 repealed; new Table 12 renumbered from Table 26 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix A, Table 12 repealed; new Appendix A, Table 12 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater and warmwater, Unionid Mussels Present

For the aquatic and wildlife cold and warm water uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Appendix A, Table 13 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 13 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 13 renumbered to Table 15; new Table 13 renumbered from Table 14 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 13 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 13 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Absent

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)$$

Historical Note

Appendix A, Table 14 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 14 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 14 renumbered to Table 13; new Table 14 renumbered from Table 15 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 14 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Appendix A, Table 15 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 15 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 15 renumbered to Table 14; new Table 15 renumbered from Table 13 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 15 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | | | | | | |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | | | | | | |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | | | | | | |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | | | | | | |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | | | | | | |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | | | | | | |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | | | | | | |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | | | | | | |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | | | | | | |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | | | | | | |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | | | | | | |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 | | | | | | |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | | | | | | |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | | | | | | |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | | | | | | |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | | | | | | |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | | | | | | |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | | | | | | |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | | | | | | |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 | | | | | | |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 | | | | | | |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 | | | | | | |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | | | | | | |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 | | | | | | |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | | | | | | |

$$0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7, T)))}$$

Historical Note

Appendix A, Table 16 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 16 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 16 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 16 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater, Unionid Mussels Absent
 For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Appendix A, Table 17 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 17 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 17 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 17 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 18. Repealed

Historical Note

Appendix A, Table 18 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 18 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 18 repealed; new Table 18 renumbered from Table 12 and amended by final rulemaking at 14 A.A.R.

4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 18 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 19. Repealed

Historical Note

Appendix A, Table 19 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

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Appendix A, Table 19 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 19 renumbered to Table 21; new Table 19 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 19 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 20. Repealed**Historical Note**

Appendix A, Table 20 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 20 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 20 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 20 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 21. Repealed**Historical Note**

Appendix A, Table 21 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 21 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 21 renumbered to Table 22; new Table 21 renumbered from Table 19 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 21 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 22. Repealed**Historical Note**

Appendix A, Table 22 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 22 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 22 renumbered to Table 23; new Table 22 renumbered from Table 21 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 22 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 23. Repealed**Historical Note**

Appendix A, Table 23 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 23 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 23 renumbered to Table 24; new Table 23 renumbered from Table 22 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 23 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 24. Repealed**Historical Note**

Appendix A, Table 24 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 24 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 24 renumbered to Table 25; new Table 24 renumbered from Table 23 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 24 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 25. Renumbered**Historical Note**

Appendix A, Table 25 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 25 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 25 renumbered to Table 26; new Table 25 renumbered from Table 24 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 25 renumbered to Table 11 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 26. Renumbered**Historical Note**

Appendix A, Table 26 renumbered from Table 25 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 26 renumbered to Table 12 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

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Appendix B. Surface Waters and Designated Uses

(Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Appendix B table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.)

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Lake Category | Aquatic and Wildlife | | | | Human Health | | | | Agricultural | | |
|-----------|-------------------------|---|---------------|----------------------|------|------|--------|--------------|-----|-----|----|--------------|-----|-----|
| | | | | A&Wc | A&Ww | A&We | A&Wedw | FBC | PBC | DWS | FC | AgI | AgL | |
| BW | Alamo Lake | 34°14'06"/113°35'00" | Deep | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Big Sandy River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Blue Tank | 34°40'14"/112°58'17" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Carter Tank | 34°52'27"/112°57'31" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash | | | | A&We | | | PBC | | | | | AgL |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Date Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek | | | A&Ww | | | FBC | | DWS | | FC | AgI | AgL |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Peeples Canyon (OAW) | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Red Lake | 35°12'18"/113°03'57" | Sedimentary | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Santa Maria River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Big Springs Tank | 36°36'08"/112°21'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek | | A&Wc | | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" | | | | A&We | | | PBC | | | | | |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash | | | | | A&Wedw | | PBC | | | | | AgL |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek | | | | A&We | | | PBC | | | | | |
| CG | Catacart Creek | Headwaters to Santa Fe Reservoir | | A&Wc | | | | FBC | | DWS | | FC | AgI | AgL |
| CG | Catacart Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" | | A&Wc | | | | FBC | | | | FC | AgI | AgL |
| CG | Catacart Creek (EDW) | City of Williams WWTP outfall to 1 km downstream | | | | | A&Wedw | | PBC | | | | | |
| CG | Catacart Creek | Red Lake Wash to Havasupai Indian Reservation boundary | | | | A&We | | | PBC | | | | | AgL |
| CG | Catacart Lake | 35°15'04"/112°12'58" | Igneous | A&Wc | | | | FBC | | DWS | | FC | | AgL |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" | | A&Wc | | | | FBC | | | | FC | | |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |

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| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| CG | City Reservoir | 35°13'57"/112°11'25" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" | | A&Wc | | | | FBC | | | FC | | |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream | | | | | A&Wedw | | PBC | | | | |
| CG | Colorado River | Lake Powell to Lake Mead | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" | | A&Wc | | | | FBC | | | FC | | |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" | | A&Wc | | | | FBC | | | FC | | |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Detrital Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" | Shallow | | A&Ww | | | FBC | | | FC | AgL | AgL |
| CG | Grand Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Grapevine Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hance Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" | | A&Wc | | | | FBC | | | FC | | |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Horn Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hualapai Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Jacob Lake | 36°42'27"/112°13'50" | Sedimentary | A&Wc | | | | FBC | | | FC | | |
| CG | Kaibab Lake | 35°17'04"/112°09'32" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" | | A&Wc | | | | FBC | | | FC | | |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Lake Mead | 36°06'18"/114°26'33" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lake Powell | 36°59'53"/111°08'17" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Monument Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Nankowep Creek | Headwaters to confluence with unnamed tributary at 36°15'29"/111°57'26" | | A&Wc | | | | FBC | | | FC | | |
| CG | Nankowep Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" | | | A&Ww | | | FBC | | | FC | | |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" | | A&Wc | | | | FBC | | | FC | | |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" | | A&Wc | | | | FBC | | | FC | | |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Paria River | Utah border to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" | | A&Wc | | | | FBC | | | FC | | |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Roaring Springs | 36°11'45"/112°02'06" | | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Russell Tank | 35°52'21"/111°52'45" | | A&Wc | | | | FBC | | | FC | | AgL |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" | | A&Wc | | | | FBC | | | FC | | |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" | | A&Wc | | | | FBC | | | FC | | |

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| | | | | | | | | | | | | | |
|----|--------------------------------|---|-------------|------|------|------|--------|-----|-----|-----|-----|-----|-----|
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash | | | | A&We | | | PBC | | | | |
| CG | Slate Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Stone Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River | | | A&Wc | | | FBC | | | FC | | |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek | | | A&Wc | | | FBC | | | FC | | |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" | | | | A&We | | | | PBC | | | |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek | | | | A&We | | | | PBC | | | |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unnamed Wash (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon | | | | | A&Wedw | | | PBC | | | |
| CG | Unnamed Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash | | | | | A&Wedw | | | PBC | | | |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" | | | A&Wc | | | FBC | | | FC | | |
| CG | Virgin River | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | Agl | AgL |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45'/112°21'03" | | | A&Wc | | | FBC | | | FC | | |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CL | A10 Backwater | 33°31'45"/114°33'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | A7 Backwater | 33°34'27"/114°32'04" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Adobe Lake | 33°02'36"/114°39'26" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Cibola Lake | 33°14'01"/114°40'31" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Clear Lake | 33°01'59"/114°31'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Columbus Wash | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | |
| CL | Colorado River | Lake Mead to Topock Marsh | | | A&Wc | | | FBC | | DWS | FC | Agl | AgL |
| CL | Colorado River | Topock Marsh to Morelos Dam | | | A&Ww | | | FBC | | DWS | FC | Agl | AgL |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | Agl | AgL |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" | | | | A&We | | | | PBC | | | |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash | | | | A&We | | | | PBC | | | |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" | Shallow | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" | Shallow | | A&Ww | | | FBC | | DWS | FC | Agl | AgL |
| CL | Island Lake | 33°01'44"/114°36'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" | Shallow | | A&Ww | | | FBC | | DWS | FC | Agl | AgL |
| CL | Lake Havasu | 34°35'18"/114°25'47" | Deep | | A&Ww | | | FBC | | DWS | FC | Agl | AgL |
| CL | Lake Mohave | 35°26'58"/114°38'30" | Deep | A&Wc | | | | FBC | | DWS | FC | Agl | AgL |
| CL | Martinez Lake | 32°58'49"/114°28'09" | Shallow | | A&Ww | | | FBC | | | FC | Agl | AgL |
| CL | Mittry Lake | 32°49'17"/114°27'54" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Mohave Wash | Headwaters to Lower Colorado River | | | | A&We | | | PBC | | | | |
| CL | Nortons Lake | 33°02'30"/114°37'59" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" | Sedimentary | | A&Ww | | | FBC | | | FC | Agl | AgL |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Quigley Pond | 32°43'40"/113°57'44" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Redondo Lake | 32°44'32"/114°29'03" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Sacramento Wash | Headwaters to Topock Marsh | | | | A&We | | | PBC | | | | |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" | | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash | | | | A&We | | | PBC | | | | AgL |
| CL | Topock Marsh | 34°43'27"/114°28'59" | Shallow | | A&Ww | | | FBC | | DWS | FC | Agl | AgL |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District | | | | | | | | DWS | | Agl | AgL |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes | | | | | | | | DWS | | Agl | AgL |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains | | | | | | | | | Agl | AgL | AgL |
| LC | Als Lake | 35°02'10"/111°25'17" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ashurst Lake | 35°01'06"/111°24'18" | Igneous | A&Wc | | | | FBC | | | FC | Agl | AgL |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" | Igneous | | A&Ww | | | FBC | | | FC | Agl | AgL |
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" | Sedimentary | A&Wc | | | | FBC | | | FC | Agl | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--|--|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| LC | Becker Lake | 34°09'11"/109°18'23" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Black Canyon Lake | 34°20'32"/110°40'13" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag | | | | | A&We | | PBC | | | | |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Carnero Lake | 34°06'57"/109°31'42" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chilson Tank | 34°51'43"/111°22'54" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" | Shallow | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Colter Reservoir | 33°56'39"/109°28'53" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Lake | 34°26'37"/109°37'40" | Shallow | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cow Lake | 34°53'14"/111°18'51" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Daves Tank | 34°44'22"/111°17'15" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Deep Lake | 35°03'34"/111°25'00" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hay Lake | 34°00'11"/109°25'57" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Horse Lake | 35°03'55"/111°27'50" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hulsey Lake | 33°55'58"/109°09'40" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Indian Lake | 35°00'39"/111°22'41" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Jacks Canyon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Jarvis Lake | 33°58'59"/109°12'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Knoll Lake | 34°25'38"/111°05'13" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lake Humphreys (EDW) | 35°11'51"/111°35'19" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake of the Woods | 34°09'40"/109°58'47" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir | | A&Wc | | | | FBC | | | FC | | |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River | Headwaters to Lyman Reservoir | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs | | A&Wc | | | | FBC | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | |
|----|--|--|-------------|--|------|--------|-----|-----|--|-----|-----|-----|
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" | | | A&We | | PBC | | | | | AgL |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream | | | | A&Wedw | | PBC | | | | |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" | | | A&We | | PBC | | | | | |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River | | | | A&Wedw | | PBC | | | | |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash | | | A&We | | PBC | | | | | |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" | | | | | | | | | | AgL |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Ash Creek | Below confluence with Tex Canyon to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Beehive Tank | 32°52'37"/111°02'20" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Cave Creek | Headwaters to the Cave Creek Dam | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal | | | | A&We | | PBC | | | | |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" | | | A&We | | PBC | | | | | AgL |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" | Urban | | A&Ww | | PBC | | | FC | AgL | |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary | | | A&We | | PBS | | | | | AgL |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | French Gulch | Headwaters to confluence with Hassayampa River | | | A&Ww | | PBC | | | | | AgL |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River | | | A&We | | PBC | | | | | AgL |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek | | | | A&Wedw | | PBC | | | | |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" | | | A&We | | PBC | | | | | AgL |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road | | | | A&Wedw | | PBC | | | | |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary | | | A&We | | PBC | | | | | AgL |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam | | | | A&Wedw | | PBC | | FC | AgL | AgL |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River | | | A&Wc | | FBC | | | DWS | FC | AgL |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" | Igneous | | A&Wc | | FBC | | | DWS | FC | |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal | | | A&We | | PBC | | | | | AgL |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Horsethief Lake | 34°09'42"/112°17'57" | Igneous | | A&Wc | | FBC | | | DWS | FC | AgL |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River | | | | A&We | | PBC | | | | |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" | Urban | | | | PBC | | | FC | | |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" | Urban | | A&Ww | | PBC | | | FC | AgL | |
| MG | Lake Pleasant | 33°53'46"/112°16'29" | Deep | | A&Ww | | FBC | | | DWS | FC | AgL |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" | | | A&Wc | | FBC | | | FC | | AgL |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Lynx Lake | 34°31'07"/112°23'07" | Deep | | A&Wc | | FBC | | | DWS | FC | AgL |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" | Urban | | A&Ww | | | PBC | | FC | AgL | |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River | | | | A&Wedw | | PBC | | | | |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" | | | | | PBC | | | | | |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River | | | | A&We | | PBC | | | | AgL |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" | Sedimentary | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" | | | A&Ww | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-----------------------|---|---------|--|------|------|--------|-----|-----|-----|----|-----|-----|
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes | | | | | | | | DWS | | AgI | AgL |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations | | | | | | | | | | AgI | AgL |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" | Shallow | | A&Ww | | | FBC | | | | FC | AgI |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch | | | A&Wc | | | FBC | | | | FC | AgL |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" | | | A&Ww | | | | PBC | | | FC | AgL |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon | | | | | A&Wedw | | PBC | | | | |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River | | | A&We | | | | PBC | | | | |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam | | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" | | | A&We | | | | PBC | | | | |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake | | | | | A&Wedw | | PBC | | | | |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge | | | A&We | | | | PBC | | | | |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" | | | A&Ww | | | | PBC | | | FC | |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | | FC | AgI |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream | | | | | A&Wedw | | PBC | | | | |
| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon | | | A&Wc | | | FBC | | | | FC | AgL |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" | Urban | | A&Ww | | | FBC | | | | FC | |
| MG | The Lake Tank | 32°54'14"/111°04'15" | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" | | | A&Wc | | | FBC | | | | FC | AgI |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek | | | A&Ww | | | FBC | | | | FC | AgI |
| MG | Unnamed Wash (EDW) | Gila Bend WWTP outfall to confluence with the Gila River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek | | | | | A&Wedw | | PBC | | | | |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream | | | | | A&Wedw | | PBC | | | | |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | White Canyon Creek | Headwaters to confluence with Walnut Canyon Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash | EDW | | | | A&Wedw | | PBC | | | | |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" | Urban | | A&Ww | | | | PBC | | | FC | |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | | AgL |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" | | | | A&We | | | PBC | | | | |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | | |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek | | | | A&We | | | PBC | | | | |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | | |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" | | | | A&We | | | PBC | | | | AgL |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek | | | | A&We | | | PBC | | | | AgL |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Arivaca Lake | 31°31'52"/111°15'06" | Igneous | | A&Ww | | | FBC | | | | FC | AgI |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash | | | | A&We | | | PBC | | | | AgL |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro | | | | A&We | | | PBC | | | | |
| SC | Black Wash (EDW) | Pima County WWMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash | | | | | A&Wedw | | PBC | | | | |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash | | | | A&We | | | PBC | | | | |
| SC | California Gulch | Headwaters To U.S./Mexico border | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Cañada del Oro | Headwaters to State Route 77 | | | A&Ww | | | FBC | | | | FC | AgI |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" | | | | A&We | | | PBC | | | | AgL |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" | | | | A&We | | | PBC | | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-------------------------------------|---|---------|------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" | | | | A&We | | | PBC | | | | |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" | | | A&Ww | | | FBC | | | FC | | |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" | | | | A&We | | | PBC | | | | AgL |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch | | | | A&We | | | PBC | | | | AgL |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" | | | | A&We | | | PBC | | | | |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at | | | | A&We | | | PBC | | | | AgL |
| SC | Hit Tank | 32°43'57"/111°03'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Huachuca Tank | 31°21'11"/110°30'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48'/110°47'49" | | | A&Wc | | | FBC | | | FC | | |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48'/110°47'49" to confluence with Sabino Canyon Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42'/110°52'51" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42'/110°52'51" to confluence with the Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek | | | A&Ww | | | | PBC | | FC | | |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek | | | | A&We | | | PBC | | | | |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33'/110°45'31" | | | A&Wc | | | FBC | | | FC | | |
| SC | Palisade Canyon | Below 32°22'33'/110°45'31" to unnamed tributary of Sabino Canyon | | | A&Ww | | | FBC | | | FC | | |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | | |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17'/110°28'47" | A&Wc | | | | | FBC | | | FC | | |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| SC | Patagonia Lake | 31°29'56"/110°50'49" | Deep | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Peña Blanca Lake | 31°24'15"/111°05'12" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Potrero Creek | Headwaters to Interstate 19 | | | | A&We | | | PBC | | | | AgL |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash | | | | A&We | | | PBC | | | | |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29'/110°50'39" | | | A&Wc | | | FBC | | | FC | | |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash | | | A&Ww | | | FBC | | | FC | | |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| SC | Ruby Lakes | 31°26'29"/111°14'22" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sabino Canyon | Headwaters to 32°23'20"/110°47'06" | | | A&Wc | | | FBC | | DWS | FC | AgL | |
| SC | Sabino Canyon | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge | | | | A&Wedw | | | PBC | | | | AgL |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" | | | | A&We | | | PBC | | | | |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation | | | | A&We | | | PBC | | | | |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/112°01'47" to the Chin Indian Reservation | | | | A&Wedw | | | PBC | | | | |
| SC | Soldier Tank | 32°25'34"/110°44'43" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25'/110°45'31" | | | | A&We | | | PBC | | | | AgL |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall | | | | A&Wedw | | | PBC | | | | AgL |

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| | | | | | | | | | | | | |
|----|------------------------------|--|-------------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SC | Split Tank | 31°28'11"/111°05'12" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" | | A&Wc | | | FBC | | | FC | | |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Headwaters to Houghton Road | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek | | | A&We | | | PBC | | | | AgL |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" | | | A&We | | | PBC | | | | AgL |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek | | | A&We | | | PBC | | | | AgL |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River | | | A&We | | | PBC | | | | AgL |
| SC | Unnamed Wash (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream | | | A&Wedw | | | PBC | | | | |
| SC | Unnamed Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash | | | A&Wedw | | | PBC | | | | |
| SC | Unnamed Wash (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro | | | A&Wedw | | | PBC | | | | |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations | | | A&We | | | PBC | | | | |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River | | | A&We | | | PBC | | | | AgL |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bear Creek | Headwaters to U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon | | A&Ww | | | FBC | | | FC | | |
| SP | Black Draw | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek | | | A&We | | | PBC | | | | AgL |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River | | | A&We | | | PBC | | | | AgL |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/110°19'44" | Sedimentary | A&Ww | | | FBC | | | FC | | |
| SP | Espiritu Canyon Creek | Headwaters to confluence with Soza Wash | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Creek | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fourmile Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Right Prong | Headwaters to confluence with Fourmile Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" | | A&Wc | | | FBC | | DWS | FC | AgI | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table with columns for location, description, sediment type, water quality codes (A&Ww, FBC, DWS, FC, Agl), and AgL status. Includes entries for Garden Canyon Creek, Glance Creek, Gold Gulch, Gravel Pit Pond, Greenbush Draw, Hidden Pond, Horse Camp Canyon, Hot Springs Canyon Creek, Johnson Canyon, Leslie Canyon Creek, Lower Garden Canyon Pond, Mexican Canyon, Miller Canyon, Mountain View Golf Course Pond, Mule Gulch, Oak Grove Canyon, Officers Club Pond, Paige Canyon Creek, Parsons Canyon Creek, Ramsey Canyon Creek, Rattlesnake Creek, Redfield Canyon, Rucker Canyon, Rucker Canyon Lake, San Pedro River, Soto Canyon, Swamp Springs Canyon, Sycamore Pond I, Sycamore Pond II, Turkey Creek, Unnamed Wash (EDW), Virgus Canyon, Walnut Gulch, Walnut Gulch (EDW), Whitewater Draw, Woodcutters Pond, Ackre Lake, Apache Lake, Barnhard Creek, Barnhardt Creek, Basin Lake, Bear Creek, Bear Wallow Creek (OAW), Beaver Creek, Big Lake, Black River, Black River, East Fork, Black River, North Fork of East Fork, Black River, West Fork, Bloody Tanks Wash, Boggy Creek, Boneyard Creek, Boulder Creek, Campaign Creek.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------|---|---------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Canyon Lake | 33°32'44"/111°26'19" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| SR | Centerfire Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Conklin Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Corduroy Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Crescent Lake | 33°54'38"/109°25'18" | Shallow | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Deer Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Fish Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Fish Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | LaBarge Creek | Headwaters to Canyon Lake | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek | | | | A&We | | | PBC | | | | |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°26'55"/110°49'25" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" | | | A&Ww | | | FBC | | | | | |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pine Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek | | | A&Ww | | | FBC | | | FC | | |
| SR | Reservation Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek | | A&Wc | | | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|----|------------------------|--|-------------|------|------|-----|-----|-----|----|-----|-----|
| SR | Roosevelt Lake | 33°52'17"/111°00'17" | Deep | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash | | | A&We | | PBC | | | | |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Saguaro Lake | 33°33'44"/111°30'55" | Deep | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| SR | Salome Creek | Headwaters to confluence with the Salt River | | A&Ww | | FBC | | | FC | AgL | AgL |
| SR | Salt House Lake | 33°57'04"/109°20'11" | Igneous | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake | | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam | | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" | | A&Wc | | FBC | | | FC | AgL | AgL |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | A&Ww | | FBC | | | FC | AgL | AgL |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek | | A&Wc | | FBC | | | FC | | |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Workman Creek | Headwaters to confluence with Reynolds Creek | | A&Wc | | FBC | | | FC | AgL | AgL |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek | | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Apache Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" | | A&Wc | | FBC | | | FC | | AgL |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Bennett Wash | Headwaters to the Gila River | | | A&We | | PBC | | | | |
| UG | Bitter Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" | | A&Wc | | FBC | | | FC | AgL | AgL |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River | | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek | | A&Wc | | FBC | | | FC | AgL | AgL |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary | | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border | | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | AgL | AgL |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine | | A&Ww | | FBC | | | FC | | AgL |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River | | | A&We | | PBC | | FC | | |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cima Creek | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" | Sedimentary | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" | Sedimentary | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Dankworth Lake | 32°43'13"/109°42'17" | Sedimentary | A&Wc | | FBC | | | FC | | |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" | | A&Wc | | FBC | | DWS | FC | AgL | AgL |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | East Whittail | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" | Sedimentary | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" | Sedimentary | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Foote Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. | | A&Ww | | FBC | | | FC | | AgL |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" | Igneous | A&Wc | | FBC | | DWS | FC | | |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary | | A&Ww | | FBC | | | FC | AgL | AgL |
| UG | Grant Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Judd Lake | 33°51'15"/109°09'35" | Sedimentary | A&Wc | | FBC | | | FC | | |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| UG | Lanphier Canyon Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Little Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | | |
| UG | Georges Tank | 33°51'24"/109°08'30" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Luna Lake | 33°49'50"/109°05'06" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | Markham Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Roper Lake | 32°45'23"/109°42'14" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | San Francisco River | Headwaters to the New Mexico border | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | San Francisco River | New Mexico border to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | San Simon River | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | AgL |
| UG | Sheep Tank | 32°46'14"/109°48'09" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Smith Pond | 32°49'15"/109°50'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Thomas Creek | Headwaters to confluence with Rousesock Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Thomas Creek | Below confluence with Rousesock Creek to confluence with Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Tinny Pond | 33°47'49"/109°04'27" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek | | | A&Ww | | | FBC | | | FC | | |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Barrata Tank | 35°02'43"/112°24'21" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bartlett Lake | 33°49'52"/111°37'44" | Deep | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Beaver Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary | | | | | A&Wedw | | PBC | | | | AgL |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06" | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Bray Creek | Headwaters to confluence with Webber Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Camp Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Chase Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" | | | | A&We | | | PBC | | | | |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'02"/111°52'17" to 34°48'12"/111°52'48" | | | | | A&Wedw | | PBC | | | | |
| VR | Dude Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| VR | East Verde River | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" | | | A&Ww | | | FBC | | DWS | FC | | |
| VR | Foxboro Lake | 34°53'42"/111°39'55" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fry Lake | 35°03'45"/111°48'04" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Headwaters to confluence with Government Spring | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Garrett Tank | 35°18'57"/112°42'20" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |

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| | | | | | | | | | | | | |
|----|----------------------------|--|-------------|------|------|--------|-----|-----|-----|----|-----|-----|
| VR | Granite Creek | Headwaters to Watson Lake | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" | Urban | | | A&Wedw | | PBC | | FC | | |
| VR | Heifer Tank | 35°20'27"/112°32'59" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Homestead Tank | 35°21'24"/112°41'36" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horse Park Tank | 34°58'15"/111°36'32" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" | Sedimentary | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Houston Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Huffer Tank | 34°27'46"/111°23'11" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/ 111°45'51" | | | | A&We | | | PBC | | | |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek | | | | A&Wedw | | PBC | | | | |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15'/ 111°44'47" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek, West Fork (OAW) | Headwaters to confluence with Oak Creek | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Odell Lake | 34°56'5"/111°37'53" | Igneous | A&Wc | | | FBC | | | FC | | |
| VR | Peck's Lake | 34°46'51"/112°02'01" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Perkins Tank | 35°06'42"/112°04'12" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51'/ 111°26'49" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Red Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Reservoir #1 | 35°13'5"/111°50'09" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Reservoir #2 | 35°13'17"/111°50'39" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Scholze Lake | 35°11'53"/112°00'37" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23'/ 111°57'21" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Stehr Lake | 34°22'01"/111°40'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |
| VR | Stoneman Lake | 34°46'47"/111°31'14" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sullivan Lake | 34°51'42"/112°27'51" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41'/ 111°57'31" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Fort McDowell Indian Reservation boundary at 33°39'19.8"/-111°37'42.7" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Tangle Creek | Headwaters to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Trinity Tank | 35°27'44"/112°48'01" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'59"/ 111°48'35" to Volunteer Wash | | | | A&Wedw | | PBC | | | | |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Verde River | Below Bartlett Lake Dam to Salt River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Watson Lake | 34°34'58"/112°25'26" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Webber Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/ 111°34'34" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" | Igneous | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williscraft Tank | 35°11'22"/112°35'40" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek | Above Willow Creek Reservoir | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Willow Creek | Below Willow Creek Reservoir to confluence with Granite Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |

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Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix B repealed, new Appendix B adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix B amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix B amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix C. Site-Specific Standards

| Watershed | Surface Water | Surface Water Description & Location | Parameter | Site-Specific Criterion |
|-----------|--------------------|--|-------------------------|---|
| LC | Rio de Flag (EDW) | Flagstaff WWTP outfall to the confluence with San Francisco Wash | Copper (D) | 36 µg/L (A&Wedw) |
| CL | Yuma East Wetlands | From inlet culvert from Colorado River into restored channel to Ocean Bridge | Selenium (T) | 2.2 µg/L (A&Ww chronic) |
| | | | Total residual chlorine | 33 µg/L (A&Ww acute) |
| | | | | 20 µg/L (A&Ww chronic) |
| SR | Pinto Creek | From confluence of Ellis Ranch tributary at 33°19'26.7"/110°54'57.5" to the confluence of West Fork of Pinto Creek at 33°27'32.3"/111°00'19.7" | Copper (D) | 34 µg/L (A&Ww acute for hardness values below 268 mg/L) |
| | | | | 34 µg/L (A&Ww chronic) |

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix C repealed effective April 24, 1996 (Supp. 96-2). New Appendix C made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix C amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

ARTICLE 2. WATER QUALITY STANDARDS FOR NON-WOTUS PROTECTED SURFACE WATERS

R18-11-201. Definitions

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation AZ (AgI AZ)" means the use of a non-WOTUS protected surface water for crop irrigation.
3. "Agricultural livestock watering AZ (AgL AZ)" means the use of a non-WOTUS protected surface water as a water supply for consumption by livestock.
4. "Aquatic and wildlife AZ (cold water) (A&Wc AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
5. "Aquatic and wildlife AZ (warm water) (A&Ww AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
6. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
7. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
8. "Criteria" means elements of water quality standards expressed as pollutant concentrations, levels, or narrative

statements representing a water quality that supports a designated use.

9. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health-based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
10. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health-based water quality standard criteria, in order to simulate long-term exposure, the

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receiving water critical flow condition is the harmonic mean flow.

11. "Designated use" means a use specified on the Protected Surface Waters List for a non-WOTUS protected surface water.
12. "Domestic water source AZ (DWS AZ)" means the use of a non-WOTUS protected surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
13. "Fish consumption AZ (FC AZ)" means the use of a non-WOTUS protected surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
14. "Full-body contact AZ (FBC AZ)" means the use of a non-WOTUS protected surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely, and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
15. "Geometric mean" means the n th root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_y = \sqrt[n]{(Y_1)(Y_2)(Y_3)(Y_n)}$$

16. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
17. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
18. "Non-WOTUS protected surface water" means a protected surface water designated in Table A of R18-11-216 or added to the PSWL by an emergency action authorized by A.R.S. § 49-221(G)(7) that is not a WOTUS.
19. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
20. "Partial-body contact AZ (PBC AZ)" means the recreational use of a non-WOTUS protected surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and, sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
21. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance.
22. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
23. "Recharge Project" means a facility necessary or convenient to obtain, divert, withdraw, transport, exchange,

deliver, treat, or store water to infiltrate or reintroduce that water into the ground.

24. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
25. "Urban lake" means a manmade lake within an urban landscape.
26. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
27. "Wetland" means, for the purposes of non-WOTUS protected surface waters, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
28. "WOTUS" means waters of the state that are also navigable waters as defined by Section 502(7) of the Clean Water Act.
29. "WOTUS protected surface water" means a protected surface water that is a WOTUS.
30. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1).
Amended subsection A. effective April 17, 1984 (Supp. 84-2). Former Section R9-21-201 repealed, former Section R9-21-203 renumbered as Section R9-21-201 and amended effective January 7, 1985 (Supp. 85-1).
Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-201 renumbered without change as Section R18-11-201 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-202. Applicability

- A. The water quality standards prescribed in this Article apply to non-WOTUS protected surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
 1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores including:
 - a. A pit,
 - b. Pregnant leach solution pond

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- c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond of sump in a mine put associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product that is being held for recycling,
 - h. Spill or catchment pond, or
 - i. A pond used for onsite remediation
3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.
 5. WOTUS Protected Surface Waters.

Historical Note

Former Section R9-21-202 repealed, former Section R9-21-102 renumbered as Section R9-21-202 and amended effective January 7, 1985 (Supp. 85-1). Amended subsections (B), (D), and (E) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-202 renumbered without change as Section R18-11-202 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-203. Designated Uses for Non-WOTUS Protected Surface Waters

- A. The designated uses for specific non-WOTUS protected surface waters are listed in the Protected Surface Waters List in this article. The designated uses that may be assigned to a non-WOTUS protected surface water are:
 1. Full-body contact AZ,
 2. Partial-body contact AZ,
 3. Domestic water source AZ,
 4. Fish consumption AZ,
 5. Aquatic and wildlife AZ (cold water),
 6. Aquatic and wildlife AZ (warm water),
 7. Agricultural irrigation AZ, and
 8. Agricultural livestock watering AZ.
- B. Numeric water quality criteria to maintain and protect water quality for the designated uses assigned to non-WOTUS protected surface waters are prescribed in R18-11-215. Narrative water quality standards to protect non-WOTUS protected surface waters are prescribed in R18-11-214.
- C. If a non-WOTUS protected surface water has more than one designated use listed in the Protected Surface Waters List, the most stringent water quality criterion applies.
- D. The Director shall revise the designated uses of a non-WOTUS protected surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in the Protected Surface Waters List.
- E. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria through a rulemaking action for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

3. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the non-WOTUS protected surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
4. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1). Amended subsection (B) by adding paragraphs (27) and (28) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-203 renumbered as Section R9-21-201, former Section R9-21-204 renumbered as Section R9-21-203 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-203 renumbered and amended as Section R9-21-204, new Section R9-21-203 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-203 renumbered without change as Section R18-11-203 (Supp. 87-3). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-204. Interim, Presumptive Designated Uses

The following water quality standards apply to a non-WOTUS protected surface water that is not listed on the Protected Surface Waters List but is added on an emergency basis pursuant to A.R.S. § 49-221(G)(7):

1. The aquatic and wildlife AZ (cold water use applies to a non-WOTUS protected surface water above 5000 feet in elevation;
2. The aquatic and wildlife AZ (warm water) applies to a non-WOTUS protected surface water below 5000 feet in elevation;
3. The full-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
4. The partial-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans in a way that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
5. The fish consumption AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for harvesting aquatic organisms for con-

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sumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.

6. The domestic water source AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans as a source of potable water.
7. The agricultural irrigation AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used for crop irrigation.
8. The agricultural livestock watering AZ use applies to any non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used as a water supply for consumption by livestock.

Historical Note

Former Section R9-21-204 renumbered and amended as Section R9-21-207, former Section R9-21-206 renumbered and amended as Section R9-21-204 effective January 29, 1980 (Supp. 80-1). Former Section

R9-21-204 renumbered as Section R9-21-203, former Section R9-21-205 renumbered as Section R9-21-204 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-204 renumbered and amended as Section R9-21-205, former Section R9-21-203 renumbered and amended as Section R9-21-204 effective August 12, 1986 (Supp. 86-4). Former Section

R9-21-204 renumbered without change as Section R18-11-204 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-205. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610 or an alternative method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Former Section R9-21-205 repealed, new Section R9-21-205 adopted effective January 29, 1980 (Supp. 80-1).

Former Section R9-21-205 renumbered as Section R9-21-204, former Section R9-21-206 renumbered as Section R9-21-205 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-205 renumbered and amended as Section R9-21-206, former Section R9-21-204 renumbered and amended as Section R9-21-205 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-205 renumbered without change as Section R18-11-205 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992

(Supp. 92-1). Section repealed April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-206. Mixing Zones

- A. The Director may establish a mixing zone for a point source discharge to a non-WOTUS protected surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B. The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director for a mixing zone as part of an application for an AZPDES permit. The request shall include:
 1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C. The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
 1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D. Director determination.
 1. The Director shall deny a request to establish a mixing zone if an applicable water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E. Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F. The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.

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G. Mixing zone requirements.

1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.

H. The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:

1. Chlordane,
2. DDT and its metabolites (DDD and DDE),
3. Dieldrin,
4. Dioxin,
5. Endrin,
6. Endrin aldehyde,
7. Heptachlor,
8. Heptachlor epoxide,
9. Lindane,
10. Mercury,
11. Polychlorinated biphenyls (PCBs), and
12. Toxaphene.

Historical Note

Former Section R9-21-206 renumbered and amended as Section R9-21-204, new Section R9-21-206 adopted effective January 29, 1980 (Supp. 80-1). Amended by adding subsection (B) effective October 14, 1981 (Supp. 81-5). Amended subsection (B) and Table 1 effective January 29, 1982 (Supp. 82-1). Amended subsection (B) and Table 1 effective August 13, 1982 (Supp. 82-4). Former Section R9-21-206 renumbered as Section R9-21-205, former Section R9-21-207 renumbered as Section R9-21-206 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-206 renumbered and amended as Section R9-21-207, former Section R9-21-205 renumbered and amended as R9-21-206 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-206 renumbered without change as Section R18-11-206 (Supp. 87-3). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-207. Natural Background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is caused solely by naturally occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Former Section R9-21-207 repealed, former Section R9-21-204 renumbered and amended as Section R9-21-207 effective January 29, 1980 (Supp. 80-1). Former Section R9-21-207 renumbered as Section R9-21-206, former Section R9-21-208 renumbered as Section R9-21-207

and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-207 renumbered without change as Section R9-21-208, former Section R9-21-206 renumbered and amended as Section R9-21-207 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-207 renumbered without change as Section R18-11-207 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-208. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve compliance. The permittee shall demonstrate that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Former Section R9-21-208 repealed, new Section R9-21-208 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-208 renumbered as Section R9-21-207, Appendices 1 through 9 amended as Appendix A (now shown following R9-21-213), former Section R9-21-209 renumbered as R9-21-208 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-208 renumbered and amended as Section R9-21-209, former Section R9-21-207 renumbered without change as Section R9-21-208 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-208 renumbered without change as Section R18-11-208 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-209. Variances

- A.** Upon request, the Director may establish, by rule, a discharger-specific or water segment-specific or water segments-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B.** A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality

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standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.

4. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
5. Documentation that the proposed term is only as long as necessary to achieve compliance with applicable water quality standards.
6. Documentation that is appropriate to the type of designated use to which the variance would apply as follows. For a water quality standard variance documentation must include a demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - a. Naturally occurring pollutant concentrations prevent attainment of the use;
 - b. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - c. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - d. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - f. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
7. For a waterbody segment-specific or segments-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or pollutants or water quality parameter or parameters and water body or waterbody segment or segments specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(7)(a) previously applied to the water body or waterbody segment or segments, documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant or pollutants or water quality parameter or parameters subject to the water quality variance and the water quality progress achieved.
8. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section: Identification of the permittee subject to the variance.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(6)(a)(vi). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E).
 - I. The Director shall periodically, but not more than every five years, reevaluate whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition during each rulemaking for this Article. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance during the rulemaking.
 - J. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - K. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.

Historical Note

Former Section R9-21-209 renumbered and amended as Section R9-21-210, new Section R9-21-209 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-209 renumbered as Section R9-21-208, Tables I and II amended as Appendix B (now shown following R9-21-213 and Appendix A), former Section R9-21-210 renumbered as Section R9-21-209 and amended effective

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January 7, 1985 (Supp. 85-1). Former Section R9-21-209 renumbered and amended as Section R9-21-210, former Section R9-21-208 renumbered and amended as Section R9-21-209 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-209 renumbered without change as Section R18-11-209 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-210. Site Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a non-WOTUS protected surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a non-WOTUS protected surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in R18-11-215;
 3. Resident aquatic organisms that occur in a non-WOTUS protected surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in R18-11-215;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in R18-11-215. "Natural background" means the concentration of a pollutant in a non-WOTUS protected surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a non-WOTUS protected surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically defensible procedure. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
1. Identifies the pollutant;
 2. Describes the reach's boundaries;
 3. Describes the hydrologic regime of the waterbody;
 4. Describes the scientifically defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 5. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 6. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 7. Demonstrates that all designated uses are protected; and
 8. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective January 29, 1980 (Supp. 80-1). Amended subsection (A) effective April 17, 1984 (Supp. 84-2). Former Section R9-21-210 renumbered as Section R9-21-209, former Section R9-21-211 renumbered as Section R9-21-210 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-210 renumbered without change as Section R18-11-210 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-211. Enforcement of Non-permitted Discharges to Non-WOTUS Protected Surface Waters

- A.** The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B.** Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211 effective January 29, 1980 (Supp. 80-1). Amended subsections (D), (G) three (I), and added (J) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-211 renumbered as Section R9-21-210, former Section R9-21-212 renumbered as Section R9-21-211 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-211 renumbered and amended as Section R9-21-212, former Section R9-21-210 renumbered and amended as Section R9-21-211 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-211 renumbered without change as Section R18-11-211 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-212. Statements of Intent and Limitations on the Reach of Article 2

- A.** Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.
- B.** Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified as non-WOTUS protected surface waters on the Protected Surface Waters List. Physical or mechanical maintenance includes dewatering, lining, dredging, and the physical,

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biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified on the Protected Surface Waters List.

- C. Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article.
- D. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-212 renumbered as Section R9-21-211, former Section R9-21-213 renumbered as Section R9-21-212 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-212 repealed, former Section R9-21-211 renumbered and amended as Section R9-21-212 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-212 renumbered without change as Section R18-11-212 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-213. Procedures for Determining Economic, Social, and Environmental Cost and Benefits

- A. The Director shall perform an economic, social, and environmental cost and benefits analysis that shows the benefits outweigh the costs before conducting any of the following rulemaking actions:
 1. Adopting a water quality standard that applies to non-WOTUS protected surface waters at a particular level or for a particular water category of non-WOTUS protected surface waters;
 2. Adding a non-WOTUS protected surface water to the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(4) apply; or
 3. Removing a non-WOTUS protected surface water from the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(6) apply.
- B. The economic, social, and environmental cost and benefit analysis must include:
 1. A justification of the valuation methodology used to quantify the costs or benefits of the rulemaking action;
 2. A reference to any study relevant to the economic, social, and environmental cost and benefit analysis that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of the costs and benefits of the rulemaking action;
 3. A description of any data on which an economic, social, and environmental cost and benefits analysis is based and an explanation of how the data was obtained and why the data is acceptable data.
 4. A description of the probable impact of the rulemaking on any existing AZPDES permits that are impacted by the rulemaking action;
 5. A description of the probable amount of additional AZPDES permits that will be required for known and ongoing point-source discharges after the rulemaking is completed that otherwise would not have been required if the Director did not undertake the rulemaking action; and
 6. The administrative and other costs to ADEQ associated with the proposed rulemaking.
- C. The Director shall publish a copy of the economic, social, and environmental cost and benefits analysis to the agency website

prior to filing any rulemaking materials during any of the rulemaking actions listed in subsection (A) of this rule.

- D. If for any reason enough data is not reasonably available to comply with the requirements of subsection (B) of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms.
- E. The Director is not required to prepare the economic, social, and environmental cost and benefits analysis required by this rule when:
 1. Adding or removing a WOTUS-protected surface water from the Protected Surface Waters List; or
 2. Adding a water to the Protected Surface Waters List on an emergency basis pursuant to A.R.S. § 49-221(G)(7).

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Former Section R9-21-213 renumbered as Section R9-21-212, former Section R9-21-103 renumbered as Section R9-21-213 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-213 renumbered without change as Section R9-21-214, new Section R9-21-213 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-213 renumbered without change as Section R18-11-213 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-214. Narrative Water Quality Standards for Non-WOTUS Protected Surface Waters

- A. A non-WOTUS protected surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the non-WOTUS protected surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or
 8. Change the color of the non-WOTUS protected surface water from natural background levels of color.
- B. A non-WOTUS protected surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard
- C. A non-WOTUS protected surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.

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Historical Note

Former Section R9-21-213 renumbered without change as Section R9-21-214 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-214 renumbered without change as Section R18-11-214 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-215. Numeric Water Quality Standards for Non-WOTUS Protected Surface Waters

A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony-forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC AZ | PBC AZ |
|---|--------|--------|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

B. pH. The following water quality standards for non-WOTUS protected surface waters pH are expressed in standard units:

| pH | DWS AZ | FBC AZ, PBC AZ, A&Ww AZ, A&Wc AZ | AgI AZ | AgL AZ |
|---------|--------|----------------------------------|--------|--------|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww AZ | A&Wc AZ |
|---------|---------|
| 3.0° C | 1.0° C |

D. Suspended sediment concentration.

- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

| A&Wc AZ | A&Ww AZ |
|---------|---------|
| 25 | 80 |

E. Dissolved oxygen. A non-WOTUS protected surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|----------------|---|
| A&Ww AZ | 6.0 |
| A&Wc AZ | 7.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

F. Tables 1 through 17 prescribe water quality criteria for individual pollutants by designated use.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 1. Water Quality Criteria by Designated Use (see footnote)

| Parameter | CAS NUMBER | DWS AZ (µg/L) | FC AZ (µg/L) | FBC AZ (µg/L) | PBC AZ (µg/L) | A&Wc AZ Acute (µg/L) | A&Wc AZ Chronic (µg/L) | A&Ww AZ Acute (µg/L) | A&Ww AZ Chronic (µg/L) | AgI AZ (µg/L) | AgL AZ (µg/L) |
|---------------------------------------|------------|----------------------------|--------------|---------------|---------------|---|---|---|---|---------------|---------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 0.003 | See (b) |
| Alpha Particles (Gross) Radioactivity | | 15 pCi/L See (h) | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | | |
| Benzo[b]fluoranthene Benzfluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|--|----------|--------------|----------|-------------|-------------|-------------------|-------------------|-------------------|-------------------|---------|---------|
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4000 | 4000 | 19 | 11 | 19 | 11 | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | | |
| beta-Chloronaphthalene | 91587 | 560 | 317 | 74,667 | 74,667 | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 14 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | | |
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.003 | See (b) |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.004 | 0.004 |
| Endrin aldehyde | 7421934 | 2 | | | | 0.09 | 0.4 | 0.09 | 0.4 | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | | |

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| | | | | | | | | | | | |
|---|----------|--------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|----------|----------|
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | |
| Methylmercury | 22967926 | | 0.3 mg/kg | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | |
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 2 19 | 19 | 2 | 0.01 | 2 | 0.02 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | | |
| Sulfides | | | | | | | | | | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Historical Note

Table 1 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ | | Aquatic and Wildlife Warm Water AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 0.40 | 20 | 2.1 |
| 100 | 1.8 | 100 | 9.4 |
| 400 | 6.5 | 400 | 34 |
| c(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness))*0.041838) | | c(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness))*0.041838) | |

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Historical Note

Table 2 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977 \cdot \text{LN}(\text{Hardness}) - 3.909)} \cdot (1.101672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Table 3 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 |
| 100 | 570 | 100 | 74.1 |
| 400 | 1,773 | 400 | 231 |
| $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 3.7256)} \cdot (0.316)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 0.6848)} \cdot (0.86)$ | |

Historical Note

Table 4 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 |
| 100 | 13 | 100 | 9.0 |
| 400 | 50 | 400 | 29 |
| $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.8545 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | |

Historical Note

Table 5 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 |
| 100 | 64.6 | 100 | 2.5 |
| 400 | 281 | 400 | 10.9 |
| $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 1.46)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | | $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 4.705)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | |

Historical Note

Table 6 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 |
| 100 | 468 | 100 | 52.0 |
| 400 | 1513 | 400 | 168 |
| $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 2.255)} \cdot (0.998)$ | | $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 0.0584)} \cdot (0.997)$ | |

Historical Note

Table 7 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |

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| | |
|------------------------------------|------|
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e(1.72*LN(Hardness)-6.59)*(0.85)$ | |

Historical Note

Table 8 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 30.0 |
| 100 | 117 |
| 400 | 379 |
| $e(0.8473*LN(Hardness)+0.884)*(0.978)$ | |

Historical Note

Table 9 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|------|--|------|
| pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 |
| 6 | 3.3 | 6 | 2.1 |
| 9 | 67.7 | 9 | 42.7 |
| $e(1.005*(pH)-4.83)$ | | $e(1.005*(pH)-5.29)$ | |

Historical Note

Table 10 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Present
For the Aquatic and Wildlife Coldwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |

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| | | | | | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |
| $MIN\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}, \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.026 \times (20-T)})\right)\right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 11 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Table 12 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ and Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Coldwater and Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Table 13 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)\right)$$

Historical Note

Table 14 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ Uses, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Table 15 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7))})$ | | | | | | | | | | | | | | | | | | | | | | | | |

Historical Note

Table 16 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 17 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-216. The Protected Surface Waters List

Tables A through C prescribe the protected surface waters list.

Historical Note

Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table A. Non-WOTUS Protected Surface Waters and Designated Uses

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Aquatic and Wildlife | | Human Health | | | | Agricultural | |
|-----------|------------------------|--|----------------------|---------|--------------|--------|--------|-------|--------------|--------|
| | | | A&Wc AZ | A&Ww AZ | FBC AZ | PBC AZ | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| CG | Cottonwood Creek | Headwaters to confluence with unnamed tributary at 35°20'46"/113°35'31" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Cottonwood Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Headwaters to confluence with unnamed tributary at 35°20'48"/113°30'40" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Boot Lake | 34°58'54"/111°20'11" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Little Ortega Lake | 34°22'47"/109°40'06" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Mormon Lake | 34°56'38"/111°27'25" | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| LC | Potato Lake | 35°03'15"/111°24'13" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Pratt Lake | 34°01'32"/109°04'18" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Sponseller Lake | 34°14'09"/109°50'45" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Vail Lake | 35°05'23"/111°30'46" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Water Canyon Reservoir | 34°03'38"/109°26'20" | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| MG | Bonsall Park Lake | 59th Avenue & Bethany Home Road at 33°31'24'/112°11'08" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| MG | Canal Park Lake | College Avenue & Curry Road, Tempe at 33°26'54'/111°56'19" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| SP | Big Creek | Headwaters to confluence with Pitchfork Canyon Wash | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Goudy Canyon Wash | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| SP | Grant Creek | Headwaters to confluence with unnamed tributary at 32°38'10"/109°56'37" | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | |
| SP | Grant Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | | |
| SP | High Creek | Headwaters to confluence with unnamed tributary at 32°33'08"/110°14'42" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | High Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Pinery Creek | Headwaters to State Highway 181 | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Pinery Creek | Below State Highway 181 to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Post Creek | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Riggs Flat Lake | 32°42'28"/109°57'53" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Rock Creek | Headwaters to confluence with Turkey Creek | | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Soldier Creek | Headwaters to confluence with Post Creek at 32°40'50'/109°54'41" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Snow Flat Lake | 32°39'10"/109°51'54" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Stronghold Canyon East | Headwaters to 31°55'9.28"/109°57'53.24" | A&Wc AZ | | | PBC AZ | | | | |
| SP | Stronghold Canyon East | 31°55'9.28"/109°57'53.24" to confluence with Carlink Canyon | | A&Ww AZ | | PBC AZ | | | | |
| SP | Turkey Creek | Headwaters to confluence with Rock Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Turkey Creek | Below confluence with Rock Creek to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| UG | Ward Canyon | Headwaters to confluence with Turkey Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| VR | Moonshine Creek | Headwaters to confluence with Post Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |

Historical Note

Table A made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table B. WOTUS Protected Surface Waters

The waters listed in this table have been tentatively identified by ADEQ as WOTUS, under the law governing on 8/26/2022. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table B will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the WOTUS Protected Surface Waters Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|--|
| BW | Big Sandy River | Headwaters to Alamo Lake |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River |
| CG | Colorado River | Lake Powell to Lake Mead |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River |
| CG | Lake Mead | 36°06'18"/114°26'33" |
| CG | Lake Powell | 36°59'53"/111°08'17" |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Paria River | Utah border to confluence with the Colorado River |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" |
| CG | Virgin River | Headwaters to confluence with the Colorado River |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03" |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CL | A10 Backwater | 33°31'45"/114°33'19" |
| CL | A7 Backwater | 33°34'27"/114°32'04" |
| CL | Adobe Lake | 33°02'36"/114°39'26" |
| CL | Cibola Lake | 33°14'01"/114°40'31" |
| CL | Clear Lake | 33°01'59"/114°31'19" |
| CL | Colorado River | Lake Mead to Topock Marsh |
| CL | Colorado River | Topock Marsh to Morelos Dam |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" |
| CL | Island Lake | 33°01'44"/114°36'42" |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" |
| CL | Lake Havasu | 34°35'18"/114°25'47" |
| CL | Lake Mohave | 35°26'58"/114°38'30" |
| CL | Martinez Lake | 32°58'49"/114°28'09" |
| CL | Mittry Lake | 32°49'17"/114°27'54" |
| CL | Nortons Lake | 33°02'30"/114°37'59" |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" |
| CL | Topock Marsh | 34°43'27"/114°28'59" |

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| | | |
|----|--|---|
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Chevelon Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Colter Reservoir | 33°56'39"/109°28'53" |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek |
| LC | Little Colorado River | Headwaters to Lyman Reservoir |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek |
| LC | Morrison Creek | Headwaters to Mamie Creek @ 33°59'24.45"/109°03'51.94 |
| LC | Nutrioso Creek | Headwaters to confluence with the Little Colorado River |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek |
| LC | Riggs Creek | Headwaters to Nutrioso Creek |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" |
| LC | Rudd Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Rosey Creek | Headwaters to 34°02'28.72"/109°27'24.3" |
| LC | Scott Reservoir | 34°10'31"/109°57'31" |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek |
| LC | Show Low Lake | 34°11'36"/110°00'12" |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River |
| LC | White Mountain Lake | 34°21'57"/109°59'21" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" |
| MG | Lake Pleasant | 33°53'46"/112°16'29" |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at 34°20'45.74"/112°4'17.26" |
| MG | Little Sycamore Creek | Headwaters to Sycamore Creek @ 34°21'39.13"/111°58'49.98" |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam |
| MG | Seven Springs Wash | Headwaters to Unnamed trib @ 33°57'58.66"/111°51'52.07" |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek |
| SC | California Gulch | Headwaters To U.S./Mexico border |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) |
| SC | Cox Gulch | Headwaters to Three R Canyons @ 31°28'28.03"/110°47'14.65" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek |
| SP | Bear Creek | Headwaters to U.S./Mexico border |
| SP | Black Draw | Headwaters to the U.S./Mexico border |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" |
| SP | Gold Gulch | Headwaters to U.S./Mexico border |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon |

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| | | |
|----|--------------------------------------|---|
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36"/109°43'48" |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border |
| SR | Ackre Lake | 33°37'01"/109°20'40" |
| SR | Apache Lake | 33°37'23"/111°12'26" |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Beaver Creek | Headwaters to confluence with Black River |
| SR | Black River | Headwaters to confluence with Salt River |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek |
| SR | Black River, West Fork | Headwaters to confluence with the Black River |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork |
| SR | Canyon Lake | 33°32'44"/111°26'19" |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River |
| SR | Conklin Creek | Headwaters to confluence with the Black River |
| SR | Corduoy Creek | Headwaters to confluence with Fish Creek |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Fish Creek | Headwaters to confluence with the Black River |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" |
| SR | Roosevelt Lake | 33°52'17"/111°00'17" |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek |
| SR | Saguaro Lake | 33°33'44"/111°30'55" |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Apache Creek | Headwaters to confluence with the Gila River |
| UG | Bitter Creek | Headwaters to confluence with the Gila River |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River |
| UG | Bob Thomas Creek | Headwaters to Stone Creek 33°51'93"/109°42'52" |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary |
| UG | Grant Creek | Headwaters to confluence with the Blue River |
| UG | Judd Lake | 33°51'15"/109°09'35" |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek |
| UG | Luna Lake | 33°49'50"/109°05'06" |
| UG | North Fork Cave Creek | Headwaters to Cave Creek @ 31°52'56.63"/109°12'19.75" |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River |
| UG | San Francisco River | Headwaters to the New Mexico border |
| UG | San Francisco River | New Mexico border to confluence with the Gila River |
| UG | San Simon River | Headwaters to confluence with the Gila River |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek |
| VR | Bartlett Lake | 33°49'52"/111°37'44" |
| VR | Beaver Creek | Headwaters to confluence with the Verde River |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" |
| VR | East Verde River | Headwaters to confluence with Ellison Creek |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15"/111°44'47" |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek |
| VR | Sullivan Lake | 34°51'42"/112°27'51" |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41"/111°57'31" |

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| | | |
|----|------------------------|--|
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam |
| VR | Verde River | Below Bartlett Lake Dam to Salt River |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" |

Historical Note

Table B made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table C. Historically Regulated as WOTUS and in Need of Confirmation

The waters listed in this table have historically been and will continue to be regulated as WOTUS unless ADEQ makes a determination that they are non-WOTUS. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table C will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Historically Regulated as WOTUS and in Need of Confirmation Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|---|
| BW | Alamo Lake | 34°14'06"/113°35'00" |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River |
| BW | Blue Tank | 34°40'14"/112°58'17" |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Carter Tank | 34°52'27"/112°57'31" |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek |
| BW | Date Creek | Headwaters to confluence with Santa Maria River |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River |
| BW | Peoples Canyon (OAW) | Headwaters to confluence with Santa Maria River |
| BW | Red Lake | 35°12'18"/113°03'57" |
| BW | Santa Maria River | Headwaters to Alamo Lake |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River |
| CG | Big Springs Tank | 36°36'08"/112°21'01" |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek |
| CG | Cataract Creek | Headwaters to Santa Fe Reservoir |
| CG | Cataract Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" |
| CG | Cataract Creek | Red Lake Wash to Havasupai Indian Reservation boundary |
| CG | Cataract Creek (EDW) | City of Williams WWTP outfall to 1 km downstream |
| CG | Cataract Lake | 35°15'04"/112°12'58" |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River |
| CG | City Reservoir | 35°13'57"/112°11'25" |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" |
| CG | Detrital Wash | Headwaters to Lake Mead |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" |
| CG | Grand Wash | Headwaters to Colorado River |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River |
| CG | Grapevine Wash | Headwaters to Colorado River |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River |
| CG | Hance Creek | Headwaters to confluence with the Colorado River |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" |
| CG | Horn Creek | Headwaters to confluence with the Colorado River |

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| | | |
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| CG | Hualapai Wash | Headwaters to Lake Mead |
| CG | Jacob Lake | 36°42'27"/112°13'50" |
| CG | Kaibab Lake | 35°17'04"/112°09'32" |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Monument Creek | Headwaters to confluence with the Colorado River |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Roaring Springs | 36°11'45"/112°02'06" |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River |
| CG | Russell Tank | 35°52'21"/111°52'45" |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" |
| CG | Slate Creek | Headwaters to confluence with the Colorado River |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River |
| CG | Unnamed Wash to Cedar Canyon (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon |
| CG | Unnamed Wash to Spring Valley Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek |
| CL | Columbus Wash | Headwaters to confluence with the Gila River |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream |
| CL | Mohave Wash | Headwaters to Lower Colorado River |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" |
| CL | Quigley Pond | 32°43'40"/113°57'44" |
| CL | Redondo Lake | 32°44'32"/114°29'03" |
| CL | Sacramento Wash | Headwaters to Topock Marsh |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains |
| LC | Als Lake | 35°02'10"/111°25'17" |
| LC | Ashurst Lake | 35°01'06"/111°24'18" |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" |
| LC | Becker Lake | 34°09'11"/109°18'23" |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" |
| LC | Carrero Lake | 34°06'57"/109°31'42" |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek |
| LC | Chilson Tank | 34°51'43"/111°22'54" |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash |
| LC | Concho Lake | 34°26'37"/109°37'40" |
| LC | Cow Lake | 34°53'14"/111°18'51" |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek |

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| LC | Daves Tank | 34°44'22"/111°17'15" |
| LC | Deep Lake | 35°03'34"/111°25'00" |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Hay Lake | 34°00'11"/109°25'57" |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" |
| LC | Horse Lake | 35°03'55"/111°27'50" |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Hulsey Lake | 33°55'58"/109°09'40" |
| LC | Humphrey Lake (EDW) | 35°11'51"/111°35'19" |
| LC | Indian Lake | 35°00'39"/111°22'41" |
| LC | Jacks Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Jarvis Lake | 33°58'59"/109°12'36" |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" |
| LC | Knoll Lake | 34°25'38"/111°05'13" |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" |
| LC | Lake of the Woods | 34°09'40"/109°58'47" |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork |
| LC | Leroux Wash, tributary to Little Colorado River | From City of Holbrook-Painted Mesa WRF outfall at 34° 54' 30", -110° 11' 36" to Little Colorado River. The outfall discharges into Leroux Wash. All reaches of the Little Colorado River between the outfall to the Colorado River are perennial or intermittent. |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs |
| LC | Little George Reservoir | 34°00'37"/109°19'15" |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" |
| LC | Long Tom Tank | 34°20'35"/110°49'22" |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" |
| LC | Marshall Lake | 35°07'18"/111°32'07" |
| LC | McKay Reservoir | 34°01'27"/109°13'48" |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek |
| LC | Morton Lake | 34°53'37"/111°17'41" |
| LC | Mud Lake | 34°55'19"/111°21'29" |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" |
| LC | Norton Reservoir | 34°03'57"/109°31'27" |
| LC | Paddy Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Pierce Seep | 34°23'39"/110°31'17" |
| LC | Pine Tank | 34°46'49"/111°17'21" |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream |
| LC | Rainbow Lake | 34°09'00"/109°59'09" |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash |
| LC | River Reservoir | 34°02'01"/109°26'07" |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" |
| LC | Russel Reservoir | 33°59'29"/109°20'01" |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" |
| LC | Slade Reservoir | 33°59'41"/109°20'26" |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" |
| LC | Soldiers Lake | 34°47'47"/111°14'04" |
| LC | Spaulding Tank | 34°30'17"/111°02'06" |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" |
| LC | Tremaine Lake | 34°46'02"/111°13'51" |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/ 110°38'13" to confluence with Black Canyon Creek |
| LC | Unnamed Wash to Pierce Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep |
| LC | Unnamed wash, tributary to Rio de Flag River (Bow and Arrow Wash) | Treated municipal wastewater is piped from the Rio de Flag WWTP through a city-wide reuse system to the main effluent storage pond that is in an unnamed wash. |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" |
| LC | Whipple Lake | 34°16'49"/109°58'29" |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek |

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| LC | Willow Springs Lake | 34°18'13"/110°52'16" |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" |
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" |
| MG | Arnett Creek | Headwaters to Queen Creek @ 33°16'43.24"/111°10'12.49" |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | Beehive Tank | 32°52'37"/111°02'20" |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River |
| MG | Cash Gulch | Headwaters to Jersey Gulch @ 34°25'31.39"/112°25'30.96" |
| MG | Cave Creek | Headwaters to the Cave Creek Dam |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" |
| MG | Corgett Wash | From Corgett Wash WRF outfall at 33°21'42", -112°27'05" to Gila River. The discharge point is 0.5 miles from the ephemeral conveyance Corgett Wash. The Gila River is then 1.5 miles downstream from Corgett Wash. |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/ 111°54'53" |
| MG | Eugene Gulch | Headwaters to Big Bug Creek @ 34°27'11.51"/112°18'30.95" |
| MG | French Gulch | Headwaters to confluence with Hassayampa River |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/ 111°57'35" to confluence with Cave Creek |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56". |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River |
| MG | Hassayampa River | From City of Buckeye-Palo Verde Road WWTP outfall at 33° 23' 54.3", -112° 40' 33.7" to Buckeye Canal |
| MG | Horsethief Lake | 34°09'42"/112°17'57" |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" |
| MG | Jersey Gulch | Headwaters to Hassayampa River @ 34°25'40.16"/112°25'45.64" |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River |
| MG | Lynx Lake | 34°31'07"/112°23'07" |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/ 112°20'15" to confluence with Agua Fria River |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River |
| MG | Money Metals Trib | Headwaters to Unnamed Trib (UB1) |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" |
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" |
| MG | Queen Creek | Below Potts Canyon to ' Whitlow Dam |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/ 112°07'59" |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River |
| MG | The Lake Tank | 32°54'14"/111°04'15" |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek |
| MG | Unnamed Trib (UQ2) to Queen Creek | Headwaters to Queen Creek @ 33°18'26.15"/111°04'19.3" |
| MG | Unnamed Trib (UQ3) to Queen Creek | Headwaters to Queen Creek @ 33°18'33.75"/111°04'02.61" |
| MG | Unnamed Trib to Big Bug Creek (UB1) | Headwaters to Big Bug Creek @ 34°25'38.86"/112°22'29.32" |
| MG | Unnamed Trib to Eugene Gulch | Headwaters to Eugene Gulch @ 34°27'34.6"/112°20'24.53" |
| MG | Unnamed Trib to Lynx Creek | Headwaters to Superior Mining Div. Outfall @ Lynx Creek @ 34°27'10.57"/112°23'14.22" |
| MG | Unnamed tributary to Deadman's Wash | From EPCOR Water Anthem Water Campus WWTP outfall at 33° 50' 47.9", -112° 08' 25.6" to Deadman's Wash |
| MG | Unnamed tributary to Gila River (EDW) | Gila Bend WWTP outfall to confluence with the Gila River |
| MG | Unnamed tributary to Gila River (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River |
| MG | Unnamed tributary to the Agua Fria River | From Softwinds WWTP outfall at 34° 32' 43", -112° 14' 21" to the Agua Fria River. Discharges to Agua Fria which is a jurisdictional tributary to Lake Pleasant (TNW) |
| MG | Unnamed tributary to Winters Wash | From Balterra WWTP outfall at 33° 29' 45", -112° 55' 10" to Winters Wash |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek |
| MG | Unnamed wash, tributary to Black Canyon Creek | From Black Canyon Ranch RV Resort WWTP outfall to Agua Fria River. |
| MG | Unnamed wash, tributary to Queen Creek | Queen Creek, AZ15050100-013B is closest WBID to outfall coordinates |
| MG | Unnamed wash, tributary to Waterman Wash | The Rainbow Valley outfall discharges to an unnamed wash to Waterman wash to the Gila River. |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek |
| MG | White Canyon | Headwaters to confluence with Walnut Canyon Creek |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash |
| SC | Arivaca Lake | 31°31'52"/111°15'06" |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro |
| SC | Black Wash (EDW) | Pima County WWMMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash |
| SC | Cañada del Oro | Headwaters to State Route 77 |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" |
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at |
| SC | Hit Tank | 32°43'57"/111°03'18" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Huachuca Tank | 31°21'11"/110°30'18" |
| SC | Humboldt Canyon | Headwaters to Alum Gulch @ 31°28'25.84"/110°44'01.57" |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49" |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51" |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31" |
| SC | Palisade Canyon | Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47" |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" |
| SC | Patagonia Lake | 31°29'56"/110°50'49" |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SC | Peña Blanca Lake | 31°24'15"/111°05'12" |
| SC | Potrero Creek | Headwaters to Interstate 19 |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39" |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" |
| SC | Ruby Lakes | 31°26'29"/111°14'22" |
| SC | Sabino Creek | Headwaters to 32°23'20"/110°47'06" |
| SC | Sabino Creek | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/ 112°01'47" to the Chin Indian Reservation |
| SC | Soldier Tank | 32°25'34"/110°44'43" |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River |
| SC | Split Tank | 31°28'11"/111°05'12" |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" |
| SC | Tanque Verde Creek | Headwaters to Houghton Road |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Unnamed Trib (Endless Mine Tributary) to Harshaw Creek | Headwaters to Harshaw Creek @ 31°26'12.3"/110°43'27.26" |
| SC | Unnamed Trib (UA2) to Alum Gulch | Headwaters to Alum Gulch @ 31°28'49.67"/110°44'12.86" |
| SC | Unnamed Trib to Cox Gulch | Headwaters to Cox Gulch @ 31°27'53.86"/110°46'51.29" |
| SC | Unnamed Trib to Three R Canyon | Headwaters to Three R Canyon @ 31°28'25.82"/110°46'04.11" |
| SC | Unnamed Wash to Canada Del Oro (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/ 110°48'02" to 5 km downstream |
| SC | Unnamed Wash to Canada del Oro (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro |
| SC | Unnamed Wash to Santa Cruz Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Araivaipa Creek | Headwaters to confluence with Stowe Gulch |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon |
| SP | Booger Canyon | Headwaters to confluence with Araivaipa Creek |
| SP | Brewery Gulch | Headwaters to Mule Gulch @ 31°26'27.88"/109°54'48.1" |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River |
| SP | Curry Draw | Headwaters to San Pedro River |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Araivaipa Creek |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/ 110°19'44" |
| SP | Espiritu Canyon Creek | Headwaters to confluence with Soza Wash |
| SP | Fournmile Canyon Creek | Headwaters to confluence with Araivaipa Creek |
| SP | Fournmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" |
| SP | Fournmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek |
| SP | Fournmile Canyon, Right Prong | Headwaters to confluence with Fournmile Canyon |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" |
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SP | Glance Creek | Headwaters to confluence with Whitewater Draw |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/110°19'49" |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River |
| SP | Greenbush Draw | From City of Bisbee San Jose WWTP outfall at 31°20'35.4", -109°56'10.2" to San Pedro River. The City of Bisbee San Jose WWTP outfall discharges to Greenbush Draw. |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/109°22'17" |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Hot Springs Canyon | Headwaters to confluence with the San Pedro River |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/109°43'32" |
| SP | Leslie Creek | Headwaters to confluence with Whitewater Draw |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/110°18'34" |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River |
| SP | Montezuma Creek | Headwaters to Mexico Border @ 31°20'01.87"/110°13'40.97" |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/110°18'52" |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/109°54'02" |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/110°21'37" |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River |
| SP | Parsons Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40"/110°18'42" |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Swamp Springs Canyon Creek | Headwaters to confluence with Redfield Canyon |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/110°26'11" |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/110°26'10" |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Unnamed Wash Mt. Lemmon (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/110°20'12" |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37"/111°26'40" |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek |
| SR | Basin Lake | 33°55'00"/109°26'09" |
| SR | Bear Creek | Headwaters to confluence with the Black River |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Big Lake | 33°52'36"/109°25'33" |
| SR | Bloody Tanks Wash | Headwaters to Schultze Ranch Road |
| SR | Bloody Tanks Wash | Schultze Ranch Road to confluence with Miami Wash |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek |
| SR | Campaign Creek | Headwaters to Roosevelt Lake |
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary |
| SR | Centerfire Creek | Headwaters to confluence with the Black River |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork |
| SR | Deer Creek (D2E) | Headwaters to confluence with the Black River, East Fork |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46" /110°52'35" |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek |
| SR | Fish Creek | Headwaters to confluence with the Salt River |
| SR | Five Point Mountain Tributary | Headwaters to Pinto Creek @ 33°22'25.93"/110°58'14" |
| SR | Gibson Mine Tributary | Headwaters to Pinto Creek @ 33°20'48.99"/110°56'42.31" |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek |
| SR | LaBarge Creek | Headwaters to Canyon Lake |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°25'29"/110°48'20" |
| SR | Pine Creek | Headwaters to confluence with the Salt River |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek |
| SR | Reservation Creek | Headwaters to confluence with the Black River |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash |
| SR | Salome Creek | Headwaters to confluence with the Salt River |
| SR | Salt House Lake | 33°57'04"/109°20'11" |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek |
| SR | Unnamed trib to Black River North Fork East Fork | Headwaters to Black River NF of EF |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Bennett Wash | Headwaters to the Gila River |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek |
| UG | Cima Creek | Headwaters to confluence with Cave Creek |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Dankworth Lake | 32°43'13"/109°42'17" |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River |
| UG | East Whitetail | Headwaters to terminus near San Simon River |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River |
| UG | Footle Creek | Headwaters to confluence with the Blue River |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" |
| UG | Georges Tank | 33°51'24"/109°08'30" |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek |
| UG | Lanphier Canyon | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek |
| UG | Little Creek | Headwaters to confluence with the San Francisco River |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash |
| UG | Markham Creek | Headwaters to confluence with the Gila River |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River |
| UG | Roper Lake | 32°45'23"/109°42'14" |
| UG | Sheep Tank | 32°46'14"/109°48'09" |
| UG | Smith Pond | 32°49'15"/109°50'36" |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek |
| UG | Tinny Pond | 33°47'49"/109°04'27" |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek |

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| VR | Banning Creek | Headwaters to Granite Creek @ 34°31'01.02"/112°28'37.63" |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" |
| VR | Barrata Tank | 35°02'43"/112°24'21" |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06" |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek |
| VR | Bray Creek | Headwaters to confluence with Webber Creek |
| VR | Butte Creek | Headwaters to Miller Creek @ 34°32'49.03"/112°28'29.3" |
| VR | Camp Creek | Headwaters to confluence with Verde River |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Chase Creek | Headwaters to confluence with the East Verde River |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'42"/111°52'26" to 34°50'02"/111°52'17" |
| VR | Dude Creek | Headwaters to confluence with the East Verde River |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River |
| VR | Foxboro Lake | 34°53'42"/111°39'55" |
| VR | Fry Lake | 35°03'45"/111°48'04" |
| VR | Gap Creek | Headwaters to confluence with Government Spring |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River |
| VR | Garrett Tank | 35°18'57"/112°42'20" |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" |
| VR | Government Canyon | Headwaters to Granite Creek @ 34°33'29.49"/112°26'53.18" |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" |
| VR | Granite Creek | Headwaters to Watson Lake |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" |
| VR | Heifer Tank | 35°20'27"/112°32'59" |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" |
| VR | Homestead Tank | 35°21'24"/112°41'36" |
| VR | Horse Park Tank | 34°58'15"/111°36'32" |
| VR | Houston Creek | Headwaters to confluence with the Verde River |
| VR | Huffer Tank | 34°27'46"/111°23'11" |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/111°45'51" |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir |
| VR | Mail Creek | Headwaters to East Verde River @ 34°25'03.88"/111°15'49.6" |
| VR | Manzanita Creek | Headwaters to Granite Creek @ 34°31'31.19"/112°28'44.34" |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" |
| VR | Miller Creek | Headwaters to Granite Creek @ 34°32'48.55"/112°28'12.96" |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" |
| VR | Munds Creek (EDW), Tributary to Oak Creek | From Pinewood Sanitary District Kay S. Blackman WWTP outfall at 34°56'09", -111°38'35" to Oak Creek. |
| VR | North Fork Miller | Headwaters to Miller Creek |
| VR | North Granite Creek | Headwaters to Granite Creek @ 34°33'04.33"/112°27'50.45" |
| VR | Oak Creek, West Fork (QAW) | Headwaters to confluence with Oak Creek |
| VR | Odell Lake | 34°56'5"/111°37'53" |
| VR | Peck's Lake | 34°46'51"/112°02'01" |
| VR | Perkins Tank | 35°06'42"/112°04'12" |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51"/111°26'49" |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River |
| VR | Red Creek | Headwaters to confluence with the Verde River |
| VR | Reservoir #1 | 35°13'5"/111°50'09" |
| VR | Reservoir #2 | 35°13'17"/111°50'39" |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek |
| VR | Scholze Lake | 35°11'53"/112°00'37" |
| VR | Slaughterhouse Gulch | Headwaters to Yavapai Res. Boundary |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23"/111°57'21" |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" |
| VR | Stehr Lake | 34°22'01"/111°40'02" |
| VR | Stoneman Lake | 34°46'47"/111°31'14" |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 34°04'42"/111°42'14" |
| VR | Tangle Creek | Headwaters to confluence with Verde River |
| VR | Trinity Tank | 35°27'44"/112°48'01" |
| VR | Unnamed Trib to Granite Creek (UGC) | Headwaters to Yavapai Prescott Reservation Boundary |
| VR | Unnamed Trib to UGC (UUG) | Headwaters to Unnamed Trib to Granite Creek (UGC) |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'53.54"/111°48'40.32" to Volunteer Wash |

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| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash |
| VR | Watson Lake | 34°34'58"/112°25'26" |
| VR | Webber Creek | Headwaters to confluence with the East Verde River |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/111°34'34" |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash |
| VR | Williscraft Tank | 35°11'22"/112°35'40" |
| VR | Willow Creek | Above Willow Creek Reservoir |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" |

Historical Note

Table C made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-217. Best Management Practices for non-WOTUS Protected Surface Waters

- A.** The BMPs described in this rule are intended to ensure that activities within the ordinary high-water mark of perennial or intermittent non-WOTUS protected surface waters, or within the bed and bank of other waters that materially impact (i.e., are within 1/4 mile upstream of) non-WOTUS protected surface waters, do not violate applicable surface water quality standards in the non-WOTUS protected surface waters. For purposes of this Section, the activities described in the prior sentence will be referred to as “regulated activities.” Depending on the regulated activities conducted, not all of the BMPs described below may be applicable to a particular project. The owner or operator is responsible to consider the BMPs outlined below and to implement those necessary to ensure that the regulated activities will not violate applicable surface water quality standards in the non-WOTUS protected surface water.
- B.** The BMPs described below are not applicable to any activities that are addressed under an individual or general AZPDES permit that are otherwise regulated under A.R.S. Title 49.
- C.** Erosion and sedimentation control BMPs:
 - 1. When flow is present in any non-WOTUS protected surface waters within a project area, flow shall not be altered except to prevent erosion or pollution of any non-WOTUS protected surface waters.
 - 2. Any disturbance within the ordinary high-water mark of non-WOTUS protected surface waters or within the bed and banks of other waters, that is not intended to be permanently altered, shall be stabilized as soon as practicable to prevent erosion and sedimentation.
 - 3. When flow in any non-WOTUS protected surface water is sufficient to erode, carry, or deposit material, regulated activities shall cease until:
 - a. The flow decreases below the point where sediment movement ceases; or
 - b. Control measures have been undertaken, i.e., equipment and material easily transported by flow are protected within non-erodible barriers or moved outside the flow area.
 - 4. Silt laden or turbid water resulting from regulated activities should be managed in a manner to reduce sediment load prior to discharging.
 - 5. No washing or dewatering of fill material should occur within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters. Other than the replacement of native fill or material used to support vegetation rooting or growth, fill placed within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.

D. Pollutant management BMPs:

- 1. If regulated activities are likely to violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water, operations shall cease until the problem is resolved or until control measures have been implemented.
- 2. Construction material and/or fill (other than native fill or that necessary to support revegetation) placed within surface waters as a result of regulated activities shall not include pollutants in concentrations that will violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water.

E. Construction phase BMPs:

- 1. Equipment staging and storage areas or fuel, oil, and other petroleum products storage and solid waste containment should not be located within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water.
- 2. Any equipment maintenance, washing, or fueling shall not be done within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters with the following exception: Equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in non-WOTUS protected surface waters (but outside of standing or flowing water) provided material specifically manufactured and sold as spill containment is in place during fueling/servicing.
- 3. All equipment shall be inspected for leaks, all leaks shall be repaired, and all repaired equipment shall be cleaned to remove any fuel or other fluid residue prior to use within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
- 4. Washout of concrete handling equipment shall not take place within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.

F. Post-construction BMPs:

- 1. Upon completion of regulated activities, areas within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters shall be promptly cleared of all forms, piling, construction residues, equipment, debris, or other obstructions.
- 2. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, steps will be taken using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
- 3. Any permanent water crossings within the ordinary high-water mark of any perennial or intermittent in a non-WOTUS protected surface water (other than fords) shall

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not be equipped with gutters, drains, scuppers, or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a non-WOTUS protected surface water if such runoff can be directed to a local stormwater drainage, containment, and/or treatment system.

4. Debris shall be cleared as needed from culverts, ditches, dips, and other drainage structures within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water to prevent clogging or conditions that may lead to a washout.
 5. Temporary structures constructed or imported materials shall be removed no later than upon completion of the regulated activities.
 6. Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause erosion, or cause changes in sediment load, shall be removed no later than upon completion of the regulated activities.
- G. Design consideration BMPs:**
1. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways, culvert crossings, staging areas, material stockpiles, berms, dikes, and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
 2. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks. Examples of unacceptable materials include clay, silt, sand, and gravel finer than cobble (roughly fist-sized). The armoring shall, via mass, anchoring systems, or a combination of the two, resist washout.
- H. Notification.** The owner or operator of any regulated activities shall, five days prior to initiation of the regulated activities, submit a notice to ADEQ on a form that includes basic information including the GPS location, the waterbody ID of the nearest non-WOTUS protected surface water, general description of planned activities, types of BMPs to be employed during the project, and phone number and email for a contact person. Work may proceed after five calendar days have passed since the owner/operator provided notification to ADEQ unless ADEQ responds in writing to the contact person for the owner/operator.
- I. Exclusions:** The BMPs and notification requirements in this Section shall not apply to:
1. Activities that are already regulated under A.R.S. Title 49.
 2. Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 3. Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 4. Maintenance but not construction of drainage ditches.
 5. Construction and maintenance of irrigation ditches.
 6. Maintenance of structures as dams, dikes, and levees.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix A. Repealed**Historical Note**

Former Section R9-21-208, Appendices 1 through 9 renumbered and amended as new Appendix A adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

Appendix B. Repealed**Historical Note**

Former R9-21-209, Table 1 and Table 2 renumbered and amended as Appendix B adopted effective January 7, 1985 (Supp.85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS**R18-11-301. Definitions**

The terms in this Article have the following meanings:

“Direct reuse” has the meaning prescribed in R18-9-701(1).

“Disinfection” means a treatment process that uses oxidants, ultraviolet light, or other agents to kill or inactivate pathogenic organisms in wastewater.

“Filtration” means a treatment process that removes particulate matter from wastewater by passage through porous media.

“Gray water” means wastewater, collected separately from a sewage flow, that originates from a clothes washer, bathtub, shower, or sink, but it does not include wastewater from a kitchen sink, dishwasher, or a toilet.

“Industrial wastewater” means wastewater generated from an industrial process.

“Landscape impoundment” means a manmade lake, pond, or impoundment of reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage, landscaping, or for aesthetic purposes only.

“NTU” means nephelometric turbidity unit.

“On-site wastewater treatment facility” has the meaning prescribed in A.R.S. § 49-201(24).

“Open access” means that access to reclaimed water by the general public is uncontrolled.

“Reclaimed water” has the meaning prescribed in A.R.S. § 49-201(31).

“Recreational impoundment” means a manmade lake, pond, or impoundment of reclaimed water where boating or fishing is an intended use of the impoundment. Swimming and other full-body recreation activities (for example, water-skiing) are prohibited in a recreational impoundment.

“Restricted access” means that access to reclaimed water by the general public is controlled.

“Secondary treatment” means a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR § 133.102.

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“Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in places of human habitation, employment, or recreation.

Historical Note

Adopted effective July 9, 1981 (Supp. 81-4). Former Section R9-21-301 renumbered without change as Section R18-11-301 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-302. Applicability

This Article applies to the direct reuse of reclaimed water, except for:

1. The direct reuse of gray water, or
2. The direct reuse of reclaimed water from an onsite wastewater treatment facility regulated by a general Aquifer Protection Permit under 18 A.A.C. 9, Article 3.

Historical Note

Adopted effective June 8, 1981 (Supp. 81-3). Amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-302 renumbered without change as Section R18-11-302 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-303. Class A+ Reclaimed Water

- A. Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A+ reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A+ reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
 3. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.

- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A+ reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.
- D. Class A+ reclaimed water is not required for any type of direct reuse. A person may use Class A+ reclaimed water for any type of direct reuse listed in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-303 renumbered without change as Section R18-11-303 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-304. Class A Reclaimed Water

- A. Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in subsection (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.

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tion (B)(2) before discharge to a reclaimed water distribution system.

- D. A person shall use Class A reclaimed water for a type of direct reuse listed as Class A in Table A. A person may use Class A reclaimed water for a type of direct reuse listed as Class B or Class C in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-304 renumbered without change as Section R18-11-304 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-305. Class B+ Reclaimed Water

- A. Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- B. An owner of a facility shall ensure that:
1. Class B+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
 2. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.
- C. Class B+ reclaimed water is not required for a type of direct reuse. A person may use Class B+ reclaimed water for a type of direct reuse listed as Class B or Class C in Table A. A person shall not use Class B+ reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-306. Class B Reclaimed Water

- A. Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- B. An owner of a facility shall ensure that Class B reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
1. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
- C. A person shall use a minimum of Class B reclaimed water for a type of direct reuse listed as Class B in Table A. A person may use Class B reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class B reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-307. Class C Reclaimed Water

- A. Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.
- B. The owner of a facility shall ensure that:
1. The total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days.
 2. Class C reclaimed water meets the following criteria after treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven reclaimed water samples taken is less than 1000 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 4000 / 100 ml.
- C. A person shall use a minimum of Class C reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class C reclaimed water for a type of direct reuse listed as Class A or Class B in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-308. Industrial Reuse

- A. The reclaimed water quality requirements for the following direct reuse applications are industry-specific and shall be determined by the Department on a case-by-case basis in a reclaimed water permit issued by the Department under 18 A.A.C. 9, Article 7:
1. Direct reuse of industrial wastewater containing sewage.
 2. Direct reuse of industrial wastewater for the production or processing of any crop used as human or animal food.
- B. The Department shall use best professional judgment to determine the reclaimed water quality requirements needed to protect public health and the environment for a type of direct reuse specified in subsection (A).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-309. Reclaimed Water Quality Standards for an Unlisted Type of Direct Reuse

- A. The Department may prescribe in an individual reclaimed water permit issued under 18 A.A.C. 9, Article 7, reclaimed water quality requirements for a type of direct reuse not listed in Table A. Before permitting a direct reuse of reclaimed water not listed in Table A, the Department shall, using its best professional judgment, determine and require compliance with reclaimed water quality requirements needed to protect public health and the environment.
- B. Department may determine that Class A+, A, B+, B, or C reclaimed water is appropriate for a new type of direct reuse.
- C. The Department shall consider the following factors when prescribing reclaimed water quality requirements for a new type of direct reuse:
1. The risk to public health;
 2. The degree of public access to the site where the reclaimed water is reused and human exposure to the reclaimed water;
 3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
 4. The level of treatment necessary to prevent nuisance conditions;

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5. Specific water quality requirements for the intended type of direct reuse;
6. The means of application of the reclaimed water;
7. The degree of treatment necessary to avoid a violation of surface water quality standards or aquifer water quality standards;
8. The potential for improper or unintended use of the reclaimed water;
9. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that apply to the new type of direct reuse; and
10. Similar wastewater reclamation experience of reclaimed water providers in the United States.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

Table A. Minimum Reclaimed Water Quality Requirements for Direct Reuse

| Type of Direct Reuse | Minimum Class of Reclaimed Water Required |
|--|---|
| Irrigation of food crops | A |
| Recreational impoundments | A |
| Residential landscape irrigation | A |
| Schoolground landscape irrigation | A |
| Open access landscape irrigation | A |
| Toilet and urinal flushing | A |
| Fire protection systems | A |
| Spray irrigation of an orchard or vineyard | A |
| Commercial closed loop air conditioning systems | A |
| Vehicle and equipment washing (does not include self-service vehicle washes) | A |
| Snowmaking | A |
| Surface irrigation of an orchard or vineyard | B |
| Golf course irrigation | B |
| Restricted access landscape irrigation | B |
| Landscape impoundment | B |
| Dust control | B |
| Soil compaction and similar construction activities | B |
| Pasture for milking animals | B |
| Livestock watering (dairy animals) | B |
| Concrete and cement mixing | B |
| Materials washing and sieving | B |
| Street cleaning | B |
| Pasture for non-dairy animals | C |
| Livestock watering (non-dairy animals) | C |
| Irrigation of sod farms | C |
| Irrigation of fiber, seed, forage, and similar crops | C |
| Silviculture | C |

Note: Nothing in this Article prevents a wastewater treatment plant from using a higher quality reclaimed water for a type of direct reuse than the minimum class of reclaimed water listed in Table A. For example, a wastewater treatment plant may provide Class A reclaimed water for a type of direct reuse where Class B or Class C reclaimed water is acceptable.

Historical Note

New Table adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

R18-11-401. Definitions

In addition to the definitions contained in A.R.S. §§ 49-101 and 49-201, the terms of this Article shall have the following meanings:

1. "Beta particle and photon radioactivity from man-made radionuclides" means all radionuclides emitting beta particles or photons, except Thorium-232, Uranium-235, Uranium-238 and their progeny.
2. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements.
3. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
4. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
5. "Mg/l" means milligrams per liter.
6. "Millirem" means 1/1000 of a rem. A rem means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.
7. "Non-drinking water protected use" means the protection and maintenance of aquifer water quality for a use other than for human consumption.
8. "pCi" means picocurie, or the quantity of radioactive material producing 2.22 nuclear transformations per minute.
9. "Total trihalomethanes" means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromo-chloromethane, bromodichloromethane and tribromo-methane (bromoform).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3).

R18-11-402. Repealed

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Repealed effective August 14, 1992 (Supp. 92-3).

R18-11-403. Analytical Methods

Analysis of a sample to determine compliance with an aquifer water quality standard shall be in accordance with an analytical method specified in A.A.C. Title 9, Chapter 14, Article 6 or an alternative analytical method that is approved by the Director of the Arizona Department of Health Services pursuant to A.A.C. R9-14-610(C).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3). Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-404. Laboratories

A test result from a sample taken to determine compliance with an aquifer water quality standard shall be valid only if the sample has

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been analyzed by a laboratory that is licensed by the Arizona Department of Health Services for the analysis performed.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-405. Narrative Aquifer Water Quality Standards

- A. A discharge shall not cause a pollutant to be present in an aquifer classified for a drinking water protected use in a concentration which endangers human health.
- B. A discharge shall not cause or contribute to a violation of a water quality standard established for a navigable water of the state.
- C. A discharge shall not cause a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in an aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. The aquifer water quality standards in this Section apply to aquifers that are classified for drinking water protected use.
- B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | mg/L |
|----------------------------|--|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

- C. The following are the aquifer water quality standards for organic chemicals:

| Pollutant | (mg/L) |
|----------------------------|--------|
| Benzene | 0.005 |
| Benzo (a) pyrene | 0.0002 |
| Carbon Tetrachloride | 0.005 |
| o-Dichlorobenzene | 0.6 |
| para-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| cis-1,2-Dichloroethylene | 0.07 |
| trans-1,2-Dichloroethylene | 0.1 |
| 1,2-Dichloropropane | 0.005 |
| Dichloromethane | 0.005 |
| Di (2-ethylhexyl) adipate | 0.4 |
| Di (2-ethylhexyl) pthalate | 0.006 |

| | |
|---------------------------|------------|
| Ethylbenzene | 0.7 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Monochlorobenzene | 0.1 |
| Pentachlorophenol | 0.001 |
| Styrene | 0.1 |
| 2,3,7,8-TCDD (Dioxin) | 0.00000003 |
| Tetrachloroethylene | 0.005 |
| Toluene | 1 |
| Trihalomethanes (Total) | 0.10 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.20 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Vinyl Chloride | 0.002 |
| Xylenes (Total) | 10 |

- D. The following are the aquifer water quality standards for pesticides and polychlorinated biphenyls (PCBs):

| Pollutant | (mg/L) |
|---|---------|
| Alachlor | 0.002 |
| Atrazine | 0.003 |
| Carbofuran | 0.04 |
| Chlordane | 0.002 |
| Dalapon | 0.2 |
| 1,2-Dibromo-3-Chloropropane (DBCP) | 0.0002 |
| 2,4,-Dichlorophenoxyacetic Acid(2,4-D) | 0.07 |
| Dinoseb | 0.007 |
| Diquat | 0.02 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylene Dibromide (EDB) | 0.00005 |
| Glyphosate | 0.7 |
| Heptachlor | 0.0004 |
| Heptachlor Epoxide | 0.0002 |
| Lindane | 0.0002 |
| Methoxychlor | 0.04 |
| Oxamyl | 0.2 |
| Picloram | 0.5 |
| Polychlorinated Biphenols (PCBs) | 0.0005 |
| Simazine | 0.004 |
| Toxaphene | 0.003 |
| 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex) | 0.05 |

- E. The following are the aquifer water quality standards for radionuclides:

1. The maximum concentration for gross alpha particle activity, including Radium-226 but excluding radon and uranium, shall not exceed 15 pCi/l.
2. The maximum concentration for combined Radium-226 and Radium-228 shall not exceed 5 pCi/l.
3. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
4. Except for the radionuclides listed in this subsection, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2-liter-per-day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Con-

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centration of Radionuclides in Air or Water for Occupational Exposure,” National Bureau of Standards Handbook 69, National Bureau of Commerce, as amended August 1963 (and no future editions), incorporated herein by reference and on file with the Office of the Secretary of State and with the Department. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year. The following average annual concentrations are assumed to produce a total body or organ dose of 4 millirem/year:

| Radionuclide | Critical Organ | pCi/l |
|--------------|----------------|--------|
| Tritium | Total body | 20,000 |
| Strontium-90 | Bone Marrow | 8 |

- F. The aquifer water quality standard for microbiological contaminants is based upon the presence or absence of total coliforms in a 100-milliliter sample. If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological contaminants.
- G. The following are the aquifer water quality standards for turbidity:
- One nephelometric turbidity unit as determined by a monthly average except that five or fewer nephelometric turbidity units may be allowed if it can be determined that the higher turbidity does not interfere with disinfection, prevent maintenance of effective disinfectant agents in water supply distribution systems, or interfere with microbiological determinations.
 - Five nephelometric turbidity units based on an average of two consecutive days.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended effective May 26, 1994 (Supp. 94-2).

R18-11-407. Aquifer Water Quality Standards in Reclassified Aquifers

- A. All aquifers in the state are classified for drinking water protected use except for aquifers which are reclassified to a non-drinking water protected use pursuant to A.R.S. § 49-224 and A.A.C. R18-11-503.
- B. Aquifer water quality standards for drinking water protected use apply to reclassified aquifers except where expressly superseded by aquifer water quality standards adopted pursuant to subsection (C).
- C. The Director shall adopt, by rule, aquifer water quality standards for reclassified aquifers within one year of the date of the order reclassifying the aquifer to a nondrinking water protected use. The Director shall adopt aquifer water quality standards for reclassified aquifers only for pollutants that are specifically identified in a petition for reclassification as prescribed by A.R.S. § 49-223(E) and A.A.C. R18-11-503(B). Aquifer water quality standards for reclassified aquifers shall be sufficient to protect the use of the reclassified aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-408. Petition for Adoption of a Numeric Aquifer Water Quality Standard

- A. Any person may petition the Director to adopt, by rule, a numeric aquifer water quality standard for a pollutant for which no numeric aquifer water quality standard exists.
- B. Petitions for adoption of a numeric aquifer water quality standard shall be filed with the Department and shall comply with the requirements applicable to petitions for rule adoption as provided by A.R.S. § 41-1033 and A.A.C. R18-1-302, except as otherwise provided by A.R.S. § 49-223 or this Section.
- C. In addition to the requirements of A.A.C. R18-1-302, a petition for rule adoption to establish a numeric aquifer water quality standard shall include specific reference to:
- Technical information that the pollutant is a toxic pollutant.
 - Technical information upon which the Director reasonably may base the establishment of a numeric aquifer water quality standard.
 - Evidence that the pollutant that is the subject of the petition is or may in the future be present in an aquifer or part of an aquifer that is classified for drinking water protected use. Evidence may include, but is not limited to, any of the following:
 - A laboratory analysis of a water sample by a laboratory licensed by the Arizona Department of Health Services which indicates the presence of the pollutant in the aquifer.
 - A hydrogeological study which demonstrates that the pollutant that is the subject of the petition may be present in an aquifer in the future. The hydrogeological study shall include the following:
 - A description of the use that results in a discharge of the pollutant that is the subject of the petition.
 - A description of the mobility of the pollutant in the vadose zone and in the aquifer.
 - A description of the persistence of the pollutant in the vadose zone and in the aquifer.
- D. Within 180 calendar days of the receipt of a complete petition for rule adoption to establish a numeric aquifer water quality standard, the Director shall make a written determination of whether the petition should be granted or denied. The Director shall give written notice by regular mail of the determination to the petitioner.
- E. If the petition for rule adoption is granted, the Director shall initiate rulemaking proceedings to adopt a numeric aquifer water quality standard. The Director shall, within one year of the date that the petition for adoption of a numeric aquifer water quality standard is granted, either adopt a rule establishing a numeric aquifer water quality standard or publish a notice of termination of rulemaking in the Arizona Administrative Register.
- F. If the petition for rule adoption is denied, the Director shall issue a denial letter to the petitioner which explains the reasons for the denial. The denial of a petition for rule adoption to establish a numeric aquifer water quality standard is not subject to judicial review.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).

Appendix 1. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

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Appendix 2. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 3. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 4. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 5. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 6. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 7. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

ARTICLE 5. AQUIFER BOUNDARY AND PROTECTED USE CLASSIFICATION**R18-11-501. Definitions**

In addition to the definitions contained in A.R.S. § 49-201, the words and phrases of this Article shall have the following meaning:

1. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
2. "Hardrock areas containing little or no water" means areas of igneous or metamorphic rock which do not yield usable quantities of water.
3. "Nondrinking water protected use" means the protection and maintenance of aquifer water quality for a use other than human consumption.
4. "Usable quantities" means five gallons of water per day.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-502. Aquifer Boundaries

- A. Except as provided in subsection (B), aquifer boundaries for the aquifers in this state are identified and defined as being identical to the hydrologic basin and subbasin boundaries, as found by the Director of the Department of Water Resources, Findings and Order In the Matter of The Designation of Groundwater Basins and Subbasins In The State of Arizona (dated June 21, 1984), pursuant to A.R.S. §§ 45-403 and 45-404, which is incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.
- B. Excluded from the boundaries of the aquifers are hard rock areas which contain little or no water, as identified in Plate 1 of the Department of Water Resources, Water Resource Hydro-

logic Map Series Report Number 2 (dated January 1981) and as further identified in the Bureau of Mines, University of Arizona County Geologic Map Series (individual county maps dated 1957 through 1960), which are incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.

- C. The Director may, by rule, modify or add an aquifer boundary provided that one or more of the following applies:
 1. The Department of Water Resources modifies the boundaries of its basins or subbasins.
 2. The Director is made aware of new technical information or data which supports refinement of an aquifer boundary.
- D. Facilities located outside of the boundaries defined in these rules shall be subject to A.R.S. § 49-241 except as provided therein.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-503. Petition for reclassification

- A. Any person may petition the Director to reclassify an aquifer from a drinking water protected use to a nondrinking water protected use pursuant to A.R.S. § 49-224(C).
- B. A written petition for reclassification pursuant to A.R.S. § 49-224(C) or A.R.S. § 49-224(D) shall be filed with the Department and shall include the following categories of information:
 1. The proposed protected use for which the reclassification is being requested.
 2. The pollutant and affected aquifer water quality standards for which the reclassification is being requested.
 3. A hydrogeologic report which demonstrates that the aquifer proposed for reclassification is or will be hydrologically isolated, to the extent described in A.R.S. § 49-224(C)(1). This report and demonstration of hydrologic isolation for the area containing such aquifer, and immediate adjacent geologic units, shall include at least the following:
 - a. Hydrogeologic area maps and cross sections.
 - b. An analysis of subsurface geology, including geologic and hydrologic separation.
 - c. Water level elevation or piezometric level contour maps.
 - d. Analysis of hydrologic characteristics of the aquifer and the immediate adjacent geologic units.
 - e. Description of existing water quality and analysis of water chemistry.
 - f. Projected annual quantity of water to be withdrawn.
 - g. Identification of pumping centers, cones of depression and areas of recharge.
 - h. A water balance.
 - i. Existing flow direction and evaluation of the effects of seasonal and future pumping on flow.
 - j. An evaluation as to whether the reclassification will contribute to or cause a violation of aquifer water quality standards in other aquifers, or in parts of the aquifer not being proposed for reclassification.
 4. Documentation demonstrating that water from the aquifer or part of the aquifer for which reclassification is pro-

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posed is not being used as drinking water. This documentation shall include at least the following:

- a. A list of all wells or springs including their location, ownership and use within the aquifer or part of the aquifer being proposed for reclassification.
 - b. Identification of groundwater withdrawal rights, on file with the Department of Water Resources, within the aquifer or part of the aquifer being proposed for reclassification.
 - c. A comprehensive list of agencies, persons and other information sources consulted for aquifer use documentation.
5. A cost-benefit analysis developed pursuant to the requirements of A.R.S. § 49-224(C)(3), except for petitions submitted pursuant to A.R.S. § 49-224(D). This analysis shall identify potential future uses of the aquifer being proposed for reclassification, as well as other opportunity costs associated with reclassification, and shall contain a description of the cost-benefit methodology used, including all assumptions, data, data sources and criteria considered and all supporting statistical analyses.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-504. Agency Action on Petition

- A. Upon receipt of a petition for reclassification, the Director shall review the petition for compliance with the requirements of R18-11-503. If additional information is necessary, the petitioner shall be notified of specific deficiencies in writing within 30 calendar days of receipt of the petition.
- B. Within 120 calendar days after receipt of a complete petition, and after consultation with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C), the Director shall make a final decision to grant or deny the petition and shall notify the petitioner of such decision and the reason for such determination in writing.
- C. Upon a decision to grant a petition for aquifer reclassification, the Director shall initiate proceedings for promulgation of aquifer water quality standards and, if applicable, for aquifer boundary designation for the reclassified aquifers.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-505. Public participation

- A. Within 30 days of receipt of a complete petition for reclassification filed pursuant to A.R.S. § 49-224(D), or if the Director deems it necessary to consider a reclassification under A.R.S. § 49-224(C), the Director shall give public notice of the proposed reclassification pursuant to A.A.C. R18-1-401.
- B. The Director shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification. The Director shall give notice of each public hearing and conduct the public hearing in accordance with the provisions of A.A.C. R18-1-402.

Historical Note

Adopted effective June 29, 1989 (Supp. 89-2).

R18-11-506. Rescission of Reclassification

The Director may, by rule, rescind an aquifer reclassification and return an aquifer to a drinking water protected use if he determines that any of the conditions under which the reclassification was

granted are no longer valid. If the Director initiates a change under this Section, he shall consult with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C).

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

ARTICLE 6. IMPAIRED WATER IDENTIFICATION

Article 6, consisting of Sections R18-11-601 through R18-11-606, made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-601. Definitions

In addition to the definitions established in A.R.S. §§ 49-201 and 49-231, and A.A.C. R18-11-101, the following terms apply to this Article:

1. "303(d) List" means the list of surface waters or segments required under section 303(d) of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 2.1, for which TMDLs are developed and submitted to EPA for approval.
2. "Attaining" means there is sufficient, credible, and scientifically defensible data to assess a surface water or segment and the surface water or segment does not meet the definition of impaired or not attaining.
3. "AZPDES" means the Arizona Pollutant Elimination Discharge System.
4. "Credible and scientifically defensible data" means data submitted, collected, or analyzed using:
 - a. Quality assurance and quality control procedures under A.A.C. R18-11-602;
 - b. Samples or analyses representative of water quality conditions at the time the data were collected;
 - c. Data consisting of an adequate number of samples based on the nature of the water in question and the parameters being analyzed; and
 - d. Methods of sampling and analysis, including analytical, statistical, and modeling methods that are generally accepted and validated by the scientific community as appropriate for use in assessing the condition of the water.
5. "Designated use" means those uses specified in 18 A.A.C. 11, Article 1 for each surface water or segment whether or not they are facing.
6. "EPA" means the U.S. Environmental Protection Agency.
7. "Impaired water" means a Navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 United States Code § 1313(d) and the regulations implementing that statute. A.R.S. § 49-231(1).
8. "Laboratory detection limit" means a "Method Reporting Limit" (MRL) or "Reporting Limit" (RL). These analogous terms describe the laboratory reported value, which is the lowest concentration level included on the calibration curve from the analysis of a pollutant that can be quantified in terms of precision and accuracy.
9. "Monitoring entity" means the Department or any person who collects physical, chemical, or biological data used for an impaired water identification or a TMDL decision.
10. "Naturally occurring condition" means the condition of a surface water or segment that would have occurred in the

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- absence of pollutant loadings as a result of human activity.
11. "Not attaining" means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
 - a. A TMDL is prepared and implemented for the surface water;
 - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
 - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
 12. "NPDES" means National Pollutant Discharge Elimination System.
 13. "Planning List" means a list of surface waters and segments that the Department will review and evaluate to determine if the surface water or segment is impaired and whether a TMDL is necessary.
 14. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. 1362(6). Characteristics of water, such as dissolved oxygen, pH, temperature, turbidity, and suspended sediment are considered pollutants if they result or may result in the non-attainment of a water quality standard.
 15. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." 33 U.S.C. 1362(19).
 16. "QAP" means a quality assurance plan detailing how environmental data operations are planned, implemented, and assessed for quality during the duration of a project.
 17. "Sampling event" means one or more samples taken under consistent conditions on one or more days at a distinct station or location.
 18. "SAP" means a site specific sampling and analysis plan that describes the specifics of sample collection to ensure that data quality objectives are met and that samples collected and analyzed are representative of surface water conditions at the time of sampling.
 19. "Spatially independent sample" means a sample that is collected at a distinct station or location. The sample is independent if the sample was collected:
 - a. More than 200 meters apart from other samples, or
 - b. Less than 200 meters apart, and collected to characterize the effect of an intervening tributary, outfall or other pollution source, or significant hydrographic or hydrologic change.
 20. "Temporally independent sample" means a sample that is collected at the same station or location more than seven days apart from other samples.
 21. "Threatened" means that a surface water or segment is currently attaining its designated use, however, trend analysis, based on credible and scientifically defensible data, indicates that the surface water or segment is likely to be impaired before the next listing cycle.
 22. "TMDL" means total maximum daily load.
 23. "TMDL decision" means a decision by the Department to:
 - a. Prioritize an impaired water for TMDL development,
 - b. Develop a TMDL for an impaired water, or
 - c. Develop a TMDL implementation plan.
 24. "Total maximum daily load" means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. A.R.S. § 49-231(4).
 25. "Water quality standard" means a standard composed of designated uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the antidegradation policy, and moderating provisions, for example, mixing zones, site-specific alternative criteria, and exemptions, in A.A.C. Title 18, Chapter 11, Article 1.
 26. "WQARF" means the water quality assurance revolving fund established under A.R.S. § 49-282.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-602. Credible Data

- A. Data are credible and relevant to an impaired water identification or a TMDL decision when:
 1. Quality Assurance Plan. A monitoring entity, which contribute data for an impaired water identification or a TMDL decision, provides the Department with a QAP that contains, at a minimum, the elements listed in subsections (A)(1)(a) through (A)(1)(f). The Department may accept a QAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 - a. An approval page that includes the date of approval and the signatures of the approving officials, including the project manager and project quality assurance manager;
 - b. A project organization outline that identifies all key personnel, organizations, and laboratories involved in monitoring, including the specific roles and responsibilities of key personnel in carrying out the procedures identified in the QAP and SAP, if applicable;
 - c. Sampling design and monitoring data quality objectives or a SAP that meets the requirements of subsection (A)(2) to ensure that:
 - i. Samples are spatially and temporally representative of the surface water,
 - ii. Samples are representative of water quality conditions at the time of sampling, and
 - iii. The monitoring is reproducible;
 - d. The following field sampling information to assure that samples meet data quality objectives:
 - i. Sampling and field protocols for each parameter or parametric group, including the sampling methods, equipment and containers, sample preservation, holding times, and any analysis

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- proposed for completion in the field or outside of a laboratory;
- ii. Field and laboratory methods approved under subsection (A)(5);
 - iii. Handling procedures to identify samples and custody protocols used when samples are brought from the field to the laboratory for analysis;
 - iv. Quality control protocols that describe the number and type of field quality control samples for the project that includes, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - v. Procedures for testing, inspecting, and maintaining field equipment;
 - vi. Field instrument calibration procedures that describe how and when field sampling and analytical instruments will be calibrated;
 - vii. Field notes and records that describe the conditions that require documentation in the field, such as weather, stream flow, transect information, distance from water edge, water and sample depth, equipment calibration measurements, field observations of watershed activities, and bank conditions. Indicate the procedures implemented for maintaining field notes and records and the process used for attaching pertinent information to monitoring results to assist in data interpretation;
 - viii. Minimum training and any specialized training necessary to do the monitoring, that includes the proper use and calibration of field equipment used to collect data, sampling protocols, quality assurance/quality control procedures, and how training will be achieved;
- e. Laboratory analysis methods and quality assurance/quality control procedures that assure that samples meet data quality objectives, including:
 - i. Analytical methods and equipment necessary for analysis of each parameter, including identification of approved laboratory methods described in subsection (A)(5), and laboratory detection limits for each parameter;
 - ii. The name of the designated laboratory, its license number, if licensed by the Arizona Department of Health Services, and the name of a laboratory contact person to assist the Department with quality assurance questions;
 - iii. Quality controls that describe the number and type of laboratory quality control samples for the project, including, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - iv. Procedures for testing, inspecting, and maintaining laboratory equipment and facilities;
 - v. A schedule for calibrating laboratory instruments, a description of calibration methods, and a description of how calibration records are maintained; and
 - vi. Sample equipment decontamination procedures that outline specific methods for sample collection and preparation of equipment, identify the frequency of decontamination, and describe the procedures used to verify decontamination;
 - f. Data review, management, and use that includes the following:
 - i. A description of the data handling process from field to laboratory, from laboratory to data review and validation, and from validation to data storage and use. Include the role and responsibility of each person for each step of the process, type of database or other storage used, and how laboratory and field data qualifiers are related to the laboratory result;
 - ii. Reports that describe the intended frequency, content, and distribution of final analysis reports and project status reports;
 - iii. Data review, validation, and verification that describes the procedure used to validate and verify data, the procedures used if errors are detected, and how data are accepted, rejected, or qualified; and
 - iv. Reconciliation with data quality objectives that describes the process used to determine whether the data collected meets the project objectives, which may include discarding data, setting limits on data use, or revising data quality objectives.
2. Sampling and analysis plan.
 - a. A monitoring entity shall develop a SAP that contains, at a minimum, the following elements:
 - i. The experimental design of the project, the project goals and objectives, and evaluation criteria for data results;
 - ii. The background or historical perspective of the project;
 - iii. Identification of target conditions, including a discussion of whether any weather, seasonal variations, stream flow, lake level, or site access may affect the project and the consideration of these factors;
 - iv. The data quality objectives for measurement of data that describe in quantitative and qualitative terms how the data meet the project objectives of precision, accuracy, completeness, comparability, and representativeness;
 - v. The types of samples scheduled for collection;
 - vi. The sampling frequency;
 - vii. The sampling periods;
 - viii. The sampling locations and rationale for the site selection, how site locations are benchmarked, including scaled maps indicating approximate location of sites; and
 - ix. A list of the field equipment, including tolerance range and any other manufacturer's specifications relating to accuracy and precision.
 - b. The Department may accept a SAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 3. The monitoring entity may include any of the following in the QAP or SAP:

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- a. The name, title, and role of each person and organization involved in the project, identifying specific roles and responsibilities for carrying out the procedures identified in the QAP and SAP;
 - b. A distribution list of each individual and organization receiving a copy of the approved QAP and SAP;
 - c. A table of contents;
 - d. A health and safety plan;
 - e. The inspection and acceptance requirements for supplies;
 - f. The data acquisition that describes types of data not obtained through this monitoring activity, but used in the project;
 - g. The audits and response actions that describe how field, laboratory, and data management activities and sampling personnel are evaluated to ensure data quality, including a description of how the project will correct any problems identified during these assessments; and
 - h. The waste disposal methods that identify wastes generated in sampling and methods for disposal of those wastes.
4. Exceptions. The Department may determine that the following data are also credible and relevant to an impaired water identification or TMDL decision when data were collected, provided the conditions in subsections (A)(5), (A)(6), and (B) are met, and where the data were collected in the surface water or segment being evaluated for impairment:
 - a. The data were collected before July 12, 2002 and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2);
 - b. The data were collected after July 12, 2002 as part of an ongoing monitoring effort by a governmental agency and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2); or
 - c. The instream water quality data were or are collected under the terms of a NPDES or AZPDES permit or a compliance order issued by the Department or EPA, a consent decree signed by the Department or EPA, or a sampling program approved by the Department or EPA under WQARF or CERCLA, and the Department determines that the data yield results of comparable reliability to data collected under subsections (A)(1) and (A)(2).
 5. Data collection, preservation, and analytical procedures. The monitoring entity shall collect, preserve, and analyze data using methods of sample collection, preservation, and analysis established under A.A.C. R9-14-610.
 6. Laboratory. The monitoring entity shall ensure that chemical and toxicological samples are analyzed in a state-licensed laboratory, a laboratory exempted by the Arizona Department of Health Services for specific analyses, or a federal or academic laboratory that can demonstrate proper quality assurance/quality control procedures substantially equal to those required by the Arizona Department of Health Services, and shall ensure that the laboratory uses approved methods identified in A.A.C. R9-14-610.
- B. Documentation for data submission. The monitoring entity shall provide the Department with the following information either before or with data submission:
 1. A copy of the QAP or SAP, or both, revisions to a previously submitted QAP or SAP, and any other information necessary for the Department to evaluate the data under subsection (A)(4);
 2. The applicable dates of the QAP and SAP, including any revisions;
 3. Written assurance that the methods and procedures specified in the QAP and SAP were followed;
 4. The name of the laboratory used for sample analyses and its certification number, if the laboratory is licensed by the Arizona Department of Health Services;
 5. The quality assurance/quality control documentation, including the analytical methods used by the laboratory, method number, detection limits, and any blank, duplicate, and spike sample information necessary to properly interpret the data, if different from that stated in the QAP or SAP;
 6. The data reporting unit of measure;
 7. Any field notes, laboratory comments, or laboratory notations concerning a deviation from standard procedures, quality control, or quality assurance that affects data reliability, data interpretation, or data validity; and
 8. Any other information, such as complete field notes, photographs, climate, or other information related to flow, field conditions, or documented sources of pollutants in the watershed, if requested by the Department for interpreting or validating data.
 - C. Recordkeeping. The monitoring entity shall maintain all records, including sample results, for the duration of the listing cycle. If a surface water or segment is added to the Planning List or to the 303(d) List, the Department shall coordinate with the monitoring entity to ensure that records are kept for the duration of the listing.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-603. General Data Interpretation Requirements

- A. The Department shall use the following data conventions to interpret data for impaired water identifications and TMDL decisions:
 1. Data reported below laboratory detection limits.
 - a. When the analytical result is reported as $<X$, where X is the laboratory detection limit for the analyte and the laboratory detection limit is less than or equal to the surface water quality standard, consider the result as meeting the water quality standard:
 - i. Use these statistically derived values in trend analysis, descriptive statistics or modeling if there is sufficient data to support the statistical estimation of values reported as less than the laboratory detection limit; or
 - ii. Use one-half of the value of the laboratory detection limit in trend analysis, descriptive statistics, or modeling, if there is insufficient data to support the statistical estimation of values reported as less than the laboratory detection limit.
 - b. When the sample value is less than or equal to the laboratory detection limit but the laboratory detection limit is greater than the surface water quality standard, shall not use the result for impaired water identifications or TMDL decisions;

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2. Identify the field equipment specifications used for each listing cycle or TMDL developed. A field sample measurement within the manufacturer's specification for accuracy meets surface water quality standards;
 3. Resolve a data conflict by considering the factors identified under the weight-of-evidence determination in R18-11-605(B);
 4. When multiple samples from a surface water or segment are not spatially or temporally independent, or when lake samples are from multiple depths, use the following resultant value to represent the specific dataset:
 - a. The appropriate measure of central tendency for the dataset for:
 - i. A pollutant listed in the surface water quality standards 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - ii. A chronic water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2;
 - iii. A surface water quality standard for a pollutant that is expressed as an annual or geometric mean;
 - iv. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - v. The surface water quality standard for radiocarbon in R18-11-109(G); or
 - vi. Except for chromium, all single sample maximum water quality standards in R18-11-112.
 - b. The maximum value of the dataset for:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and acute water quality standard in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1;
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A); or
 - iv. The 90th percentile water quality standard for nitrogen and phosphorus in R18-11-109(F) and R18-11-112.
 - c. The worst case measurement of the dataset for:
 - i. Surface water quality standard for dissolved oxygen under R18-11-109(E). For purposes of this subsection, worst case measurement means the minimum value for dissolved oxygen;
 - ii. Surface water quality standard for pH under R18-11-109(B). For purposes of this subsection, "worst case measurement" means both the minimum and maximum value for pH.
- B.** The Department shall not use the following data for placing a surface water or segment on the Planning List, the 303(d) List, or in making a TMDL decision.
1. Any measurement outside the range of possible physical or chemical measurements for the pollutant or measurement equipment,
 2. Uncorrected data transcription errors or laboratory errors, and
 3. An outlier identified through statistical procedures, where further evaluation determines that the outlier represents a valid measure of water quality but should be excluded from the dataset.
- C.** The Department may employ fundamental statistical tests if appropriate for the collected data and type of surface water when evaluating a surface water or segment for impairment or in making a TMDL decision. The statistical tests include descriptive statistics, frequency distribution, analysis of variance, correlation analysis, regression analysis, significance testing, and time series analysis.
- D.** The Department may employ modeling when evaluating a surface water or segment for impairment or in making a TMDL decision, if the method is appropriate for the type of waterbody and the quantity and quality of available data meet the requirements of R18-11-602. Modeling methods include:
1. Better Assessment Science Integrating Source and Non-point Sources (BASINS),
 2. Fundamental statistics, including regression analysis,
 3. Hydrologic Simulation Program-Fortran (HSPF),
 4. Spreadsheet modeling, and
 5. Hydrologic Engineering Center (HEC) programs developed by the Army Corps of Engineers.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-604. Types of Surface Waters Placed on the Planning List and 303(d) List

- A.** The Department shall evaluate, at least every five years, Arizona's surface waters by considering all readily available data.
1. The Department shall place a surface water or segment on:
 - a. The Planning List if it meets any of the criteria described in subsection (D), or
 - b. The 303(d) List if it meets the criteria for listing described in subsection (E).
 2. The Department shall remove a surface water or segment from the Planning List based on the requirements in R18-11-605(E)(1) or from the 303(d) List, based on the requirements in R18-11-605(E)(2).
 3. The Department may move surface waters or segments between the Planning List and the 303(d) List based on the criteria established in R18-11-604 and R18-11-605.
- B.** When placing a surface water or segment on the Planning List or the 303(d) List, the Department shall list the stream reach, derived from EPA's Reach File System or National Hydrography Dataset, or the entire lake, unless the data indicate that only a segment of the stream reach or lake is impaired or not attaining its designated use, in which case, the Department shall describe only that segment for listing.
- C.** Exceptions. The Department shall not place a surface water or segment on either the Planning List or the 303(d) List if the non-attainment of a surface water quality standard is due to one of the following:
1. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 2. The data were collected within a mixing zone or under a variance or nutrient waiver established in a NPDES or AZPDES permit for the specific parameter and the result does not exceed the alternate discharge limitation established in the permit. The Department may use data collected within these areas for modeling or allocating loads in a TMDL decision; or

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3. An activity exempted under R18-11-117, R18-11-118, or a condition exempted under R18-11-119.
- D. Planning List.**
1. The Department shall:
 - a. Use the Planning List to prioritize surface waters for monitoring and evaluation as part of the Department's watershed management approach;
 - b. Provide the Planning List to EPA; and
 - c. Evaluate each surface water and segment on the Planning List for impairment based on the criteria in R18-11-605(D) to determine the source of the impairment.
 2. The Department shall place a surface water or segment on the Planning List based the criteria in R18-11-605(C). The Department may also include a surface water or segment on the Planning List when:
 - a. A TMDL is completed for the pollutant and approved by EPA;
 - b. The surface water or segment is on the 1998 303(d) List but the dataset used for the listing:
 - i. Does not meet the credible data requirements of R18-11-602, or
 - ii. Contains insufficient samples to meet the data requirements under R18-11-605(D);
 - c. Some monitoring data exist but there are insufficient data to determine whether the surface water or segment is impaired or not attaining, including:
 - i. A numeric surface water quality standard is exceeded, but there are not enough samples or sampling events to fulfill the requirements of R18-11-605(D);
 - ii. Evidence exists of a narrative standard violation, but the amount of evidence is insufficient, based on narrative implementation procedures and the requirements of R18-11-605(D)(3);
 - iii. Existing monitoring data do not meet credible data requirements in R18-11-602; or
 - iv. A numeric surface water quality standard is exceeded, but there are not enough sample results above the laboratory detection limit to support statistical analysis as established in R18-11-603(A)(1).
 - d. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act, but insufficient current or original monitoring data exist to determine whether the surface water or segment will meet current surface water quality standards;
 - e. Trend analysis using credible and scientifically defensible data indicate that surface water quality standards may be exceeded by the next assessment cycle;
 - f. The exceedance of surface water quality standards is due to pollution, but not a pollutant;
 - g. Existing data were analyzed using methods with laboratory detection limits above the numeric surface water quality standard but analytical methods with lower laboratory detection limits are available;
 - h. The surface water or segment is expected to attain its designated use by the next assessment as a result of existing or proposed technology-based effluent limitations or other pollution control requirements under local, state, or federal authority. The appropriate entity shall provide the Department with the following documentation to support placement on the Planning List:
 - i. Verification that discharge controls are required and enforceable;
 - ii. Controls are specific to the surface water or segment, and pollutant of concern;
 - iii. Controls are in place or scheduled for implementation; and
 - iv. There are assurances that the controls are sufficient to bring about attainment of water quality standards by the next 303(d) List submission; or
- E. 303(d) List.** The Department shall:
1. Place a surface water or segment on the 303(d) List if the Department determines:
 - a. Based on R18-11-605(D), that the surface water or segment is impaired due to a pollutant and that a TMDL decision is necessary; or
 - b. That the surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.
 2. Provide public notice of the 303(d) List according to the requirements of A.R.S. § 49-232 and submit the 303(d) List according to section 303(d) of the Clean Water Act.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-605. Evaluating A Surface Water or Segment For Listing and Delisting

- A.** The Department shall compile and evaluate all reasonably current, credible, and scientifically defensible data to determine whether a surface water or segment is impaired or not attaining.
- B. Weight-of-evidence approach.**
1. The Department shall consider the following concepts when evaluating data:
 - a. Data or information collected during critical conditions may be considered separately from the complete dataset, when the data show that the surface water or segment is impaired or not attaining its designated use during those critical conditions, but attaining its uses during other periods. Critical conditions may include stream flow, seasonal periods, weather conditions, or anthropogenic activities;
 - b. Whether the data indicate that the impairment is due to persistent, seasonal, or recurring conditions. If the data do not represent persistent, recurring, or seasonal conditions, the Department may place the surface water or segment on the Planning List;
 - c. Higher quality data over lower quality data when making a listing decision. Data quality is established by the reliability, precision, accuracy, and represen-

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tativeness of the data, based on factors identified in R18-11-602(A) and (B), including monitoring methods, analytical methods, quality control procedures, and the documented field and laboratory quality control information submitted with the data. The Department shall consider the following factors when determining higher quality data:

- i. The age of the measurements. Newer measurements are weighted heavier than older measurements, unless the older measurements are more representative of critical flow conditions;
 - ii. Whether the data provide a direct measure of an impact on a designated use. Direct measurements are weighted heavier than measurements of an indicator or surrogate parameter; or
 - iii. The amount or frequency of the measurements. More frequent data collection are weighted heavier than nominal datasets.
2. The Department shall evaluate the following factors to determine if the water quality evidence supports a finding that the surface water or segment is impaired or not attaining:
- a. An exceedance of a numeric surface water quality standard based on the criteria in subsections (C)(1), (C)(2), (D)(1), and (D)(2);
 - b. An exceedance of a narrative surface water quality standard based on the criteria in subsections (C)(3) and (D)(3);
 - c. Additional information that determines whether a water quality standard is exceeded due to a pollutant, suspected pollutant, or naturally occurring condition:
 - i. Soil type, geology, hydrology, flow regime, biological community, geomorphology, climate, natural process, and anthropogenic influence in the watershed;
 - ii. The characteristics of the pollutant, such as its solubility in water, bioaccumulation potential, sediment sorption potential, or degradation characteristics, to assist in determining which data more accurately indicate the pollutant's presence and potential for causing impairment; and
 - iii. Available evidence of direct or toxic impacts on aquatic life, wildlife, or human health, such as fish kills and beach closures, where there is sufficient evidence that these impacts occurred due to water quality conditions in the surface water.
 - d. Other available water quality information, such as NPDES or AZPDES water quality discharge data, as applicable.
 - e. If the Department determines that a surface water or segment does not merit listing under numeric water

quality standards based on criteria in subsections (C)(1), (C)(2), (D)(1), or (D)(2) for a pollutant, but there is evidence of a narrative standard exceedance in that surface water or segment under subsection (D)(3) as a result of the presence of the same pollutant, the Department shall list the surface water or segment as impaired only when the evidence indicates that the numeric water quality standard is insufficient to protect the designated use of the surface water or segment and the Department justifies the listing based on any of the following:

- i. The narrative standard data provide a more direct indication of impairment as supported by professionally prepared and peer-reviewed publications;
 - ii. Sufficient evidence of impairment exists due to synergistic effects of pollutant combinations or site-specific environmental factors; or
 - iii. The pollutant is bioaccumulative, relatively insoluble in water, or has other characteristics that indicate it is occurring in the specific surface water or segment at levels below the laboratory detection limits, but at levels sufficient to result in an impairment.
3. The Department may consider a single line of water quality evidence when the evidence is sufficient to demonstrate that the surface water or segment is impaired or not attaining.

C. Planning List.

- 1. When evaluating a surface water or segment for placement on the Planning List.
 - a. Consider at least ten spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the Planning List following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 1, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 80 percent confidence level using a binomial distribution for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 1, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 80 percent.

Table 1. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 10 | 15 | 3 | 173 | 181 | 22 | 349 | 357 | 41 |
| 16 | 23 | 4 | 182 | 190 | 23 | 358 | 367 | 42 |
| 24 | 31 | 5 | 191 | 199 | 24 | 368 | 376 | 43 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 32 | 39 | 6 | 200 | 208 | 25 | 377 | 385 | 44 |
| 40 | 47 | 7 | 209 | 218 | 26 | 386 | 395 | 45 |
| 48 | 56 | 8 | 219 | 227 | 27 | 396 | 404 | 46 |
| 57 | 65 | 9 | 228 | 236 | 28 | 405 | 414 | 47 |
| 66 | 73 | 10 | 237 | 245 | 29 | 415 | 423 | 48 |
| 74 | 82 | 11 | 246 | 255 | 30 | 424 | 432 | 49 |
| 83 | 91 | 12 | 256 | 264 | 31 | 433 | 442 | 50 |
| 92 | 100 | 13 | 265 | 273 | 32 | 443 | 451 | 51 |
| 101 | 109 | 14 | 274 | 282 | 33 | 452 | 461 | 52 |
| 110 | 118 | 15 | 283 | 292 | 34 | 462 | 470 | 53 |
| 119 | 126 | 16 | 293 | 301 | 35 | 471 | 480 | 54 |
| 127 | 136 | 17 | 302 | 310 | 36 | 481 | 489 | 55 |
| 137 | 145 | 18 | 311 | 320 | 37 | 490 | 499 | 56 |
| 146 | 154 | 19 | 321 | 329 | 38 | 500 | | 57 |
| 155 | 163 | 20 | 330 | 338 | 39 | | | |
| 164 | 172 | 21 | 339 | 348 | 40 | | | |

2. When there are less than ten samples, the Department shall place a surface water or segment on the Planning List following subsection (B), if three or more temporally independent samples exceed the following surface water quality standards:
 - a. The surface water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - b. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - c. The surface water quality standard for radiochemicals in R18-11-109(G);
 - d. The surface water quality standard for dissolved oxygen under R18-11-109(E);
 - e. The surface water quality standard for pH under R18-11-109(B); or
 - f. The following surface water quality standards in R18-11-112:
 - i. Single sample maximum standards for nitrogen and phosphorus,
 - ii. All metals except chromium, or
 - iii. Turbidity.
3. The Department shall place a surface water or segment on the Planning List if information in subsections (B)(2)(c), (B)(2)(d), and (B)(2)(e) indicates that a narrative water

quality standard violation exists, but no narrative implementation procedure required under A.R.S. § 49-232(F) exists to support use of the information for listing.

- D. 303(d) List.
 1. When evaluating a surface water or segment for placement on the 303(d) List.
 - a. Consider at least 20 spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the 303(d) List, following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 2, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 90 percent confidence level using a binomial distribution, for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 2, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 90 percent.

Table 2. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 20 | 25 | 5 | 174 | 182 | 24 | 344 | 352 | 43 |
| 26 | 32 | 6 | 183 | 191 | 25 | 353 | 361 | 44 |
| 33 | 40 | 7 | 192 | 199 | 26 | 362 | 370 | 45 |
| 41 | 47 | 8 | 200 | 208 | 27 | 371 | 379 | 46 |
| 48 | 55 | 9 | 209 | 217 | 28 | 380 | 388 | 47 |
| 56 | 63 | 10 | 218 | 226 | 29 | 389 | 397 | 48 |
| 64 | 71 | 11 | 227 | 235 | 30 | 398 | 406 | 49 |
| 72 | 79 | 12 | 236 | 244 | 31 | 407 | 415 | 50 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 80 | 88 | 13 | 245 | 253 | 32 | 416 | 424 | 51 |
| 89 | 96 | 14 | 254 | 262 | 33 | 425 | 434 | 52 |
| 97 | 104 | 15 | 263 | 270 | 34 | 435 | 443 | 53 |
| 105 | 113 | 16 | 271 | 279 | 35 | 444 | 452 | 54 |
| 114 | 121 | 17 | 280 | 288 | 36 | 453 | 461 | 55 |
| 122 | 130 | 18 | 289 | 297 | 37 | 462 | 470 | 56 |
| 131 | 138 | 19 | 298 | 306 | 38 | 471 | 479 | 57 |
| 139 | 147 | 20 | 307 | 315 | 39 | 480 | 489 | 58 |
| 148 | 156 | 21 | 316 | 324 | 40 | 490 | 498 | 59 |
| 157 | 164 | 22 | 325 | 333 | 41 | 499 | 500 | 60 |
| 165 | 173 | 23 | 334 | 343 | 42 | | | |

2. The Department shall place a surface water or segment on the 303(d) List, following subsection (B) without the required number of samples or numeric water quality standard exceedances under subsection (D)(1), if either the following conditions occur:
 - a. More than one temporally independent sample in any consecutive three-year period exceeds the surface water quality standard in:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and the acute water quality standards in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1; or
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A).
 - b. More than one exceedance of an annual mean, 90th percentile, aquatic and wildlife chronic water quality standard, or a bacteria 30-day geometric mean water quality standard occurs, as specified in R18-11-109, R18-11-110, R18-11-112, or 18 A.A.C. 11, Article 1, Appendix A, Table 2.
 3. Narrative water quality standards exceedances. The Department shall place a surface water or segment on the Planning List if the listing requirements are met under A.R.S. § 49-232(F).
- E. Removing a surface water, segment, or pollutant from the Planning List or the 303(d) List.**
1. Planning List. The Department shall remove a surface water, segment, or pollutant from the Planning List when:
 - a. Monitoring activities indicate that:
 - i. There is sufficient credible data to determine that the surface water or segment is impaired under subsection (D), in which case the Department shall place the surface water or segment on the 303(d) List. This includes surface waters with an EPA approved TMDL when the Department determines that the TMDL strategy is insufficient for the surface water or segment to attain water quality standards; or
 - ii. There is sufficient credible data to determine that the surface water or segment is attaining all designated uses and standards.
 - b. All pollutants for the surface water or segment are delisted.
 2. 303(d) List. The Department shall:
 - a. Remove a pollutant from a surface water or segment from the 303(d) List based on one or more of the following criteria:
 - i. The Department developed, and EPA approved, a TMDL for the pollutant;
 - ii. The data used for previously listing the surface water or segment under R18-11-605(D) is superseded by more recent credible and scientifically defensible data meeting the requirements of R18-11-602, showing that the surface water or segment meets the applicable numeric or narrative surface water quality standard. When evaluating data to remove a pollutant from the 303(d) List, the monitoring entity shall collect the more recent data under similar hydrologic or climatic conditions as occurred when the samples were taken that indicated impairment, if those conditions still exist;
 - iii. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act;
 - iv. The surface water or segment no longer meets the criteria for impairment for the specific narrative water quality standard based on a change in narrative water quality standard implementation procedures;
 - v. A re-evaluation of the data indicate that the surface water or segment does not meet the criteria for impairment because of a deficiency in the original analysis; or
 - vi. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 - b. Remove a surface water, segment, or pollutant from the 303(d) List, based on criteria that are no more stringent than the listing criteria under subsection (D);
 - c. Remove a surface water or segment from the 303(d) List if all pollutants for the surface water or segment are removed from the list;
 - d. Remove a surface water, segment, or pollutant, from the 303(d) List and place it on the Planning List, if:
 - i. The surface water, segment or pollutant was on the 1998 303(d) List and the dataset used in the original listing does not meet the credible data requirements under R18-11-602, or contains insufficient samples to meet the data requirements under subsection (D); or

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- ii. The monitoring data indicate that the impairment is due to pollution, but not a pollutant.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-606. TMDL Priority Criteria for 303(d) Listed Surface Waters or Segments

- A. In addition to the factors specified in A.R.S. § 49-233(C), the Department shall consider the following when prioritizing an impaired water for development of TMDLs:
 - 1. A change in a water quality standard;
 - 2. The date the surface water or segment was added to the 303(d) List;
 - 3. The presence in a surface water or segment of species listed as threatened or endangered under section 4 of the Endangered Species Act;
 - 4. The complexity of the TMDL;
 - 5. State, federal, and tribal policies and priorities; and
 - 6. The efficiencies of coordinating TMDL development with the Department's surface water monitoring program, the watershed monitoring rotation, or with remedial programs.
- B. The Department shall prioritize an impaired surface water or segment for TMDL development based on the factors specified in A.R.S. § 49-233(C) and subsection (A) as follows:
 - 1. Consider an impaired surface water or segment a high priority if:
 - a. The listed pollutant poses a substantial threat to the health and safety of humans, aquatic life, or wildlife based on:
 - i. The number and type of designated uses impaired;
 - ii. The type and extent of risk from the impairment to human health, aquatic life, or wildlife;
 - iii. The pollutant causing the impairment, or
 - iv. The severity, magnitude, and duration the surface water quality standard was exceeded;
 - b. A new or modified individual NPDES or AZPDES permit is sought for a new or modified discharge to the impaired water;
 - c. The listed surface water or segment is listed as a unique water in A.A.C. R18-11-112 or is part of an area classified as a "wilderness area," "wild and scenic river," or other federal or state special protection of the water resource;
 - d. The listed surface water or segment contains a species listed as threatened or endangered under the federal Endangered Species Act and the presence of the pollutant in the surface water or segment is likely to jeopardize the listed species;
 - e. A delay in conducting the TMDL could jeopardize the Department's ability to gather sufficient credible data necessary to develop the TMDL;
 - f. There is significant public interest and support for the development of a TMDL;
 - g. The surface water or segment has important recreational and economic significance to the public; or
 - h. The pollutant is listed for eight years or more.
 - 2. Consider an impaired surface water or segment a medium priority if:
 - a. The surface water or segment fails to meet more than one designated use;
 - b. The pollutant exceeds more than one surface water quality standard;
 - c. A surface water quality standard exceedance is correlated to seasonal conditions caused by natural events, such as storms, weather patterns, or lake turnover;
 - d. It will take more than two years for proposed actions in the watershed to result in the surface water attaining applicable water quality standards;
 - e. The type of pollutant and other factors relating to the surface water or segment make the TMDL complex; or
 - f. The administrative needs of the Department, including TMDL schedule commitments with EPA, permitting requirements, or basin priorities that require completion of the TMDL.
 - 3. Consider an impaired surface water or segment a low priority if:
 - a. The Department has formally submitted a proposal to delist the surface water, segment, or pollutant to EPA based on R18-11-605(E)(2). If the Department makes the submission outside the listing process cycle, the change in priority ranking will not be effective until EPA approves the submittal;
 - b. The Department has modified, or formally proposed for modification, the designated use or applicable surface water quality standard, resulting in an impaired water no longer being impaired, but the modification has not been approved by EPA;
 - c. The surface water or segment is expected to attain surface water quality standards due to any of the following:
 - i. Recently instituted treatment levels or best management practices in the drainage area,
 - ii. Discharges or activities related to the impairment have ceased, or
 - iii. Actions have been taken and controls are in place or scheduled for implementation that will likely to bring the surface water back into compliance;
 - d. The surface water or segment is ephemeral or intermittent. The Department shall re-prioritize the surface water or segment if the presence of the pollutant in the listed water poses a threat to the health and safety of humans, aquatic life, or wildlife using the water, or the pollutant is contributing to the impairment of a downstream perennial surface water or segment;
 - e. The pollutant poses a low ecological and human health risk;
 - f. Insufficient data exist to determine the source of the pollutant load;
 - g. The uncertainty of timely coordination with national and international entities concerning international waters;
 - h. Naturally occurring conditions are a major contributor to the impairment; and
 - i. No documentation or effective analytical tools exist to develop a TMDL for the surface water or segment with reasonable accuracy.
- C. The Department will target surface waters with high priority factors in subsections (B)(1)(a) through (B)(1)(d) for initiation of TMDLs within two years following EPA approval of the 303(d) List.

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- D. The Department may shift priority ranking of a surface water or segment for any of the following reasons:
1. A change in federal, state, or tribal policies or priorities that affect resources to complete a TMDL;
 2. Resource efficiencies for coordinating TMDL development with other monitoring activities, including the Department's ambient monitoring program that monitors watersheds on a five-year rotational basis;
 3. Resource efficiencies for coordinating TMDL development with Department remedial or compliance programs;
 4. New information is obtained that will revise whether the surface water or segment is a high priority based on factors in subsection (B); and
 5. Reduction or increase in staff or budget involved in the TMDL development.
- E. The Department may complete a TMDL initiated before July 12, 2002 for a surface water or segment that was listed as impaired on the 1998 303(d) List but does not qualify for listing under the criteria in R18-11-605, if:
1. The TMDL investigation establishes that the water quality standard is not being met and the allocation of loads is expected to bring the surface water into compliance with standards,
 2. The Department estimates that more than 50 percent of the cost of completing the TMDL has been spent,
 3. There is community involvement and interest in completing the TMDL, or
 4. The TMDL is included within an EPA-approved state workplan initiated before July 12, 2002.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.
17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-203. Powers and duties of the director and department

A. The director shall:

1. Adopt, by rule, water quality standards in the form and subject to the considerations prescribed by article 2 of this chapter.
2. Adopt, by rule, a permit program for WOTUS that is consistent with but not more stringent than the requirements of the clean water act for the point source discharge of any pollutant or combination of pollutants into WOTUS. The program and the rules shall be sufficient to enable this state to administer the permit program identified in section 402(b) of the clean water act, including the sewage sludge requirements of section 405 of the clean water act and as prescribed by article 3.1 of this chapter.
3. Apply the program and rules authorized under paragraph 2 of this subsection to point source discharges to non-WOTUS protected surface waters, consistent with section 49-255.04, which establishes the program components and rules that do not apply to non-WOTUS protected surface waters. The following are exempt from the non-WOTUS protected surface waters point source discharge program:
 - (a) Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 - (b) Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 - (c) Maintenance but not construction of drainage ditches.
 - (d) Construction and maintenance of irrigation ditches.
 - (e) Maintenance of structures such as dams, dikes and levees.
4. Adopt, by rule, a program to control nonpoint source discharges of any pollutant or combination of pollutants into WOTUS.
5. Adopt, by rule, an aquifer protection permit program to control discharges of any pollutant or combination of pollutants that are reaching or may with a reasonable probability reach an aquifer. The permit program shall be as prescribed by article 3 of this chapter.
6. Adopt, by rule, the permit program for underground injection control described in the safe drinking water act.
7. Adopt, by rule, technical standards for conveyances of reclaimed water and a permit program for the direct reuse of reclaimed water.
8. Adopt, by rule or as permit conditions, discharge limitations, best management practice standards, new source performance standards, toxic and pretreatment standards and other standards and conditions as reasonable and necessary to carry out the permit programs and regulatory duties described in paragraphs 2 through 6 of this subsection.
9. Assess and collect fees to revoke, issue, deny, modify or suspend permits issued pursuant to this chapter and to process permit applications. The director may also assess and collect costs reasonably necessary if the director must conduct sampling or monitoring relating to a facility because the owner or operator of the facility has refused or failed to do so on order by the director. The director shall set fees that are reasonably related to the department's costs of providing the service for which the fee is charged. Monies collected from aquifer protection permit fees and from Arizona pollutant discharge elimination system permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. Monies from other permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund unless otherwise provided by law. Monies paid by an applicant for review by consultants for the department pursuant to section 49-241.02, subsection B shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. State agencies are exempt from all fees imposed pursuant to this chapter.
10. Adopt, modify, repeal and enforce other rules that are reasonably necessary to carry out the director's functions under this chapter.
11. Require monitoring at an appropriate point of compliance for any organic or inorganic pollutant listed under section 49-243, subsection I if the director has reason to suspect the presence of the pollutant in a discharge.
12. Adopt rules establishing what constitutes a significant increase or adverse alteration in the characteristics or volume of pollutants discharged for purposes of determining what constitutes a major modification to an existing facility under the definition of new facility pursuant to section 49-201. Before adopting these rules, the director shall determine whether a change at a particular facility results in a significant increase or adverse alteration in the characteristics or volume of pollutants discharged on a case-by-case basis, taking into account site conditions and operational factors.
13. Consider evidence gathered by the Arizona navigable stream adjudication commission established by section 37-1121 when deciding whether a permit is required to discharge pursuant to article 3.1 of this chapter.

B. The director may:

1. On presentation of credentials, enter into, on or through any public or private property from which a discharge has occurred, is occurring or may occur or on which any disposal, land application of sludge or treatment regulated by this chapter has occurred, is occurring or may be occurring and any public or private property where records relating to a discharge or records that are otherwise required to be maintained as prescribed by this chapter are kept, as reasonably necessary to ensure compliance with this chapter. The director or a department employee may take samples, inspect and copy records required to be maintained pursuant to this chapter, inspect equipment, activities, facilities and monitoring equipment or methods of monitoring, take photographs and take other action reasonably necessary to determine the application of, or compliance with, this chapter. The owner or managing agent of the property shall be afforded the opportunity to accompany the director or department employee during inspections and investigations, but prior notice of entry to the owner or managing agent is not required if reasonable grounds exist to believe that notice would frustrate the enforcement of this chapter. If the director or department employee obtains any samples before leaving the premises, the director or department employee shall give the owner or managing agent a receipt describing the samples obtained and a portion of each sample equal in volume or weight to the portion retained. If an analysis is made of samples, or monitoring and testing are performed, a copy of the results shall be furnished promptly to the owner or managing agent.
2. Require any person who has discharged, is discharging or may discharge into the waters of the state under article 3, 3.1 or 3.3 of this chapter and any person who is subject to pretreatment standards and requirements or sewage sludge use or disposal requirements under article 3.1 of this chapter to collect samples, to establish and maintain records, including photographs, and to install, use and maintain sampling and monitoring equipment to determine the absence or presence and nature of the discharge or indirect discharge or sewage sludge use or disposal.

3. Administer state or federal grants, including grants to political subdivisions of this state, for the construction and installation of publicly and privately owned pollutant treatment works and pollutant control devices and establish grant application priorities.

4. Develop, implement and administer a water quality planning process, including a ranking system for applicant eligibility, wherein appropriated state monies and available federal monies are awarded to political subdivisions of this state to support or assist regional water quality planning programs and activities.

5. Enter into contracts and agreements with the federal government to implement federal environmental statutes and programs.

6. Enter into intergovernmental agreements pursuant to title 11, chapter 7, article 3 if the agreement is necessary to more effectively administer the powers and duties described in this chapter.

7. Participate in, conduct and contract for studies, investigations, research and demonstrations relating to the causes, minimization, prevention, correction, abatement, mitigation, elimination, control and remedy of discharges and collect and disseminate information relating to discharges.

8. File bonds or other security as required by a court in any enforcement actions under article 4 of this chapter.

C. Subject to section 38-503 and other applicable statutes and rules, the department may contract with a private consultant to assist the department in reviewing aquifer protection permit applications and on-site wastewater treatment facilities to determine whether a facility meets the criteria and requirements of this chapter and the rules adopted by the director. Except as provided in section 49-241.02, subsection B, the department shall not use a private consultant if the fee charged for that service would be greater than the fee the department would charge to provide that service. The department shall pay the consultant for the services rendered by the consultant from fees paid by the applicant or facility to the department pursuant to subsection A, paragraph 9 of this section.

D. The director shall integrate all of the programs authorized in this section and other programs affording water quality protection that are administered by the department for purposes of administration and enforcement and shall avoid duplication and dual permitting to the maximum extent practicable.

[49-221. Water quality standards in general; protected surface waters list](#)

A. The director shall:

1. Adopt, by rule, water quality standards for all WOTUS and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses. For non-WOTUS protected surface waters, the director shall apply surface water quality standards established as of January 1, 2021, until specifically changed by the director pursuant to paragraph 2 of this subsection. Rules regarding the following shall not be adopted or applied as water quality standards for non-WOTUS protected surface waters:

- (a) Antidegradation.
- (b) Antidegradation criteria.
- (c) Outstanding Arizona waters.

2. Adopt, by rule, water quality standards for non-WOTUS protected surface waters, by December 31, 2022, consistent with paragraph 1 of this subsection and as determined necessary in the rulemaking process. In adopting those standards, the director shall consider the unique characteristics of this state's surface waters and the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

B. The director may adopt, by rule, water quality standards for waters of the state other than those described in subsection A of this section, including standards for the use of water pumped from an aquifer that does not meet the standards adopted pursuant to section 49-223, subsections A and B and that is put to a beneficial use other than drinking water. These standards may include standards for the use of water pumped as part of a remedial action. In adopting such standards, the director shall consider the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

C. In setting standards pursuant to subsection A or B of this section, the director shall consider the following:

- 1. The protection of the public health and the environment.
- 2. The uses that have been made, are being made or with reasonable probability may be made of these waters.
- 3. The provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts.
- 4. The degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories.
- 5. Guidelines, action levels or numerical criteria adopted or recommended by the United States environmental protection agency or any other federal agency.
- 6. Any unique physical, biological or chemical properties of the waters.

D. Water quality standards shall be expressed in terms of the uses to be protected and, if adequate information exists to do so, numerical limitations or parameters, in addition to any narrative standards that the director deems appropriate.

E. The director may adopt by rule water quality standards for the direct reuse of reclaimed water. In establishing these standards, the director shall consider the following:

- 1. The protection of public health and the environment.
- 2. The uses that are being made or may be made of the reclaimed water.
- 3. The degree to which standards for the direct reuse of reclaimed water may cause violations of water quality standards for other hydrologically connected water categories.

F. If the director proposes to adopt water quality standards for agricultural water, the director shall consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture relating to its administration pursuant to title 3, chapter 3, article 4.1 of this state's authority relating to agricultural water under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112, subpart E) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252). For the purposes of this subsection:

1. "Agricultural water":

(a) Means water that is used in a covered activity on produce where water is intended to, or is likely to, contact produce or food contact surfaces.

(b) Includes all of the following:

- (i) Water used in growing activities, including irrigation water, water used for preparing crop sprays and water used for growing sprouts.
- (ii) Water used in harvesting, packing and holding activities, including water used for washing or cooling harvested produce and water used for preventing dehydration of produce.

2. "Covered activity" means growing, harvesting, packing or holding produce. Covered activity includes processing produce to the extent that the activity is within the meaning of farm as defined in section 3-525.

3. "Harvesting" has the same meaning prescribed in section 3-525.

4. "Holding" has the same meaning prescribed in section 3-525.

5. "Packing" has the same meaning prescribed in section 3-525.

6. "Produce" has the same meaning prescribed in section 3-525.

G. The director shall maintain and publish a protected surface waters list. The department shall publish the initial list on the department's website and in the Arizona administrative register within thirty days after September 29, 2021. Not later than December 31, 2022, the department shall adopt by rule the protected surface waters list, including procedures for determining economic, social and environmental costs and benefits. Publication of the list in the Arizona administrative register is an appealable agency action pursuant to title 41, chapter 6, article 10 and may be appealed by any party that provides evidence of an actual adverse effect that the party appealing the decision would suffer as a result of the director's decision. All of the following apply to the protected surface water list:

1. The protected surface waters list shall include:

(a) All WOTUS.

(b) Any perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States:

(i) The Bill Williams river, from the confluence of the Big Sandy and Santa Maria rivers at 113°31'38.617"w, 34°18'22.373"n, to its confluence with the Colorado river at 114°8'9.854"w, 34°18'9.33"n.

(ii) The Colorado river, from the Arizona-Utah border at 111°32'35.741"w, 36°58'51.698"n, to the Arizona-Mexico border at 114°43'12.564"w, 32°43'6.218"n.

(iii) The Gila river, from the Arizona-New Mexico border at 109°2'52.8"w, 32°41'11.2015"n, to the confluence with the Colorado river at 114°33'28.145"w, 32°43'14.408"n.

(iv) The Little Colorado river, from the confluence of the east and west forks of the Little Colorado river at 109°28'7.131"w, 33°59'39.852"n, to its confluence with the Colorado river at 111°49'4.693"w, 36°12'10.243"n.

(v) The Salt river, from the confluence of the Black and White rivers at 110°13'39.5"w, 33°44'6.082"n, to the confluence with the Gila river at 112°18'5.704"w, 33°22'42.978"n.

(vi) The San Pedro river, from the Arizona-Mexico border at 110°9'1.704"w, 31°20'2.387"n, to the confluence with the Gila river at 110°47'0.905"w, 32°59'5.671"n.

(vii) The Santa Cruz river, from its origins in the Canelo Hills of southeastern Arizona at 110°37'3.968"w, 31°27'39.21"n, to its confluence with the Gila river at 111°33'26.02"w, 32°41'39.058"n.

(viii) The Verde river, from Sullivan lake at 112°28'10.588"w, 34°52'11.136"n, to its confluence with the Salt river at 111°39'48.32"w, 33°33'20.538"n.

(c) Any non-WOTUS waters of the state that are added under paragraphs 3 and 4 of this subsection.

2. Notwithstanding paragraph 1 of this subsection, the protected surface waters list shall not contain any of the following non-WOTUS waters:

(a) Canals in the Yuma project and ditches, canals, pipes, impoundments and other facilities that are operated by districts organized under title 48, chapters 18, 19, 20, 21 and 22 and that are not used to directly deliver water for human consumption, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner and operator of the ditch or canal until the owner and operator withdraws its request.

(b) Irrigated areas, including fields flooded for agricultural production.

(c) Ornamental and urban ponds and lakes such as those owned by homeowners' associations and golf courses, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the ornamental or urban pond or lake until the owner withdraws its request.

(d) Swimming pools and other bodies of water that are regulated pursuant to section 49-104, subsection B.

(e) Livestock and wildlife water tanks and aquaculture tanks that are not constructed within a protected surface water.

(f) Stormwater control features.

(g) Groundwater recharge, water reuse and wastewater recycling structures, including underground storage facilities and groundwater savings facilities permitted under title 45, chapter 3.1 and detention and infiltration basins, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the groundwater recharge, water reuse or wastewater recycling structure until the owner withdraws its request.

(h) Water-filled depressions created as part of mining or construction activities or pits excavated to obtain fill, sand or gravel.

(i) All waste treatment systems components, including constructed wetlands, lagoons and treatment ponds, such as settling or cooling ponds, designed to either convey or retain, concentrate, settle, reduce or remove pollutants, either actively or passively, from wastewater before discharge or to eliminate discharge.

(j) Groundwater.

(k) Ephemeral waters except for those prescribed in paragraph 1, subdivision (b) of this subsection.

(l) Lakes and ponds owned and managed by the United States department of defense and other surface waters located on and that do not leave United States department of defense property, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the United States department of defense until it withdraws its request.

3. Unless listed in paragraph 2 of this subsection, the director shall add the following non-WOTUS surface waters to the protected surface waters list:

(a) All lakes, ponds and reservoirs that are public waters used as a drinking source, for recreational or commercial fish consumption or for water-based recreation such as swimming, wading and boating and other types of recreation in and on the water.

(b) Perennial waters or intermittent waters of the state that are used as a drinking water source, including ditches and canals.

(c) Perennial or intermittent tributaries to the Bill Williams river, the Colorado river, the Gila river, the Little Colorado river, the Salt river, the San Pedro river, the Santa Cruz river and the Verde river.

- (d) Perennial or intermittent public waters used for recreational or commercial fish consumption.
 - (e) Perennial or intermittent public waters used for water-based recreation such as swimming, wading, boating and other types of recreation in and on the water.
 - (f) Perennial or intermittent wetlands adjacent to waters on the protected surface waters list.
 - (g) Perennial or intermittent waters of the state that cross into another state, the Republic of Mexico or the reservation of a federally recognized tribe.
4. The director may add additional non-WOTUS surface waters to the protected surface waters list if all of the following apply:
- (a) The water is not required to be listed under paragraph 1 or 3 of this subsection.
 - (b) The water is not excluded under paragraph 2 of this subsection.
 - (c) The economic, environmental and social benefits of adding the water outweigh the economic, environmental and social costs of excluding the water from the list.
5. The director shall remove any erroneously listed, non-WOTUS waters from the protected surface waters list when the water is excluded under paragraph 2 of this subsection and shall not regulate discharges to those waters in the interim.
6. The director shall remove non-WOTUS waters from the protected surface waters list when the water is not required to be listed under paragraph 3 of this subsection and the economic, environmental and social benefits of removing the water outweigh the economic, environmental and social costs of retaining the water on the list.
7. The director, on an emergency basis, may add a water to the protected surface waters list if the director discovers an imminent and substantial danger to public health or welfare or the environment, if the water would otherwise qualify to be added under paragraph 3 of this subsection. Notwithstanding any other law, the emergency addition shall take effect immediately on the director's determination that describes the imminent and substantial danger in writing. Within thirty days after the director's determination, the department shall publish a notice of that determination in the Arizona administrative register and on the department's website. Waters added under this subsection shall be incorporated into the protected surface waters list during the next rulemaking that follows the addition.

[49-223. Aquifer water quality standards](#)

- A. Primary drinking water maximum contaminant levels established by the administrator before August 13, 1986 are adopted as drinking water aquifer water quality standards. The director may only adopt additional aquifer water quality standards by rule. Within one year after the administrator establishes additional primary drinking water maximum contaminant levels, the director shall open a rule making docket pursuant to section 41-1021 for adoption of those maximum contaminant levels as drinking water aquifer water quality standards. If substantial opposition is demonstrated in the rule making docket regarding a particular constituent, the director may adopt for that constituent the maximum contaminant level as a drinking water aquifer water quality standard upon making a finding that this level is appropriate for adoption in Arizona as an aquifer water quality standard. In making this finding, the director shall consider whether the assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction used by the administrator in developing and implementing the maximum contaminant level are appropriate for establishing a drinking water aquifer water quality standard. For purposes of this subsection "substantial opposition" means information submitted to the director that explains with reasonable specificity why the maximum contaminant level is not appropriate as an aquifer water quality standard.
- B. The director may adopt by rule numeric drinking water aquifer water quality standards for pollutants for which the administrator has not established primary drinking water maximum contaminant levels or for which a maximum contaminant level has been established but the director has determined it to be inappropriate as an aquifer water quality standard pursuant to subsection A of this section. These standards shall be based on the protection of human health. In establishing numeric drinking water aquifer water quality standards, the director shall rely on technical protocols appropriate for the development of aquifer water quality standards and shall base the standards on credible medical and toxicological evidence that has been subjected to peer review.
- C. Any person may petition the director to adopt a numeric drinking water aquifer quality standard for any pollutant for which no drinking water aquifer quality standard exists. The director shall grant the petition and institute rule making proceedings adopting a numeric standard as provided under subsection B of this section within one hundred eighty days if the petition shows that the pollutant is a toxic pollutant, that the pollutant has been, or may in the future be, detected in any of the state's drinking water aquifers, and that there exists technical information on which a numeric standard might reasonably be based. Within one year of the commencement of the rule making proceeding, the director shall either adopt a numeric standard or make and publish a finding that, pursuant to subsection B of this section, the development of a numeric standard is not possible. The decision to not adopt a numeric standard shall, for purposes of judicial review, be treated in the same manner as a rule adopted pursuant to title 41, chapter 6.
- D. For purposes of assessing compliance with each aquifer water quality standard adopted pursuant to this section, the director shall for purposes of articles 3 and 4 of this chapter, and may for purposes of other provisions of this title, identify sampling and analytical protocols appropriate for detecting and measuring the pollutant in the aquifers in the state.
- E. Within one year from the reclassification of an aquifer to a non-drinking water status, pursuant to section 49-224, the director shall adopt water quality standards for that aquifer. For any pollutants which were not the basis for the reclassification, the applicable standard shall be identical with the standard for those pollutants adopted pursuant to subsections A and B of this section. For any pollutants which were the basis for reclassification, the standard shall be sufficient to achieve the purpose for which the aquifer was reclassified but shall minimize unnecessary degradation of the aquifer by taking into consideration the potential long-term uses of the aquifer and the short-term and long-term benefits of the activities resulting in discharges into the aquifer.
- F. The director shall adopt water quality standards for an aquifer for which a petition has been submitted pursuant to section 49-224, subsection D sufficient to achieve the non-drinking water use for which that aquifer was classified, taking into consideration the potential long-term uses of that aquifer and the short-term and long-term benefits of the discharging activities creating that aquifer.
- G. In any action pursuant to this title, aquifer water quality protection provisions, including monitoring requirements, may be imposed only for pollutants for which aquifer water quality standards have been established that are likely to be present in a discharge. Indicator parameters and quality assurance parameters appropriate for such pollutants also may be specified.

49-224. Aquifer identification, classification and reclassification

A. Not later than June 30, 1987 the director shall, by rule, identify and define the boundaries of all aquifers in this state utilizing, to the maximum extent possible, data available from the department of water resources.

B. All aquifers in this state identified and defined under subsection A of this section and any other aquifers subsequently discovered, identified and defined shall be classified for drinking water protected use unless the classification is changed in the manner provided in subsection C of this section.

C. The director, after consulting with the appropriate groundwater users advisory council established pursuant to title 45, chapter 2, article 2 if the aquifer is in an active management area, and a public hearing held pursuant to section 49-208, may change the classification of an aquifer or part of an aquifer for a protected use other than drinking water on making all of the following findings:

1. The identified aquifer or part of an aquifer is or will be so hydrologically isolated from other aquifers or other parts of the same aquifer that there is no reasonable probability that poorer quality water from the identified aquifer or part of an aquifer will cause or contribute to a violation of aquifer water quality standards in other aquifers or parts of the same aquifer.

2. Water from the identified aquifer or part of an aquifer is not being used as drinking water.

3. The short-term and long-term benefits to the public that would result from the degradation of the quality of the water in the identified aquifer or part of an aquifer below standards established pursuant to section 49-223, subsections A and B would significantly outweigh the short-term and long-term costs to the public of such degradation. Benefits and costs to be considered include economic, social and environmental.

D. Owners or operators of facilities whose discharges are solely responsible for creating an aquifer may petition the director for a classification of the aquifer for a non-drinking water use. The director may, by rule, classify that aquifer for a non-drinking water use upon making the findings prescribed in subsection C, paragraphs 1 and 2 of this section.

E. The director shall provide for public participation in proceedings under this section pursuant to section 49-208 and shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification.

D-14.

**DEPARTMENT OF ENVIRONMENTAL
QUALITY Title 18, Chapter 11 (Arsenic)**

Amend: R18-11-406



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11

Amend: R18-11-406

Summary:

This regular rulemaking from the Department of Environmental Quality (Department) seeks to amend one (1) rule in Title 18, Chapter 11, regarding Aquifer Water Quality Standards.

The Department is proposing to make amendments and additions to Chapter 11 as part of a four part rulemaking package. The Department is required by A.R.S. § 49-223(A) to adopt Aquifer Water Quality Standards (AWQS) with these standards being based on maximum contaminant levels (MCLs). These MCLs are prescribed by the Environmental Protection Agency (EPA) and the Department is required to adopt the same MCLs unless there is a showing of substantial opposition, which allows the Department to prescribe different standards if the Department or stakeholder can show that the EPA levels are not appropriate for Arizona. The Department has indicated to Department staff that this substantial opposition language is unique to Arizona and the Department believes Arizona to be the only state to have this type of language.

For this part of the rulemaking package, the Department will be adopting the MCL level prescribed by the EPA for arsenic. The rule currently allows for .050 mg/L, the Department is

proposing to adopt the EPA standard of .010 mg/L. The Department has indicated that there has not been any substantial opposition as defined in A.R.S. § 49-223, to the proposed amendment.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates that they reviewed two studies relevant to the rules and that these materials are available to the public upon request.

- MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support: The Department indicates that this report was used to review EPA assumptions regarding the MCL for arsenic and included looking at technologies, costs, sampling, and analytical methodologies for public health risks reduction.
- Draft Economic Impact Statement for Arsenic Proposed AWQS: The Department indicates that this report informed DEQ on the economic impact of the subject matter of the rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department states that this rulemaking is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Arsenic as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. The Department indicates that the AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (see A.R.S. § 49-224(B)). The Department states the AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the voluntary Remediation Program (VRP), and elsewhere.

The Department states that the full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. The Department indicates that while not all costs and benefits are borne evenly, these are the identified groups

generally impacted from this Arsenic AWQS rulemaking. The Department states that the costs to permittees to meet the adjusted AWQS are significant and indeterminate at this time. The Department states that permittees must determine appropriate treatment technology for the specific conditions applicable to them, then upgrade or install technology and train personnel as needed to operate. Benefits to stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual users alike.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states that the controlling statute A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. The Department indicates that it simply requires ADEQ to open a rulemaking docket pursuant to A.R.S. § 41-1021 for adoption of new or adjusted MCL as an AWQS within one year of the MCLs establishment or adjustment.

6. What are the economic impacts on stakeholders?

The Department says individual APP Permittees will be the primary bearers of costs associated with this rulemaking. The Department states that other costs to stakeholders could occur, such as rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment. The Department believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. The Department anticipates that hundreds of permits may need to be amended to update monitoring tables that include Arsenic as a parameter. The Department indicates that any additional costs would generally be covered by increased fees paid by Permittees.

The Department believes, generally, that the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resources as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. The Department states that savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstances} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike. In addition, the Department states that following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. Additionally, the Department states that investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenue.

7. Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?

The Department indicates that there were no changes between the proposed draft and final rules before the Council.

8. Does the agency adequately address the comments on the proposed rules and any supplemental proposals?

The Department indicates it received 2 public comments as it relates to this rulemaking. The Department indicates that they conducted stakeholder outreach

Comment 1 was from an interest group and stated the following:

- Arsenic contamination in Arizona groundwater remains a persistent threat to public health. Chronic exposure to arsenic, even at low levels, is linked to cancers, cardiovascular disease, and developmental issues. The EPA updated its arsenic standard to 10 ppb in 2002, yet ADEQ has not incorporated this standard into state aquifer regulations. Adopting the EPA’s MCL for arsenic without delay is critical to ensuring public safety. ADEQ must also prioritize monitoring and remediation efforts in rural and underserved communities disproportionately impacted by arsenic contamination.”

The Department responded with the following:

- ADEQ appreciates the comment. The Arsenic MCL is one of the seven (7) MCLs proposed for adoption as AWQs within the scope of the collective “AWQS Update” rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQs verbatim. As is detailed in this rulemaking, the Arsenic MCL is 0.010 milligrams per Liter (mg/L) which is equivalent to 10 parts per billion or (ppb). 0.010 mg/L is the AWQS for Arsenic established through this rulemaking.

The second comment came from a utility and stated the following:

- If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

The Department responded with the following:

- ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Arsenic MCL as AWQS.

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

This specific rulemaking does not create a permit or a license.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates that the rules are not more stringent than federal law.

11. **Conclusion**

This regular rulemaking by the Department seeks to amend one rule regarding aquifer purification standards. The Department specifically seeks to amend the rule to bring the allowable amount of arsenic in aquifers in line with the standards set by the EPA.

The Department is seeking a standard 60-day delayed effective date.

Council staff recommends approval of this rulemaking.

March 13, 2025

Jessica Klein, Chair
Governor's Regulatory Review Council
100 N. 15th Ave., Ste. 302
Phoenix, AZ 85007

Re: Aquifer Water Quality Standards Update Regular Rulemaking: Title 18,
Environmental Quality, Chapters 9 and 11

Dear Chair Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits this final rulemaking package to the Governor's Regulatory Review Council (GRRC) for consideration and approval at the Council Meeting scheduled for May 6th, 2025.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. §§ 41-1039, 41-1052 and A.A.C. R1-6-201:

I. Information required under A.A.C. R1-6-201(A)(1):

- (A)(1)(a) The public record closed for all rules on December 16th, 2024 at 11:59 p.m.
- (A)(1)(b) The rulemaking activity does relate to a five-year review report. The report on 18 AAC 11, Articles 4 and 5 was approved on November 3rd, 2020.
- (A)(1)(c) The rulemaking activity does not establish a new fee.
- (A)(1)(d) The rulemaking does not contain a fee increase.
- (A)(1)(e) An immediate effective date is not requested.
- (A)(1)(f) The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- (A)(1)(g) The Department's preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council, pursuant to A.R.S. § 41-1055(B)(3) (a) (see subheading IV, below).
- (A)(1)(h) A list of documents is enclosed (see subheading IV, below).

II. Information required under A.A.C. R1-6-201(A)(2) through (8):

- (A)(2) Five (5) Notices of Final Rulemaking (NFRMs), including the preamble, table of contents, and text of each rule (see subheading IV, below);
- (A)(3) The preambles contain economic, small business, and consumer impact statements that contain the information required by A.R.S. § 41-1055 (see subheading IV, below);
- (A)(4) The preambles contain comments received by the agency, both written and oral, concerning the proposed rule (see subheading IV, below);
- (A)(5) No analyses were submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
- (A)(6) No materials were incorporated by reference in this rulemaking;
- (A)(7) The general and specific statutes authorizing the rule, including relevant statutory definitions (see subheading IV, below);
- (A)(8) All statutes referred to in the definitions are represented in the general and specific statutes authorizing the rule.

III. Governor's office approvals pursuant to A.R.S. § 41-1039:

- (A) ADEQ received prior written approval from the Governor's Office twice. Once for Title 18, Chapter 11, Article 4 on August 24, 2022 and then again for Title 18, Chapter 9, Articles 1 and 2 on February 5th, 2024 (see subheading IV, below);
- (B) ADEQ received written final approval from the Governor's Office for this rulemaking on March 11th, 2025 (see subheading IV, below).

IV. List of documents enclosed (25 documents total):

- One (1) Cover Letter (R1-6-201(A)(1));
 - AWQS_CL.pdf
- One (1) JLBC email (R1-6-201(A)(1)(g));
 - AWQS_JLBC.pdf
- Five (5) NFRMs (R1-6-201(A)(2));
 - AWQS_NFRM_18_AAC_9_Impl.pdf
 - AWQS_NFRM_18_AAC_11_As.pdf
 - AWQS_NFRM_18_AAC_11_U.pdf
 - AWQS_NFRM_18_AAC_11_DBP.pdf
 - AWQS_NFRM_18_AAC_11_MBC.pdf
- Five (5) EISs (R1-6-201(A)(3));
 - AWQS_EIS_18_AAC_9_Impl.pdf
 - AWQS_EIS_18_AAC_11_As.pdf
 - AWQS_EIS_18_AAC_11_U.pdf
 - AWQS_EIS_18_AAC_11_DBP.pdf
 - AWQS_EIS_18_AAC_11_MBC.pdf
- Five (5) Public Comments Received Documents (R1-6-201(A)(4));

- AWQS_Cmts_18_AAC_9_Impl.pdf
- AWQS_Cmts_18_AAC_11_As.pdf
- AWQS_Cmts_18_AAC_11_U.pdf
- AWQS_Cmts_18_AAC_11_DBP.pdf
- AWQS_Cmts_18_AAC_11_MBC.pdf
- Five (5) General and Specific Authorizing Statutes (R1-6-201(A)(7));
 - 49-104 - Powers and duties of the department and director.pdf
 - 49-203 - Powers and duties of the director and department.pdf
 - 49-221 - Water quality standards in general; protected surface waters list.pdf
 - 49-223 - Aquifer water quality standards.pdf
 - 49-224 - Aquifer identification, classification and reclassification.pdf
- Three (3) A.R.S. § 41-1039 Governor's Approvals
 - 8_24_22_Gov_Approval.pdf
 - 2_5_24_Gov_Approval.pdf
 - 25_3_11_Gov_Approval.pdf

Thank you for your timely review and approval. Please contact Jon Rezabek, Legal Specialist, Water Quality Division, 602-771-8219 or rezabek.jon@azdeq.gov if you have any questions.

Sincerely,



Karen Peters, Director
Arizona Department of Environmental Quality

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &

February 5, 2024

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

R18-11-406

Amend

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

Authorizing statute: A.R.S. §§ 49-221, and 49-223.

Implementing statute: A.R.S. §§ 49-221, and 49-223.

4. The effective date of the rule:

July 7, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Proposed Rulemaking: 30 A.A.R. 3408, Issue Date: November 15, 2024, Issue Number: 46, File Number: R24-229.

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

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

Name: Jon Rezabek
Title: Legal Specialist
Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awp-rulemaking>

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

Introduction:

General Explanation of the Collective Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. AWQSs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium with corresponding MCLs are either unestablished as AWQSs or are established but currently have a misaligned value as the standard. MCLs for the seven (7) pollutants can be viewed at 40 *Code of Federal Regulations* (C.F.R.) 141.60 *et seq.* A.R.S. § 49-223(A) requires ADEQ to move forward with the adoption of MCLs as AWQSs through the rulemaking process unless substantial opposition to the adoption is received from stakeholders. Upon receipt of substantial opposition, ADEQ may adopt for that pollutant the verbatim MCL as an AWQS, but only upon a finding that the MCL is appropriate for adoption in Arizona as an AWQS. In making this finding, ADEQ must consider whether the assumptions used by the EPA in developing and implementing the MCLs are appropriate for establishing an Arizona state AWQSs. The listed assumptions for consideration are technology, cost, sampling and analytical methodologies and public health risk reduction. If ADEQ determines the MCL is inappropriate as an AWQS, the Department may establish an alternative AWQS for the pollutant with an MCL. The alternative AWQS must be:

- (1) Based on the protection of human health and shall rely on technical protocols appropriate for the development of AWQSs,
and

(2) Based on credible medical and toxicological evidence that has been subjected to peer review.

Subject Matter of this NFRM: This *Notice of Final Rulemaking* (NFRM) proposes to align the AWQS for Arsenic with the MCL for Arsenic. The original MCL for Arsenic was established through Final Rule by EPA, published in the *Federal Register* at 66 *Federal Register* 6979.

What is the MCL for Arsenic that is proposed to be the new AWQS and what is the current AWQS for Arsenic?

| Pollutant | Current MCL / New or Adjusted AWQS | Previous AWQS |
|-----------|---------------------------------------|---------------|
| Arsenic | 0.010 mg/L | 0.05 mg/L |

Substantial Opposition: ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the MCL for Arsenic as an AWQS.

Associated Rulemakings: ADEQ proposes a total of five (5) NFRMs in the collective AWQS Update rulemaking. Three (3) of the five (5) NFRMs, including this NFRM, propose to establish or align the AWQSs with the MCLs in *Arizona Administrative Code*, (A.A.C.) Title 18, Chapter 11, Article 4 for pollutants Arsenic, Bromate, Chlorite, Haloacetic Acids, Total Trihalomethanes and Uranium. This NFRM’s scope is limited to Arsenic. A second NFRM’s scope includes Uranium. A third NFRM’s scope includes four (4) disinfection byproducts: Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes. A fourth NFRM’s scope includes microbiological contaminants. A fifth and final NFRM proposes to add a new rule to A.A.C., Title 18, Chapter 9, Articles 1 and 2, detailing implementation of new or adjusted AWQSs into existing Individual Aquifer Protection Program permits (APPs), along with adjacent amendments to existing rule to make way for this purpose.

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or “AWQSs” are protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona’s aquifer quality for drinking water-protected use (*See* A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQSs are used in ADEQ’s Aquifer Protection Program (APP), and, to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

Sampling and Analytical Methodologies. In the Baseline Monitoring Requirement subsection of the final rule at R18-9-A215(E)(4), the following is provided,

“[s]ampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.”

At the time this NFRM was compiled, wastewater methods for some of the pollutants with new or adjusted AWQSS were not ADHS-Approved (see A.A.C. Title 9, Chapter 14, Article 6, Tables 6.2.A and 6.2.B). In March 2025, ADEQ formally requested that the following sampling methods be reviewed and considered for addition to ADHS’s “Director Approved” list of sampling methods pursuant to A.A.C. R9-14-610, found published outside of the rule on ADHS’s website, here: <https://www.azdhs.gov/documents/preparedness/state-laboratory/lab-licensure-certification/environmental-laboratory/application/application-part-e.pdf>

Table 1. Analytical Methods for Baseline Monitoring

| Analyte | Analytical Method |
|-----------------------|--|
| Arsenic | EPA 200.8, SM 3113B, SM 3114B |
| Bromate | EPA 300.1, EPA 317.0 Rev 2.0, EPA 321.8, EPA 326.0 |
| Chlorite | EPA 300.0, EPA 300.1, EPA 317.0 Rev 2.0, EPA 326.0 |
| Haloacetic Acids | EPA 552.1, EPA 552.2, EPA 552.3, SM 6251B |
| Fecal coliform | SM 9223B |
| <i>E. coli</i> | SM 9223B |
| Total Trihalomethanes | EPA 502.2, EPA 524.2, EPA 551.1, SM 6251B |
| Uranium (Total) | EPA 200.8 |

* “EPA” - Environmental Protection Agency; “SM” - Standard Methods

Who are the stakeholders to this rulemaking? The stakeholders for this rulemaking are predominantly the permittees of the APP, and to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP). Other stakeholders include private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state’s aquifers being protected for drinking water use.

What has been the stakeholder process thus far for this rulemaking? ADEQ has conducted a number of general and specific stakeholder meetings, as well as tribal listening sessions, concerning this rulemaking. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ’s website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

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

MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support:

Summary: This report provides a review of the EPA assumptions used to establish the MCL for Arsenic at 66 *Federal Register* 6976. The assumptions reviewed are listed in A.R.S. § 49-223(A) and include technologies, costs, sampling and analytical methodologies and public health risk reduction.

Study Resource: Provided review of the EPA assumptions used to establish the MCL for Arsenic at 66 *Federal Register* 6976

in order to inform ADEQ further on the subject matter and its applicability in the AWQS setting.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: LaPat-Polasko, L., Hoagland-Stamatovski, B., and Brenton, H. (2023). MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support. Matrix New World Engineering, Land Surveying and Landscape Architecture, PC.

Draft Economic Impact Statement for Arsenic Proposed AWQS:

Summary: This report provides the Department a draft economic impact statement on the proposed Arsenic AWQS modeled after the requirements of A.R.S. § 41-1055.

Study Resource: This report informs ADEQ on the economic impact of the subject matter of the rulemaking.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: McClure Consulting LLC with The Natelson Dale Group, Inc. (2024). Draft Economic Impact Statement for Arsenic Proposed AWQS. McClure Consulting LLC with The Natelson Dale Group, Inc.

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

Not applicable.

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

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Arsenic as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final

Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S.

Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the adjusted Arsenic MCL as an AWQS. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Arsenic AWQS rulemaking.

Costs to permittees to meet the adjusted AWQS for Arsenic are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to hundreds of millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the "fee-for-service" model requirements ADEQ must operate under (*see* A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Arsenic AWQS, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Arsenic as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including the reduction in loss of life due to reduced Arsenic consumption, as well as the avoidance or reduction of cases involving at least 17 ailments and loss of income and additional financial hardships associated with the

quantified and non-quantified diseases. Arizona’s many community water systems (CWSs) and their clientele could see savings due to reduced Arsenic in the groundwater under the proposed AWQS. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ’s dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: “permittees”) will be the primary bearers of costs associated with this rulemaking.

Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultants have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health

benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|---|
| <i>Costs and Benefits</i> | | |
| Treatment cost and benefit estimates | Matrix Report - Charts 8 & 9 | |
| <i>General</i> | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Arsenic. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (*see* Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA), which takes into account multiple factors affecting

potential costs and benefits. Cost ranges generated by the Matrix Report and used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP) program. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|------------------|-------------------------|---------------------|--|
| \$10,000 or less | \$10,001 to \$1,000,000 | \$1,000,001 or more | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|---|---|---|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees: Mines, Industrial Facilities, Wastewater Treatment Plants | Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to hundreds of millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | Significant Significant | |
| Clientele for Other Programs (UST, VRP, etc.) | Coming into compliance with new standards. | Minimal | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below. | Minimal, and spread broadly through the customer base, on a monthly basis | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|----------------------------------|-------------------------------------|
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Arsenic as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. | | Significant |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. As many as 1.8 million Arizonans could be potentially affected in this way | | Significant |
| State costs | Some state-supported medical costs would decrease | | Significant |
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range) | | Minimal |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

In the Matrix Report, costs for treatment are given within a wide range. The complexity driving the variation in costs results primarily from: 1) permittees’ need to consider/analyze multiple treatment technologies that have varying applicability according to specific water conditions; 2) operational costs that vary by influent Arsenic concentration and water quality, and 3) the scale of

permittee operations, plus other factors. The Matrix Report recognized that the number of permittees-affected needed to be adjusted downward because some facilities have ambient Arsenic concentrations exceeding the proposed AWQS, and in recognition of facilities that analyzed for total Arsenic and had a quantified Arsenic discharge limit, plus other technicalities. For the purposes of this EIS, the Matrix Report's statewide cost range estimates (from nothing to hundreds or millions) can be viewed as a theoretical total range, reflecting treatment options available, but within which permittees would tend to be minimizing costs where possible. Consequently the actual cost range is likely to be considerably narrower than the theoretical total range. The group of permittees that undertake treatment to reduce Arsenic must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate.

Mines

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive, and constitutes an additional complicating factor in selecting and using technology for dealing with changes in the AWQS for individual contaminants, including Arsenic.

Industrial Facilities

The estimated number of industrial wastewater processing permittees is 56. This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQSs, except where ambient water levels that exceed proposed AWQSs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQSs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele.

For segment 2, according to the Matrix Report, the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This estimate was further reduced for this analysis based on data in the Matrix Report that indicated that private wells in which ambient levels exceeded 3 µg/L, in other words where a benefit could begin to be realized, constituted 90% of the total.

Some of the water wells used by this group, as is true for wells generally throughout Arizona, will have ambient Arsenic levels above the proposed AWQS. The Matrix Report noted that an assessment of Arizona wellwater quality data indicated that 24% of tested wells had Arsenic levels exceeding 10 micrograms per liter. Regardless of ambient contaminant levels, to receive maximum benefit from lowered Arsenic levels by way of the revised AWQS, well users would have to be drawing from aquifers that are recharged from facilities using that proposed AWQS.

For the analysis in this EIS, ADEQ and its consultant applied updated (from the Matrix Report) estimates of savings resulting from bladder and lung cancer cases avoided at the national level. The Matrix Report faced certain limitations in estimating benefits from reductions in disease due to the improved AWQS for Arsenic, essentially having to follow the guidance provided by EPA in this regard. EPA, in turn, made use of two proxy cancer ailments to represent diseases that could lead to loss of life and an extended illness, with the benefits representing the forgone effects of those representative ailments. There are several dimensions to the conservative estimates that result from this approach:

- According to the Matrix Report, benefit estimates may underestimate the cost forgone for avoiding the non-fatal cancers [the costs of which are used as a proxy for one component of benefits], as these costs do not take into account the loss of income and additional financial hardships or intangible factors, such as the psychological impact associated with the cancer.
- The Matrix Report lists the following diseases, which when avoided become part of the non-quantified benefits associated with the proposed AWQS (data for quantification being unavailable):
 - Pulmonary Disorders
 - Cardiovascular disease
 - Stroke Risk
 - Prostate cancer
 - Neurological dysfunction
 - Skin cancer and disorders
 - Liver cancer
 - Endocrine disruption
 - Kidney cancer
 - Gastrointestinal disease
 - Diabetes
 - Pregnancy outcomes such as fetal and infant morbidity, fetal loss, stillbirth, and neonatal mortality
 - Renal cancer and disease
 - Nonmalignant respiratory disease
 - Neurodevelopmental toxicity
 - Immune [disorder] effects
 - Pancreatic cancer

Community water systems (CWSs) and their clientele

Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. Estimates of the population served by municipal or other systems with water sources that included groundwater were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater. As many as 2.04 million Arizonans, as estimated, could be affected in this way. Data in the Matrix Report indicated that private wells in which ambient Arsenic levels exceeded 3 µg/L constituted 90% of the total. The same factor applied to the estimate of groundwater-served customers would yield an estimate of 1.8 million Arizonans potentially affected. Dollar estimates of this effect have not been attempted.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems). In the summary of the model as tabulated below for the contaminant of Arsenic, direct employment and earnings resulting from permittees’ investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|---|-------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$5,917,887 |

| | |
|--|---------------|
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 10.65 |
| New Annual Earnings for Direct Jobs Created | \$994,647 |
| Total New Jobs (Direct + Secondary) | 32.67 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$45,174 |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultants further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultants to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultants derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was

prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee's particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultants used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultants also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultants estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQs.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in

A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (see A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced Arsenic in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultants have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary

employment generated by investments in Arsenic technology (using the low end of costs where ranges are given) are just over \$45,000.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). The Matrix Report on the Arsenic-standard assumptions relied upon by EPA to develop their MCL was, itself, based on a review of the *Final Rule* in the *Federal Register*, 66 FR 6976, and is meant to further inform ADEQ on the subject matter and its applicability in the AWQS setting. ADEQ and its consultants also made selective use of EPA documents addressing specific contaminants referenced extensively by the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultants reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Comment 1: Interest Group

Arsenic contamination in Arizona groundwater remains a persistent threat to public health. Chronic exposure to arsenic, even at low levels, is linked to cancers, cardiovascular disease, and developmental issues. The EPA updated its arsenic standard to 10 ppb in 2002, yet ADEQ has not incorporated this standard into state aquifer regulations. Adopting the EPA's MCL for arsenic without delay is critical to ensuring public safety. ADEQ must also prioritize monitoring and remediation efforts in rural and underserved communities disproportionately impacted by arsenic contamination.

ADEQ Response 1:

ADEQ appreciates the comment. The Arsenic MCL is one of the seven (7) MCLs proposed for adoption as AWQSS within the scope of the collective “AWQS Update” rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQSS verbatim. As is detailed in this rulemaking, the Arsenic MCL is 0.010 milligrams per Liter (mg/L) which is equivalent to 10 parts per billion or (ppb). 0.010 mg/L is the AWQS for Arsenic established through this rulemaking.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Arsenic MCL as AWQS.

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

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This rulemaking does not create a requirement for a permit.

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

Federal law is not applicable to the subject matter of the rule.

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

Not applicable.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rule follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS
ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. No change
- B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | (mg/L) |
|---------------------------|---|
| Antimony | 0.006 |
| Arsenic | 0.05 <u>0.010</u> |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |

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| | |
|----------------------------|-------|
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

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

AWP NFRM Economic Impact Statement (EIS) - 18 AAC 11 - Arsenic

A summary of the economic, small business, and consumer impact:

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Arsenic as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the adjusted Arsenic MCL as an AWQS. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Arsenic AWQS rulemaking.

Costs to permittees to meet the adjusted AWQS for Arsenic are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to hundreds of millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the "fee-for-service" model requirements ADEQ must operate under (*see* A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Arsenic AWQS, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Arsenic as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including the reduction in loss of life due to reduced Arsenic consumption, as well as the avoidance or reduction of cases involving at least 17 ailments and loss of income and additional financial hardships associated with the quantified and non-quantified diseases. Arizona's many community water systems (CWSs) and their clientele could see savings due to reduced Arsenic in the groundwater under the proposed AWQS. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: “permittees”) will be the primary bearers of costs associated with this rulemaking. Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultants have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (see A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|---|
| Costs and Benefits | | |
| Treatment cost and benefit estimates | Matrix Report - Charts 8 & 9 | |
| General | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/epicalc.pl | |

Approach to the EIS for Arsenic. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (see Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA), which takes into account multiple factors affecting potential costs and benefits. Cost ranges generated by the Matrix Report and used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP) program. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|-----------------------------|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |

| Category | # Permittees |
|---|--------------|
| Total | 434 |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|------------------|-------------------------|---------------------|--|
| \$10,000 or less | \$10,001 to \$1,000,000 | \$1,000,001 or more | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|---|---|---|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees: Mines, Industrial Facilities, Wastewater Treatment Plants | Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to hundreds of millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | Significant Significant | |
| Clientele for Other Programs (UST, VRP, etc.) | Coming into compliance with new standards. | Minimal | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below. | Minimal, and spread broadly through the customer base, on a monthly basis | |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Arsenic as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|----------------------------------|-------------------------------------|
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. | | Significant |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. As many as 1.8 million Arizonans could be potentially affected in this way | | Significant |
| State costs | Some state-supported medical costs would decrease | | Significant |
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range) | | Minimal |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

In the Matrix Report, costs for treatment are given within a wide range. The complexity driving the variation in costs results primarily from: 1) permittees’ need to consider/analyze multiple treatment technologies that have varying applicability according to specific water conditions; 2) operational costs that vary by influent Arsenic concentration and water quality, and 3) the scale of permittee operations, plus other factors. The Matrix Report recognized that the number of permittees-affected needed to be adjusted downward because some facilities have ambient Arsenic concentrations exceeding the proposed AWQS, and in recognition of facilities that analyzed for total Arsenic and had a quantified Arsenic discharge limit, plus other technicalities.

For the purposes of this EIS, the Matrix Report’s statewide cost range estimates (from nothing to hundreds or millions) can be viewed as a theoretical total range, reflecting treatment options available, but within which permittees would tend to be minimizing costs where possible. Consequently the actual cost range is likely to be considerably narrower than the theoretical total range. The group of permittees that undertake treatment to reduce Arsenic must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate.

Mines

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive, and constitutes an additional complicating factor in selecting and using technology for dealing with changes in the AWQS for individual contaminants, including Arsenic.

Industrial Facilities

The estimated number of industrial wastewater processing permittees is 56. This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail

- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQSs, except where ambient water levels that exceed proposed AWQSs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQSs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele. For segment 2, according to the Matrix Report, the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This estimate was further reduced for this analysis based on data in the Matrix Report that indicated that private wells in which ambient levels exceeded 3 µg/L, in other words where a benefit could begin to be realized, constituted 90% of the total. Some of the water wells used by this group, as is true for wells generally throughout Arizona, will have ambient Arsenic levels above the proposed AWQS. The Matrix Report noted that an assessment of Arizona wellwater quality data indicated that 24% of tested wells had Arsenic levels exceeding 10 micrograms per liter. Regardless of ambient contaminant levels, to receive maximum benefit from lowered Arsenic levels by way of the revised AWQS, well users would have to be drawing from aquifers that are recharged from facilities using that proposed AWQS. For the analysis in this EIS, ADEQ and its consultant applied updated (from the Matrix Report) estimates of savings resulting from bladder and lung cancer cases avoided at the national level. The Matrix Report faced certain limitations in estimating benefits from reductions in disease due to the improved AWQS for Arsenic, essentially having to follow the guidance provided by EPA in this regard. EPA, in turn, made use of two proxy cancer ailments to represent diseases that could lead to loss of life and an extended illness, with the benefits representing the forgone effects of those representative ailments. There are several dimensions to the conservative estimates that result from this approach:

- According to the Matrix Report, benefit estimates may underestimate the cost forgone for avoiding the non-fatal cancers [the costs of which are used as a proxy for one component of benefits], as these costs do not take into account the loss of income and additional financial hardships or intangible factors, such as the psychological impact associated with the cancer.
- The Matrix Report lists the following diseases, which when avoided become part of the non-quantified benefits associated with the proposed AWQS (data for quantification being unavailable):
 - o Pulmonary Disorders
 - o Cardiovascular disease
 - o Stroke Risk
 - o Prostate cancer
 - o Neurological dysfunction
 - o Skin cancer and disorders
 - o Liver cancer
 - o Endocrine disruption
 - o Kidney cancer
 - o Gastrointestinal disease
 - o Diabetes
 - o Pregnancy outcomes such as fetal and infant morbidity, fetal loss, stillbirth, and neonatal mortality
 - o Renal cancer and disease

- o Nonmalignant respiratory disease
- o Neurodevelopmental toxicity
- o Immune [disorder] effects
- o Pancreatic cancer

Community water systems (CWSs) and their clientele

Savings could accrue to CWSs due to reduced Arsenic in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. Estimates of the population served by municipal or other systems with water sources that included groundwater were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater. As many as 2.04 million Arizonans, as estimated, could be affected in this way. Data in the Matrix Report indicated that private wells in which ambient Arsenic levels exceeded 3 µg/L constituted 90% of the total. The same factor applied to the estimate of groundwater-served customers would yield an estimate of 1.8 million Arizonans potentially affected. Dollar estimates of this effect have not been attempted.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems).

In the summary of the model as tabulated below for the contaminant of Arsenic, direct employment and earnings resulting from permittees’ investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|---------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$5,917,887 |
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 10.65 |
| New Annual Earnings for Direct Jobs Created | \$994,647 |
| Total New Jobs (Direct + Secondary) | 32.67 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$45,174 |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown

in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultants further assumed that wastewater treatment plants' revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue ("Output") allows ADEQ and its consultants to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultants derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee's particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, "Small business' means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year."
- ADEQ and its consultants used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultants also screened permittees to identify "businesses" as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultants estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order |

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| | to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (<i>see A.R.S. §§ 49-223, 224, 241, 243</i>). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (<i>see A.R.S. §§ 49-223, 224, 241, 243</i>). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (<i>see A.R.S. §§ 49-223, 224, 241, 243</i>). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced Arsenic in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultants have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary employment generated by investments in Arsenic technology (using the low end of costs where ranges are given) are just over \$45,000.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). The Matrix Report on the Arsenic-standard assumptions relied upon by EPA to develop their MCL was, itself, based on a review of the *Final Rule* in the *Federal Register*, 66 FR 6976, and is meant to further inform ADEQ on the subject matter and its applicability in the AWQS setting. ADEQ and its consultants also made selective use of EPA documents addressing specific contaminants referenced extensively by the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultants reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

AWP NFRM Public Comments - 18 AAC 11 - Arsenic

Comment 1: Interest Group

Arsenic contamination in Arizona groundwater remains a persistent threat to public health. Chronic exposure to arsenic, even at low levels, is linked to cancers, cardiovascular disease, and developmental issues. The EPA updated its arsenic standard to 10 ppb in 2002, yet ADEQ has not incorporated this standard into state aquifer regulations. Adopting the EPA's MCL for arsenic without delay is critical to ensuring public safety. ADEQ must also prioritize monitoring and remediation efforts in rural and underserved communities disproportionately impacted by arsenic contamination.

ADEQ Response 1:

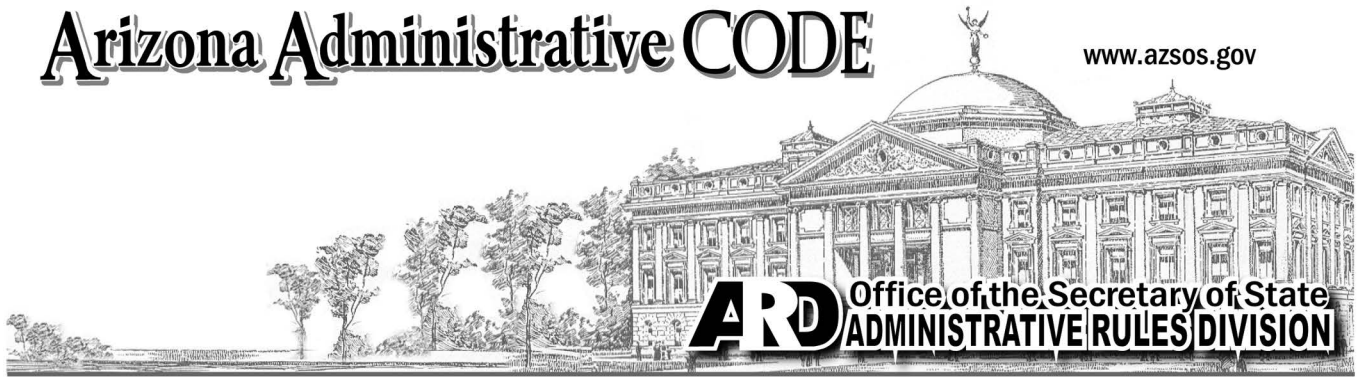
ADEQ appreciates the comment. The Arsenic MCL is one of the seven (7) MCLs proposed for adoption as AWQs within the scope of the collective "AWQS Update" rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQs verbatim. As is detailed in this rulemaking, the Arsenic MCL is 0.010 milligrams per Liter (mg/L) which is equivalent to 10 parts per billion or (ppb). 0.010 mg/L is the AWQS for Arsenic established through this rulemaking.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. "Substantial Opposition" is a term defined in A.R.S. § 49-223(A) as, "... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS]." Upon receipt of "substantial opposition", the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is "appropriate" as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Arsenic MCL as AWQS.



18 A.A.C. 11

Supp. 23-3

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2023 through September 30, 2023

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Questions about these rules? Contact:

Department: Arizona Department of Environmental Quality
 Address: 1110 W. Washington St.
 Phoenix, AZ 85007
 Website: www.azdeq.gov
 Name: Jon Rezabek
 Telephone: (602) 771-8219
 Email: rezabek.jon@azdeq.gov

The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-99 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Authority: A.R.S. §§49-202(A), 49-203(A)(1)

Supp. 23-3

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Tables in Article 1, Appendix A have been updated and now include historical notes (Supp. 16-4).

Article 1, consisting of Appendices A through C, repealed April 24, 1996 (Supp. 96-2).

Article 1, consisting of Section R18-11-103, reserved effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-105 and R18-11-106, and Appendices A and B, adopted April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 and R18-11-102, R18-11-104, R18-11-107 through R18-11-109, R18-11-111 through R18-11-113, R18-11-115, R18-11-117 and R18-11-118, R18-11-120 and R18-11-121, amended effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 through R18-11-121 and Appendices A through C, adopted effective February 18, 1992 (Supp. 92-1).

Article 1, consisting of Section R18-11-101, repealed effective February 18, 1992 (Supp. 92-1).

Article 1 consisting of Section R9-21-101 renumbered as Article 1, Section R18-11-101 (Supp. 87-3).

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Article 2, consisting of Sections R18-11-201 through R18-11-205, adopted effective February 18, 1992 (Supp. 92-1).

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Article 2, consisting of Sections R18-11-201 through R18-11-214 and Appendices A and B, repealed effective February 18, 1992 (Supp. 92-1).

Article 2 consisting of Sections R9-21-201 through R9-21-214 and Appendices A and B renumbered as Article 2, Sections R18-11-201 through R18-11-214 and Appendices A and B (Supp. 87-3).

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Article 3 heading repealed effective April 24, 1996 (Supp. 96-2).

Article 3, consisting of Sections R18-11-301 through R18-11-304 repealed effective February 18, 1992 (Supp. 92-1).

Article 3 consisting of Sections R9-21-301 through R9-21-304 renumbered as Article 3, Sections R18-11-301 through R18-11-304 (Supp. 87-3).

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New Article 5 consisting of Sections R18-11-501 through R18-11-504 and Section R18-11-506 adopted effective October 22, 1987.

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ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS**R18-11-101. Definitions**

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation (AgI)" means the use of a surface water for crop irrigation.
3. "Agricultural livestock watering (AgL)" means the use of a surface water as a water supply for consumption by livestock.
4. "Annual mean" is the arithmetic mean of monthly values determined over a consecutive 12-month period, provided that monthly values are determined for at least three months. A monthly value is the arithmetic mean of all values determined in a calendar month.
5. "Aquatic and wildlife (cold water) (A&Wc)" means the use of a surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
6. "Aquatic and wildlife (effluent-dependent water) (A&Wedw)" means the use of an effluent-dependent water by animals, plants, or other organisms for habitation, growth, or propagation.
7. "Aquatic and wildlife (ephemeral) (A&We)" means the use of an ephemeral water by animals, plants, or other organisms, excluding fish, for habitation, growth, or propagation.
8. "Aquatic and wildlife (warm water) (A&Ww)" means the use of a surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
9. "Arizona Pollutant Discharge Elimination System (AZPDES)" means the point source discharge permitting program established under 18 A.A.C. 9, Article 9.
10. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
11. "Clean Water Act" means the Federal Water Pollution Control Act [33 U.S.C. 1251 to 1387].
12. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
13. "Criteria" means elements of water quality standards that are expressed as pollutant concentrations, levels, or narrative statements representing a water quality that supports a designated use.
14. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
15. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health based water quality standard criteria, in order to simulate long-term exposure, the receiving water critical flow condition is the harmonic mean flow.
16. "Deep lake" means a lake or reservoir with an average depth of more than 6 meters.
17. "Designated use" means a use specified in Appendix B of this Article for a surface water.
18. "Domestic water source (DWS)" means the use of a surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
19. "Effluent-dependent water (EDW)" means a surface water or portion of a surface water, that consists of a point source discharge without which the surface water would be ephemeral. An effluent-dependent water may be perennial or intermittent depending on the volume and frequency of the point source discharge of treated wastewater.
20. "Ephemeral water" means a surface water or portion of surface water that flows or pools only in direct response to precipitation.
21. "Existing use" means a use attained in the waterbody on or after November 28, 1975, whether or not it is included in the water quality standards.
22. "Fish consumption (FC)" means the use of a surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
23. "Full-body contact (FBC)" means the use of a surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
24. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_Y = \sqrt[n]{(Y_1)(Y_2)(Y_3)\dots(Y_n)}$$
25. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
26. "Igneous lake" means a lake located in volcanic, basaltic, or granite geology and soils.

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27. "Intermittent water" means a surface water or portion of surface water that flows continuously during certain times of the year and more than in direct response to precipitation, such as when it receives water from a spring, elevated groundwater table or another surface source, such as melting snowpack.
28. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
29. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
30. "Outstanding Arizona water (OAW)" means a surface water that is classified as an outstanding state resource water by the Director under R18-11-112.
31. "Partial-body contact (PBC)" means the recreational use of a surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
32. "Perennial water" means a surface water or portion of surface water that flows continuously throughout the year.
33. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance. A.R.S. § 49-201(29)
34. "Pollutant Minimization Program" means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loadings.
35. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
36. "Reference condition" means a set of abiotic physical stream habitat, water quality, and site selection criteria established by the Director that describe the typical characteristics of stream sites in a region that are least disturbed by environmental stressors. Reference biological assemblages of macroinvertebrates and algae are collected from these reference condition streams for calculating the Arizona Indexes of Biological Integrity thresholds.
37. "Regional Administrator" means the Regional Administrator of Region IX of the U.S. Environmental Protection Agency.
38. "Regulated discharge" means a point-source discharge regulated under an AZPDES permit, a discharge regulated by a § 404 permit, and any discharge authorized by a federal permit or license that is subject to state water quality certification under § 401 of the Clean Water Act.
39. "Riffle habitat" means a stream segment where moderate water velocity and substrate roughness produce moderately turbulent conditions that break the surface tension of the water and may produce breaking wavelets that turn the surface water into white water.
40. "Run habitat" means a stream segment where there is moderate water velocity that does not break the surface tension of the water and does not produce breaking wavelets that turn the surface water into white water.
41. "Sedimentary lake" means a lake or reservoir in sedimentary or karst geology and soils.
42. "Shallow lake" means a lake or reservoir, excluding an urban lake, with a smaller, flatter morphology and an average depth of less than 3 meters and a maximum depth of less than 4 meters.
43. "Significant degradation" means:
 - a. The consumption of 20 percent or more of the available assimilative capacity for a pollutant of concern at critical flow conditions, or
 - b. Any consumption of assimilative capacity beyond the cumulative cap of 50 percent of assimilative capacity.
44. "Surface water" means "WOTUS" as defined in A.R.S. § 49-201(53).
45. "Total nitrogen" means the sum of the concentrations of ammonia (NH₃), ammonium ion (NH₄⁺), nitrite (NO₂), and nitrate (NO₃), and dissolved and particulate organic nitrogen expressed as elemental nitrogen.
46. "Total phosphorus" means all of the phosphorus present in a sample, regardless of form, as measured by a persulfate digestion procedure.
47. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
48. "Urban lake" means a manmade lake within an urban landscape.
49. "Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of a designated use including physical, chemical, biological, and economic factors.
50. "Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the variance.
51. "Wadable" means a surface water can be safely crossed on foot and sampled without a boat.
52. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
53. "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas.

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54. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Former Section R9-21-101 repealed, new Section R9-21-101 adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Amended effective January 7, 1985 (Supp. 85-1). Amended by adding subsection (C) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-101 renumbered without change as Section R18-11-101 (Supp. 87-3). Former Section R18-11-101 repealed, new Section R18-11-101 adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Deleted first definition to R18-11-101(32) "Navigable Water", previously printed in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-102. Applicability

- A. The water quality standards prescribed in this Article apply to surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is a part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores that is not a surface water or is located in an area that once was a surface water but is no longer a surface water because it has been and remains legally converted, including:
 - a. A pit,
 - b. Pregnant leach solution pond,
 - c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond or a sump in a mine pit associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product and that is being held for recycling,
 - h. Spill or upset catchment pond, or
 - i. A pond used for onsite remediation;
 3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-103. Repealed**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Repealed effective April 24, 1996 (Supp. 96-2).

R18-11-104. Designated Uses

- A. The Director shall adopt or remove a designated use or subcategory of a designated use by rule.
- B. Designated uses of a surface water may include full-body contact, partial-body contact, domestic water source, fish consumption, aquatic and wildlife (cold water), aquatic and wildlife (warm water), aquatic and wildlife (ephemeral), aquatic and wildlife (effluent-dependent water), agricultural irrigation, and agricultural livestock watering. The designated uses for specific surface waters are listed in Appendix B of this Article.
- C. Numeric water quality criteria to maintain and protect water quality for the designated uses are prescribed in Appendix A, R18-11-109, R18-11-110, and R18-11-112. Narrative water quality standards to protect all surface waters are prescribed in R18-11-108.
- D. If a surface water has more than one designated use listed in Appendix B, the most stringent water quality criterion applies.
- E. The Director shall revise the designated uses of a surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in Appendix B.
- F. In designating uses of a surface water and in establishing water quality criteria to protect the designated uses, the Director shall take into consideration the applicable water quality standards for downstream surface waters and shall ensure that the water quality standards that are established for an upstream surface water also provide for the attainment and maintenance of the water quality standards of downstream surface waters.
- G. A use attainability analysis shall be conducted prior to removal of a designated use or adoption of a subcategory of a designated use that requires less stringent water quality criteria.
- H. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria, provided the designated use is not an existing use and it is demonstrated through a use attainability analysis that attaining the designated use is not feasible for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A natural, ephemeral, intermittent, or low-flow condition or water level prevents the attainment of the use;
 3. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
 4. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
 5. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use; or
 6. Controls more stringent than those required by § 301 (b) and § 306 of the Clean Water Act [33 U.S.C. § 1311 and § 1316] are necessary to attain the use and implementation

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of the controls would result in substantial and widespread economic and social impact.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-105. Tributaries; Designated Uses

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000 feet in elevation.
3. The aquatic and wildlife (warm water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000 feet in elevation.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Section heading amended per instructions of the Department of Environmental Quality, August 9, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-106. Net Ecological Benefit

- A. The Director may, by rule, modify a water quality standard on the ground that there is a net ecological benefit associated with the discharge of effluent to support or create a riparian and aquatic habitat in an area where water resources are limited. The Director may modify a water quality standard for a pollutant if it is demonstrated that:
 1. The discharge of effluent creates or supports an ecologically valuable aquatic, wetland, or riparian ecosystem in an area where these resources are limited;
 2. The ecological benefits associated with the discharge of effluent under a modified water quality standard exceed the environmental costs associated with the elimination of the discharge of effluent;
 3. The cost of treatment to achieve compliance with a water quality standard is so high that it is more cost effective to eliminate the discharge of effluent to the surface water. The discharger shall demonstrate that it is feasible to eliminate the discharge of effluent that creates or supports the ecologically valuable aquatic, wetland, or riparian ecosystem;
 4. The discharge of effluent to the surface water will not cause or contribute to a violation of a water quality standard that has been established for a downstream surface water;
 5. All practicable point source discharge control programs, including local pretreatment, waste minimization, and source reduction programs are implemented; and
 6. The discharge of effluent does not produce or contribute to the concentration of a pollutant in the tissues of aquatic organisms or wildlife that is likely to be harmful to humans or wildlife through food chain concentration.
- B. The Director shall not modify a water quality criterion for a pollutant to be less stringent than a technology-based effluent

limitation that applies to the discharge of that effluent. The discharge of effluent shall, at a minimum, comply with applicable technology-based effluent limitations.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-107. Antidegradation

- A. The Director shall, using R18-11-107.01 and this Section, determine whether there is degradation of water quality in a surface water on a pollutant-by-pollutant basis.
- B. Tier 1: The level of water quality necessary to support an existing use shall be maintained and protected. No degradation of existing water quality is permitted in a surface water where the existing water quality does not meet the applicable water quality standards.
- C. Tier 2: Where existing water quality in a surface water is better than the applicable water quality standard the existing water quality shall be maintained and protected. The Director may allow degradation of existing water quality in the surface water, if the Director makes all of the following findings:
 1. The water quality necessary for existing uses is fully protected and water quality is not lowered to a level that does not comply with applicable water quality standards,
 2. The highest statutory and regulatory requirements for new and existing point sources are achieved,
 3. All cost-effective and reasonable best management practices for nonpoint source pollution control are implemented, and
 4. Allowing lower water quality is necessary to accommodate important economic or social development in the area where the surface water is located.
- D. Tier 3: Existing water quality shall be maintained and protected in a surface water that is classified as an OAW under R18-11-112. Degradation of an OAW under subsection (C) is prohibited.
- E. The Director shall implement this Section in a manner consistent with § 316 of the Clean Water Act [33 U.S.C. 1326] if a potential water quality impairment associated with a thermal discharge is involved.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-107.01. Antidegradation Criteria

- A. Tier 1 antidegradation protection.
 1. Tier 1 antidegradation protection applies to the following surface waters:
 - a. A surface water listed on the 303(d) list for the pollutant that resulted in the listing,
 - b. An effluent dependent water,
 - c. An ephemeral water,
 - d. An intermittent water, and
 - e. A canal listed in Appendix B.
 2. A regulated discharge shall not cause a violation of a surface water quality standard or a wasteload allocation in a total maximum daily load approved by EPA.

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3. Except as provided in subsections (E) and (F), Tier 1 antidegradation review requirements are satisfied for a point-source discharge regulated under an individual AZPDES permit to an ephemeral water, effluent dependent water, intermittent water, or a canal listed in Appendix B, if water quality-based effluent limitations designed to achieve compliance with applicable surface water quality standards are established in the permit and technology-based requirements of the Clean Water Act for the point source discharge are met.
- B. Tier 2 antidegradation protection.**
1. Tier 2 antidegradation protection applies to a perennial water with existing water quality that is better than applicable water quality standards. A perennial water that is not listed in subsection (A)(1) nor classified as an OAW under A.A.C. R18-9-112(G) has Tier 2 antidegradation protection for all pollutants of concern.
 2. A regulated discharge that meets the following criteria, at critical flow conditions, does not cause significant degradation:
 - a. The regulated discharge consumes less than 20 percent of the available assimilative capacity for each pollutant of concern, and
 - b. At least 50 percent of the assimilative capacity for each pollutant of concern remains available in the surface water for each pollutant of concern.
 3. Antidegradation review. Any person proposing a new or expanded regulated discharge under an individual AZPDES permit that may cause significant degradation shall provide ADEQ with the following information:
 - a. Baseline characterization. A person seeking authorization to discharge under an individual AZPDES permit to a perennial water shall provide baseline water quality data on pollutants of concern where no data exists or there are insufficient data to characterize baseline water quality and to determine available assimilative capacity. A discharger shall characterize baseline water quality at a location upstream of the proposed discharge location;
 - b. Alternative analysis.
 - i. The person seeking authorization for the discharge shall prepare and submit a written analysis of alternatives to the discharge. The analysis shall provide information on all reasonable, cost-effective, less-degrading or non-degrading discharge alternatives. Alternatives may include wastewater treatment process changes or upgrades, pollution prevention measures, source reduction, water reclamation, alternative discharge locations, groundwater recharge, land application or treatment, local pretreatment programs, improved operation and maintenance of existing systems, seasonal or controlled discharge to avoid critical flow conditions, and zero discharge;
 - ii. The alternatives analysis shall include cost information on base pollution control measures associated with the regulated discharge and cost information for each alternative;
 - iii. The person shall implement the alternative that is cost-effective and reasonable, results in the least degradation, and is approved by the Director. An alternative is cost-effective and reasonable if treatment costs associated with the alternative are less than a 10 percent increase above the cost of base pollution control measures;
- iv. For purposes of this subsection, “base pollution control measures” are water pollution control measures required to meet technology-based requirements of the Clean Water Act and water quality-based effluent limits designed to achieve compliance with applicable water quality standards; and
- c. Social and economic justification. The person shall demonstrate to the Director that significant degradation is necessary to accommodate important economic or social development in the local area. The person seeking authorization for the discharge shall prepare a written social and economic justification that includes a description of the following:
 - i. The geographic area where significant degradation of existing water quality will occur;
 - ii. The current baseline social and economic conditions in the local area;
 - iii. The net positive social and economic effects of development associated with the regulated discharge and allowing significant degradation;
 - iv. The negative social, environmental, and economic effects of allowing significant degradation of existing water quality; and
 - v. Alternatives to the regulated discharge that do not significantly degrade water quality yet may yield comparable social and economic benefits.
4. For purposes of this Section, the term “pollutant of concern” means a pollutant with either a numeric or narrative water quality standard.
 5. Public participation. The Director shall provide public notice and an opportunity to comment on an antidegradation review under subsection (B)(3) and shall provide an opportunity for a public hearing under A.A.C. R18-9-A908(B).
- C. Tier 3 antidegradation protection.**
1. Tier 3 antidegradation protection applies only to an OAW listed in R18-11-112(G).
 2. A new or expanded point-source discharge directly to an OAW is prohibited.
 3. A person seeking authorization for a regulated discharge to a tributary to, or upstream of, an OAW shall demonstrate in a permit application or in other documentation submitted to ADEQ that the regulated discharge will not degrade existing water quality in the downstream OAW.
 4. A discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires a determination by the Director to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less and are not regularly occurring. The form of such a determination shall be as follows:
 - a. For Corps-issued § 404 permits, an individual § 401 water quality certification.
 - b. For Director-issued § 404 permits, a § 404 permit action, wherein the Director shall conduct a water quality evaluation as a part of the state’s requirements for issuing § 404 permits and in accordance with this Section.

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- D. Antidegradation review of a § 404 permit shall be conducted as follows:
 1. For a Corps-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a nationwide or regional § 404 permit as part of the § 401 water quality certification prior to issuance of the nationwide or regional permit. The Director shall conduct the antidegradation review of an individual § 404 permit if the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters. For regulated discharges that may degrade water quality in an OAW or a water that is on the 303(d) List of impaired waters, the Director shall conduct the antidegradation review as part of the § 401 water quality certification process.
 2. For a Director-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a general § 404 permit as a part of its determination whether to issue a general permit in accordance with state requirements for issuing a § 404 general permit and with this Section. The Director shall conduct the antidegradation review of an individual § 404 permit as part of the § 404 permit action in accordance with state requirements for issuing a § 404 permit and in accordance with this Section.
- E. Antidegradation review of an AZPDES stormwater permit. An individual stormwater permit for a municipal separate storm sewer system (MS4) meets antidegradation requirements if the permittee complies with the permit, including developing a stormwater management plan containing controls that reduce the level of pollutants in stormwater discharges to the maximum extent practicable.
- F. Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-108. Narrative Water Quality Standards

- A. A surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or

- 8. Change the color of the surface water from natural background levels of color.
- B. A surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard.
- C. A surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.
- D. A surface water shall not contain solid waste such as refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, appliances, or tires.
- E. A Wadeable, perennial stream shall support and maintain a community of organisms having a taxa richness, species composition, tolerance, and functional organization comparable to that of a stream with reference conditions in Arizona.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.01. Narrative Biological Criteria for Wadeable, Perennial Streams

- A. The narrative biological criteria in this Section apply to a wadeable, perennial stream with either an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.
- B. The biological standard in R18-11-108(E) is met when a bioassessment result, as measured by the Arizona Index of Biological Integrity (IBI), for cold or warm water is:
 1. Greater than or equal to the 25th percentile of reference condition, or
 2. Greater than the 10th percentile of reference condition and less than the 25th percentile of reference condition and a verification bioassessment result is greater than or equal to the 25th percentile of reference condition.
- C. Arizona Index of Biological Integrity (IBI) scores:

| Bioassessment Result | Index of Biological Integrity Scores | |
|--|--------------------------------------|---------|
| | A&Wc | A&Ww |
| Greater than or equal to the 25th percentile of reference condition | ≥52 | ≥50 |
| Greater than the 10th and less than the 25th percentile of reference condition | 46 - 51 | 40 - 49 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.02. Narrative Bottom Deposit Criteria for Wadeable, Perennial Streams

- A. The narrative bottom deposit criteria in this Section apply to wadeable, perennial streams with an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.

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- B. The narrative water quality standard for bottom deposits at R18-11-108(A)(1) is met when:
 1. The percentage of fine sediments in the riffle habitats of a wadeable, perennial stream with an A&Wc designated use, as determined by a riffle pebble count, is less than or equal to 30 percent.
 2. The percentage of fine sediments in all stream habitats of a wadeable, perennial stream with an A&Ww designated use, as determined by a reach level pebble count, is equal to or less than 50 percent.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.03. Narrative Nutrient Criteria for Lakes and Reservoirs

- A. The narrative nutrient criteria in this Section apply to those lakes and reservoirs categorized in Appendix B.
- B. The narrative water quality standard for nutrients at R18-11-108(A)(6) is met when, based on a minimum of two lake sample events conducted during the peak season based on lake productivity, the results show an average chlorophyll-*a* value below the applicable threshold for designated use and lake and reservoir category in subsection (D).
 1. The mean chlorophyll-*a* concentration is less than the lower value in the target range chlorophyll-*a* for the lake and reservoir category, or
 2. The mean chlorophyll-*a* concentration is within the target range for the lake and reservoir category and:
 - a. The mean blue green algae count is at or below 20,000 per milliliter, and

- b. The blue green algae count is less than 50 percent of the total algae count, and
- c. There is no evidence of nutrient-related impairments such as:
 - i. An exceedance of dissolved oxygen or pH standards;
 - ii. A fish kill coincident with a dissolved oxygen or pH exceedance;
 - iii. A fish kill or other aquatic organism mortality coincident with algal toxicity;
 - iv. Secchi depth is less than the lower value prescribed for the lake and reservoir category;
 - v. A nuisance algal bloom is present in the limnetic portion of the lake or reservoir; or
 - vi. The concentration of total phosphorous, total nitrogen, or total Kjehldal nitrogen (TKN) is greater than the upper value in the range prescribed for the lake and reservoir category; or

- 3. For a shallow lake. In addition to meeting the mean chlorophyll-*a* concentrations in subsections (B)(1) or (2), submerged aquatic vegetation covers 50 percent or less of the lake bottom and there is less than a 5 mg/L swing in diel-dissolved oxygen concentration measured within the photic zone.

- C. The following threshold ranges apply during the peak season for lake productivity:
 1. Warm water lakes peak season, April – October;
 2. Cold water lakes peak season, May – September.
- D. The following table lists the numeric targets for lakes and reservoirs.

| NUMERIC TARGETS FOR LAKES AND RESERVOIRS | | | | | | | | | | |
|--|--------------------------|----------------------|------------------|-------------------------|-----------------------|--------------------------------------|---------------------------|-------------------------------------|-------------------------|---------|
| Designated Use | Lake Category | Chl- <i>a</i> (µg/L) | Secchi Depth (m) | Total Phosphorus (µg/L) | Total Nitrogen (mg/L) | Total Kjehldal Nitrogen (TKN) (mg/L) | Blue-Green Algae (per ml) | Blue-Green Algae (% of total count) | Dissolved Oxygen (mg/L) | pH (SU) |
| FBC and PBC | Deep | 10-15 | 1.5-2.5 | 70-90 | 1.2-1.4 | 1.0-1.1 | 20,000 | | | 6.5-9.0 |
| | Shallow | 10-15 | 1.5-2.0 | 70-90 | 1.2-1.4 | 1.0-1.1 | | | | |
| | Igneous | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Sedimentary | 20-30 | 1.5-2.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Urban | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| A&Wc | All | 5-15 | 1.5-2.0 | 50-90 | 1.0-1.4 | 0.7-1.1 | | <50 | 7 (top m) | 6.5-9.0 |
| A&Ww | All (except urban lakes) | 25-40 | 0.8-1.0 | 115-140 | 1.6-1.8 | 1.3-1.6 | | | 6 (top m) | |
| | Urban | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | |
| A&Wedw | All | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | 6.5-9.0 |
| DWS | All | 10-20 | 0.5-1.5 | 70-100 | 1.2-1.5 | 1.0-1.2 | 20,000 | | | 5.0-9.0 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-109. Numeric Water Quality Standards

- A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC | PBC |
|---|-----|-----|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

- B. pH. The following water quality standards for pH are expressed in standard units:

| pH | DWS | FBC, PBC, A&W ¹ | AgI | AgL |
|---------|-----|----------------------------|-----|-----|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

Footnotes:

- 1. "1" Includes A&Wc, A&Ww, A&Wedw, and A&We.

- C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww | A&Wedw | A&Wc |
|------|--------|------|
| | | |

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| | | |
|--------|--------|--------|
| 3.0° C | 3.0° C | 1.0° C |
|--------|--------|--------|

- D. Suspended sediment concentration.
- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:

| A&Wc | A&Ww |
|------|------|
| 25 | 80 |

- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

- E. Dissolved oxygen. A surface water meets the water quality standard for dissolved oxygen when either:
- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
 - The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|---|---|
| A&Ww | 6.0 |
| A&Wc | 7.0 |
| A&W edw for a sample taken from three hours after sunrise to sunset | 3.0 |
| A&W edw for a sample taken from sunset to three hours after sunrise | 1.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Nutrient criteria. The following are water quality standards for total phosphorus and total nitrogen (expressed in milligrams per liter (mg/L)) that apply to the surface waters listed below. A minimum of 10 samples, each taken at least 10 days apart in a consecutive 12-month period, are required to determine a 90th percentile. Not more than 10 percent of the samples may exceed the 90th percentile value listed below. The Director will apply these water quality standards for total phosphorus and total nitrogen to the surface waters listed below, and to their perennial tributaries, if listed. The Director may also apply these total phosphorus and total nitrogen standards to any source discharging to any tributary (ephemeral, intermittent, effluent dependent water, or perennial) of the surface waters listed below, if necessary to protect nutrient water quality in the listed surface water, based on the volume, frequency, magnitude and duration of the discharge, and distance to the downstream surface water listed below:

- Verde River and its perennial tributaries from the Verde headwaters to Bartlett Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.30 | 1.00 |
| Total nitrogen | 1.00 | 1.50 | 3.00 |

- Black River, Tonto Creek and their perennial tributaries for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.20 | 0.80 |
| Total nitrogen | 0.50 | 1.00 | 2.00 |

- Salt River and its perennial tributaries above Roosevelt Lake for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.12 | 0.30 | 1.00 |
| Total nitrogen | 0.60 | 1.20 | 2.00 |

- Salt River below Stewart Mountain Dam to its confluence with the Verde River:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.05 | – | 0.20 |
| Total nitrogen | 0.60 | – | 3.00 |

- Little Colorado River and its perennial tributaries upstream from:
 - The headwaters to River Reservoir,
 - South Fork of Little Colorado River at 34°00'49"/109°24'18" to above South Fork Campground at 34°04'49"/109°24'18", and
 - The headwaters of Water Canyon Creek to the Apache-Sitgreaves National Forest boundary:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.08 | 0.10 | 0.75 |
| Total nitrogen | 0.60 | 0.75 | 1.10 |

- From the Little Colorado River and State Route 260 at 34°06'39"/109°18'55" to Lyman Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.20 | 0.30 | 0.75 |
| Total nitrogen | 0.70 | 1.20 | 1.50 |

- Colorado River at the Northern International Boundary near Morelos Dam:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | – | 0.33 | – |
| Total nitrogen | – | 2.50 | – |

- Oak Creek from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River and the West Fork of Oak Creek from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek.

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.1 | 0.25 | 0.30 |
| Total nitrogen | 1.00 | 1.50 | 2.50 |

- No discharge of wastewater to Show Low Creek or its perennial tributaries upstream of and including Fools Hollow Lake shall exceed 0.16 mg/L total phosphates as P.
- No discharge of wastewater to the San Francisco River or its perennial tributaries upstream of Luna Lake Dam shall exceed 1.0 mg/L total phosphates as P.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final

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rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-110. Salinity Standards for the Colorado River

- A. The flow-weighted average annual salinity in the lower main stem of the Colorado River shall not exceed the following criteria:

| Location | Total Dissolved Solids |
|------------------|------------------------|
| Below Hoover Dam | 723 mg/L |
| Below Parker Dam | 747 mg/L |
| At Imperial Dam | 879 mg/L |

- B. The plan of implementation contained in the “2014 Review, Water Quality Standards for Salinity, Colorado River System,” approved October 2014, is incorporated by reference to preserve the basin-wide approach to salinity control developed by the Colorado River Basin Salinity Control Forum and to ensure compliance with the numeric criteria for salinity in subsection (A). This material does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the Colorado River Basin Salinity Control Forum, 106 West 500 South, Suite 101, Bountiful, Utah 84010-6232 or at <http://www.coloradoriversalinity.org/>.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-111. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610, 40 CFR 136.3, or an alternative analytical method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-112. Outstanding Arizona Waters

- A. The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B. The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C. Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
1. A map and a description of the surface water;

2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
 3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
 4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D. The Director may classify a surface water as an OAW based upon the following criteria:
1. The surface water is a perennial or intermittent water;
 2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
 3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
 4. The surface water meets one or both of the following conditions:
 - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
 - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E. The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F. The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
 2. The social and economic impact of Tier 3 antidegradation protection;
 3. The public comments in support of, or in opposition to, an OAW classification;
 4. The timing of the nomination relative to the triennial review of surface water quality standards;
 5. The consistency of an OAW classification with applicable water quality management plans; and

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6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).
- G.** The following surface waters are classified as OAWs:
1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
 2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
 3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
 4. Peeples Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
 5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
 6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
 7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
 8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
 9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
 10. Cave Creek, from its headwaters to the Coronado National Forest boundary (approximately 10.4 river miles);
 11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
 12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
 13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
 14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
 15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
 18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
 19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
 20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
 21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).
- R18-11-113. Effluent-Dependent Waters**
- A.** The Director shall classify a surface water as an effluent-dependent water by rule.
- B.** The Director may adopt, under R18-11-115, a site-specific water quality standard for an effluent-dependent water.
- C.** Any person may submit a petition for rule adoption requesting that the Director classify a surface water as an effluent-dependent water. The petition shall include:
1. A map and a description of the surface water;
 2. Information that demonstrates that the surface water consists of a point source discharge of wastewater; and
 3. Information that demonstrates that, without a point source discharge of a wastewater, the receiving water is an ephemeral water.
- D.** The Director shall use the water quality standards that apply to an effluent-dependent water to derive water quality-based effluent limits for a point source discharge of wastewater to an ephemeral water.
- E.** The Director may use aquatic and wildlife (edw) acute standards only to derive water quality based effluent limits for a sporadic, infrequent, or emergency point source discharge to an ephemeral water or to an effluent-dependent water. The Director shall consider the following factors when deciding whether to apply A&Wedw (acute) standards:
1. The amount, frequency, and duration of the discharge;
 2. The length of time water may be present in the receiving water;
 3. The distance to a downstream water with aquatic and wildlife chronic standards; and
 4. The likelihood of chronic exposure to pollutants.
- F.** The Director may establish alternative water quality-based effluent limits in an AZPDES permit based on seasonal differences in the discharge.
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective December 18, 1992 (Supp. 92-4). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).
- R18-11-114. Mixing Zones**
- A.** The Director may establish a mixing zone for a point source discharge to a surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited in an ephemeral water or where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B.** The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director

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for a mixing zone as part of an application for an AZPDES permit. The request shall include:

1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C.** The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D.** Director determination.
1. The Director shall deny a request to establish a mixing zone if a water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E.** Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F.** The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.
- G.** Mixing zone requirements.
1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
 2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
 3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
 4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
 5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.
- H.** The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:
1. Chlordane,
 2. DDT and its metabolites (DDD and DDE),
 3. Dieldrin,
 4. Dioxin,
 5. Endrin,
 6. Endrin aldehyde,
 7. Heptachlor,
 8. Heptachlor epoxide,
 9. Lindane,
 10. Mercury,
 11. Polychlorinated biphenyls (PCBs), and
 12. Toxaphene.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-115. Site-Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in Appendix A;
 3. Resident aquatic organisms that occur in a surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in Appendix A;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in Appendix A. "Natural background" means the concentration of a pollutant in a surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically-defensible procedure.

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1. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Uses one of the following procedures, as defined by the most recent EPA guidance documents:
 - i. The recalculation procedure,
 - ii. The water effects ratio for metals,
 - iii. The streamlined water effects ratio, or
 - iv. The Biotic ligand model.
 - d. Demonstrates that all designated uses are protected.
2. Alternatively, a study outline submitted for the Director's approval must contain the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Describes the hydrologic regime of the waterbody;
 - d. Describes the scientifically-defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 - e. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 - f. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 - g. Demonstrates that all designated uses are protected; and
 - h. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration. Modeling approaches include Better Assessment Science Integrating Source and Nonpoint Sources (Basins), Hydrologic Simulation Program-Fortran (HSPF), and Hydrologic Engineering Center (HEC) programs developed by the U.S. Army Corps of Engineers.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Section repealed by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-116. Resource Management Agencies

Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-117. Canals and Urban Park Lakes

A. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified in Appendix B. Physical or mechanical maintenance

includes dewatering, lining, dredging, and the physical, biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified in Appendix B.

B. The discharge of lubricating oil associated with the start-up of well pumps that discharge to canals is not a violation of R18-11-108(B).

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-118. Dams and Flood Control Structures

Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-119. Natural background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is not caused by human activity but is due solely to naturally-occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

R18-11-120. Enforcement of Non-permitted Discharges

A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.

B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-121. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve com-

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pliance. The permittee shall demonstrate that all requirements under § 301(b) and § 306 of the Clean Water Act [33 U.S.C. 1311(b) and 1316] are achieved and that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-122. Variances

- A. Upon request, the Director may establish, by rule, a discharger-specific or water segment(s)-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B. A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.
 4. A detailed discussion of the discharge control technologies that are available for achieving compliance with the water quality standard for which a variance is sought.
 5. Documentation that more advanced treatment technology than applicable technology-based effluent limitations is necessary to achieve compliance with the water quality standard for which a variance is sought.
 6. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
 7. Documentation that the proposed term is only as long as necessary to achieve the highest attainable condition.
 8. Documentation that is appropriate to the type of use to which the variance would apply as follows:
 - a. For a water quality standard variance to a use specified in Clean Water Act § 101(a)(2), documentation must include demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - i. Naturally occurring pollutant concentrations prevent attainment of the use;
 - ii. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - iii. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - iv. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - v. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - vi. That installation and operation of each of the available discharge technologies more advanced than those required to comply with technology-based effluent limitations to achieve compliance with the water quality standard would result in substantial and widespread economic and social impact; or
 - vii. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
 - b. For a water quality standard variance to a use other than those uses specified in Clean Water Act § 101(a)(2), documentation must justify how consideration and value of the water subject to the use appropriately supports the variance and term. A demonstration consistent with (B)(8)(a) of this Section may be used to satisfy this requirement.
 9. For a waterbody segment(s)-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant(s) or water quality parameter(s) and water body or waterbody segment(s) specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(9)(a) previously applied to the water body or waterbody seg-

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ment(s), documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant(s) or water quality parameter(s) subject to the water quality variance and the water quality progress achieved.

10. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification of the permittee subject to the variance;
 - b. For an existing point source discharge, a detailed description of the existing discharge control technologies that are used to achieve compliance with applicable water quality standards. For a new point source discharge, a detailed description of the proposed discharge control technologies that will be used to achieve compliance with applicable water quality standards; and
 - c. Documentation that the existing or proposed discharge control technologies will comply with applicable technology-based effluent limitations.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(8)(a)(vii). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable; or
 3. If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time of the issuance of the variance, and the adoption and implementation of a Pollutant Minimization Program.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The Director may not grant a variance for a point source discharge to an OAW listed in R18-11-112(G).
 - I. Each variance established by the Director is subject to review and approval by the Regional Administrator.
 - J. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E). The variance term runs from the approval of the variance by the Regional Administrator.
 - K. The Director shall reevaluate, in its triennial review, whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance in its triennial review rulemaking.
 - L. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - M. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.
 - N. The following are discharger-specific variances adopted by the Director:
 - O. The following are water body and waterbody segment-specific variances adopted by the Director:

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).
- R18-11-123. Discharge Prohibitions**
- A. The discharge of wastewater to the following surface waters is prohibited:
 1. Sabino Canyon Creek;
 2. Vekol Wash, upstream of the Ak-Chin Indian Reservation; and
 3. Smith Wash, upstream of the Ak-Chin Indian Reservation.
 - B. The discharge to Lake Powell of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel is prohibited.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

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Appendix A. Numeric Water Quality Standards

Table 1. Water Quality Criteria By Designated Use (see f) Footnotes

| Parameter | CAS NUMBER | DWS (µg/L) | FC (µg/L) | FBC (µg/L) | PBC (µg/L) | A&Wc Acute (µg/L) | A&Wc Chronic (µg/L) | A&Ww Acute (µg/L) | A&Ww Chronic (µg/L) | A&Wedw Acute (µg/L) | A&Wedw Chronic (µg/L) | A&We Acute (µg/L) | AgI (µg/L) | AgL (µg/L) |
|---------------------------------------|------------|----------------------------|-----------|-------------|-------------|---|---|---|---|-----------------------------|-----------------------------|-------------------|------------|------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | 850 | 550 | | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | 3,800 | 250 | | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | 2,500 | 170 | | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 3 | | 4.5 | 0.003 | See (b) |
| Alpha Particles (Gross Radioactivity) | | 15 pCi/L See (h) | | | | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | See (e) & Table 15 (absent) | See (e) & Table 16 (absent) | | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | 1,000 D | 600 D | | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 340 D | 150 D | 440 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | 8,800 | 560 | | | |
| Benzo(b)fluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 1,300 | 89 | 10,000 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | 65 D | 5.3 D | | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | 120,000 | 6,700 | | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | 180 | 14 | | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | 15,000 | 10,000 | | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | 5,500 | 360 | | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | 1,700 | 130 | | | |
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | 650 | 50 | | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | 18,000 | 1,100 | | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | 2.4 | 0.2 | 3.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4,000 | 4,000 | 19 | 11 | 19 | 11 | 19 | 11 | | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | 3,800 | 260 | | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | 180,000 | 9,800 | | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | 14,000 | 900 | | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | 15 | 4.7 | 48,000 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | 270,000 | 15,000 | | | |
| beta-Chloronaphthalene | 91587 | 560 | 1267 317 | 74,667 | 74,667 | | | | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | 2,200 | 150 | | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | 0.08 | 0.04 | | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | 16 D | 11 D | 34 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | 41 T | 9.7 T | 84 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 4 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | 0.1 | | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | 470 | 35 | 1,100 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | 1,200 | 470 | 5,900 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | 2,500 | 970 | | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | 2,000 | 780 | 6,500 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | 59,000 | 41,000 | | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | | |
|--|----------|--------|------------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|----------|-------------------------|
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | 15,000 | 950 | | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | 68,000 | 3,900 | | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | 97,000 | 5,500 | | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | 1,000 | 88 | | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | 26,000 | 9,200 | | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | 3,000 | 1,100 | | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 4 | 0.003 | See (b) |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | 26,000 | 1,600 | | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | 400 | 360 | 400 | 360 | 3,100 |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 150,000 |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | 17,000 | 1,000 | | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | 310 | 24 | | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | 110 | 9.2 | | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | 14,000 | 860 | | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | 130 | 11 | | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | 0.004 | 0.004 |
| Endrin aldehyde | 7421934 | | | | | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | 23,000 | 1,400 | | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | 2,000 | 1,600 | | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | 0.01 | | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | 6 | 3.7 | | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | 45 | 8.2 | | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | 1 | 0.61 | 11 | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | 3.5 | 0.3 | | | |
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | 490 | 350 | 850 | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | 2 See (c) | | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | 1,000 D | | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | 59,000 | 43,000 | | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | 0.1 | | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 5 D | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | 0.03 | | | |
| Methylmercury | 22967926 | | 0.3 mg/ kg | | | | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | 0.001 | | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | 3,200 | 580 | | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | 1,300 | 850 | | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | 4,100 | 3,000 | | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | 2,900 | 200 | | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | 28 | 6.6 | 28 | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | 0.07 | 0.01 | | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | 100 | 54 | | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | | See (e), (j) & Table 10 |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | 0.3 | 0.2 | | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | 30 | 6.3 | | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | 7,000 | 1,000 | 180,000 | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | | | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | | |
|---|----------|--------------|---------|-----------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------|----------|
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 19 | 19 | 2 | 0.01 | 2 | 0.02 | 2 | 0.02 | 11 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | | 2 T | 33 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | 5,600 | 370 | | | |
| Sulfides | | | | | | | | | | | | 100 | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | 0.01 | 0.005 | 0.1 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | 4,700 | 3,200 | | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | 6,500 | 680 | 15,000 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | 700 D | 150 D | | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | 8,700 | 180 | | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.7 | 0.0002 | 11 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | 0.5 | 0.07 | | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | 1,700 | 300 | | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 2,600 | 1,600 | | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | 18,000 | 12,000 | | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | 20,000 | 1,300 | | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | 160 | 25 | 3,000 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Footnotes

- a. The asbestos standard is 7 million fibers (longer than 10 micrometers) per liter.
- b. The aldrin/dieldrin standard is exceeded when the sum of the two compounds exceeds 0.003 µg/L.
- c. In lakes, the acute criteria for hydrogen sulfide apply only to water samples taken from the epilimnion, or the upper layer of a lake or reservoir.
- d. Hardness, expressed as mg/L CaCO₃, is determined according to the following criteria:
 - i. If the receiving water body has an A&Wc or A&Ww designated use, then hardness is based on the hardness of the receiving water body from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - ii. If the receiving water has an A&Wedw or A&We designated use, then the hardness is based on the hardness of the effluent from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - iii. The mathematical equations for the hardness-dependent parameter represent the water quality standards. Examples of criteria for the hardness-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- e. pH is determined according to the following criteria:
 - i. If the receiving water has an A&Wc or A&Ww designated use, then pH is based on the pH of the receiving water body from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - ii. If the receiving water body has an A&Wedw or A&We designated use, then the pH is based on the pH of the effluent from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - iii. The mathematical equations for ammonia represent the water quality standards. Examples of criteria for ammonia have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- f. Table 1 abbreviations.
 - i. µg/L = micrograms per liter,
 - ii. mg/kg = milligrams per kilogram,
 - iii. pCi/L = picocuries per liter,
 - iv. D = dissolved,
 - v. T = total recoverable,
 - vi. TTHM indicates that the chemical is a trihalomethane.
- g. The total trihalomethane (TTHM) standard is exceeded when the sum of these four compounds exceeds 80 µg/L, as a rolling annual average.
- h. The concentration of gross alpha particle activity includes radium-226, but excludes radon and uranium.
- i. The average annual concentration of beta particle activity and photon emitters from manmade radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirems per year.
- j. The mathematical equations for the pH-dependent parameters represent the water quality standards. Examples of criteria for the pH-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- k. Abbreviations for the mathematical equations are as follows:
 e = the base of the natural logarithm and is a mathematical constant equal to 2.71828
 LN = is the natural logarithm
 CMC = Criterion Maximum Concentration (acute)
 CCC= Criterion Continuous Concentration (chronic)

Historical Note

Appendix A repealed; new Appendix A, Table 1 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 1 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 1 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 1 repealed; new Appendix A, Table 1 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 1 amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater | | Aquatic and Wildlife warm water, and edw | | Aquatic and Wildlife ephemeral | |
|--|-----------|--|-----------|--|------------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L. |
| 20 | 0.40 | 20 | 2.1 | 20 | 4.9 |
| 100 | 1.8 | 100 | 9.4 | 100 | 22 |
| 400 | 6.5 | 400 | 34 | 400 | 80 |
| $e^{(0.9789*LN(Hardness)-3.866)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-2.208)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-1.363)}*(1.136672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A repealed; new Appendix A, Table 2 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 2 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 2 amended to correct references to footnotes (Supp. 02-4). Appendix A, Table 2 footnotes amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 2 repealed; new Appendix A, Table 2 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 2 repealed; new Table 2 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater, warmwater, and edw | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977*LN(Hardness)-3.909)}*(1.101672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A, Table 3 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 3 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 3 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 3 repealed; new Table 3 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 | 20 | 512 |
| 100 | 570 | 100 | 74.1 | 100 | 1,912 |
| 400 | 1,773 | 400 | 231 | 400 | 5,950 |
| $e^{(0.819*LN(Hardness)+3.7256)}*(0.316)$ | | $e^{(0.819*LN(Hardness)+0.6848)}*(0.86)$ | | $e^{(0.819*LN(Hardness)+4.9361)}*(0.316)$ | |

Historical Note

Appendix A, Table 4 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 4 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 4 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 4 repealed; new Table 4 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 | 20 | 5.1 |
| 100 | 13 | 100 | 9.0 | 100 | 23 |
| 400 | 50 | 400 | 29 | 400 | 86 |
| $e^{(0.9422*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.8545*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.9422*LN(Hardness)-1.1514)}*(0.96)$ | |

Historical Note

Appendix A, Table 5 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 5 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 5 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 5 repealed; new Table 5 made by final

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rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 | 20 | 22.8 |
| 100 | 64.6 | 100 | 2.5 | 100 | 136.3 |
| 400 | 281 | 400 | 10.9 | 400 | 592.7 |
| $e^{(1.273*LN(Hardness)-1.46)}*(1.46203-(LN(Hardness))*(0.145712))$ | | $e^{(1.273*LN(Hardness)-4.705)}*(1.46203-(LN(Hardness))*(0.145712))$ | | $e^{(1.273*(LN(Hardness))-0.7131)}*(1.46203-(LN(Hardness))*(0.145712))$ | |

Historical Note

Appendix A, Table 6 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 6 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 6 renumbered to Table 9; new Table 6 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 6 repealed; new Table 6 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 | 20 | 1066 |
| 100 | 468 | 100 | 52.0 | 100 | 4158 |
| 400 | 1513 | 400 | 168 | 400 | 13436 |
| $e^{(0.846*LN(Hardness)+2.255)}*(0.998)$ | | $e^{(0.846*LN(Hardness)+0.0584)}*(0.997)$ | | $e^{(0.846*LN(Hardness)+4.4389)}*(0.998)$ | |

Historical Note

Appendix A, Table 7 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 7 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 7 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 7 repealed; new Table 7 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife coldwater, warmwater, edw, and ephemeral | |
|---|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e^{(1.72*LN(Hardness)-6.59)}*(0.85)$ | |

Historical Note

Appendix A, Table 8 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 8 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 8 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 8 repealed; new Table 8 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 30.0 | 20 | 284 |
| 100 | 117 | 100 | 1112 |
| 400 | 379 | 400 | 3599 |
| $e^{(0.8473*LN(Hardness)+0.884)}*(0.978)$ | | $e^{(0.8473*LN(Hardness)+3.1342)}*(0.978)$ | |

Historical Note

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Appendix A, Table 9 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 9 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 9 renumbered to Table 11; new Table 9 renumbered from Table 6 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 9 repealed; new Table 9 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|------|---|------|--------------------------------------|------|
| pH | µg/L | pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 | 3 | 0.66 |
| 6 | 3.3 | 6 | 2.1 | 6 | 13.5 |
| 9 | 67.7 | 9 | 42.7 | 9 | 274 |
| $e^{(1.005*(pH)-4.83)}$ | | $e^{(1.005*(pH)-5.29)}$ | | $e^{(1.005*(pH)-3.4306)}$ | |

Historical Note

Appendix A, Table 10 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 10 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 10 renumbered to Table 12; new Table 10 renumbered from Table 11 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 10 repealed; new Table 10 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Present

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$MIN\left(\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}\right) \cdot \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.098 \times (20-p)})\right)\right)$$

Historical Note

Appendix A, Table 11 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 11 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 11 renumbered to Table

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10; new Table 11 renumbered from Table 9 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 11 repealed; new Table 11 renumbered from Table 25 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater, Unionid Mussels Present
 For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Appendix A, Table 12 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 12 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 12 renumbered to Table 18; new Table 12 renumbered from Table 10 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 12 repealed; new Table 12 renumbered from Table 26 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix A, Table 12 repealed; new Appendix A, Table 12 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater and warmwater, Unionid Mussels Present

For the aquatic and wildlife cold and warm water uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Appendix A, Table 13 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 13 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 13 renumbered to Table 15; new Table 13 renumbered from Table 14 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 13 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 13 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Absent

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)$$

Historical Note

Appendix A, Table 14 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 14 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 14 renumbered to Table 13; new Table 14 renumbered from Table 15 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 14 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Appendix A, Table 15 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 15 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 15 renumbered to Table 14; new Table 15 renumbered from Table 13 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 15 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | | | | | | |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | | | | | | |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | | | | | | |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | | | | | | |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | | | | | | |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | | | | | | |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | | | | | | |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | | | | | | |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | | | | | | |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | | | | | | |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | | | | | | |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 | | | | | | |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | | | | | | |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | | | | | | |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | | | | | | |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | | | | | | |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | | | | | | |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | | | | | | |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | | | | | | |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 | | | | | | |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 | | | | | | |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 | | | | | | |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | | | | | | |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 | | | | | | |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | | | | | | |

$$0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7, T)))}$$

Historical Note

Appendix A, Table 16 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 16 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 16 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 16 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater, Unionid Mussels Absent
 For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Appendix A, Table 17 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 17 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 17 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 17 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 18. Repealed

Historical Note

Appendix A, Table 18 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 18 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 18 repealed; new Table 18 renumbered from Table 12 and amended by final rulemaking at 14 A.A.R.

4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 18 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 19. Repealed

Historical Note

Appendix A, Table 19 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

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Appendix A, Table 19 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 19 renumbered to Table 21; new Table 19 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 19 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 20. Repealed**Historical Note**

Appendix A, Table 20 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 20 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 20 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 20 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 21. Repealed**Historical Note**

Appendix A, Table 21 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 21 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 21 renumbered to Table 22; new Table 21 renumbered from Table 19 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 21 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 22. Repealed**Historical Note**

Appendix A, Table 22 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 22 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 22 renumbered to Table 23; new Table 22 renumbered from Table 21 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 22 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 23. Repealed**Historical Note**

Appendix A, Table 23 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 23 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 23 renumbered to Table 24; new Table 23 renumbered from Table 22 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 23 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 24. Repealed**Historical Note**

Appendix A, Table 24 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 24 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 24 renumbered to Table 25; new Table 24 renumbered from Table 23 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 24 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 25. Renumbered**Historical Note**

Appendix A, Table 25 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 25 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 25 renumbered to Table 26; new Table 25 renumbered from Table 24 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 25 renumbered to Table 11 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 26. Renumbered**Historical Note**

Appendix A, Table 26 renumbered from Table 25 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 26 renumbered to Table 12 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

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Appendix B. Surface Waters and Designated Uses

(Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Appendix B table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.)

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Lake Category | Aquatic and Wildlife | | | | Human Health | | | | Agricultural | | |
|-----------|-------------------------|---|---------------|----------------------|------|------|--------|--------------|-----|-----|----|--------------|-----|-----|
| | | | | A&Wc | A&Ww | A&We | A&Wedw | FBC | PBC | DWS | FC | AgI | AgL | |
| BW | Alamo Lake | 34°14'06"/113°35'00" | Deep | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Big Sandy River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Blue Tank | 34°40'14"/112°58'17" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Carter Tank | 34°52'27"/112°57'31" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash | | | | A&We | | | PBC | | | | | AgL |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Date Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek | | | A&Ww | | | FBC | | DWS | | FC | AgI | AgL |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Peeples Canyon (OAW) | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Red Lake | 35°12'18"/113°03'57" | Sedimentary | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Santa Maria River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Big Springs Tank | 36°36'08"/112°21'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek | | A&Wc | | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" | | | | A&We | | | PBC | | | | | |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash | | | | | A&Wedw | | PBC | | | | | AgL |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek | | | | A&We | | | PBC | | | | | |
| CG | Catacart Creek | Headwaters to Santa Fe Reservoir | | A&Wc | | | | FBC | | DWS | | FC | AgI | AgL |
| CG | Catacart Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" | | A&Wc | | | | FBC | | | | FC | AgI | AgL |
| CG | Catacart Creek (EDW) | City of Williams WWTP outfall to 1 km downstream | | | | | A&Wedw | | PBC | | | | | |
| CG | Catacart Creek | Red Lake Wash to Havasupai Indian Reservation boundary | | | | A&We | | | PBC | | | | | AgL |
| CG | Catacart Lake | 35°15'04"/112°12'58" | Igneous | A&Wc | | | | FBC | | DWS | | FC | | AgL |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" | | A&Wc | | | | FBC | | | | FC | | |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| CG | City Reservoir | 35°13'57"/112°11'25" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" | | A&Wc | | | | FBC | | | FC | | |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream | | | | | A&Wedw | | PBC | | | | |
| CG | Colorado River | Lake Powell to Lake Mead | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" | | A&Wc | | | | FBC | | | FC | | |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" | | A&Wc | | | | FBC | | | FC | | |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Detrital Wash | Headwaters to Lake Mead | | | | A&We | | | PBC | | | | |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" | Shallow | | A&Ww | | | FBC | | | FC | AgL | AgL |
| CG | Grand Wash | Headwaters to Colorado River | | | | A&We | | | PBC | | | | |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Grapevine Wash | Headwaters to Colorado River | | | | A&We | | | PBC | | | | |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hance Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" | | A&Wc | | | | FBC | | | FC | | |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Horn Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hualapai Wash | Headwaters to Lake Mead | | | | A&We | | | PBC | | | | |
| CG | Jacob Lake | 36°42'27"/112°13'50" | Sedimentary | A&Wc | | | | FBC | | | FC | | |
| CG | Kaibab Lake | 35°17'04"/112°09'32" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" | | A&Wc | | | | FBC | | | FC | | |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Lake Mead | 36°06'18"/114°26'33" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lake Powell | 36°59'53"/111°08'17" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Monument Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Nankoweap Creek | Headwaters to confluence with unnamed tributary at 36°15'29"/111°57'26" | | A&Wc | | | | FBC | | | FC | | |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" | | | A&Ww | | | FBC | | | FC | | |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" | | A&Wc | | | | FBC | | | FC | | |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" | | A&Wc | | | | FBC | | | FC | | |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Paria River | Utah border to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" | | A&Wc | | | | FBC | | | FC | | |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Roaring Springs | 36°11'45"/112°02'06" | | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Russell Tank | 35°52'21"/111°52'45" | | A&Wc | | | | FBC | | | FC | | AgL |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" | | A&Wc | | | | FBC | | | FC | | |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" | | A&Wc | | | | FBC | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash | | | | A&We | | | PBC | | | | |
| CG | Slate Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Stone Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River | | | A&Wc | | | FBC | | | FC | | |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek | | | A&Wc | | | FBC | | | FC | | |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" | | | | A&We | | | | PBC | | | |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek | | | | A&We | | | | PBC | | | |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unnamed Wash (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon | | | | | A&Wedw | | | PBC | | | |
| CG | Unnamed Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash | | | | | A&Wedw | | | PBC | | | |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" | | | A&Wc | | | FBC | | | FC | | |
| CG | Virgin River | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45'/112°21'03" | | | A&Wc | | | FBC | | | FC | | |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CL | A10 Backwater | 33°31'45"/114°33'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | A7 Backwater | 33°34'27"/114°32'04" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Adobe Lake | 33°02'36"/114°39'26" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Cibola Lake | 33°14'01"/114°40'31" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Clear Lake | 33°01'59"/114°31'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Columbus Wash | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | |
| CL | Colorado River | Lake Mead to Topock Marsh | | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| CL | Colorado River | Topock Marsh to Morelos Dam | | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" | | | | A&We | | | | PBC | | | |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash | | | | A&We | | | | PBC | | | |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" | Shallow | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Island Lake | 33°01'44"/114°36'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Havasu | 34°35'18"/114°25'47" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Mohave | 35°26'58"/114°38'30" | Deep | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| CL | Martinez Lake | 32°58'49"/114°28'09" | Shallow | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Mittry Lake | 32°49'17"/114°27'54" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Mohave Wash | Headwaters to Lower Colorado River | | | | A&We | | | PBC | | | | |
| CL | Nortons Lake | 33°02'30"/114°37'59" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" | Sedimentary | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Quigley Pond | 32°43'40"/113°57'44" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Redondo Lake | 32°44'32"/114°29'03" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Sacramento Wash | Headwaters to Topock Marsh | | | | A&We | | | PBC | | | | |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" | | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash | | | | A&We | | | PBC | | | | AgL |
| CL | Topock Marsh | 34°43'27"/114°28'59" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains | | | | | | | | | | AgI | AgL |
| LC | Als Lake | 35°02'10"/111°25'17" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ashurst Lake | 35°01'06"/111°24'18" | Igneous | A&Wc | | | | FBC | | | FC | AgI | AgL |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" | Sedimentary | A&Wc | | | | FBC | | | FC | AgI | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--|--|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| LC | Becker Lake | 34°09'11"/109°18'23" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Black Canyon Lake | 34°20'32"/110°40'13" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag | | | | | A&We | | PBC | | | | |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Carnero Lake | 34°06'57"/109°31'42" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chilson Tank | 34°51'43"/111°22'54" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" | Shallow | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Colter Reservoir | 33°56'39"/109°28'53" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Lake | 34°26'37"/109°37'40" | Shallow | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cow Lake | 34°53'14"/111°18'51" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Daves Tank | 34°44'22"/111°17'15" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Deep Lake | 35°03'34"/111°25'00" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hay Lake | 34°00'11"/109°25'57" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Horse Lake | 35°03'55"/111°27'50" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hulsey Lake | 33°55'58"/109°09'40" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Indian Lake | 35°00'39"/111°22'41" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Jacks Canyon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Jarvis Lake | 33°58'59"/109°12'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Knoll Lake | 34°25'38"/111°05'13" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lake Humphreys (EDW) | 35°11'51"/111°35'19" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake of the Woods | 34°09'40"/109°58'47" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir | | A&Wc | | | | FBC | | | FC | | |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River | Headwaters to Lyman Reservoir | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs | | A&Wc | | | | FBC | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|---------------------------------------|--|--------------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little George Reservoir | 34°00'37"/109°19'15" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Long Tom Tank | 34°20'35"/110°49'22" | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Marshall Lake | 35°07'18"/111°32'07" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | McKay Reservoir | 34°01'27"/109°13'48" | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Morton Lake | 34°53'37"/111°17'41" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Mud Lake | 34°55'19"/111°21'29" | Shallow | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Nelson Reservoir | 34°02'52"/109°11'19" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Norton Reservoir | 34°03'57"/109°31'27" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Nutriosio Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Paddy Creek | Headwaters to confluence with Nutriosio Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Pierce Seep | 34°23'39"/110°31'17" | | A&Wc | | | | | PBC | | | | |
| LC | Pine Tank | 34°46'49"/111°17'21" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream | | | | | A&Wedw | | PBC | | | | |
| LC | Rainbow Lake | 34°09'00"/109°59'09" | Shallow Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" | | | | | A&We | | PBC | | | | |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash | | | | | A&Wedw | | PBC | | | | |
| LC | River Reservoir | 34°02'01"/109°26'07" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Rudd Creek | Headwaters to confluence with Nutriosio Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Russel Reservoir | 33°59'29"/109°20'01" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Scott Reservoir | 34°10'31"/109°57'31" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Lake | 34°11'36"/110°00'12" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Slade Reservoir | 33°59'41"/109°20'26" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Lake | 34°47'47"/111°14'04" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Spaulding Tank | 34°30'17"/111°02'06" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Tremaine Lake | 34°46'02"/111°13'51" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/110°38'13" to confluence with Black Canyon Creek | | | | | A&Wedw | | PBC | | | | |
| LC | Unnamed Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep | | | | | A&Wedw | | PBC | | | | |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Whipple Lake | 34°16'49"/109°58'29" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | White Mountain Lake | 34°21'57"/109°59'21" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Willow Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Willow Springs Lake | 34°18'13"/110°52'16" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" | | | | | A&We | | PBC | | | | AgL |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 | | | | | A&Wedw | | PBC | | | | AgL |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |

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| | | | | | | | | | | | | | | |
|----|--|--|-------------|--|------|------|--------|--------|-----|-----|-----|----|-----|-----|
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" | | | | A&We | | PBC | | | | | | AgL |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream | | | | | A&Wedw | | PBC | | | | | |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" | | | | A&We | | PBC | | | | | | |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | | | | |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash | | | | A&We | | PBC | | | | | | |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" | | | | | | | | | | | | AgL |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon | | | A&Wc | | | FBC | | | | FC | AgL | AgL |
| MG | Ash Creek | Below confluence with Tex Canyon to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Beehive Tank | 32°52'37"/111°02'20" | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch | | | | A&Wc | | FBC | | | | FC | AgL | AgL |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Cave Creek | Headwaters to the Cave Creek Dam | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal | | | | | A&We | | PBC | | | | | |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" | | | | | A&We | | PBC | | | | | AgL |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" | Urban | | | A&Ww | | PBC | | | | FC | AgL | |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary | | | | A&We | | PBS | | | | | | AgL |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" | Urban | | | A&Ww | | PBC | | | | FC | | |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" | Urban | | | A&Ww | | PBC | | | | FC | | |
| MG | French Gulch | Headwaters to confluence with Hassayampa River | | | | A&Ww | | PBC | | | | | | AgL |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River | | | | | A&We | | PBC | | | | | AgL |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek | | | | | | A&Wedw | | PBC | | | | |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" | | | | | A&We | | PBC | | | | | AgL |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road | | | | | | A&Wedw | | PBC | | | | |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary | | | | | A&We | | PBC | | | | | AgL |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam | | | | | | A&Wedw | | PBC | | FC | AgL | AgL |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River | | | A&Wc | | | FBC | | | DWS | FC | | AgL |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" | Igneous | | A&Wc | | | FBC | | | DWS | FC | | |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" | | | | A&Wc | | FBC | | | | FC | AgL | AgL |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56" | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal | | | | | A&We | | PBC | | | | | AgL |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Horsethief Lake | 34°09'42"/112°17'57" | Igneous | | A&Wc | | | FBC | | | DWS | FC | | AgL |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River | | | | | A&We | | PBC | | | | | |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" | Urban | | | | | PBC | | | | FC | | |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" | Urban | | | A&Ww | | PBC | | | | FC | | |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" | Urban | | | A&Ww | | PBC | | | | FC | AgL | |
| MG | Lake Pleasant | 33°53'46"/112°16'29" | Deep | | | A&Ww | | FBC | | | DWS | FC | AgL | AgL |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" | | | | A&Wc | | FBC | | | | FC | | AgL |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Lynx Lake | 34°31'07"/112°23'07" | Deep | | A&Wc | | | FBC | | | DWS | FC | AgL | AgL |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" | Urban | | | A&Ww | | | PBC | | | FC | AgL | |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River | | | | | | A&Wedw | | PBC | | | | |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" | | | | | | PBC | | | | | | |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | FC | | AgL |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" | | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River | | | | | A&We | | PBC | | | | | AgL |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" | Sedimentary | | | A&Ww | | FBC | | | | FC | AgL | AgL |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" | Urban | | | A&Ww | | PBC | | | | FC | | |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" | Urban | | | A&Ww | | PBC | | | | FC | | |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" | | | | A&Ww | | FBC | | | | FC | | AgL |

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| | | | | | | | | | | | | |
|----|-----------------------|---|---------|------|------|------|--------|-----|-----|-----|-----|-----|
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes | | | | | | | DWS | | AgI | AgL |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations | | | | | | | | | AgI | AgL |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" | Shallow | | A&Ww | | | FBC | | | FC | AgI |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch | | A&Wc | | | | FBC | | | FC | AgL |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" | | | A&Ww | | | | PBC | | FC | AgL |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon | | | | | A&Wedw | | PBC | | | |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River | | | A&We | | | | PBC | | | |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam | | | A&Ww | | | FBC | | DWS | FC | AgI |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" | | | A&We | | | | PBC | | | |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake | | | | | A&Wedw | | PBC | | | |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge | | | A&We | | | | PBC | | | |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" | | | A&Ww | | | | PBC | | FC | |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | FC | AgI |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream | | | | | A&Wedw | | PBC | | | |
| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon | | | A&Wc | | | FBC | | | FC | AgL |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" | Urban | | A&Ww | | | FBC | | | FC | |
| MG | The Lake Tank | 32°54'14"/111°04'15" | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" | | | A&Wc | | | FBC | | | FC | AgI |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek | | | A&Ww | | | FBC | | | FC | AgI |
| MG | Unnamed Wash (EDW) | Gila Bend WWTP outfall to confluence with the Gila River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek | | | | | A&Wedw | | PBC | | | |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream | | | | | A&Wedw | | PBC | | | |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | White Canyon Creek | Headwaters to confluence with Walnut Canyon Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash | EDW | | | | A&Wedw | | PBC | | | |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" | Urban | | A&Ww | | | | PBC | | FC | |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | AgL |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" | | | | A&We | | | PBC | | | |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek | | | | A&We | | | PBC | | | |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" | | | | A&We | | | PBC | | | AgL |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek | | | | A&We | | | PBC | | | AgL |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Arivaca Lake | 31°31'52"/111°15'06" | Igneous | | A&Ww | | | FBC | | | FC | AgI |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash | | | | A&We | | | PBC | | | AgL |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro | | | | A&We | | | PBC | | | |
| SC | Black Wash (EDW) | Pima County WWMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash | | | | | A&Wedw | | PBC | | | |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash | | | | A&We | | | PBC | | | |
| SC | California Gulch | Headwaters To U.S./Mexico border | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Cañada del Oro | Headwaters to State Route 77 | | | A&Ww | | | FBC | | | FC | AgI |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | AgL |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" | | | | A&We | | | PBC | | | AgL |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" | | | | A&We | | | PBC | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|----|-------------------------------------|---|---------|------|------|--------|-----|-----|-----|-----|-----|
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek | | | A&Ww | | FBC | | FC | | AgL |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" | | | | A&We | PBC | | | | |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" | | | A&Ww | | FBC | | FC | | |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" | | | | A&We | PBC | | | | AgL |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek | | | A&Ww | | FBC | | FC | | |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch | | | | A&We | PBC | | | | AgL |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon | | | A&Wc | | FBC | | FC | | |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek | | | A&Ww | | FBC | | FC | | |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary | | | | A&We | PBC | | | | |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" | | | | A&We | PBC | | | | |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at | | | | A&We | PBC | | | | AgL |
| SC | Hit Tank | 32°43'57"/111°03'18" | | | A&Ww | | FBC | | FC | | AgL |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border | | | A&Ww | | FBC | | FC | | |
| SC | Huachuca Tank | 31°21'11"/110°30'18" | | | A&Ww | | FBC | | FC | | AgL |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | PBC | | | | |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" | Urban | | A&Ww | | | PBC | FC | | |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" | Urban | | A&Ww | | | PBC | FC | | |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48'/110°47'49" | | | A&Wc | | FBC | | FC | | |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48'/110°47'49" to confluence with Sabino Canyon Creek | | | A&Ww | | FBC | | FC | | |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | PBC | | | | |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42'/110°52'51" | | | A&Wc | | FBC | | FC | | AgL |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42'/110°52'51" to confluence with the Santa Cruz River | | | A&Ww | | FBC | | FC | | AgL |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek | | | A&Ww | | FBC | | FC | | AgL |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek | | | A&Ww | | | PBC | FC | | |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek | | | | A&We | PBC | | | | |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33'/110°45'31" | | | A&Wc | | FBC | | FC | | |
| SC | Palisade Canyon | Below 32°22'33'/110°45'31" to unnamed tributary of Sabino Canyon | | | A&Ww | | FBC | | FC | | |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek | | | | A&We | PBC | | | | |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17'/110°28'47" | A&Wc | | | | FBC | | FC | | |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border | | | A&Ww | | FBC | | FC | | |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" | Deep | A&Wc | | | FBC | | FC | AgL | AgL |
| SC | Patagonia Lake | 31°29'56"/110°50'49" | Deep | | A&Ww | | FBC | | FC | AgL | AgL |
| SC | Peña Blanca Lake | 31°24'15"/111°05'12" | Igneous | | A&Ww | | FBC | | FC | AgL | AgL |
| SC | Potrero Creek | Headwaters to Interstate 19 | | | | A&We | PBC | | | | AgL |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River | | | A&Ww | | FBC | | FC | | AgL |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash | | | | A&We | PBC | | | | |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" | | | A&Ww | | FBC | | FC | | AgL |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek | | | A&Ww | | FBC | | FC | | |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River | | | | A&We | PBC | | | | AgL |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29'/110°50'39" | | | A&Wc | | FBC | | FC | | |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash | | | A&Ww | | FBC | | FC | | |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon | | | A&Wc | | FBC | | FC | | |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" | Igneous | A&Wc | | | FBC | | FC | | AgL |
| SC | Ruby Lakes | 31°26'29"/111°14'22" | Igneous | | A&Ww | | FBC | | FC | | AgL |
| SC | Sabino Canyon | Headwaters to 32°23'20"/110°47'06" | | | A&Wc | | FBC | | DWS | FC | AgL |
| SC | Sabino Canyon | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River | | | A&Ww | | FBC | | DWS | FC | AgL |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" | | | A&Ww | | FBC | | FC | | AgL |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border | | | A&Ww | | FBC | | FC | AgL | AgL |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" | | | A&Ww | | FBC | | DWS | FC | AgL |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge | | | | A&Wedw | PBC | | | | AgL |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" | | | | A&We | PBC | | | | AgL |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road | | | | A&Wedw | PBC | | | | |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River | | | | A&We | PBC | | | | AgL |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary | | | | A&We | PBC | | | | AgL |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" | | | | A&We | PBC | | | | |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream | | | | A&Wedw | PBC | | | | |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation | | | | A&We | PBC | | | | |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/112°01'47" to the Chin Indian Reservation | | | | A&Wedw | PBC | | | | |
| SC | Soldier Tank | 32°25'34"/110°44'43" | | | A&Wc | | FBC | | FC | | AgL |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25'/110°45'31" | | | | A&We | PBC | | | | AgL |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall | | | | A&Wedw | PBC | | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | |
|----|------------------------------|--|-------------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SC | Split Tank | 31°28'11"/111°05'12" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" | | A&Wc | | | FBC | | | FC | | |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Headwaters to Houghton Road | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek | | | A&We | | | PBC | | | | AgL |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" | | | A&We | | | | PBC | | | AgL |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek | | | A&We | | | | PBC | | | AgL |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River | | | A&We | | | | PBC | | | AgL |
| SC | Unnamed Wash (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream | | | A&Wedw | | | | PBC | | | |
| SC | Unnamed Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash | | | A&Wedw | | | | PBC | | | |
| SC | Unnamed Wash (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro | | | A&Wedw | | | | PBC | | | |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations | | | A&We | | | | PBC | | | |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River | | | A&We | | | | PBC | | | AgL |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bear Creek | Headwaters to U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon | | A&Ww | | | FBC | | | FC | | |
| SP | Black Draw | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek | | | A&We | | | | PBC | | | AgL |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River | | | A&We | | | | PBC | | | AgL |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/110°19'44" | Sedimentary | A&Ww | | | FBC | | | FC | | |
| SP | Espiritu Canyon Creek | Headwaters to confluence with Soza Wash | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Creek | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fourmile Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Right Prong | Headwaters to confluence with Fourmile Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" | | A&Wc | | | FBC | | DWS | FC | AgI | |

TITLE 18. ENVIRONMENTAL QUALITY

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| | | | | | | | | | | | | |
|----|--------------------------------------|--|-------------|------|------|--------|-----|--------|-----|----|-----|-----|
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | AgI | |
| SP | Glance Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gold Gulch | Headwaters to U.S./Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/ 110°19'49" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/ 109°22'17" | | | A&Ww | | FBC | | | FC | | |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Hot Springs Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/ 109°43'32" | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Leslie Canyon Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/ 110°18'34" | | | A&Ww | | FBC | | | FC | | |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" | | A&Wc | | | FBC | | DWS | FC | | AgL |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | | AgL |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/ 110°18'52" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/ 109°54'02" | | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" | | | | A&We | | | PBC | | | |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw | | | | A&We | | | PBC | | | AgL |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/ 110°21'37" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Parsons Canyon Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40'/ 110°18'42" | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Swamp Springs Canyon | Headwaters to confluence with Redfield Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/ 110°26'11" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/ 110°26'10" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Unnamed Wash (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream | | | | A&Wedw | | PBC | | | | |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" | | | | A&We | | PBC | | | | |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash | | | | | | A&Wedw | PBC | | | |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36'/ 109°43'48" | | | | A&We | | PBC | | | | AgL |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/ 110°20'12" | | | A&Ww | | FBC | | | FC | | |
| SR | Ackre Lake | 33°37'01"/109°20'40" | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Apache Lake | 33°37'23"/111°12'26" | Deep | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37'/ 111°26'40" | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Basin Lake | 33°55'00"/109°26'09" | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Bear Creek | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Beaver Creek | Headwaters to confluence with Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Big Lake | 33°52'36"/109°25'33" | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River | Headwaters to confluence with Salt River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, West Fork | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Bloody Tanks Wash | Headwaters to Schulze Ranch Road | | | | A&We | | PBC | | | | AgL |
| SR | Bloody Tanks Wash | Schulze Ranch Road to confluence with Miami Wash | | | | A&We | | PBC | | | | |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Campaign Creek | Headwaters to Roosevelt Lake | | | A&Ww | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------|---|---------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Canyon Lake | 33°32'44"/111°26'19" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| SR | Centerfire Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Conklin Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Corduroy Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Crescent Lake | 33°54'38"/109°25'18" | Shallow | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Deer Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Fish Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Fish Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | LaBarge Creek | Headwaters to Canyon Lake | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek | | | | A&We | | | PBC | | | | |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°26'55"/110°49'25" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" | | | A&Ww | | | FBC | | | | | |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pine Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek | | | A&Ww | | | FBC | | | FC | | |
| SR | Reservation Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek | | A&Wc | | | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|----|------------------------|--|-------------|------|------|-----|-----|-----|----|-----|-----|
| SR | Roosevelt Lake | 33°52'17"/111°00'17" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash | | | A&We | | PBC | | | | |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Saguaro Lake | 33°33'44"/111°30'55" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Salome Creek | Headwaters to confluence with the Salt River | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Salt House Lake | 33°57'04"/109°20'11" | Igneous | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake | | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek | | A&Wc | | FBC | | | FC | | |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Workman Creek | Headwaters to confluence with Reynolds Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Apache Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" | | A&Wc | | FBC | | | FC | | AgL |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Bennett Wash | Headwaters to the Gila River | | | A&We | | PBC | | | | |
| UG | Bitter Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine | | A&Ww | | FBC | | | FC | | AgL |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River | | | A&We | | PBC | | FC | | |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cima Creek | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Dankworth Lake | 32°43'13"/109°42'17" | Sedimentary | A&Wc | | FBC | | | FC | | AgL |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | East Whittail | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Foote Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. | | A&Ww | | FBC | | | FC | | AgL |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" | Igneous | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Grant Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Judd Lake | 33°51'15"/109°09'35" | Sedimentary | A&Wc | | FBC | | | FC | | |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |

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| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| UG | Lanphier Canyon Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Little Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | | |
| UG | Georges Tank | 33°51'24"/109°08'30" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Luna Lake | 33°49'50"/109°05'06" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | Markham Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Roper Lake | 32°45'23"/109°42'14" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | San Francisco River | Headwaters to the New Mexico border | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | San Francisco River | New Mexico border to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | San Simon River | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | AgL |
| UG | Sheep Tank | 32°46'14"/109°48'09" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Smith Pond | 32°49'15"/109°50'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Tinny Pond | 33°47'49"/109°04'27" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek | | | A&Ww | | | FBC | | | FC | | |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Barrata Tank | 35°02'43"/112°24'21" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bartlett Lake | 33°49'52"/111°37'44" | Deep | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Beaver Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary | | | | | A&Wedw | | PBC | | | | AgL |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20'/112°05'06" | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Bray Creek | Headwaters to confluence with Webber Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Camp Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Chase Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" | | | | A&We | | | PBC | | | | |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'02"/111°52'17" to 34°48'12"/111°52'48" | | | | | A&Wedw | | PBC | | | | |
| VR | Dude Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| VR | East Verde River | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" | | | A&Ww | | | FBC | | DWS | FC | | |
| VR | Foxboro Lake | 34°53'42"/111°39'55" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fry Lake | 35°03'45"/111°48'04" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Headwaters to confluence with Government Spring | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Garrett Tank | 35°18'57"/112°42'20" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |

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| | | | | | | | | | | | | |
|----|----------------------------|--|-------------|------|------|--------|-----|-----|-----|----|-----|-----|
| VR | Granite Creek | Headwaters to Watson Lake | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" | Urban | | | A&Wedw | | PBC | | FC | | |
| VR | Heifer Tank | 35°20'27"/112°32'59" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Homestead Tank | 35°21'24"/112°41'36" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horse Park Tank | 34°58'15"/111°36'32" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" | Sedimentary | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Houston Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Huffer Tank | 34°27'46"/111°23'11" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/ 111°45'51" | | | | A&We | | | PBC | | | |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek | | | | A&Wedw | | PBC | | | | |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15'/ 111°44'47" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek, West Fork (OAW) | Headwaters to confluence with Oak Creek | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Odell Lake | 34°56'5"/111°37'53" | Igneous | A&Wc | | | FBC | | | FC | | |
| VR | Peck's Lake | 34°46'51"/112°02'01" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Perkins Tank | 35°06'42"/112°04'12" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51'/ 111°26'49" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Red Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Reservoir #1 | 35°13'5"/111°50'09" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Reservoir #2 | 35°13'17"/111°50'39" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Scholze Lake | 35°11'53"/112°00'37" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23'/ 111°57'21" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Stehr Lake | 34°22'01"/111°40'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |
| VR | Stoneman Lake | 34°46'47"/111°31'14" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sullivan Lake | 34°51'42"/112°27'51" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41'/ 111°57'31" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Fort McDowell Indian Reservation boundary at 33°39'19.8"/-111°37'42.7" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Tangle Creek | Headwaters to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Trinity Tank | 35°27'44"/112°48'01" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'59"/ 111°48'35" to Volunteer Wash | | | | A&Wedw | | PBC | | | | |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Verde River | Below Bartlett Lake Dam to Salt River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Watson Lake | 34°34'58"/112°25'26" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Webber Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/ 111°34'34" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" | Igneous | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williscraft Tank | 35°11'22"/112°35'40" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek | Above Willow Creek Reservoir | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Willow Creek | Below Willow Creek Reservoir to confluence with Granite Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |

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Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix B repealed, new Appendix B adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix B amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix B amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix C. Site-Specific Standards

| Watershed | Surface Water | Surface Water Description & Location | Parameter | Site-Specific Criterion |
|-----------|--------------------|--|-------------------------|---|
| LC | Rio de Flag (EDW) | Flagstaff WWTP outfall to the confluence with San Francisco Wash | Copper (D) | 36 µg/L (A&Wedw) |
| CL | Yuma East Wetlands | From inlet culvert from Colorado River into restored channel to Ocean Bridge | Selenium (T) | 2.2 µg/L (A&Ww chronic) |
| | | | Total residual chlorine | 33 µg/L (A&Ww acute) |
| | | | | 20 µg/L (A&Ww chronic) |
| SR | Pinto Creek | From confluence of Ellis Ranch tributary at 33°19'26.7"/110°54'57.5" to the confluence of West Fork of Pinto Creek at 33°27'32.3"/111°00'19.7" | Copper (D) | 34 µg/L (A&Ww acute for hardness values below 268 mg/L) |
| | | | | 34 µg/L (A&Ww chronic) |

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix C repealed effective April 24, 1996 (Supp. 96-2). New Appendix C made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix C amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

ARTICLE 2. WATER QUALITY STANDARDS FOR NON-WOTUS PROTECTED SURFACE WATERS

R18-11-201. Definitions

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation AZ (AgI AZ)" means the use of a non-WOTUS protected surface water for crop irrigation.
3. "Agricultural livestock watering AZ (AgL AZ)" means the use of a non-WOTUS protected surface water as a water supply for consumption by livestock.
4. "Aquatic and wildlife AZ (cold water) (A&Wc AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
5. "Aquatic and wildlife AZ (warm water) (A&Ww AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
6. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
7. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
8. "Criteria" means elements of water quality standards expressed as pollutant concentrations, levels, or narrative

statements representing a water quality that supports a designated use.

9. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health-based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
10. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health-based water quality standard criteria, in order to simulate long-term exposure, the

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receiving water critical flow condition is the harmonic mean flow.

11. "Designated use" means a use specified on the Protected Surface Waters List for a non-WOTUS protected surface water.
12. "Domestic water source AZ (DWS AZ)" means the use of a non-WOTUS protected surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
13. "Fish consumption AZ (FC AZ)" means the use of a non-WOTUS protected surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
14. "Full-body contact AZ (FBC AZ)" means the use of a non-WOTUS protected surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely, and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
15. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_y = \sqrt[n]{(Y_1)(Y_2)(Y_3)(Y_n)}$$

16. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
17. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
18. "Non-WOTUS protected surface water" means a protected surface water designated in Table A of R18-11-216 or added to the PSWL by an emergency action authorized by A.R.S. § 49-221(G)(7) that is not a WOTUS.
19. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
20. "Partial-body contact AZ (PBC AZ)" means the recreational use of a non-WOTUS protected surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and, sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
21. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance.
22. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
23. "Recharge Project" means a facility necessary or convenient to obtain, divert, withdraw, transport, exchange,

deliver, treat, or store water to infiltrate or reintroduce that water into the ground.

24. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
25. "Urban lake" means a manmade lake within an urban landscape.
26. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
27. "Wetland" means, for the purposes of non-WOTUS protected surface waters, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
28. "WOTUS" means waters of the state that are also navigable waters as defined by Section 502(7) of the Clean Water Act.
29. "WOTUS protected surface water" means a protected surface water that is a WOTUS.
30. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1).
Amended subsection A. effective April 17, 1984 (Supp. 84-2). Former Section R9-21-201 repealed, former Section R9-21-203 renumbered as Section R9-21-201 and amended effective January 7, 1985 (Supp. 85-1).
Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-201 renumbered without change as Section R18-11-201 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-202. Applicability

- A. The water quality standards prescribed in this Article apply to non-WOTUS protected surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
 1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores including:
 - a. A pit,
 - b. Pregnant leach solution pond

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- c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond of sump in a mine put associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product that is being held for recycling,
 - h. Spill or catchment pond, or
 - i. A pond used for onsite remediation
3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.
 5. WOTUS Protected Surface Waters.

Historical Note

Former Section R9-21-202 repealed, former Section R9-21-102 renumbered as Section R9-21-202 and amended effective January 7, 1985 (Supp. 85-1). Amended subsections (B), (D), and (E) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-202 renumbered without change as Section R18-11-202 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-203. Designated Uses for Non-WOTUS Protected Surface Waters

- A. The designated uses for specific non-WOTUS protected surface waters are listed in the Protected Surface Waters List in this article. The designated uses that may be assigned to a non-WOTUS protected surface water are:
 1. Full-body contact AZ,
 2. Partial-body contact AZ,
 3. Domestic water source AZ,
 4. Fish consumption AZ,
 5. Aquatic and wildlife AZ (cold water),
 6. Aquatic and wildlife AZ (warm water),
 7. Agricultural irrigation AZ, and
 8. Agricultural livestock watering AZ.
- B. Numeric water quality criteria to maintain and protect water quality for the designated uses assigned to non-WOTUS protected surface waters are prescribed in R18-11-215. Narrative water quality standards to protect non-WOTUS protected surface waters are prescribed in R18-11-214.
- C. If a non-WOTUS protected surface water has more than one designated use listed in the Protected Surface Waters List, the most stringent water quality criterion applies.
- D. The Director shall revise the designated uses of a non-WOTUS protected surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in the Protected Surface Waters List.
- E. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria through a rulemaking action for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

3. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the non-WOTUS protected surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
4. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1). Amended subsection (B) by adding paragraphs (27) and (28) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-203 renumbered as Section R9-21-201, former Section R9-21-204 renumbered as Section R9-21-203 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-203 renumbered and amended as Section R9-21-204, new Section R9-21-203 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-203 renumbered without change as Section R18-11-203 (Supp. 87-3). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-204. Interim, Presumptive Designated Uses

The following water quality standards apply to a non-WOTUS protected surface water that is not listed on the Protected Surface Waters List but is added on an emergency basis pursuant to A.R.S. § 49-221(G)(7):

1. The aquatic and wildlife AZ (cold water use applies to a non-WOTUS protected surface water above 5000 feet in elevation;
2. The aquatic and wildlife AZ (warm water) applies to a non-WOTUS protected surface water below 5000 feet in elevation;
3. The full-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
4. The partial-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans in a way that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
5. The fish consumption AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for harvesting aquatic organisms for con-

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sumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.

6. The domestic water source AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans as a source of potable water.
7. The agricultural irrigation AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used for crop irrigation.
8. The agricultural livestock watering AZ use applies to any non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used as a water supply for consumption by livestock.

Historical Note

Former Section R9-21-204 renumbered and amended as Section R9-21-207, former Section R9-21-206 renumbered and amended as Section R9-21-204 effective January 29, 1980 (Supp. 80-1). Former Section

R9-21-204 renumbered as Section R9-21-203, former Section R9-21-205 renumbered as Section R9-21-204 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-204 renumbered and amended as Section R9-21-205, former Section R9-21-203 renumbered and amended as Section R9-21-204 effective August 12, 1986 (Supp. 86-4). Former Section

R9-21-204 renumbered without change as Section R18-11-204 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-205. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610 or an alternative method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Former Section R9-21-205 repealed, new Section R9-21-205 adopted effective January 29, 1980 (Supp. 80-1).

Former Section R9-21-205 renumbered as Section R9-21-204, former Section R9-21-206 renumbered as Section R9-21-205 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-205 renumbered and amended as Section R9-21-206, former Section R9-21-204 renumbered and amended as Section R9-21-205 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-205 renumbered without change as Section R18-11-205 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992

(Supp. 92-1). Section repealed April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-206. Mixing Zones

- A. The Director may establish a mixing zone for a point source discharge to a non-WOTUS protected surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B. The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director for a mixing zone as part of an application for an AZPDES permit. The request shall include:
 1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C. The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
 1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D. Director determination.
 1. The Director shall deny a request to establish a mixing zone if an applicable water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E. Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F. The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.

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G. Mixing zone requirements.

1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.

H. The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:

1. Chlordane,
2. DDT and its metabolites (DDD and DDE),
3. Dieldrin,
4. Dioxin,
5. Endrin,
6. Endrin aldehyde,
7. Heptachlor,
8. Heptachlor epoxide,
9. Lindane,
10. Mercury,
11. Polychlorinated biphenyls (PCBs), and
12. Toxaphene.

Historical Note

Former Section R9-21-206 renumbered and amended as Section R9-21-204, new Section R9-21-206 adopted effective January 29, 1980 (Supp. 80-1). Amended by adding subsection (B) effective October 14, 1981 (Supp. 81-5). Amended subsection (B) and Table 1 effective January 29, 1982 (Supp. 82-1). Amended subsection (B) and Table 1 effective August 13, 1982 (Supp. 82-4). Former Section R9-21-206 renumbered as Section R9-21-205, former Section R9-21-207 renumbered as Section R9-21-206 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-206 renumbered and amended as Section R9-21-207, former Section R9-21-205 renumbered and amended as R9-21-206 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-206 renumbered without change as Section R18-11-206 (Supp. 87-3). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-207. Natural Background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is caused solely by naturally occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Former Section R9-21-207 repealed, former Section R9-21-204 renumbered and amended as Section R9-21-207 effective January 29, 1980 (Supp. 80-1). Former Section R9-21-207 renumbered as Section R9-21-206, former Section R9-21-208 renumbered as Section R9-21-207

and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-207 renumbered without change as Section R9-21-208, former Section R9-21-206 renumbered and amended as Section R9-21-207 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-207 renumbered without change as Section R18-11-207 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-208. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve compliance. The permittee shall demonstrate that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Former Section R9-21-208 repealed, new Section R9-21-208 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-208 renumbered as Section R9-21-207, Appendices 1 through 9 amended as Appendix A (now shown following R9-21-213), former Section R9-21-209 renumbered as R9-21-208 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-208 renumbered and amended as Section R9-21-209, former Section R9-21-207 renumbered without change as Section R9-21-208 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-208 renumbered without change as Section R18-11-208 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-209. Variances

- A.** Upon request, the Director may establish, by rule, a discharger-specific or water segment-specific or water segments-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B.** A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality

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standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.

4. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
5. Documentation that the proposed term is only as long as necessary to achieve compliance with applicable water quality standards.
6. Documentation that is appropriate to the type of designated use to which the variance would apply as follows. For a water quality standard variance documentation must include a demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - a. Naturally occurring pollutant concentrations prevent attainment of the use;
 - b. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - c. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - d. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - f. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
7. For a waterbody segment-specific or segments-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or pollutants or water quality parameter or parameters and water body or waterbody segment or segments specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(7)(a) previously applied to the water body or waterbody segment or segments, documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant or pollutants or water quality parameter or parameters subject to the water quality variance and the water quality progress achieved.
8. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section: Identification of the permittee subject to the variance.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(6)(a)(vi). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E).
 - I. The Director shall periodically, but not more than every five years, reevaluate whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition during each rulemaking for this Article. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance during the rulemaking.
 - J. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - K. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.

Historical Note

Former Section R9-21-209 renumbered and amended as Section R9-21-210, new Section R9-21-209 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-209 renumbered as Section R9-21-208, Tables I and II amended as Appendix B (now shown following R9-21-213 and Appendix A), former Section R9-21-210 renumbered as Section R9-21-209 and amended effective

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January 7, 1985 (Supp. 85-1). Former Section R9-21-209 renumbered and amended as Section R9-21-210, former Section R9-21-208 renumbered and amended as Section R9-21-209 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-209 renumbered without change as Section R18-11-209 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-210. Site Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a non-WOTUS protected surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a non-WOTUS protected surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in R18-11-215;
 3. Resident aquatic organisms that occur in a non-WOTUS protected surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in R18-11-215;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in R18-11-215. "Natural background" means the concentration of a pollutant in a non-WOTUS protected surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a non-WOTUS protected surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically defensible procedure. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
1. Identifies the pollutant;
 2. Describes the reach's boundaries;
 3. Describes the hydrologic regime of the waterbody;
 4. Describes the scientifically defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 5. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 6. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 7. Demonstrates that all designated uses are protected; and
 8. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective January 29, 1980 (Supp. 80-1). Amended subsection (A) effective April 17, 1984 (Supp. 84-2). Former Section R9-21-210 renumbered as Section R9-21-209, former Section R9-21-211 renumbered as Section R9-21-210 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-210 renumbered without change as Section R18-11-210 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-211. Enforcement of Non-permitted Discharges to Non-WOTUS Protected Surface Waters

- A.** The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B.** Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211 effective January 29, 1980 (Supp. 80-1). Amended subsections (D), (G) three (I), and added (J) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-211 renumbered as Section R9-21-210, former Section R9-21-212 renumbered as Section R9-21-211 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-211 renumbered and amended as Section R9-21-212, former Section R9-21-210 renumbered and amended as Section R9-21-211 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-211 renumbered without change as Section R18-11-211 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-212. Statements of Intent and Limitations on the Reach of Article 2

- A.** Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.
- B.** Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified as non-WOTUS protected surface waters on the Protected Surface Waters List. Physical or mechanical maintenance includes dewatering, lining, dredging, and the physical,

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biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified on the Protected Surface Waters List.

- C. Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article.
- D. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-212 renumbered as Section R9-21-211, former Section R9-21-213 renumbered as Section R9-21-212 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-212 repealed, former Section R9-21-211 renumbered and amended as Section R9-21-212 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-212 renumbered without change as Section R18-11-212 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-213. Procedures for Determining Economic, Social, and Environmental Cost and Benefits

- A. The Director shall perform an economic, social, and environmental cost and benefits analysis that shows the benefits outweigh the costs before conducting any of the following rulemaking actions:
 1. Adopting a water quality standard that applies to non-WOTUS protected surface waters at a particular level or for a particular water category of non-WOTUS protected surface waters;
 2. Adding a non-WOTUS protected surface water to the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(4) apply; or
 3. Removing a non-WOTUS protected surface water from the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(6) apply.
- B. The economic, social, and environmental cost and benefit analysis must include:
 1. A justification of the valuation methodology used to quantify the costs or benefits of the rulemaking action;
 2. A reference to any study relevant to the economic, social, and environmental cost and benefit analysis that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of the costs and benefits of the rulemaking action;
 3. A description of any data on which an economic, social, and environmental cost and benefits analysis is based and an explanation of how the data was obtained and why the data is acceptable data.
 4. A description of the probable impact of the rulemaking on any existing AZPDES permits that are impacted by the rulemaking action;
 5. A description of the probable amount of additional AZPDES permits that will be required for known and ongoing point-source discharges after the rulemaking is completed that otherwise would not have been required if the Director did not undertake the rulemaking action; and
 6. The administrative and other costs to ADEQ associated with the proposed rulemaking.
- C. The Director shall publish a copy of the economic, social, and environmental cost and benefits analysis to the agency website

prior to filing any rulemaking materials during any of the rulemaking actions listed in subsection (A) of this rule.

- D. If for any reason enough data is not reasonably available to comply with the requirements of subsection (B) of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms.
- E. The Director is not required to prepare the economic, social, and environmental cost and benefits analysis required by this rule when:
 1. Adding or removing a WOTUS-protected surface water from the Protected Surface Waters List; or
 2. Adding a water to the Protected Surface Waters List on an emergency basis pursuant to A.R.S. § 49-221(G)(7).

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Former Section R9-21-213 renumbered as Section R9-21-212, former Section R9-21-103 renumbered as Section R9-21-213 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-213 renumbered without change as Section R9-21-214, new Section R9-21-213 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-213 renumbered without change as Section R18-11-213 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-214. Narrative Water Quality Standards for Non-WOTUS Protected Surface Waters

- A. A non-WOTUS protected surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the non-WOTUS protected surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or
 8. Change the color of the non-WOTUS protected surface water from natural background levels of color.
- B. A non-WOTUS protected surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard
- C. A non-WOTUS protected surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.

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Historical Note

Former Section R9-21-213 renumbered without change as Section R9-21-214 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-214 renumbered without change as Section R18-11-214 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-215. Numeric Water Quality Standards for Non-WOTUS Protected Surface Waters

A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony-forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC AZ | PBC AZ |
|---|--------|--------|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

B. pH. The following water quality standards for non-WOTUS protected surface waters pH are expressed in standard units:

| pH | DWS AZ | FBC AZ, PBC AZ, A&Ww AZ, A&Wc AZ | AgI AZ | AgL AZ |
|---------|--------|----------------------------------|--------|--------|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww AZ | A&Wc AZ |
|---------|---------|
| 3.0° C | 1.0° C |

D. Suspended sediment concentration.

- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

| A&Wc AZ | A&Ww AZ |
|---------|---------|
| 25 | 80 |

E. Dissolved oxygen. A non-WOTUS protected surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|----------------|---|
| A&Ww AZ | 6.0 |
| A&Wc AZ | 7.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

F. Tables 1 through 17 prescribe water quality criteria for individual pollutants by designated use.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 1. Water Quality Criteria by Designated Use (see footnote)

| Parameter | CAS NUMBER | DWS AZ (µg/L) | FC AZ (µg/L) | FBC AZ (µg/L) | PBC AZ (µg/L) | A&Wc AZ Acute (µg/L) | A&Wc AZ Chronic (µg/L) | A&Ww AZ Acute (µg/L) | A&Ww AZ Chronic (µg/L) | AgI AZ (µg/L) | AgL AZ (µg/L) |
|---------------------------------------|------------|----------------------------|--------------|---------------|---------------|---|---|---|---|---------------|---------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 0.003 | See (b) |
| Alpha Particles (Gross) Radioactivity | | 15 pCi/L See (h) | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | | |
| Benzo[b]fluoranthene Benzfluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | | |

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| | | | | | | | | | | | |
|--|----------|--------------|----------|-------------|-------------|-------------------|-------------------|-------------------|-------------------|---------|---------|
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4000 | 4000 | 19 | 11 | 19 | 11 | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | | |
| beta-Chloronaphthalene | 91587 | 560 | 317 | 74,667 | 74,667 | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 14 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | | |
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.003 | See (b) |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.004 | 0.004 |
| Endrin aldehyde | 7421934 | 2 | | | | 0.09 | 0.04 | 0.09 | 0.04 | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | | |

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| | | | | | | | | | | | |
|---|----------|--------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|----------|----------|
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | |
| Methylmercury | 22967926 | | 0.3 mg/kg | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | |
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 2 19 | 19 | 2 | 0.01 | 2 | 0.02 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | | |
| Sulfides | | | | | | | | | | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Historical Note

Table 1 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ | | Aquatic and Wildlife Warm Water AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 0.40 | 20 | 2.1 |
| 100 | 1.8 | 100 | 9.4 |
| 400 | 6.5 | 400 | 34 |
| c(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness))*0.041838) | | c(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness))*0.041838) | |

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Historical Note

Table 2 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977 \cdot \text{LN}(\text{Hardness}) - 3.909)} \cdot (1.101672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Table 3 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 |
| 100 | 570 | 100 | 74.1 |
| 400 | 1,773 | 400 | 231 |
| $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 3.7256)} \cdot (0.316)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 0.6848)} \cdot (0.86)$ | |

Historical Note

Table 4 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 |
| 100 | 13 | 100 | 9.0 |
| 400 | 50 | 400 | 29 |
| $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.8545 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | |

Historical Note

Table 5 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 |
| 100 | 64.6 | 100 | 2.5 |
| 400 | 281 | 400 | 10.9 |
| $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 1.46)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | | $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 4.705)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | |

Historical Note

Table 6 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 |
| 100 | 468 | 100 | 52.0 |
| 400 | 1513 | 400 | 168 |
| $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 2.255)} \cdot (0.998)$ | | $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 0.0584)} \cdot (0.997)$ | |

Historical Note

Table 7 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |

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| | |
|------------------------------------|------|
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e(1.72*LN(Hardness)-6.59)*(0.85)$ | |

Historical Note

Table 8 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 30.0 |
| 100 | 117 |
| 400 | 379 |
| $e(0.8473*LN(Hardness)+0.884)*(0.978)$ | |

Historical Note

Table 9 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|------|--|------|
| pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 |
| 6 | 3.3 | 6 | 2.1 |
| 9 | 67.7 | 9 | 42.7 |
| $e(1.005*(pH)-4.83)$ | | $e(1.005*(pH)-5.29)$ | |

Historical Note

Table 10 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Present
 For the Aquatic and Wildlife Coldwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |

TITLE 18. ENVIRONMENTAL QUALITY

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| | | | | | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |
| $MIN\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}, \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.026 \times (20-T)})\right)\right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 11 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Table 12 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ and Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Coldwater and Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - \text{MAX}(T,7))})$$

Historical Note

Table 13 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)\right)$$

Historical Note

Table 14 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ Uses, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Table 15 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7))})$ | | | | | | | | | | | | | | | | | | | | | | | | |

Historical Note

Table 16 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 17 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-216. The Protected Surface Waters List

Tables A through C prescribe the protected surface waters list.

Historical Note

Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table A. Non-WOTUS Protected Surface Waters and Designated Uses

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Aquatic and Wildlife | | Human Health | | | | Agricultural | |
|-----------|------------------------|--|----------------------|---------|--------------|--------|--------|-------|--------------|--------|
| | | | A&Wc AZ | A&Ww AZ | FBC AZ | PBC AZ | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| CG | Cottonwood Creek | Headwaters to confluence with unnamed tributary at 35°20'46"/113°35'31" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Cottonwood Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Headwaters to confluence with unnamed tributary at 35°20'48"/113°30'40" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Boot Lake | 34°58'54"/111°20'11" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Little Ortega Lake | 34°22'47"/109°40'06" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Mormon Lake | 34°56'38"/111°27'25" | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| LC | Potato Lake | 35°03'15"/111°24'13" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Pratt Lake | 34°01'32"/109°04'18" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Sponseller Lake | 34°14'09"/109°50'45" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Vail Lake | 35°05'23"/111°30'46" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Water Canyon Reservoir | 34°03'38"/109°26'20" | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| MG | Bonsall Park Lake | 59th Avenue & Bethany Home Road at 33°31'24'/112°11'08" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| MG | Canal Park Lake | College Avenue & Curry Road, Tempe at 33°26'54'/111°56'19" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| SP | Big Creek | Headwaters to confluence with Pitchfork Canyon Wash | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Goudy Canyon Wash | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| SP | Grant Creek | Headwaters to confluence with unnamed tributary at 32°38'10"/109°56'37" | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | |
| SP | Grant Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | | |
| SP | High Creek | Headwaters to confluence with unnamed tributary at 32°33'08"/110°14'42" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | High Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Pinery Creek | Headwaters to State Highway 181 | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Pinery Creek | Below State Highway 181 to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Post Creek | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Riggs Flat Lake | 32°42'28"/109°57'53" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Rock Creek | Headwaters to confluence with Turkey Creek | | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Soldier Creek | Headwaters to confluence with Post Creek at 32°40'50'/109°54'41" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Snow Flat Lake | 32°39'10"/109°51'54" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Stronghold Canyon East | Headwaters to 31°55'9.28"/109°57'53.24" | A&Wc AZ | | | PBC AZ | | | | |
| SP | Stronghold Canyon East | 31°55'9.28"/109°57'53.24" to confluence with Carlink Canyon | | A&Ww AZ | | PBC AZ | | | | |
| SP | Turkey Creek | Headwaters to confluence with Rock Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Turkey Creek | Below confluence with Rock Creek to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| UG | Ward Canyon | Headwaters to confluence with Turkey Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| VR | Moonshine Creek | Headwaters to confluence with Post Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |

Historical Note

Table A made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table B. WOTUS Protected Surface Waters

The waters listed in this table have been tentatively identified by ADEQ as WOTUS, under the law governing on 8/26/2022. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table B will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the WOTUS Protected Surface Waters Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|--|
| BW | Big Sandy River | Headwaters to Alamo Lake |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River |
| CG | Colorado River | Lake Powell to Lake Mead |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek |
| CG | Havasus Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River |
| CG | Lake Mead | 36°06'18"/114°26'33" |
| CG | Lake Powell | 36°59'53"/111°08'17" |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Paria River | Utah border to confluence with the Colorado River |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" |
| CG | Virgin River | Headwaters to confluence with the Colorado River |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03" |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CL | A10 Backwater | 33°31'45"/114°33'19" |
| CL | A7 Backwater | 33°34'27"/114°32'04" |
| CL | Adobe Lake | 33°02'36"/114°39'26" |
| CL | Cibola Lake | 33°14'01"/114°40'31" |
| CL | Clear Lake | 33°01'59"/114°31'19" |
| CL | Colorado River | Lake Mead to Topock Marsh |
| CL | Colorado River | Topock Marsh to Morelos Dam |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" |
| CL | Island Lake | 33°01'44"/114°36'42" |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" |
| CL | Lake Havasu | 34°35'18"/114°25'47" |
| CL | Lake Mohave | 35°26'58"/114°38'30" |
| CL | Martinez Lake | 32°58'49"/114°28'09" |
| CL | Mittry Lake | 32°49'17"/114°27'54" |
| CL | Nortons Lake | 33°02'30"/114°37'59" |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" |
| CL | Topock Marsh | 34°43'27"/114°28'59" |

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| | | |
|----|--|---|
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Chevelon Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Colter Reservoir | 33°56'39"/109°28'53" |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek |
| LC | Little Colorado River | Headwaters to Lyman Reservoir |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek |
| LC | Morrison Creek | Headwaters to Mamie Creek @ 33°59'24.45"/109°03'51.94 |
| LC | Nutrioso Creek | Headwaters to confluence with the Little Colorado River |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek |
| LC | Riggs Creek | Headwaters to Nutrioso Creek |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" |
| LC | Rudd Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Rosey Creek | Headwaters to 34°02'28.72"/109°27'24.3" |
| LC | Scott Reservoir | 34°10'31"/109°57'31" |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek |
| LC | Show Low Lake | 34°11'36"/110°00'12" |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River |
| LC | White Mountain Lake | 34°21'57"/109°59'21" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" |
| MG | Lake Pleasant | 33°53'46"/112°16'29" |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at 34°20'45.74"/112°4'17.26" |
| MG | Little Sycamore Creek | Headwaters to Sycamore Creek @ 34°21'39.13"/111°58'49.98" |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam |
| MG | Seven Springs Wash | Headwaters to Unnamed trib @ 33°57'58.66"/111°51'52.07" |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek |
| SC | California Gulch | Headwaters To U.S./Mexico border |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) |
| SC | Cox Gulch | Headwaters to Three R Canyons @ 31°28'28.03"/110°47'14.65" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek |
| SP | Bear Creek | Headwaters to U.S./Mexico border |
| SP | Black Draw | Headwaters to the U.S./Mexico border |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" |
| SP | Gold Gulch | Headwaters to U.S./Mexico border |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon |

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| | | |
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| SP | San Pedro River | From Buehman canyon to confluence with the Gila River |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36"/109°43'48" |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border |
| SR | Ackre Lake | 33°37'01"/109°20'40" |
| SR | Apache Lake | 33°37'23"/111°12'26" |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Beaver Creek | Headwaters to confluence with Black River |
| SR | Black River | Headwaters to confluence with Salt River |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek |
| SR | Black River, West Fork | Headwaters to confluence with the Black River |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork |
| SR | Canyon Lake | 33°32'44"/111°26'19" |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River |
| SR | Conklin Creek | Headwaters to confluence with the Black River |
| SR | Corduoy Creek | Headwaters to confluence with Fish Creek |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Fish Creek | Headwaters to confluence with the Black River |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" |
| SR | Roosevelt Lake | 33°52'17"/111°00'17" |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek |
| SR | Saguaro Lake | 33°33'44"/111°30'55" |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Apache Creek | Headwaters to confluence with the Gila River |
| UG | Bitter Creek | Headwaters to confluence with the Gila River |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River |
| UG | Bob Thomas Creek | Headwaters to Stone Creek 33°51'93"/109°42'52" |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary |
| UG | Grant Creek | Headwaters to confluence with the Blue River |
| UG | Judd Lake | 33°51'15"/109°09'35" |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek |
| UG | Luna Lake | 33°49'50"/109°05'06" |
| UG | North Fork Cave Creek | Headwaters to Cave Creek @ 31°52'56.63"/109°12'19.75" |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River |
| UG | San Francisco River | Headwaters to the New Mexico border |
| UG | San Francisco River | New Mexico border to confluence with the Gila River |
| UG | San Simon River | Headwaters to confluence with the Gila River |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek |
| VR | Bartlett Lake | 33°49'52"/111°37'44" |
| VR | Beaver Creek | Headwaters to confluence with the Verde River |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" |
| VR | East Verde River | Headwaters to confluence with Ellison Creek |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15"/111°44'47" |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek |
| VR | Sullivan Lake | 34°51'42"/112°27'51" |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41"/111°57'31" |

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| | | |
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| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam |
| VR | Verde River | Below Bartlett Lake Dam to Salt River |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" |

Historical Note

Table B made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table C. Historically Regulated as WOTUS and in Need of Confirmation

The waters listed in this table have historically been and will continue to be regulated as WOTUS unless ADEQ makes a determination that they are non-WOTUS. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table C will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Historically Regulated as WOTUS and in Need of Confirmation Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|---|
| BW | Alamo Lake | 34°14'06"/113°35'00" |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River |
| BW | Blue Tank | 34°40'14"/112°58'17" |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Carter Tank | 34°52'27"/112°57'31" |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek |
| BW | Date Creek | Headwaters to confluence with Santa Maria River |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River |
| BW | Peoples Canyon (OAW) | Headwaters to confluence with Santa Maria River |
| BW | Red Lake | 35°12'18"/113°03'57" |
| BW | Santa Maria River | Headwaters to Alamo Lake |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River |
| CG | Big Springs Tank | 36°36'08"/112°21'01" |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek |
| CG | Cataract Creek | Headwaters to Santa Fe Reservoir |
| CG | Cataract Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" |
| CG | Cataract Creek | Red Lake Wash to Havasupai Indian Reservation boundary |
| CG | Cataract Creek (EDW) | City of Williams WWTP outfall to 1 km downstream |
| CG | Cataract Lake | 35°15'04"/112°12'58" |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River |
| CG | City Reservoir | 35°13'57"/112°11'25" |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" |
| CG | Detrital Wash | Headwaters to Lake Mead |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" |
| CG | Grand Wash | Headwaters to Colorado River |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River |
| CG | Grapevine Wash | Headwaters to Colorado River |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River |
| CG | Hance Creek | Headwaters to confluence with the Colorado River |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" |
| CG | Horn Creek | Headwaters to confluence with the Colorado River |

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| | | |
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| CG | Hualapai Wash | Headwaters to Lake Mead |
| CG | Jacob Lake | 36°42'27"/112°13'50" |
| CG | Kaibab Lake | 35°17'04"/112°09'32" |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Monument Creek | Headwaters to confluence with the Colorado River |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Roaring Springs | 36°11'45"/112°02'06" |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River |
| CG | Russell Tank | 35°52'21"/111°52'45" |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" |
| CG | Slate Creek | Headwaters to confluence with the Colorado River |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River |
| CG | Unnamed Wash to Cedar Canyon (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon |
| CG | Unnamed Wash to Spring Valley Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek |
| CL | Columbus Wash | Headwaters to confluence with the Gila River |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream |
| CL | Mohave Wash | Headwaters to Lower Colorado River |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" |
| CL | Quigley Pond | 32°43'40"/113°57'44" |
| CL | Redondo Lake | 32°44'32"/114°29'03" |
| CL | Sacramento Wash | Headwaters to Topock Marsh |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains |
| LC | Als Lake | 35°02'10"/111°25'17" |
| LC | Ashurst Lake | 35°01'06"/111°24'18" |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" |
| LC | Becker Lake | 34°09'11"/109°18'23" |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" |
| LC | Carrero Lake | 34°06'57"/109°31'42" |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek |
| LC | Chilson Tank | 34°51'43"/111°22'54" |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash |
| LC | Concho Lake | 34°26'37"/109°37'40" |
| LC | Cow Lake | 34°53'14"/111°18'51" |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek |

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| LC | Daves Tank | 34°44'22"/111°17'15" |
| LC | Deep Lake | 35°03'34"/111°25'00" |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Hay Lake | 34°00'11"/109°25'57" |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" |
| LC | Horse Lake | 35°03'55"/111°27'50" |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Hulsey Lake | 33°55'58"/109°09'40" |
| LC | Humphrey Lake (EDW) | 35°11'51"/111°35'19" |
| LC | Indian Lake | 35°00'39"/111°22'41" |
| LC | Jacks Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Jarvis Lake | 33°58'59"/109°12'36" |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" |
| LC | Knoll Lake | 34°25'38"/111°05'13" |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" |
| LC | Lake of the Woods | 34°09'40"/109°58'47" |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork |
| LC | Leroux Wash, tributary to Little Colorado River | From City of Holbrook-Painted Mesa WRF outfall at 34° 54' 30", -110° 11' 36" to Little Colorado River. The outfall discharges into Leroux Wash. All reaches of the Little Colorado River between the outfall to the Colorado River are perennial or intermittent. |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs |
| LC | Little George Reservoir | 34°00'37"/109°19'15" |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" |
| LC | Long Tom Tank | 34°20'35"/110°49'22" |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" |
| LC | Marshall Lake | 35°07'18"/111°32'07" |
| LC | McKay Reservoir | 34°01'27"/109°13'48" |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek |
| LC | Morton Lake | 34°53'37"/111°17'41" |
| LC | Mud Lake | 34°55'19"/111°21'29" |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" |
| LC | Norton Reservoir | 34°03'57"/109°31'27" |
| LC | Paddy Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Pierce Seep | 34°23'39"/110°31'17" |
| LC | Pine Tank | 34°46'49"/111°17'21" |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream |
| LC | Rainbow Lake | 34°09'00"/109°59'09" |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash |
| LC | River Reservoir | 34°02'01"/109°26'07" |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" |
| LC | Russel Reservoir | 33°59'29"/109°20'01" |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" |
| LC | Slade Reservoir | 33°59'41"/109°20'26" |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" |
| LC | Soldiers Lake | 34°47'47"/111°14'04" |
| LC | Spaulding Tank | 34°30'17"/111°02'06" |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" |
| LC | Tremaine Lake | 34°46'02"/111°13'51" |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/ 110°38'13" to confluence with Black Canyon Creek |
| LC | Unnamed Wash to Pierce Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep |
| LC | Unnamed wash, tributary to Rio de Flag River (Bow and Arrow Wash) | Treated municipal wastewater is piped from the Rio de Flag WWTP through a city-wide reuse system to the main effluent storage pond that is in an unnamed wash. |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" |
| LC | Whipple Lake | 34°16'49"/109°58'29" |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek |

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| LC | Willow Springs Lake | 34°18'13"/110°52'16" |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" |
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" |
| MG | Arnett Creek | Headwaters to Queen Creek @ 33°16'43.24"/111°10'12.49" |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | Beehive Tank | 32°52'37"/111°02'20" |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River |
| MG | Cash Gulch | Headwaters to Jersey Gulch @ 34°25'31.39"/112°25'30.96" |
| MG | Cave Creek | Headwaters to the Cave Creek Dam |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" |
| MG | Corgett Wash | From Corgett Wash WRF outfall at 33°21'42", -112°27'05" to Gila River. The discharge point is 0.5 miles from the ephemeral conveyance Corgett Wash. The Gila River is then 1.5 miles downstream from Corgett Wash. |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" |
| MG | Eugene Gulch | Headwaters to Big Bug Creek @ 34°27'11.51"/112°18'30.95" |
| MG | French Gulch | Headwaters to confluence with Hassayampa River |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56". |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River |
| MG | Hassayampa River | From City of Buckeye-Palo Verde Road WWTP outfall at 33° 23' 54.3", -112° 40' 33.7" to Buckeye Canal |
| MG | Horsethief Lake | 34°09'42"/112°17'57" |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" |
| MG | Jersey Gulch | Headwaters to Hassayampa River @ 34°25'40.16"/112°25'45.64" |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River |
| MG | Lynx Lake | 34°31'07"/112°23'07" |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River |
| MG | Money Metals Trib | Headwaters to Unnamed Trib (UB1) |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" |
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream |

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| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River |
| MG | The Lake Tank | 32°54'14"/111°04'15" |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek |
| MG | Unnamed Trib (UQ2) to Queen Creek | Headwaters to Queen Creek @ 33°18'26.15"/111°04'19.3" |
| MG | Unnamed Trib (UQ3) to Queen Creek | Headwaters to Queen Creek @ 33°18'33.75"/111°04'02.61" |
| MG | Unnamed Trib to Big Bug Creek (UB1) | Headwaters to Big Bug Creek @ 34°25'38.86"/112°22'29.32" |
| MG | Unnamed Trib to Eugene Gulch | Headwaters to Eugene Gulch @ 34°27'34.6"/112°20'24.53" |
| MG | Unnamed Trib to Lynx Creek | Headwaters to Superior Mining Div. Outfall @ Lynx Creek @ 34°27'10.57"/112°23'14.22" |
| MG | Unnamed tributary to Deadman's Wash | From EPCOR Water Anthem Water Campus WWTP outfall at 33° 50' 47.9", -112° 08' 25.6" to Deadman's Wash |
| MG | Unnamed tributary to Gila River (EDW) | Gila Bend WWTP outfall to confluence with the Gila River |
| MG | Unnamed tributary to Gila River (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River |
| MG | Unnamed tributary to the Agua Fria River | From Softwinds WWTP outfall at 34° 32' 43", -112° 14' 21" to the Agua Fria River. Discharges to Agua Fria which is a jurisdictional tributary to Lake Pleasant (TNW) |
| MG | Unnamed tributary to Winters Wash | From Balterra WWTP outfall at 33° 29' 45", -112° 55' 10" to Winters Wash |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek |
| MG | Unnamed wash, tributary to Black Canyon Creek | From Black Canyon Ranch RV Resort WWTP outfall to Agua Fria River. |
| MG | Unnamed wash, tributary to Queen Creek | Queen Creek, AZ15050100-013B is closest WBID to outfall coordinates |
| MG | Unnamed wash, tributary to Waterman Wash | The Rainbow Valley outfall discharges to an unnamed wash to Waterman wash to the Gila River. |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek |
| MG | White Canyon | Headwaters to confluence with Walnut Canyon Creek |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash |
| SC | Arivaca Lake | 31°31'52"/111°15'06" |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro |
| SC | Black Wash (EDW) | Pima County WWMMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash |
| SC | Cañada del Oro | Headwaters to State Route 77 |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" |
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at |
| SC | Hit Tank | 32°43'57"/111°03'18" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Huachuca Tank | 31°21'11"/110°30'18" |
| SC | Humboldt Canyon | Headwaters to Alum Gulch @ 31°28'25.84"/110°44'01.57" |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49" |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51" |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31" |
| SC | Palisade Canyon | Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47" |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" |
| SC | Patagonia Lake | 31°29'56"/110°50'49" |

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| SC | Peña Blanca Lake | 31°24'15"/111°05'12" |
| SC | Potrero Creek | Headwaters to Interstate 19 |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39" |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" |
| SC | Ruby Lakes | 31°26'29"/111°14'22" |
| SC | Sabino Creek | Headwaters to 32°23'20"/110°47'06" |
| SC | Sabino Creek | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/ 112°01'47" to the Chin Indian Reservation |
| SC | Soldier Tank | 32°25'34"/110°44'43" |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River |
| SC | Split Tank | 31°28'11"/111°05'12" |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" |
| SC | Tanque Verde Creek | Headwaters to Houghton Road |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Unnamed Trib (Endless Mine Tributary) to Harshaw Creek | Headwaters to Harshaw Creek @ 31°26'12.3"/110°43'27.26" |
| SC | Unnamed Trib (UA2) to Alum Gulch | Headwaters to Alum Gulch @ 31°28'49.67"/110°44'12.86" |
| SC | Unnamed Trib to Cox Gulch | Headwaters to Cox Gulch @ 31°27'53.86"/110°46'51.29" |
| SC | Unnamed Trib to Three R Canyon | Headwaters to Three R Canyon @ 31°28'25.82"/110°46'04.11" |
| SC | Unnamed Wash to Canada Del Oro (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/ 110°48'02" to 5 km downstream |
| SC | Unnamed Wash to Canada del Oro (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro |
| SC | Unnamed Wash to Santa Cruz Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Brewery Gulch | Headwaters to Mule Gulch @ 31°26'27.88"/109°54'48.1" |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River |
| SP | Curry Draw | Headwaters to San Pedro River |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/ 110°19'44" |
| SP | Espirito Canyon Creek | Headwaters to confluence with Soza Wash |
| SP | Fournmile Canyon Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Fournmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" |
| SP | Fournmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek |
| SP | Fournmile Canyon, Right Prong | Headwaters to confluence with Fournmile Canyon |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" |
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |

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| SP | Glance Creek | Headwaters to confluence with Whitewater Draw |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/110°19'49" |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River |
| SP | Greenbush Draw | From City of Bisbee San Jose WWTP outfall at 31°20'35.4", -109°56'10.2" to San Pedro River. The City of Bisbee San Jose WWTP outfall discharges to Greenbush Draw. |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/109°22'17" |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Hot Springs Canyon | Headwaters to confluence with the San Pedro River |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/109°43'32" |
| SP | Leslie Creek | Headwaters to confluence with Whitewater Draw |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/110°18'34" |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River |
| SP | Montezuma Creek | Headwaters to Mexico Border @ 31°20'01.87"/110°13'40.97" |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/110°18'52" |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/109°54'02" |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/110°21'37" |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River |
| SP | Parsons Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40"/110°18'42" |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Swamp Springs Canyon Creek | Headwaters to confluence with Redfield Canyon |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/110°26'11" |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/110°26'10" |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Unnamed Wash Mt. Lemmon (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/110°20'12" |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37"/111°26'40" |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek |
| SR | Basin Lake | 33°55'00"/109°26'09" |
| SR | Bear Creek | Headwaters to confluence with the Black River |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Big Lake | 33°52'36"/109°25'33" |
| SR | Bloody Tanks Wash | Headwaters to Schultze Ranch Road |
| SR | Bloody Tanks Wash | Schultze Ranch Road to confluence with Miami Wash |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek |
| SR | Campaign Creek | Headwaters to Roosevelt Lake |
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary |
| SR | Centerfire Creek | Headwaters to confluence with the Black River |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork |
| SR | Deer Creek (D2E) | Headwaters to confluence with the Black River, East Fork |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35" |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek |
| SR | Fish Creek | Headwaters to confluence with the Salt River |
| SR | Five Point Mountain Tributary | Headwaters to Pinto Creek @ 33°22'25.93"/110°58'14" |
| SR | Gibson Mine Tributary | Headwaters to Pinto Creek @ 33°20'48.99"/110°56'42.31" |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek |
| SR | LaBarge Creek | Headwaters to Canyon Lake |

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| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°25'29"/110°48'20" |
| SR | Pine Creek | Headwaters to confluence with the Salt River |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek |
| SR | Reservation Creek | Headwaters to confluence with the Black River |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash |
| SR | Salome Creek | Headwaters to confluence with the Salt River |
| SR | Salt House Lake | 33°57'04"/109°20'11" |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek |
| SR | Unnamed trib to Black River North Fork East Fork | Headwaters to Black River NF of EF |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Bennett Wash | Headwaters to the Gila River |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek |
| UG | Cima Creek | Headwaters to confluence with Cave Creek |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Dankworth Lake | 32°43'13"/109°42'17" |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River |
| UG | East Whitetail | Headwaters to terminus near San Simon River |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River |
| UG | Foote Creek | Headwaters to confluence with the Blue River |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" |
| UG | Georges Tank | 33°51'24"/109°08'30" |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek |
| UG | Lanphier Canyon | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek |
| UG | Little Creek | Headwaters to confluence with the San Francisco River |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash |
| UG | Markham Creek | Headwaters to confluence with the Gila River |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River |
| UG | Roper Lake | 32°45'23"/109°42'14" |
| UG | Sheep Tank | 32°46'14"/109°48'09" |
| UG | Smith Pond | 32°49'15"/109°50'36" |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek |
| UG | Tinny Pond | 33°47'49"/109°04'27" |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek |

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| VR | Banning Creek | Headwaters to Granite Creek @ 34°31'01.02"/112°28'37.63" |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" |
| VR | Barrata Tank | 35°02'43"/112°24'21" |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06" |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek |
| VR | Bray Creek | Headwaters to confluence with Webber Creek |
| VR | Butte Creek | Headwaters to Miller Creek @ 34°32'49.03"/112°28'29.3" |
| VR | Camp Creek | Headwaters to confluence with Verde River |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Chase Creek | Headwaters to confluence with the East Verde River |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'42"/111°52'26" to 34°50'02"/111°52'17" |
| VR | Dude Creek | Headwaters to confluence with the East Verde River |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River |
| VR | Foxboro Lake | 34°53'42"/111°39'55" |
| VR | Fry Lake | 35°03'45"/111°48'04" |
| VR | Gap Creek | Headwaters to confluence with Government Spring |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River |
| VR | Garrett Tank | 35°18'57"/112°42'20" |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" |
| VR | Government Canyon | Headwaters to Granite Creek @ 34°33'29.49"/112°26'53.18" |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" |
| VR | Granite Creek | Headwaters to Watson Lake |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" |
| VR | Heifer Tank | 35°20'27"/112°32'59" |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" |
| VR | Homestead Tank | 35°21'24"/112°41'36" |
| VR | Horse Park Tank | 34°58'15"/111°36'32" |
| VR | Houston Creek | Headwaters to confluence with the Verde River |
| VR | Huffer Tank | 34°27'46"/111°23'11" |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/111°45'51" |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir |
| VR | Mail Creek | Headwaters to East Verde River @ 34°25'03.88"/111°15'49.6" |
| VR | Manzanita Creek | Headwaters to Granite Creek @ 34°31'31.19"/112°28'44.34" |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" |
| VR | Miller Creek | Headwaters to Granite Creek @ 34°32'48.55"/112°28'12.96" |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" |
| VR | Munds Creek (EDW), Tributary to Oak Creek | From Pinewood Sanitary District Kay S. Blackman WWTP outfall at 34°56'09", -111°38'35" to Oak Creek. |
| VR | North Fork Miller | Headwaters to Miller Creek |
| VR | North Granite Creek | Headwaters to Granite Creek @ 34°33'04.33"/112°27'50.45" |
| VR | Oak Creek, West Fork (QAW) | Headwaters to confluence with Oak Creek |
| VR | Odell Lake | 34°56'5"/111°37'53" |
| VR | Peck's Lake | 34°46'51"/112°02'01" |
| VR | Perkins Tank | 35°06'42"/112°04'12" |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51"/111°26'49" |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River |
| VR | Red Creek | Headwaters to confluence with the Verde River |
| VR | Reservoir #1 | 35°13'5"/111°50'09" |
| VR | Reservoir #2 | 35°13'17"/111°50'39" |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek |
| VR | Scholze Lake | 35°11'53"/112°00'37" |
| VR | Slaughterhouse Gulch | Headwaters to Yavapai Res. Boundary |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23"/111°57'21" |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" |
| VR | Stehr Lake | 34°22'01"/111°40'02" |
| VR | Stoneman Lake | 34°46'47"/111°31'14" |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 34°04'42"/111°42'14" |
| VR | Tangle Creek | Headwaters to confluence with Verde River |
| VR | Trinity Tank | 35°27'44"/112°48'01" |
| VR | Unnamed Trib to Granite Creek (UGC) | Headwaters to Yavapai Prescott Reservation Boundary |
| VR | Unnamed Trib to UGC (UUG) | Headwaters to Unnamed Trib to Granite Creek (UGC) |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'53.54"/111°48'40.32" to Volunteer Wash |

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| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash |
| VR | Watson Lake | 34°34'58"/112°25'26" |
| VR | Webber Creek | Headwaters to confluence with the East Verde River |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/111°34'34" |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash |
| VR | Williscraft Tank | 35°11'22"/112°35'40" |
| VR | Willow Creek | Above Willow Creek Reservoir |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" |

Historical Note

Table C made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-217. Best Management Practices for non-WOTUS Protected Surface Waters

- A.** The BMPs described in this rule are intended to ensure that activities within the ordinary high-water mark of perennial or intermittent non-WOTUS protected surface waters, or within the bed and bank of other waters that materially impact (i.e., are within 1/4 mile upstream of) non-WOTUS protected surface waters, do not violate applicable surface water quality standards in the non-WOTUS protected surface waters. For purposes of this Section, the activities described in the prior sentence will be referred to as “regulated activities.” Depending on the regulated activities conducted, not all of the BMPs described below may be applicable to a particular project. The owner or operator is responsible to consider the BMPs outlined below and to implement those necessary to ensure that the regulated activities will not violate applicable surface water quality standards in the non-WOTUS protected surface water.
- B.** The BMPs described below are not applicable to any activities that are addressed under an individual or general AZPDES permit that are otherwise regulated under A.R.S. Title 49.
- C.** Erosion and sedimentation control BMPs:
 - 1. When flow is present in any non-WOTUS protected surface waters within a project area, flow shall not be altered except to prevent erosion or pollution of any non-WOTUS protected surface waters.
 - 2. Any disturbance within the ordinary high-water mark of non-WOTUS protected surface waters or within the bed and banks of other waters, that is not intended to be permanently altered, shall be stabilized as soon as practicable to prevent erosion and sedimentation.
 - 3. When flow in any non-WOTUS protected surface water is sufficient to erode, carry, or deposit material, regulated activities shall cease until:
 - a. The flow decreases below the point where sediment movement ceases; or
 - b. Control measures have been undertaken, i.e., equipment and material easily transported by flow are protected within non-erodible barriers or moved outside the flow area.
 - 4. Silt laden or turbid water resulting from regulated activities should be managed in a manner to reduce sediment load prior to discharging.
 - 5. No washing or dewatering of fill material should occur within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters. Other than the replacement of native fill or material used to support vegetation rooting or growth, fill placed within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.

D. Pollutant management BMPs:

- 1. If regulated activities are likely to violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water, operations shall cease until the problem is resolved or until control measures have been implemented.
- 2. Construction material and/or fill (other than native fill or that necessary to support revegetation) placed within surface waters as a result of regulated activities shall not include pollutants in concentrations that will violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water.

E. Construction phase BMPs:

- 1. Equipment staging and storage areas or fuel, oil, and other petroleum products storage and solid waste containment should not be located within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water.
- 2. Any equipment maintenance, washing, or fueling shall not be done within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters with the following exception: Equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in non-WOTUS protected surface waters (but outside of standing or flowing water) provided material specifically manufactured and sold as spill containment is in place during fueling/servicing.
- 3. All equipment shall be inspected for leaks, all leaks shall be repaired, and all repaired equipment shall be cleaned to remove any fuel or other fluid residue prior to use within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
- 4. Washout of concrete handling equipment shall not take place within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.

F. Post-construction BMPs:

- 1. Upon completion of regulated activities, areas within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters shall be promptly cleared of all forms, piling, construction residues, equipment, debris, or other obstructions.
- 2. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, steps will be taken using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
- 3. Any permanent water crossings within the ordinary high-water mark of any perennial or intermittent in a non-WOTUS protected surface water (other than fords) shall

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not be equipped with gutters, drains, scuppers, or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a non-WOTUS protected surface water if such runoff can be directed to a local stormwater drainage, containment, and/or treatment system.

4. Debris shall be cleared as needed from culverts, ditches, dips, and other drainage structures within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water to prevent clogging or conditions that may lead to a washout.
 5. Temporary structures constructed or imported materials shall be removed no later than upon completion of the regulated activities.
 6. Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause erosion, or cause changes in sediment load, shall be removed no later than upon completion of the regulated activities.
- G. Design consideration BMPs:**
1. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways, culvert crossings, staging areas, material stockpiles, berms, dikes, and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
 2. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks. Examples of unacceptable materials include clay, silt, sand, and gravel finer than cobble (roughly fist-sized). The armoring shall, via mass, anchoring systems, or a combination of the two, resist washout.
- H. Notification.** The owner or operator of any regulated activities shall, five days prior to initiation of the regulated activities, submit a notice to ADEQ on a form that includes basic information including the GPS location, the waterbody ID of the nearest non-WOTUS protected surface water, general description of planned activities, types of BMPs to be employed during the project, and phone number and email for a contact person. Work may proceed after five calendar days have passed since the owner/operator provided notification to ADEQ unless ADEQ responds in writing to the contact person for the owner/operator.
- I. Exclusions:** The BMPs and notification requirements in this Section shall not apply to:
1. Activities that are already regulated under A.R.S. Title 49.
 2. Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 3. Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 4. Maintenance but not construction of drainage ditches.
 5. Construction and maintenance of irrigation ditches.
 6. Maintenance of structures as dams, dikes, and levees.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix A. Repealed**Historical Note**

Former Section R9-21-208, Appendices 1 through 9 renumbered and amended as new Appendix A adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

Appendix B. Repealed**Historical Note**

Former R9-21-209, Table 1 and Table 2 renumbered and amended as Appendix B adopted effective January 7, 1985 (Supp.85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS**R18-11-301. Definitions**

The terms in this Article have the following meanings:

“Direct reuse” has the meaning prescribed in R18-9-701(1).

“Disinfection” means a treatment process that uses oxidants, ultraviolet light, or other agents to kill or inactivate pathogenic organisms in wastewater.

“Filtration” means a treatment process that removes particulate matter from wastewater by passage through porous media.

“Gray water” means wastewater, collected separately from a sewage flow, that originates from a clothes washer, bathtub, shower, or sink, but it does not include wastewater from a kitchen sink, dishwasher, or a toilet.

“Industrial wastewater” means wastewater generated from an industrial process.

“Landscape impoundment” means a manmade lake, pond, or impoundment of reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage, landscaping, or for aesthetic purposes only.

“NTU” means nephelometric turbidity unit.

“On-site wastewater treatment facility” has the meaning prescribed in A.R.S. § 49-201(24).

“Open access” means that access to reclaimed water by the general public is uncontrolled.

“Reclaimed water” has the meaning prescribed in A.R.S. § 49-201(31).

“Recreational impoundment” means a manmade lake, pond, or impoundment of reclaimed water where boating or fishing is an intended use of the impoundment. Swimming and other full-body recreation activities (for example, water-skiing) are prohibited in a recreational impoundment.

“Restricted access” means that access to reclaimed water by the general public is controlled.

“Secondary treatment” means a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR § 133.102.

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“Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in places of human habitation, employment, or recreation.

Historical Note

Adopted effective July 9, 1981 (Supp. 81-4). Former Section R9-21-301 renumbered without change as Section R18-11-301 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-302. Applicability

This Article applies to the direct reuse of reclaimed water, except for:

1. The direct reuse of gray water, or
2. The direct reuse of reclaimed water from an onsite wastewater treatment facility regulated by a general Aquifer Protection Permit under 18 A.A.C. 9, Article 3.

Historical Note

Adopted effective June 8, 1981 (Supp. 81-3). Amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-302 renumbered without change as Section R18-11-302 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-303. Class A+ Reclaimed Water

- A. Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A+ reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A+ reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
 3. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.

- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A+ reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.
- D. Class A+ reclaimed water is not required for any type of direct reuse. A person may use Class A+ reclaimed water for any type of direct reuse listed in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-303 renumbered without change as Section R18-11-303 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-304. Class A Reclaimed Water

- A. Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in subsection (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsec-

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tion (B)(2) before discharge to a reclaimed water distribution system.

- D. A person shall use Class A reclaimed water for a type of direct reuse listed as Class A in Table A. A person may use Class A reclaimed water for a type of direct reuse listed as Class B or Class C in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-304 renumbered without change as Section R18-11-304 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-305. Class B+ Reclaimed Water

- A. Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- B. An owner of a facility shall ensure that:
1. Class B+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
 2. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.
- C. Class B+ reclaimed water is not required for a type of direct reuse. A person may use Class B+ reclaimed water for a type of direct reuse listed as Class B or Class C in Table A. A person shall not use Class B+ reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-306. Class B Reclaimed Water

- A. Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- B. An owner of a facility shall ensure that Class B reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
1. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
- C. A person shall use a minimum of Class B reclaimed water for a type of direct reuse listed as Class B in Table A. A person may use Class B reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class B reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-307. Class C Reclaimed Water

- A. Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.
- B. The owner of a facility shall ensure that:
1. The total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days.
 2. Class C reclaimed water meets the following criteria after treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven reclaimed water samples taken is less than 1000 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 4000 / 100 ml.
- C. A person shall use a minimum of Class C reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class C reclaimed water for a type of direct reuse listed as Class A or Class B in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-308. Industrial Reuse

- A. The reclaimed water quality requirements for the following direct reuse applications are industry-specific and shall be determined by the Department on a case-by-case basis in a reclaimed water permit issued by the Department under 18 A.A.C. 9, Article 7:
1. Direct reuse of industrial wastewater containing sewage.
 2. Direct reuse of industrial wastewater for the production or processing of any crop used as human or animal food.
- B. The Department shall use best professional judgment to determine the reclaimed water quality requirements needed to protect public health and the environment for a type of direct reuse specified in subsection (A).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-309. Reclaimed Water Quality Standards for an Unlisted Type of Direct Reuse

- A. The Department may prescribe in an individual reclaimed water permit issued under 18 A.A.C. 9, Article 7, reclaimed water quality requirements for a type of direct reuse not listed in Table A. Before permitting a direct reuse of reclaimed water not listed in Table A, the Department shall, using its best professional judgment, determine and require compliance with reclaimed water quality requirements needed to protect public health and the environment.
- B. Department may determine that Class A+, A, B+, B, or C reclaimed water is appropriate for a new type of direct reuse.
- C. The Department shall consider the following factors when prescribing reclaimed water quality requirements for a new type of direct reuse:
1. The risk to public health;
 2. The degree of public access to the site where the reclaimed water is reused and human exposure to the reclaimed water;
 3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
 4. The level of treatment necessary to prevent nuisance conditions;

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5. Specific water quality requirements for the intended type of direct reuse;
6. The means of application of the reclaimed water;
7. The degree of treatment necessary to avoid a violation of surface water quality standards or aquifer water quality standards;
8. The potential for improper or unintended use of the reclaimed water;
9. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that apply to the new type of direct reuse; and
10. Similar wastewater reclamation experience of reclaimed water providers in the United States.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

Table A. Minimum Reclaimed Water Quality Requirements for Direct Reuse

| Type of Direct Reuse | Minimum Class of Reclaimed Water Required |
|--|---|
| Irrigation of food crops | A |
| Recreational impoundments | A |
| Residential landscape irrigation | A |
| Schoolground landscape irrigation | A |
| Open access landscape irrigation | A |
| Toilet and urinal flushing | A |
| Fire protection systems | A |
| Spray irrigation of an orchard or vineyard | A |
| Commercial closed loop air conditioning systems | A |
| Vehicle and equipment washing (does not include self-service vehicle washes) | A |
| Snowmaking | A |
| Surface irrigation of an orchard or vineyard | B |
| Golf course irrigation | B |
| Restricted access landscape irrigation | B |
| Landscape impoundment | B |
| Dust control | B |
| Soil compaction and similar construction activities | B |
| Pasture for milking animals | B |
| Livestock watering (dairy animals) | B |
| Concrete and cement mixing | B |
| Materials washing and sieving | B |
| Street cleaning | B |
| Pasture for non-dairy animals | C |
| Livestock watering (non-dairy animals) | C |
| Irrigation of sod farms | C |
| Irrigation of fiber, seed, forage, and similar crops | C |
| Silviculture | C |

Note: Nothing in this Article prevents a wastewater treatment plant from using a higher quality reclaimed water for a type of direct reuse than the minimum class of reclaimed water listed in Table A. For example, a wastewater treatment plant may provide Class A reclaimed water for a type of direct reuse where Class B or Class C reclaimed water is acceptable.

Historical Note

New Table adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

R18-11-401. Definitions

In addition to the definitions contained in A.R.S. §§ 49-101 and 49-201, the terms of this Article shall have the following meanings:

1. "Beta particle and photon radioactivity from man-made radionuclides" means all radionuclides emitting beta particles or photons, except Thorium-232, Uranium-235, Uranium-238 and their progeny.
2. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements.
3. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
4. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
5. "Mg/l" means milligrams per liter.
6. "Millirem" means 1/1000 of a rem. A rem means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.
7. "Non-drinking water protected use" means the protection and maintenance of aquifer water quality for a use other than for human consumption.
8. "pCi" means picocurie, or the quantity of radioactive material producing 2.22 nuclear transformations per minute.
9. "Total trihalomethanes" means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromo-chloromethane, bromodichloromethane and tribromo-methane (bromoform).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3).

R18-11-402. Repealed

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Repealed effective August 14, 1992 (Supp. 92-3).

R18-11-403. Analytical Methods

Analysis of a sample to determine compliance with an aquifer water quality standard shall be in accordance with an analytical method specified in A.A.C. Title 9, Chapter 14, Article 6 or an alternative analytical method that is approved by the Director of the Arizona Department of Health Services pursuant to A.A.C. R9-14-610(C).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3). Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-404. Laboratories

A test result from a sample taken to determine compliance with an aquifer water quality standard shall be valid only if the sample has

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been analyzed by a laboratory that is licensed by the Arizona Department of Health Services for the analysis performed.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-405. Narrative Aquifer Water Quality Standards

- A. A discharge shall not cause a pollutant to be present in an aquifer classified for a drinking water protected use in a concentration which endangers human health.
- B. A discharge shall not cause or contribute to a violation of a water quality standard established for a navigable water of the state.
- C. A discharge shall not cause a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in an aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. The aquifer water quality standards in this Section apply to aquifers that are classified for drinking water protected use.
- B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | mg/L |
|----------------------------|--|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

- C. The following are the aquifer water quality standards for organic chemicals:

| Pollutant | (mg/L) |
|----------------------------|--------|
| Benzene | 0.005 |
| Benzo (a) pyrene | 0.0002 |
| Carbon Tetrachloride | 0.005 |
| o-Dichlorobenzene | 0.6 |
| para-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| cis-1,2-Dichloroethylene | 0.07 |
| trans-1,2-Dichloroethylene | 0.1 |
| 1,2-Dichloropropane | 0.005 |
| Dichloromethane | 0.005 |
| Di (2-ethylhexyl) adipate | 0.4 |
| Di (2-ethylhexyl) pthalate | 0.006 |

| | |
|---------------------------|------------|
| Ethylbenzene | 0.7 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Monochlorobenzene | 0.1 |
| Pentachlorophenol | 0.001 |
| Styrene | 0.1 |
| 2,3,7,8-TCDD (Dioxin) | 0.00000003 |
| Tetrachloroethylene | 0.005 |
| Toluene | 1 |
| Trihalomethanes (Total) | 0.10 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.20 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Vinyl Chloride | 0.002 |
| Xylenes (Total) | 10 |

- D. The following are the aquifer water quality standards for pesticides and polychlorinated biphenyls (PCBs):

| Pollutant | (mg/L) |
|---|---------|
| Alachlor | 0.002 |
| Atrazine | 0.003 |
| Carbofuran | 0.04 |
| Chlordane | 0.002 |
| Dalapon | 0.2 |
| 1,2-Dibromo-3-Chloropropane (DBCP) | 0.0002 |
| 2,4,-Dichlorophenoxyacetic Acid(2,4-D) | 0.07 |
| Dinoseb | 0.007 |
| Diquat | 0.02 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylene Dibromide (EDB) | 0.00005 |
| Glyphosate | 0.7 |
| Heptachlor | 0.0004 |
| Heptachlor Epoxide | 0.0002 |
| Lindane | 0.0002 |
| Methoxychlor | 0.04 |
| Oxamyl | 0.2 |
| Picloram | 0.5 |
| Polychlorinated Biphenols (PCBs) | 0.0005 |
| Simazine | 0.004 |
| Toxaphene | 0.003 |
| 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex) | 0.05 |

- E. The following are the aquifer water quality standards for radionuclides:

1. The maximum concentration for gross alpha particle activity, including Radium-226 but excluding radon and uranium, shall not exceed 15 pCi/l.
2. The maximum concentration for combined Radium-226 and Radium-228 shall not exceed 5 pCi/l.
3. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
4. Except for the radionuclides listed in this subsection, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2-liter-per-day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Con-

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centration of Radionuclides in Air or Water for Occupational Exposure,” National Bureau of Standards Handbook 69, National Bureau of Commerce, as amended August 1963 (and no future editions), incorporated herein by reference and on file with the Office of the Secretary of State and with the Department. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year. The following average annual concentrations are assumed to produce a total body or organ dose of 4 millirem/year:

| Radionuclide | Critical Organ | pCi/l |
|--------------|----------------|--------|
| Tritium | Total body | 20,000 |
| Strontium-90 | Bone Marrow | 8 |

- F. The aquifer water quality standard for microbiological contaminants is based upon the presence or absence of total coliforms in a 100-milliliter sample. If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological contaminants.
- G. The following are the aquifer water quality standards for turbidity:
- One nephelometric turbidity unit as determined by a monthly average except that five or fewer nephelometric turbidity units may be allowed if it can be determined that the higher turbidity does not interfere with disinfection, prevent maintenance of effective disinfectant agents in water supply distribution systems, or interfere with microbiological determinations.
 - Five nephelometric turbidity units based on an average of two consecutive days.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended effective May 26, 1994 (Supp. 94-2).

R18-11-407. Aquifer Water Quality Standards in Reclassified Aquifers

- A. All aquifers in the state are classified for drinking water protected use except for aquifers which are reclassified to a non-drinking water protected use pursuant to A.R.S. § 49-224 and A.A.C. R18-11-503.
- B. Aquifer water quality standards for drinking water protected use apply to reclassified aquifers except where expressly superseded by aquifer water quality standards adopted pursuant to subsection (C).
- C. The Director shall adopt, by rule, aquifer water quality standards for reclassified aquifers within one year of the date of the order reclassifying the aquifer to a nondrinking water protected use. The Director shall adopt aquifer water quality standards for reclassified aquifers only for pollutants that are specifically identified in a petition for reclassification as prescribed by A.R.S. § 49-223(E) and A.A.C. R18-11-503(B). Aquifer water quality standards for reclassified aquifers shall be sufficient to protect the use of the reclassified aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-408. Petition for Adoption of a Numeric Aquifer Water Quality Standard

- A. Any person may petition the Director to adopt, by rule, a numeric aquifer water quality standard for a pollutant for which no numeric aquifer water quality standard exists.
- B. Petitions for adoption of a numeric aquifer water quality standard shall be filed with the Department and shall comply with the requirements applicable to petitions for rule adoption as provided by A.R.S. § 41-1033 and A.A.C. R18-1-302, except as otherwise provided by A.R.S. § 49-223 or this Section.
- C. In addition to the requirements of A.A.C. R18-1-302, a petition for rule adoption to establish a numeric aquifer water quality standard shall include specific reference to:
- Technical information that the pollutant is a toxic pollutant.
 - Technical information upon which the Director reasonably may base the establishment of a numeric aquifer water quality standard.
 - Evidence that the pollutant that is the subject of the petition is or may in the future be present in an aquifer or part of an aquifer that is classified for drinking water protected use. Evidence may include, but is not limited to, any of the following:
 - A laboratory analysis of a water sample by a laboratory licensed by the Arizona Department of Health Services which indicates the presence of the pollutant in the aquifer.
 - A hydrogeological study which demonstrates that the pollutant that is the subject of the petition may be present in an aquifer in the future. The hydrogeological study shall include the following:
 - A description of the use that results in a discharge of the pollutant that is the subject of the petition.
 - A description of the mobility of the pollutant in the vadose zone and in the aquifer.
 - A description of the persistence of the pollutant in the vadose zone and in the aquifer.
- D. Within 180 calendar days of the receipt of a complete petition for rule adoption to establish a numeric aquifer water quality standard, the Director shall make a written determination of whether the petition should be granted or denied. The Director shall give written notice by regular mail of the determination to the petitioner.
- E. If the petition for rule adoption is granted, the Director shall initiate rulemaking proceedings to adopt a numeric aquifer water quality standard. The Director shall, within one year of the date that the petition for adoption of a numeric aquifer water quality standard is granted, either adopt a rule establishing a numeric aquifer water quality standard or publish a notice of termination of rulemaking in the Arizona Administrative Register.
- F. If the petition for rule adoption is denied, the Director shall issue a denial letter to the petitioner which explains the reasons for the denial. The denial of a petition for rule adoption to establish a numeric aquifer water quality standard is not subject to judicial review.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).

Appendix 1. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

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Appendix 2. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 3. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 4. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 5. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 6. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 7. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

ARTICLE 5. AQUIFER BOUNDARY AND PROTECTED USE CLASSIFICATION**R18-11-501. Definitions**

In addition to the definitions contained in A.R.S. § 49-201, the words and phrases of this Article shall have the following meaning:

1. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
2. "Hardrock areas containing little or no water" means areas of igneous or metamorphic rock which do not yield usable quantities of water.
3. "Nondrinking water protected use" means the protection and maintenance of aquifer water quality for a use other than human consumption.
4. "Usable quantities" means five gallons of water per day.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-502. Aquifer Boundaries

- A. Except as provided in subsection (B), aquifer boundaries for the aquifers in this state are identified and defined as being identical to the hydrologic basin and subbasin boundaries, as found by the Director of the Department of Water Resources, Findings and Order In the Matter of The Designation of Groundwater Basins and Subbasins In The State of Arizona (dated June 21, 1984), pursuant to A.R.S. §§ 45-403 and 45-404, which is incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.
- B. Excluded from the boundaries of the aquifers are hard rock areas which contain little or no water, as identified in Plate 1 of the Department of Water Resources, Water Resource Hydro-

logic Map Series Report Number 2 (dated January 1981) and as further identified in the Bureau of Mines, University of Arizona County Geologic Map Series (individual county maps dated 1957 through 1960), which are incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.

- C. The Director may, by rule, modify or add an aquifer boundary provided that one or more of the following applies:
 1. The Department of Water Resources modifies the boundaries of its basins or subbasins.
 2. The Director is made aware of new technical information or data which supports refinement of an aquifer boundary.
- D. Facilities located outside of the boundaries defined in these rules shall be subject to A.R.S. § 49-241 except as provided therein.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-503. Petition for reclassification

- A. Any person may petition the Director to reclassify an aquifer from a drinking water protected use to a nondrinking water protected use pursuant to A.R.S. § 49-224(C).
- B. A written petition for reclassification pursuant to A.R.S. § 49-224(C) or A.R.S. § 49-224(D) shall be filed with the Department and shall include the following categories of information:
 1. The proposed protected use for which the reclassification is being requested.
 2. The pollutant and affected aquifer water quality standards for which the reclassification is being requested.
 3. A hydrogeologic report which demonstrates that the aquifer proposed for reclassification is or will be hydrologically isolated, to the extent described in A.R.S. § 49-224(C)(1). This report and demonstration of hydrologic isolation for the area containing such aquifer, and immediate adjacent geologic units, shall include at least the following:
 - a. Hydrogeologic area maps and cross sections.
 - b. An analysis of subsurface geology, including geologic and hydrologic separation.
 - c. Water level elevation or piezometric level contour maps.
 - d. Analysis of hydrologic characteristics of the aquifer and the immediate adjacent geologic units.
 - e. Description of existing water quality and analysis of water chemistry.
 - f. Projected annual quantity of water to be withdrawn.
 - g. Identification of pumping centers, cones of depression and areas of recharge.
 - h. A water balance.
 - i. Existing flow direction and evaluation of the effects of seasonal and future pumping on flow.
 - j. An evaluation as to whether the reclassification will contribute to or cause a violation of aquifer water quality standards in other aquifers, or in parts of the aquifer not being proposed for reclassification.
 4. Documentation demonstrating that water from the aquifer or part of the aquifer for which reclassification is pro-

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posed is not being used as drinking water. This documentation shall include at least the following:

- a. A list of all wells or springs including their location, ownership and use within the aquifer or part of the aquifer being proposed for reclassification.
 - b. Identification of groundwater withdrawal rights, on file with the Department of Water Resources, within the aquifer or part of the aquifer being proposed for reclassification.
 - c. A comprehensive list of agencies, persons and other information sources consulted for aquifer use documentation.
5. A cost-benefit analysis developed pursuant to the requirements of A.R.S. § 49-224(C)(3), except for petitions submitted pursuant to A.R.S. § 49-224(D). This analysis shall identify potential future uses of the aquifer being proposed for reclassification, as well as other opportunity costs associated with reclassification, and shall contain a description of the cost-benefit methodology used, including all assumptions, data, data sources and criteria considered and all supporting statistical analyses.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-504. Agency Action on Petition

- A. Upon receipt of a petition for reclassification, the Director shall review the petition for compliance with the requirements of R18-11-503. If additional information is necessary, the petitioner shall be notified of specific deficiencies in writing within 30 calendar days of receipt of the petition.
- B. Within 120 calendar days after receipt of a complete petition, and after consultation with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C), the Director shall make a final decision to grant or deny the petition and shall notify the petitioner of such decision and the reason for such determination in writing.
- C. Upon a decision to grant a petition for aquifer reclassification, the Director shall initiate proceedings for promulgation of aquifer water quality standards and, if applicable, for aquifer boundary designation for the reclassified aquifers.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-505. Public participation

- A. Within 30 days of receipt of a complete petition for reclassification filed pursuant to A.R.S. § 49-224(D), or if the Director deems it necessary to consider a reclassification under A.R.S. § 49-224(C), the Director shall give public notice of the proposed reclassification pursuant to A.A.C. R18-1-401.
- B. The Director shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification. The Director shall give notice of each public hearing and conduct the public hearing in accordance with the provisions of A.A.C. R18-1-402.

Historical Note

Adopted effective June 29, 1989 (Supp. 89-2).

R18-11-506. Rescission of Reclassification

The Director may, by rule, rescind an aquifer reclassification and return an aquifer to a drinking water protected use if he determines that any of the conditions under which the reclassification was

granted are no longer valid. If the Director initiates a change under this Section, he shall consult with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C).

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

ARTICLE 6. IMPAIRED WATER IDENTIFICATION

Article 6, consisting of Sections R18-11-601 through R18-11-606, made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-601. Definitions

In addition to the definitions established in A.R.S. §§ 49-201 and 49-231, and A.A.C. R18-11-101, the following terms apply to this Article:

1. "303(d) List" means the list of surface waters or segments required under section 303(d) of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 2.1, for which TMDLs are developed and submitted to EPA for approval.
2. "Attaining" means there is sufficient, credible, and scientifically defensible data to assess a surface water or segment and the surface water or segment does not meet the definition of impaired or not attaining.
3. "AZPDES" means the Arizona Pollutant Elimination Discharge System.
4. "Credible and scientifically defensible data" means data submitted, collected, or analyzed using:
 - a. Quality assurance and quality control procedures under A.A.C. R18-11-602;
 - b. Samples or analyses representative of water quality conditions at the time the data were collected;
 - c. Data consisting of an adequate number of samples based on the nature of the water in question and the parameters being analyzed; and
 - d. Methods of sampling and analysis, including analytical, statistical, and modeling methods that are generally accepted and validated by the scientific community as appropriate for use in assessing the condition of the water.
5. "Designated use" means those uses specified in 18 A.A.C. 11, Article 1 for each surface water or segment whether or not they are facing.
6. "EPA" means the U.S. Environmental Protection Agency.
7. "Impaired water" means a Navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 United States Code § 1313(d) and the regulations implementing that statute. A.R.S. § 49-231(1).
8. "Laboratory detection limit" means a "Method Reporting Limit" (MRL) or "Reporting Limit" (RL). These analogous terms describe the laboratory reported value, which is the lowest concentration level included on the calibration curve from the analysis of a pollutant that can be quantified in terms of precision and accuracy.
9. "Monitoring entity" means the Department or any person who collects physical, chemical, or biological data used for an impaired water identification or a TMDL decision.
10. "Naturally occurring condition" means the condition of a surface water or segment that would have occurred in the

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- absence of pollutant loadings as a result of human activity.
11. "Not attaining" means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
 - a. A TMDL is prepared and implemented for the surface water;
 - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
 - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
 12. "NPDES" means National Pollutant Discharge Elimination System.
 13. "Planning List" means a list of surface waters and segments that the Department will review and evaluate to determine if the surface water or segment is impaired and whether a TMDL is necessary.
 14. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. 1362(6). Characteristics of water, such as dissolved oxygen, pH, temperature, turbidity, and suspended sediment are considered pollutants if they result or may result in the non-attainment of a water quality standard.
 15. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." 33 U.S.C. 1362(19).
 16. "QAP" means a quality assurance plan detailing how environmental data operations are planned, implemented, and assessed for quality during the duration of a project.
 17. "Sampling event" means one or more samples taken under consistent conditions on one or more days at a distinct station or location.
 18. "SAP" means a site specific sampling and analysis plan that describes the specifics of sample collection to ensure that data quality objectives are met and that samples collected and analyzed are representative of surface water conditions at the time of sampling.
 19. "Spatially independent sample" means a sample that is collected at a distinct station or location. The sample is independent if the sample was collected:
 - a. More than 200 meters apart from other samples, or
 - b. Less than 200 meters apart, and collected to characterize the effect of an intervening tributary, outfall or other pollution source, or significant hydrographic or hydrologic change.
 20. "Temporally independent sample" means a sample that is collected at the same station or location more than seven days apart from other samples.
 21. "Threatened" means that a surface water or segment is currently attaining its designated use, however, trend analysis, based on credible and scientifically defensible data, indicates that the surface water or segment is likely to be impaired before the next listing cycle.
 22. "TMDL" means total maximum daily load.
 23. "TMDL decision" means a decision by the Department to:
 - a. Prioritize an impaired water for TMDL development,
 - b. Develop a TMDL for an impaired water, or
 - c. Develop a TMDL implementation plan.
 24. "Total maximum daily load" means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. A.R.S. § 49-231(4).
 25. "Water quality standard" means a standard composed of designated uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the antidegradation policy, and moderating provisions, for example, mixing zones, site-specific alternative criteria, and exemptions, in A.A.C. Title 18, Chapter 11, Article 1.
 26. "WQARF" means the water quality assurance revolving fund established under A.R.S. § 49-282.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-602. Credible Data

- A. Data are credible and relevant to an impaired water identification or a TMDL decision when:
 1. Quality Assurance Plan. A monitoring entity, which contribute data for an impaired water identification or a TMDL decision, provides the Department with a QAP that contains, at a minimum, the elements listed in subsections (A)(1)(a) through (A)(1)(f). The Department may accept a QAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 - a. An approval page that includes the date of approval and the signatures of the approving officials, including the project manager and project quality assurance manager;
 - b. A project organization outline that identifies all key personnel, organizations, and laboratories involved in monitoring, including the specific roles and responsibilities of key personnel in carrying out the procedures identified in the QAP and SAP, if applicable;
 - c. Sampling design and monitoring data quality objectives or a SAP that meets the requirements of subsection (A)(2) to ensure that:
 - i. Samples are spatially and temporally representative of the surface water,
 - ii. Samples are representative of water quality conditions at the time of sampling, and
 - iii. The monitoring is reproducible;
 - d. The following field sampling information to assure that samples meet data quality objectives:
 - i. Sampling and field protocols for each parameter or parametric group, including the sampling methods, equipment and containers, sample preservation, holding times, and any analysis

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- proposed for completion in the field or outside of a laboratory;
- ii. Field and laboratory methods approved under subsection (A)(5);
 - iii. Handling procedures to identify samples and custody protocols used when samples are brought from the field to the laboratory for analysis;
 - iv. Quality control protocols that describe the number and type of field quality control samples for the project that includes, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - v. Procedures for testing, inspecting, and maintaining field equipment;
 - vi. Field instrument calibration procedures that describe how and when field sampling and analytical instruments will be calibrated;
 - vii. Field notes and records that describe the conditions that require documentation in the field, such as weather, stream flow, transect information, distance from water edge, water and sample depth, equipment calibration measurements, field observations of watershed activities, and bank conditions. Indicate the procedures implemented for maintaining field notes and records and the process used for attaching pertinent information to monitoring results to assist in data interpretation;
 - viii. Minimum training and any specialized training necessary to do the monitoring, that includes the proper use and calibration of field equipment used to collect data, sampling protocols, quality assurance/quality control procedures, and how training will be achieved;
- e. Laboratory analysis methods and quality assurance/quality control procedures that assure that samples meet data quality objectives, including:
 - i. Analytical methods and equipment necessary for analysis of each parameter, including identification of approved laboratory methods described in subsection (A)(5), and laboratory detection limits for each parameter;
 - ii. The name of the designated laboratory, its license number, if licensed by the Arizona Department of Health Services, and the name of a laboratory contact person to assist the Department with quality assurance questions;
 - iii. Quality controls that describe the number and type of laboratory quality control samples for the project, including, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - iv. Procedures for testing, inspecting, and maintaining laboratory equipment and facilities;
 - v. A schedule for calibrating laboratory instruments, a description of calibration methods, and a description of how calibration records are maintained; and
 - vi. Sample equipment decontamination procedures that outline specific methods for sample collection and preparation of equipment, identify the frequency of decontamination, and describe the procedures used to verify decontamination;
 - f. Data review, management, and use that includes the following:
 - i. A description of the data handling process from field to laboratory, from laboratory to data review and validation, and from validation to data storage and use. Include the role and responsibility of each person for each step of the process, type of database or other storage used, and how laboratory and field data qualifiers are related to the laboratory result;
 - ii. Reports that describe the intended frequency, content, and distribution of final analysis reports and project status reports;
 - iii. Data review, validation, and verification that describes the procedure used to validate and verify data, the procedures used if errors are detected, and how data are accepted, rejected, or qualified; and
 - iv. Reconciliation with data quality objectives that describes the process used to determine whether the data collected meets the project objectives, which may include discarding data, setting limits on data use, or revising data quality objectives.
2. Sampling and analysis plan.
 - a. A monitoring entity shall develop a SAP that contains, at a minimum, the following elements:
 - i. The experimental design of the project, the project goals and objectives, and evaluation criteria for data results;
 - ii. The background or historical perspective of the project;
 - iii. Identification of target conditions, including a discussion of whether any weather, seasonal variations, stream flow, lake level, or site access may affect the project and the consideration of these factors;
 - iv. The data quality objectives for measurement of data that describe in quantitative and qualitative terms how the data meet the project objectives of precision, accuracy, completeness, comparability, and representativeness;
 - v. The types of samples scheduled for collection;
 - vi. The sampling frequency;
 - vii. The sampling periods;
 - viii. The sampling locations and rationale for the site selection, how site locations are benchmarked, including scaled maps indicating approximate location of sites; and
 - ix. A list of the field equipment, including tolerance range and any other manufacturer's specifications relating to accuracy and precision.
 - b. The Department may accept a SAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 3. The monitoring entity may include any of the following in the QAP or SAP:

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- a. The name, title, and role of each person and organization involved in the project, identifying specific roles and responsibilities for carrying out the procedures identified in the QAP and SAP;
 - b. A distribution list of each individual and organization receiving a copy of the approved QAP and SAP;
 - c. A table of contents;
 - d. A health and safety plan;
 - e. The inspection and acceptance requirements for supplies;
 - f. The data acquisition that describes types of data not obtained through this monitoring activity, but used in the project;
 - g. The audits and response actions that describe how field, laboratory, and data management activities and sampling personnel are evaluated to ensure data quality, including a description of how the project will correct any problems identified during these assessments; and
 - h. The waste disposal methods that identify wastes generated in sampling and methods for disposal of those wastes.
4. Exceptions. The Department may determine that the following data are also credible and relevant to an impaired water identification or TMDL decision when data were collected, provided the conditions in subsections (A)(5), (A)(6), and (B) are met, and where the data were collected in the surface water or segment being evaluated for impairment:
 - a. The data were collected before July 12, 2002 and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2);
 - b. The data were collected after July 12, 2002 as part of an ongoing monitoring effort by a governmental agency and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2); or
 - c. The instream water quality data were or are collected under the terms of a NPDES or AZPDES permit or a compliance order issued by the Department or EPA, a consent decree signed by the Department or EPA, or a sampling program approved by the Department or EPA under WQARF or CERCLA, and the Department determines that the data yield results of comparable reliability to data collected under subsections (A)(1) and (A)(2).
 5. Data collection, preservation, and analytical procedures. The monitoring entity shall collect, preserve, and analyze data using methods of sample collection, preservation, and analysis established under A.A.C. R9-14-610.
 6. Laboratory. The monitoring entity shall ensure that chemical and toxicological samples are analyzed in a state-licensed laboratory, a laboratory exempted by the Arizona Department of Health Services for specific analyses, or a federal or academic laboratory that can demonstrate proper quality assurance/quality control procedures substantially equal to those required by the Arizona Department of Health Services, and shall ensure that the laboratory uses approved methods identified in A.A.C. R9-14-610.
- B.** Documentation for data submission. The monitoring entity shall provide the Department with the following information either before or with data submission:
1. A copy of the QAP or SAP, or both, revisions to a previously submitted QAP or SAP, and any other information necessary for the Department to evaluate the data under subsection (A)(4);
 2. The applicable dates of the QAP and SAP, including any revisions;
 3. Written assurance that the methods and procedures specified in the QAP and SAP were followed;
 4. The name of the laboratory used for sample analyses and its certification number, if the laboratory is licensed by the Arizona Department of Health Services;
 5. The quality assurance/quality control documentation, including the analytical methods used by the laboratory, method number, detection limits, and any blank, duplicate, and spike sample information necessary to properly interpret the data, if different from that stated in the QAP or SAP;
 6. The data reporting unit of measure;
 7. Any field notes, laboratory comments, or laboratory notations concerning a deviation from standard procedures, quality control, or quality assurance that affects data reliability, data interpretation, or data validity; and
 8. Any other information, such as complete field notes, photographs, climate, or other information related to flow, field conditions, or documented sources of pollutants in the watershed, if requested by the Department for interpreting or validating data.
- C.** Recordkeeping. The monitoring entity shall maintain all records, including sample results, for the duration of the listing cycle. If a surface water or segment is added to the Planning List or to the 303(d) List, the Department shall coordinate with the monitoring entity to ensure that records are kept for the duration of the listing.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-603. General Data Interpretation Requirements

- A.** The Department shall use the following data conventions to interpret data for impaired water identifications and TMDL decisions:
1. Data reported below laboratory detection limits.
 - a. When the analytical result is reported as $<X$, where X is the laboratory detection limit for the analyte and the laboratory detection limit is less than or equal to the surface water quality standard, consider the result as meeting the water quality standard:
 - i. Use these statistically derived values in trend analysis, descriptive statistics or modeling if there is sufficient data to support the statistical estimation of values reported as less than the laboratory detection limit; or
 - ii. Use one-half of the value of the laboratory detection limit in trend analysis, descriptive statistics, or modeling, if there is insufficient data to support the statistical estimation of values reported as less than the laboratory detection limit.
 - b. When the sample value is less than or equal to the laboratory detection limit but the laboratory detection limit is greater than the surface water quality standard, shall not use the result for impaired water identifications or TMDL decisions;

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2. Identify the field equipment specifications used for each listing cycle or TMDL developed. A field sample measurement within the manufacturer's specification for accuracy meets surface water quality standards;
 3. Resolve a data conflict by considering the factors identified under the weight-of-evidence determination in R18-11-605(B);
 4. When multiple samples from a surface water or segment are not spatially or temporally independent, or when lake samples are from multiple depths, use the following resultant value to represent the specific dataset:
 - a. The appropriate measure of central tendency for the dataset for:
 - i. A pollutant listed in the surface water quality standards 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - ii. A chronic water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2;
 - iii. A surface water quality standard for a pollutant that is expressed as an annual or geometric mean;
 - iv. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - v. The surface water quality standard for radioc chemicals in R18-11-109(G); or
 - vi. Except for chromium, all single sample maximum water quality standards in R18-11-112.
 - b. The maximum value of the dataset for:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and acute water quality standard in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1;
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A); or
 - iv. The 90th percentile water quality standard for nitrogen and phosphorus in R18-11-109(F) and R18-11-112.
 - c. The worst case measurement of the dataset for:
 - i. Surface water quality standard for dissolved oxygen under R18-11-109(E). For purposes of this subsection, worst case measurement means the minimum value for dissolved oxygen;
 - ii. Surface water quality standard for pH under R18-11-109(B). For purposes of this subsection, "worst case measurement" means both the minimum and maximum value for pH.
- B.** The Department shall not use the following data for placing a surface water or segment on the Planning List, the 303(d) List, or in making a TMDL decision.
1. Any measurement outside the range of possible physical or chemical measurements for the pollutant or measurement equipment,
 2. Uncorrected data transcription errors or laboratory errors, and
 3. An outlier identified through statistical procedures, where further evaluation determines that the outlier represents a valid measure of water quality but should be excluded from the dataset.
- C.** The Department may employ fundamental statistical tests if appropriate for the collected data and type of surface water when evaluating a surface water or segment for impairment or in making a TMDL decision. The statistical tests include descriptive statistics, frequency distribution, analysis of variance, correlation analysis, regression analysis, significance testing, and time series analysis.
- D.** The Department may employ modeling when evaluating a surface water or segment for impairment or in making a TMDL decision, if the method is appropriate for the type of waterbody and the quantity and quality of available data meet the requirements of R18-11-602. Modeling methods include:
1. Better Assessment Science Integrating Source and Non-point Sources (BASINS),
 2. Fundamental statistics, including regression analysis,
 3. Hydrologic Simulation Program-Fortran (HSPF),
 4. Spreadsheet modeling, and
 5. Hydrologic Engineering Center (HEC) programs developed by the Army Corps of Engineers.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-604. Types of Surface Waters Placed on the Planning List and 303(d) List

- A.** The Department shall evaluate, at least every five years, Arizona's surface waters by considering all readily available data.
1. The Department shall place a surface water or segment on:
 - a. The Planning List if it meets any of the criteria described in subsection (D), or
 - b. The 303(d) List if it meets the criteria for listing described in subsection (E).
 2. The Department shall remove a surface water or segment from the Planning List based on the requirements in R18-11-605(E)(1) or from the 303(d) List, based on the requirements in R18-11-605(E)(2).
 3. The Department may move surface waters or segments between the Planning List and the 303(d) List based on the criteria established in R18-11-604 and R18-11-605.
- B.** When placing a surface water or segment on the Planning List or the 303(d) List, the Department shall list the stream reach, derived from EPA's Reach File System or National Hydrography Dataset, or the entire lake, unless the data indicate that only a segment of the stream reach or lake is impaired or not attaining its designated use, in which case, the Department shall describe only that segment for listing.
- C.** Exceptions. The Department shall not place a surface water or segment on either the Planning List or the 303(d) List if the non-attainment of a surface water quality standard is due to one of the following:
1. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 2. The data were collected within a mixing zone or under a variance or nutrient waiver established in a NPDES or AZPDES permit for the specific parameter and the result does not exceed the alternate discharge limitation established in the permit. The Department may use data collected within these areas for modeling or allocating loads in a TMDL decision; or

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3. An activity exempted under R18-11-117, R18-11-118, or a condition exempted under R18-11-119.
- D. Planning List.**
1. The Department shall:
 - a. Use the Planning List to prioritize surface waters for monitoring and evaluation as part of the Department's watershed management approach;
 - b. Provide the Planning List to EPA; and
 - c. Evaluate each surface water and segment on the Planning List for impairment based on the criteria in R18-11-605(D) to determine the source of the impairment.
 2. The Department shall place a surface water or segment on the Planning List based the criteria in R18-11-605(C). The Department may also include a surface water or segment on the Planning List when:
 - a. A TMDL is completed for the pollutant and approved by EPA;
 - b. The surface water or segment is on the 1998 303(d) List but the dataset used for the listing:
 - i. Does not meet the credible data requirements of R18-11-602, or
 - ii. Contains insufficient samples to meet the data requirements under R18-11-605(D);
 - c. Some monitoring data exist but there are insufficient data to determine whether the surface water or segment is impaired or not attaining, including:
 - i. A numeric surface water quality standard is exceeded, but there are not enough samples or sampling events to fulfill the requirements of R18-11-605(D);
 - ii. Evidence exists of a narrative standard violation, but the amount of evidence is insufficient, based on narrative implementation procedures and the requirements of R18-11-605(D)(3);
 - iii. Existing monitoring data do not meet credible data requirements in R18-11-602; or
 - iv. A numeric surface water quality standard is exceeded, but there are not enough sample results above the laboratory detection limit to support statistical analysis as established in R18-11-603(A)(1).
 - d. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act, but insufficient current or original monitoring data exist to determine whether the surface water or segment will meet current surface water quality standards;
 - e. Trend analysis using credible and scientifically defensible data indicate that surface water quality standards may be exceeded by the next assessment cycle;
 - f. The exceedance of surface water quality standards is due to pollution, but not a pollutant;
 - g. Existing data were analyzed using methods with laboratory detection limits above the numeric surface water quality standard but analytical methods with lower laboratory detection limits are available;
 - h. The surface water or segment is expected to attain its designated use by the next assessment as a result of existing or proposed technology-based effluent limitations or other pollution control requirements under local, state, or federal authority. The appropriate entity shall provide the Department with the following documentation to support placement on the Planning List:
 - i. Verification that discharge controls are required and enforceable;
 - ii. Controls are specific to the surface water or segment, and pollutant of concern;
 - iii. Controls are in place or scheduled for implementation; and
 - iv. There are assurances that the controls are sufficient to bring about attainment of water quality standards by the next 303(d) List submission; or
- E. 303(d) List.** The Department shall:
1. Place a surface water or segment on the 303(d) List if the Department determines:
 - a. Based on R18-11-605(D), that the surface water or segment is impaired due to a pollutant and that a TMDL decision is necessary; or
 - b. That the surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.
 2. Provide public notice of the 303(d) List according to the requirements of A.R.S. § 49-232 and submit the 303(d) List according to section 303(d) of the Clean Water Act.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-605. Evaluating A Surface Water or Segment For Listing and Delisting

- A.** The Department shall compile and evaluate all reasonably current, credible, and scientifically defensible data to determine whether a surface water or segment is impaired or not attaining.
- B. Weight-of-evidence approach.**
1. The Department shall consider the following concepts when evaluating data:
 - a. Data or information collected during critical conditions may be considered separately from the complete dataset, when the data show that the surface water or segment is impaired or not attaining its designated use during those critical conditions, but attaining its uses during other periods. Critical conditions may include stream flow, seasonal periods, weather conditions, or anthropogenic activities;
 - b. Whether the data indicate that the impairment is due to persistent, seasonal, or recurring conditions. If the data do not represent persistent, recurring, or seasonal conditions, the Department may place the surface water or segment on the Planning List;
 - c. Higher quality data over lower quality data when making a listing decision. Data quality is established by the reliability, precision, accuracy, and represen-

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tativeness of the data, based on factors identified in R18-11-602(A) and (B), including monitoring methods, analytical methods, quality control procedures, and the documented field and laboratory quality control information submitted with the data. The Department shall consider the following factors when determining higher quality data:

- i. The age of the measurements. Newer measurements are weighted heavier than older measurements, unless the older measurements are more representative of critical flow conditions;
 - ii. Whether the data provide a direct measure of an impact on a designated use. Direct measurements are weighted heavier than measurements of an indicator or surrogate parameter; or
 - iii. The amount or frequency of the measurements. More frequent data collection are weighted heavier than nominal datasets.
2. The Department shall evaluate the following factors to determine if the water quality evidence supports a finding that the surface water or segment is impaired or not attaining:
- a. An exceedance of a numeric surface water quality standard based on the criteria in subsections (C)(1), (C)(2), (D)(1), and (D)(2);
 - b. An exceedance of a narrative surface water quality standard based on the criteria in subsections (C)(3) and (D)(3);
 - c. Additional information that determines whether a water quality standard is exceeded due to a pollutant, suspected pollutant, or naturally occurring condition:
 - i. Soil type, geology, hydrology, flow regime, biological community, geomorphology, climate, natural process, and anthropogenic influence in the watershed;
 - ii. The characteristics of the pollutant, such as its solubility in water, bioaccumulation potential, sediment sorption potential, or degradation characteristics, to assist in determining which data more accurately indicate the pollutant's presence and potential for causing impairment; and
 - iii. Available evidence of direct or toxic impacts on aquatic life, wildlife, or human health, such as fish kills and beach closures, where there is sufficient evidence that these impacts occurred due to water quality conditions in the surface water.
 - d. Other available water quality information, such as NPDES or AZPDES water quality discharge data, as applicable.
 - e. If the Department determines that a surface water or segment does not merit listing under numeric water

quality standards based on criteria in subsections (C)(1), (C)(2), (D)(1), or (D)(2) for a pollutant, but there is evidence of a narrative standard exceedance in that surface water or segment under subsection (D)(3) as a result of the presence of the same pollutant, the Department shall list the surface water or segment as impaired only when the evidence indicates that the numeric water quality standard is insufficient to protect the designated use of the surface water or segment and the Department justifies the listing based on any of the following:

- i. The narrative standard data provide a more direct indication of impairment as supported by professionally prepared and peer-reviewed publications;
 - ii. Sufficient evidence of impairment exists due to synergistic effects of pollutant combinations or site-specific environmental factors; or
 - iii. The pollutant is bioaccumulative, relatively insoluble in water, or has other characteristics that indicate it is occurring in the specific surface water or segment at levels below the laboratory detection limits, but at levels sufficient to result in an impairment.
3. The Department may consider a single line of water quality evidence when the evidence is sufficient to demonstrate that the surface water or segment is impaired or not attaining.

C. Planning List.

- 1. When evaluating a surface water or segment for placement on the Planning List.
 - a. Consider at least ten spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the Planning List following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 1, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 80 percent confidence level using a binomial distribution for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 1, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 80 percent.

Table 1. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 10 | 15 | 3 | 173 | 181 | 22 | 349 | 357 | 41 |
| 16 | 23 | 4 | 182 | 190 | 23 | 358 | 367 | 42 |
| 24 | 31 | 5 | 191 | 199 | 24 | 368 | 376 | 43 |

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|-----|-----|----|-----|-----|----|-----|-----|----|
| 32 | 39 | 6 | 200 | 208 | 25 | 377 | 385 | 44 |
| 40 | 47 | 7 | 209 | 218 | 26 | 386 | 395 | 45 |
| 48 | 56 | 8 | 219 | 227 | 27 | 396 | 404 | 46 |
| 57 | 65 | 9 | 228 | 236 | 28 | 405 | 414 | 47 |
| 66 | 73 | 10 | 237 | 245 | 29 | 415 | 423 | 48 |
| 74 | 82 | 11 | 246 | 255 | 30 | 424 | 432 | 49 |
| 83 | 91 | 12 | 256 | 264 | 31 | 433 | 442 | 50 |
| 92 | 100 | 13 | 265 | 273 | 32 | 443 | 451 | 51 |
| 101 | 109 | 14 | 274 | 282 | 33 | 452 | 461 | 52 |
| 110 | 118 | 15 | 283 | 292 | 34 | 462 | 470 | 53 |
| 119 | 126 | 16 | 293 | 301 | 35 | 471 | 480 | 54 |
| 127 | 136 | 17 | 302 | 310 | 36 | 481 | 489 | 55 |
| 137 | 145 | 18 | 311 | 320 | 37 | 490 | 499 | 56 |
| 146 | 154 | 19 | 321 | 329 | 38 | 500 | | 57 |
| 155 | 163 | 20 | 330 | 338 | 39 | | | |
| 164 | 172 | 21 | 339 | 348 | 40 | | | |

2. When there are less than ten samples, the Department shall place a surface water or segment on the Planning List following subsection (B), if three or more temporally independent samples exceed the following surface water quality standards:
 - a. The surface water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - b. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - c. The surface water quality standard for radiochemicals in R18-11-109(G);
 - d. The surface water quality standard for dissolved oxygen under R18-11-109(E);
 - e. The surface water quality standard for pH under R18-11-109(B); or
 - f. The following surface water quality standards in R18-11-112:
 - i. Single sample maximum standards for nitrogen and phosphorus,
 - ii. All metals except chromium, or
 - iii. Turbidity.
3. The Department shall place a surface water or segment on the Planning List if information in subsections (B)(2)(c), (B)(2)(d), and (B)(2)(e) indicates that a narrative water

quality standard violation exists, but no narrative implementation procedure required under A.R.S. § 49-232(F) exists to support use of the information for listing.

- D. 303(d) List.
 1. When evaluating a surface water or segment for placement on the 303(d) List.
 - a. Consider at least 20 spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the 303(d) List, following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 2, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 90 percent confidence level using a binomial distribution, for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 2, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 90 percent.

Table 2. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 20 | 25 | 5 | 174 | 182 | 24 | 344 | 352 | 43 |
| 26 | 32 | 6 | 183 | 191 | 25 | 353 | 361 | 44 |
| 33 | 40 | 7 | 192 | 199 | 26 | 362 | 370 | 45 |
| 41 | 47 | 8 | 200 | 208 | 27 | 371 | 379 | 46 |
| 48 | 55 | 9 | 209 | 217 | 28 | 380 | 388 | 47 |
| 56 | 63 | 10 | 218 | 226 | 29 | 389 | 397 | 48 |
| 64 | 71 | 11 | 227 | 235 | 30 | 398 | 406 | 49 |
| 72 | 79 | 12 | 236 | 244 | 31 | 407 | 415 | 50 |

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|-----|-----|----|-----|-----|----|-----|-----|----|
| 80 | 88 | 13 | 245 | 253 | 32 | 416 | 424 | 51 |
| 89 | 96 | 14 | 254 | 262 | 33 | 425 | 434 | 52 |
| 97 | 104 | 15 | 263 | 270 | 34 | 435 | 443 | 53 |
| 105 | 113 | 16 | 271 | 279 | 35 | 444 | 452 | 54 |
| 114 | 121 | 17 | 280 | 288 | 36 | 453 | 461 | 55 |
| 122 | 130 | 18 | 289 | 297 | 37 | 462 | 470 | 56 |
| 131 | 138 | 19 | 298 | 306 | 38 | 471 | 479 | 57 |
| 139 | 147 | 20 | 307 | 315 | 39 | 480 | 489 | 58 |
| 148 | 156 | 21 | 316 | 324 | 40 | 490 | 498 | 59 |
| 157 | 164 | 22 | 325 | 333 | 41 | 499 | 500 | 60 |
| 165 | 173 | 23 | 334 | 343 | 42 | | | |

2. The Department shall place a surface water or segment on the 303(d) List, following subsection (B) without the required number of samples or numeric water quality standard exceedances under subsection (D)(1), if either the following conditions occur:
 - a. More than one temporally independent sample in any consecutive three-year period exceeds the surface water quality standard in:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and the acute water quality standards in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1; or
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A).
 - b. More than one exceedance of an annual mean, 90th percentile, aquatic and wildlife chronic water quality standard, or a bacteria 30-day geometric mean water quality standard occurs, as specified in R18-11-109, R18-11-110, R18-11-112, or 18 A.A.C. 11, Article 1, Appendix A, Table 2.
 3. Narrative water quality standards exceedances. The Department shall place a surface water or segment on the Planning List if the listing requirements are met under A.R.S. § 49-232(F).
- E. Removing a surface water, segment, or pollutant from the Planning List or the 303(d) List.**
1. Planning List. The Department shall remove a surface water, segment, or pollutant from the Planning List when:
 - a. Monitoring activities indicate that:
 - i. There is sufficient credible data to determine that the surface water or segment is impaired under subsection (D), in which case the Department shall place the surface water or segment on the 303(d) List. This includes surface waters with an EPA approved TMDL when the Department determines that the TMDL strategy is insufficient for the surface water or segment to attain water quality standards; or
 - ii. There is sufficient credible data to determine that the surface water or segment is attaining all designated uses and standards.
 - b. All pollutants for the surface water or segment are delisted.
 2. 303(d) List. The Department shall:
 - a. Remove a pollutant from a surface water or segment from the 303(d) List based on one or more of the following criteria:
 - i. The Department developed, and EPA approved, a TMDL for the pollutant;
 - ii. The data used for previously listing the surface water or segment under R18-11-605(D) is superseded by more recent credible and scientifically defensible data meeting the requirements of R18-11-602, showing that the surface water or segment meets the applicable numeric or narrative surface water quality standard. When evaluating data to remove a pollutant from the 303(d) List, the monitoring entity shall collect the more recent data under similar hydrologic or climatic conditions as occurred when the samples were taken that indicated impairment, if those conditions still exist;
 - iii. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act;
 - iv. The surface water or segment no longer meets the criteria for impairment for the specific narrative water quality standard based on a change in narrative water quality standard implementation procedures;
 - v. A re-evaluation of the data indicate that the surface water or segment does not meet the criteria for impairment because of a deficiency in the original analysis; or
 - vi. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 - b. Remove a surface water, segment, or pollutant from the 303(d) List, based on criteria that are no more stringent than the listing criteria under subsection (D);
 - c. Remove a surface water or segment from the 303(d) List if all pollutants for the surface water or segment are removed from the list;
 - d. Remove a surface water, segment, or pollutant, from the 303(d) List and place it on the Planning List, if:
 - i. The surface water, segment or pollutant was on the 1998 303(d) List and the dataset used in the original listing does not meet the credible data requirements under R18-11-602, or contains insufficient samples to meet the data requirements under subsection (D); or

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- ii. The monitoring data indicate that the impairment is due to pollution, but not a pollutant.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-606. TMDL Priority Criteria for 303(d) Listed Surface Waters or Segments

- A. In addition to the factors specified in A.R.S. § 49-233(C), the Department shall consider the following when prioritizing an impaired water for development of TMDLs:
 - 1. A change in a water quality standard;
 - 2. The date the surface water or segment was added to the 303(d) List;
 - 3. The presence in a surface water or segment of species listed as threatened or endangered under section 4 of the Endangered Species Act;
 - 4. The complexity of the TMDL;
 - 5. State, federal, and tribal policies and priorities; and
 - 6. The efficiencies of coordinating TMDL development with the Department's surface water monitoring program, the watershed monitoring rotation, or with remedial programs.
- B. The Department shall prioritize an impaired surface water or segment for TMDL development based on the factors specified in A.R.S. § 49-233(C) and subsection (A) as follows:
 - 1. Consider an impaired surface water or segment a high priority if:
 - a. The listed pollutant poses a substantial threat to the health and safety of humans, aquatic life, or wildlife based on:
 - i. The number and type of designated uses impaired;
 - ii. The type and extent of risk from the impairment to human health, aquatic life, or wildlife;
 - iii. The pollutant causing the impairment, or
 - iv. The severity, magnitude, and duration the surface water quality standard was exceeded;
 - b. A new or modified individual NPDES or AZPDES permit is sought for a new or modified discharge to the impaired water;
 - c. The listed surface water or segment is listed as a unique water in A.A.C. R18-11-112 or is part of an area classified as a "wilderness area," "wild and scenic river," or other federal or state special protection of the water resource;
 - d. The listed surface water or segment contains a species listed as threatened or endangered under the federal Endangered Species Act and the presence of the pollutant in the surface water or segment is likely to jeopardize the listed species;
 - e. A delay in conducting the TMDL could jeopardize the Department's ability to gather sufficient credible data necessary to develop the TMDL;
 - f. There is significant public interest and support for the development of a TMDL;
 - g. The surface water or segment has important recreational and economic significance to the public; or
 - h. The pollutant is listed for eight years or more.
 - 2. Consider an impaired surface water or segment a medium priority if:
 - a. The surface water or segment fails to meet more than one designated use;
 - b. The pollutant exceeds more than one surface water quality standard;
 - c. A surface water quality standard exceedance is correlated to seasonal conditions caused by natural events, such as storms, weather patterns, or lake turnover;
 - d. It will take more than two years for proposed actions in the watershed to result in the surface water attaining applicable water quality standards;
 - e. The type of pollutant and other factors relating to the surface water or segment make the TMDL complex; or
 - f. The administrative needs of the Department, including TMDL schedule commitments with EPA, permitting requirements, or basin priorities that require completion of the TMDL.
 - 3. Consider an impaired surface water or segment a low priority if:
 - a. The Department has formally submitted a proposal to delist the surface water, segment, or pollutant to EPA based on R18-11-605(E)(2). If the Department makes the submission outside the listing process cycle, the change in priority ranking will not be effective until EPA approves the submittal;
 - b. The Department has modified, or formally proposed for modification, the designated use or applicable surface water quality standard, resulting in an impaired water no longer being impaired, but the modification has not been approved by EPA;
 - c. The surface water or segment is expected to attain surface water quality standards due to any of the following:
 - i. Recently instituted treatment levels or best management practices in the drainage area,
 - ii. Discharges or activities related to the impairment have ceased, or
 - iii. Actions have been taken and controls are in place or scheduled for implementation that will likely to bring the surface water back into compliance;
 - d. The surface water or segment is ephemeral or intermittent. The Department shall re-prioritize the surface water or segment if the presence of the pollutant in the listed water poses a threat to the health and safety of humans, aquatic life, or wildlife using the water, or the pollutant is contributing to the impairment of a downstream perennial surface water or segment;
 - e. The pollutant poses a low ecological and human health risk;
 - f. Insufficient data exist to determine the source of the pollutant load;
 - g. The uncertainty of timely coordination with national and international entities concerning international waters;
 - h. Naturally occurring conditions are a major contributor to the impairment; and
 - i. No documentation or effective analytical tools exist to develop a TMDL for the surface water or segment with reasonable accuracy.
- C. The Department will target surface waters with high priority factors in subsections (B)(1)(a) through (B)(1)(d) for initiation of TMDLs within two years following EPA approval of the 303(d) List.

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- D. The Department may shift priority ranking of a surface water or segment for any of the following reasons:
1. A change in federal, state, or tribal policies or priorities that affect resources to complete a TMDL;
 2. Resource efficiencies for coordinating TMDL development with other monitoring activities, including the Department's ambient monitoring program that monitors watersheds on a five-year rotational basis;
 3. Resource efficiencies for coordinating TMDL development with Department remedial or compliance programs;
 4. New information is obtained that will revise whether the surface water or segment is a high priority based on factors in subsection (B); and
 5. Reduction or increase in staff or budget involved in the TMDL development.
- E. The Department may complete a TMDL initiated before July 12, 2002 for a surface water or segment that was listed as impaired on the 1998 303(d) List but does not qualify for listing under the criteria in R18-11-605, if:
1. The TMDL investigation establishes that the water quality standard is not being met and the allocation of loads is expected to bring the surface water into compliance with standards,
 2. The Department estimates that more than 50 percent of the cost of completing the TMDL has been spent,
 3. There is community involvement and interest in completing the TMDL, or
 4. The TMDL is included within an EPA-approved state workplan initiated before July 12, 2002.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.
17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-203. Powers and duties of the director and department

A. The director shall:

1. Adopt, by rule, water quality standards in the form and subject to the considerations prescribed by article 2 of this chapter.
2. Adopt, by rule, a permit program for WOTUS that is consistent with but not more stringent than the requirements of the clean water act for the point source discharge of any pollutant or combination of pollutants into WOTUS. The program and the rules shall be sufficient to enable this state to administer the permit program identified in section 402(b) of the clean water act, including the sewage sludge requirements of section 405 of the clean water act and as prescribed by article 3.1 of this chapter.
3. Apply the program and rules authorized under paragraph 2 of this subsection to point source discharges to non-WOTUS protected surface waters, consistent with section 49-255.04, which establishes the program components and rules that do not apply to non-WOTUS protected surface waters. The following are exempt from the non-WOTUS protected surface waters point source discharge program:
 - (a) Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 - (b) Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 - (c) Maintenance but not construction of drainage ditches.
 - (d) Construction and maintenance of irrigation ditches.
 - (e) Maintenance of structures such as dams, dikes and levees.
4. Adopt, by rule, a program to control nonpoint source discharges of any pollutant or combination of pollutants into WOTUS.
5. Adopt, by rule, an aquifer protection permit program to control discharges of any pollutant or combination of pollutants that are reaching or may with a reasonable probability reach an aquifer. The permit program shall be as prescribed by article 3 of this chapter.
6. Adopt, by rule, the permit program for underground injection control described in the safe drinking water act.
7. Adopt, by rule, technical standards for conveyances of reclaimed water and a permit program for the direct reuse of reclaimed water.
8. Adopt, by rule or as permit conditions, discharge limitations, best management practice standards, new source performance standards, toxic and pretreatment standards and other standards and conditions as reasonable and necessary to carry out the permit programs and regulatory duties described in paragraphs 2 through 6 of this subsection.
9. Assess and collect fees to revoke, issue, deny, modify or suspend permits issued pursuant to this chapter and to process permit applications. The director may also assess and collect costs reasonably necessary if the director must conduct sampling or monitoring relating to a facility because the owner or operator of the facility has refused or failed to do so on order by the director. The director shall set fees that are reasonably related to the department's costs of providing the service for which the fee is charged. Monies collected from aquifer protection permit fees and from Arizona pollutant discharge elimination system permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. Monies from other permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund unless otherwise provided by law. Monies paid by an applicant for review by consultants for the department pursuant to section 49-241.02, subsection B shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. State agencies are exempt from all fees imposed pursuant to this chapter.
10. Adopt, modify, repeal and enforce other rules that are reasonably necessary to carry out the director's functions under this chapter.
11. Require monitoring at an appropriate point of compliance for any organic or inorganic pollutant listed under section 49-243, subsection I if the director has reason to suspect the presence of the pollutant in a discharge.
12. Adopt rules establishing what constitutes a significant increase or adverse alteration in the characteristics or volume of pollutants discharged for purposes of determining what constitutes a major modification to an existing facility under the definition of new facility pursuant to section 49-201. Before adopting these rules, the director shall determine whether a change at a particular facility results in a significant increase or adverse alteration in the characteristics or volume of pollutants discharged on a case-by-case basis, taking into account site conditions and operational factors.
13. Consider evidence gathered by the Arizona navigable stream adjudication commission established by section 37-1121 when deciding whether a permit is required to discharge pursuant to article 3.1 of this chapter.

B. The director may:

1. On presentation of credentials, enter into, on or through any public or private property from which a discharge has occurred, is occurring or may occur or on which any disposal, land application of sludge or treatment regulated by this chapter has occurred, is occurring or may be occurring and any public or private property where records relating to a discharge or records that are otherwise required to be maintained as prescribed by this chapter are kept, as reasonably necessary to ensure compliance with this chapter. The director or a department employee may take samples, inspect and copy records required to be maintained pursuant to this chapter, inspect equipment, activities, facilities and monitoring equipment or methods of monitoring, take photographs and take other action reasonably necessary to determine the application of, or compliance with, this chapter. The owner or managing agent of the property shall be afforded the opportunity to accompany the director or department employee during inspections and investigations, but prior notice of entry to the owner or managing agent is not required if reasonable grounds exist to believe that notice would frustrate the enforcement of this chapter. If the director or department employee obtains any samples before leaving the premises, the director or department employee shall give the owner or managing agent a receipt describing the samples obtained and a portion of each sample equal in volume or weight to the portion retained. If an analysis is made of samples, or monitoring and testing are performed, a copy of the results shall be furnished promptly to the owner or managing agent.
2. Require any person who has discharged, is discharging or may discharge into the waters of the state under article 3, 3.1 or 3.3 of this chapter and any person who is subject to pretreatment standards and requirements or sewage sludge use or disposal requirements under article 3.1 of this chapter to collect samples, to establish and maintain records, including photographs, and to install, use and maintain sampling and monitoring equipment to determine the absence or presence and nature of the discharge or indirect discharge or sewage sludge use or disposal.

3. Administer state or federal grants, including grants to political subdivisions of this state, for the construction and installation of publicly and privately owned pollutant treatment works and pollutant control devices and establish grant application priorities.

4. Develop, implement and administer a water quality planning process, including a ranking system for applicant eligibility, wherein appropriated state monies and available federal monies are awarded to political subdivisions of this state to support or assist regional water quality planning programs and activities.

5. Enter into contracts and agreements with the federal government to implement federal environmental statutes and programs.

6. Enter into intergovernmental agreements pursuant to title 11, chapter 7, article 3 if the agreement is necessary to more effectively administer the powers and duties described in this chapter.

7. Participate in, conduct and contract for studies, investigations, research and demonstrations relating to the causes, minimization, prevention, correction, abatement, mitigation, elimination, control and remedy of discharges and collect and disseminate information relating to discharges.

8. File bonds or other security as required by a court in any enforcement actions under article 4 of this chapter.

C. Subject to section 38-503 and other applicable statutes and rules, the department may contract with a private consultant to assist the department in reviewing aquifer protection permit applications and on-site wastewater treatment facilities to determine whether a facility meets the criteria and requirements of this chapter and the rules adopted by the director. Except as provided in section 49-241.02, subsection B, the department shall not use a private consultant if the fee charged for that service would be greater than the fee the department would charge to provide that service. The department shall pay the consultant for the services rendered by the consultant from fees paid by the applicant or facility to the department pursuant to subsection A, paragraph 9 of this section.

D. The director shall integrate all of the programs authorized in this section and other programs affording water quality protection that are administered by the department for purposes of administration and enforcement and shall avoid duplication and dual permitting to the maximum extent practicable.

[49-221. Water quality standards in general; protected surface waters list](#)

A. The director shall:

1. Adopt, by rule, water quality standards for all WOTUS and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses. For non-WOTUS protected surface waters, the director shall apply surface water quality standards established as of January 1, 2021, until specifically changed by the director pursuant to paragraph 2 of this subsection. Rules regarding the following shall not be adopted or applied as water quality standards for non-WOTUS protected surface waters:

- (a) Antidegradation.
- (b) Antidegradation criteria.
- (c) Outstanding Arizona waters.

2. Adopt, by rule, water quality standards for non-WOTUS protected surface waters, by December 31, 2022, consistent with paragraph 1 of this subsection and as determined necessary in the rulemaking process. In adopting those standards, the director shall consider the unique characteristics of this state's surface waters and the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

B. The director may adopt, by rule, water quality standards for waters of the state other than those described in subsection A of this section, including standards for the use of water pumped from an aquifer that does not meet the standards adopted pursuant to section 49-223, subsections A and B and that is put to a beneficial use other than drinking water. These standards may include standards for the use of water pumped as part of a remedial action. In adopting such standards, the director shall consider the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

C. In setting standards pursuant to subsection A or B of this section, the director shall consider the following:

- 1. The protection of the public health and the environment.
- 2. The uses that have been made, are being made or with reasonable probability may be made of these waters.
- 3. The provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts.
- 4. The degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories.
- 5. Guidelines, action levels or numerical criteria adopted or recommended by the United States environmental protection agency or any other federal agency.
- 6. Any unique physical, biological or chemical properties of the waters.

D. Water quality standards shall be expressed in terms of the uses to be protected and, if adequate information exists to do so, numerical limitations or parameters, in addition to any narrative standards that the director deems appropriate.

E. The director may adopt by rule water quality standards for the direct reuse of reclaimed water. In establishing these standards, the director shall consider the following:

- 1. The protection of public health and the environment.
- 2. The uses that are being made or may be made of the reclaimed water.
- 3. The degree to which standards for the direct reuse of reclaimed water may cause violations of water quality standards for other hydrologically connected water categories.

F. If the director proposes to adopt water quality standards for agricultural water, the director shall consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture relating to its administration pursuant to title 3, chapter 3, article 4.1 of this state's authority relating to agricultural water under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112, subpart E) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252). For the purposes of this subsection:

1. "Agricultural water":

(a) Means water that is used in a covered activity on produce where water is intended to, or is likely to, contact produce or food contact surfaces.

(b) Includes all of the following:

- (i) Water used in growing activities, including irrigation water, water used for preparing crop sprays and water used for growing sprouts.
- (ii) Water used in harvesting, packing and holding activities, including water used for washing or cooling harvested produce and water used for preventing dehydration of produce.

2. "Covered activity" means growing, harvesting, packing or holding produce. Covered activity includes processing produce to the extent that the activity is within the meaning of farm as defined in section 3-525.

3. "Harvesting" has the same meaning prescribed in section 3-525.

4. "Holding" has the same meaning prescribed in section 3-525.

5. "Packing" has the same meaning prescribed in section 3-525.

6. "Produce" has the same meaning prescribed in section 3-525.

G. The director shall maintain and publish a protected surface waters list. The department shall publish the initial list on the department's website and in the Arizona administrative register within thirty days after September 29, 2021. Not later than December 31, 2022, the department shall adopt by rule the protected surface waters list, including procedures for determining economic, social and environmental costs and benefits. Publication of the list in the Arizona administrative register is an appealable agency action pursuant to title 41, chapter 6, article 10 and may be appealed by any party that provides evidence of an actual adverse effect that the party appealing the decision would suffer as a result of the director's decision. All of the following apply to the protected surface water list:

1. The protected surface waters list shall include:

(a) All WOTUS.

(b) Any perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States:

(i) The Bill Williams river, from the confluence of the Big Sandy and Santa Maria rivers at 113°31'38.617"w, 34°18'22.373"n, to its confluence with the Colorado river at 114°8'9.854"w, 34°18'9.33"n.

(ii) The Colorado river, from the Arizona-Utah border at 111°32'35.741"w, 36°58'51.698"n, to the Arizona-Mexico border at 114°43'12.564"w, 32°43'6.218"n.

(iii) The Gila river, from the Arizona-New Mexico border at 109°2'52.8"w, 32°41'11.2015"n, to the confluence with the Colorado river at 114°33'28.145"w, 32°43'14.408"n.

(iv) The Little Colorado river, from the confluence of the east and west forks of the Little Colorado river at 109°28'7.131"w, 33°59'39.852"n, to its confluence with the Colorado river at 111°49'4.693"w, 36°12'10.243"n.

(v) The Salt river, from the confluence of the Black and White rivers at 110°13'39.5"w, 33°44'6.082"n, to the confluence with the Gila river at 112°18'5.704"w, 33°22'42.978"n.

(vi) The San Pedro river, from the Arizona-Mexico border at 110°9'1.704"w, 31°20'2.387"n, to the confluence with the Gila river at 110°47'0.905"w, 32°59'5.671"n.

(vii) The Santa Cruz river, from its origins in the Canelo Hills of southeastern Arizona at 110°37'3.968"w, 31°27'39.21"n, to its confluence with the Gila river at 111°33'26.02"w, 32°41'39.058"n.

(viii) The Verde river, from Sullivan lake at 112°28'10.588"w, 34°52'11.136"n, to its confluence with the Salt river at 111°39'48.32"w, 33°33'20.538"n.

(c) Any non-WOTUS waters of the state that are added under paragraphs 3 and 4 of this subsection.

2. Notwithstanding paragraph 1 of this subsection, the protected surface waters list shall not contain any of the following non-WOTUS waters:

(a) Canals in the Yuma project and ditches, canals, pipes, impoundments and other facilities that are operated by districts organized under title 48, chapters 18, 19, 20, 21 and 22 and that are not used to directly deliver water for human consumption, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner and operator of the ditch or canal until the owner and operator withdraws its request.

(b) Irrigated areas, including fields flooded for agricultural production.

(c) Ornamental and urban ponds and lakes such as those owned by homeowners' associations and golf courses, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the ornamental or urban pond or lake until the owner withdraws its request.

(d) Swimming pools and other bodies of water that are regulated pursuant to section 49-104, subsection B.

(e) Livestock and wildlife water tanks and aquaculture tanks that are not constructed within a protected surface water.

(f) Stormwater control features.

(g) Groundwater recharge, water reuse and wastewater recycling structures, including underground storage facilities and groundwater savings facilities permitted under title 45, chapter 3.1 and detention and infiltration basins, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the groundwater recharge, water reuse or wastewater recycling structure until the owner withdraws its request.

(h) Water-filled depressions created as part of mining or construction activities or pits excavated to obtain fill, sand or gravel.

(i) All waste treatment systems components, including constructed wetlands, lagoons and treatment ponds, such as settling or cooling ponds, designed to either convey or retain, concentrate, settle, reduce or remove pollutants, either actively or passively, from wastewater before discharge or to eliminate discharge.

(j) Groundwater.

(k) Ephemeral waters except for those prescribed in paragraph 1, subdivision (b) of this subsection.

(l) Lakes and ponds owned and managed by the United States department of defense and other surface waters located on and that do not leave United States department of defense property, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the United States department of defense until it withdraws its request.

3. Unless listed in paragraph 2 of this subsection, the director shall add the following non-WOTUS surface waters to the protected surface waters list:

(a) All lakes, ponds and reservoirs that are public waters used as a drinking source, for recreational or commercial fish consumption or for water-based recreation such as swimming, wading and boating and other types of recreation in and on the water.

(b) Perennial waters or intermittent waters of the state that are used as a drinking water source, including ditches and canals.

(c) Perennial or intermittent tributaries to the Bill Williams river, the Colorado river, the Gila river, the Little Colorado river, the Salt river, the San Pedro river, the Santa Cruz river and the Verde river.

- (d) Perennial or intermittent public waters used for recreational or commercial fish consumption.
 - (e) Perennial or intermittent public waters used for water-based recreation such as swimming, wading, boating and other types of recreation in and on the water.
 - (f) Perennial or intermittent wetlands adjacent to waters on the protected surface waters list.
 - (g) Perennial or intermittent waters of the state that cross into another state, the Republic of Mexico or the reservation of a federally recognized tribe.
4. The director may add additional non-WOTUS surface waters to the protected surface waters list if all of the following apply:
- (a) The water is not required to be listed under paragraph 1 or 3 of this subsection.
 - (b) The water is not excluded under paragraph 2 of this subsection.
 - (c) The economic, environmental and social benefits of adding the water outweigh the economic, environmental and social costs of excluding the water from the list.
5. The director shall remove any erroneously listed, non-WOTUS waters from the protected surface waters list when the water is excluded under paragraph 2 of this subsection and shall not regulate discharges to those waters in the interim.
6. The director shall remove non-WOTUS waters from the protected surface waters list when the water is not required to be listed under paragraph 3 of this subsection and the economic, environmental and social benefits of removing the water outweigh the economic, environmental and social costs of retaining the water on the list.
7. The director, on an emergency basis, may add a water to the protected surface waters list if the director discovers an imminent and substantial danger to public health or welfare or the environment, if the water would otherwise qualify to be added under paragraph 3 of this subsection. Notwithstanding any other law, the emergency addition shall take effect immediately on the director's determination that describes the imminent and substantial danger in writing. Within thirty days after the director's determination, the department shall publish a notice of that determination in the Arizona administrative register and on the department's website. Waters added under this subsection shall be incorporated into the protected surface waters list during the next rulemaking that follows the addition.

[49-223. Aquifer water quality standards](#)

- A. Primary drinking water maximum contaminant levels established by the administrator before August 13, 1986 are adopted as drinking water aquifer water quality standards. The director may only adopt additional aquifer water quality standards by rule. Within one year after the administrator establishes additional primary drinking water maximum contaminant levels, the director shall open a rule making docket pursuant to section 41-1021 for adoption of those maximum contaminant levels as drinking water aquifer water quality standards. If substantial opposition is demonstrated in the rule making docket regarding a particular constituent, the director may adopt for that constituent the maximum contaminant level as a drinking water aquifer water quality standard upon making a finding that this level is appropriate for adoption in Arizona as an aquifer water quality standard. In making this finding, the director shall consider whether the assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction used by the administrator in developing and implementing the maximum contaminant level are appropriate for establishing a drinking water aquifer water quality standard. For purposes of this subsection "substantial opposition" means information submitted to the director that explains with reasonable specificity why the maximum contaminant level is not appropriate as an aquifer water quality standard.
- B. The director may adopt by rule numeric drinking water aquifer water quality standards for pollutants for which the administrator has not established primary drinking water maximum contaminant levels or for which a maximum contaminant level has been established but the director has determined it to be inappropriate as an aquifer water quality standard pursuant to subsection A of this section. These standards shall be based on the protection of human health. In establishing numeric drinking water aquifer water quality standards, the director shall rely on technical protocols appropriate for the development of aquifer water quality standards and shall base the standards on credible medical and toxicological evidence that has been subjected to peer review.
- C. Any person may petition the director to adopt a numeric drinking water aquifer quality standard for any pollutant for which no drinking water aquifer quality standard exists. The director shall grant the petition and institute rule making proceedings adopting a numeric standard as provided under subsection B of this section within one hundred eighty days if the petition shows that the pollutant is a toxic pollutant, that the pollutant has been, or may in the future be, detected in any of the state's drinking water aquifers, and that there exists technical information on which a numeric standard might reasonably be based. Within one year of the commencement of the rule making proceeding, the director shall either adopt a numeric standard or make and publish a finding that, pursuant to subsection B of this section, the development of a numeric standard is not possible. The decision to not adopt a numeric standard shall, for purposes of judicial review, be treated in the same manner as a rule adopted pursuant to title 41, chapter 6.
- D. For purposes of assessing compliance with each aquifer water quality standard adopted pursuant to this section, the director shall for purposes of articles 3 and 4 of this chapter, and may for purposes of other provisions of this title, identify sampling and analytical protocols appropriate for detecting and measuring the pollutant in the aquifers in the state.
- E. Within one year from the reclassification of an aquifer to a non-drinking water status, pursuant to section 49-224, the director shall adopt water quality standards for that aquifer. For any pollutants which were not the basis for the reclassification, the applicable standard shall be identical with the standard for those pollutants adopted pursuant to subsections A and B of this section. For any pollutants which were the basis for reclassification, the standard shall be sufficient to achieve the purpose for which the aquifer was reclassified but shall minimize unnecessary degradation of the aquifer by taking into consideration the potential long-term uses of the aquifer and the short-term and long-term benefits of the activities resulting in discharges into the aquifer.
- F. The director shall adopt water quality standards for an aquifer for which a petition has been submitted pursuant to section 49-224, subsection D sufficient to achieve the non-drinking water use for which that aquifer was classified, taking into consideration the potential long-term uses of that aquifer and the short-term and long-term benefits of the discharging activities creating that aquifer.
- G. In any action pursuant to this title, aquifer water quality protection provisions, including monitoring requirements, may be imposed only for pollutants for which aquifer water quality standards have been established that are likely to be present in a discharge. Indicator parameters and quality assurance parameters appropriate for such pollutants also may be specified.

49-224. Aquifer identification, classification and reclassification

A. Not later than June 30, 1987 the director shall, by rule, identify and define the boundaries of all aquifers in this state utilizing, to the maximum extent possible, data available from the department of water resources.

B. All aquifers in this state identified and defined under subsection A of this section and any other aquifers subsequently discovered, identified and defined shall be classified for drinking water protected use unless the classification is changed in the manner provided in subsection C of this section.

C. The director, after consulting with the appropriate groundwater users advisory council established pursuant to title 45, chapter 2, article 2 if the aquifer is in an active management area, and a public hearing held pursuant to section 49-208, may change the classification of an aquifer or part of an aquifer for a protected use other than drinking water on making all of the following findings:

1. The identified aquifer or part of an aquifer is or will be so hydrologically isolated from other aquifers or other parts of the same aquifer that there is no reasonable probability that poorer quality water from the identified aquifer or part of an aquifer will cause or contribute to a violation of aquifer water quality standards in other aquifers or parts of the same aquifer.

2. Water from the identified aquifer or part of an aquifer is not being used as drinking water.

3. The short-term and long-term benefits to the public that would result from the degradation of the quality of the water in the identified aquifer or part of an aquifer below standards established pursuant to section 49-223, subsections A and B would significantly outweigh the short-term and long-term costs to the public of such degradation. Benefits and costs to be considered include economic, social and environmental.

D. Owners or operators of facilities whose discharges are solely responsible for creating an aquifer may petition the director for a classification of the aquifer for a non-drinking water use. The director may, by rule, classify that aquifer for a non-drinking water use upon making the findings prescribed in subsection C, paragraphs 1 and 2 of this section.

E. The director shall provide for public participation in proceedings under this section pursuant to section 49-208 and shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification.

D-15.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11 (Uranium)

Amend: R18-11-406



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11

Amend: R18-11-406

Summary:

This regular rulemaking from the Department of Environmental Quality (Department) seeks to amend one (1) rule in Title 18, Chapter 11, regarding Aquifer Water Quality Standards.

The Department is proposing to make amendments and additions to Chapter 11 as part of a four part rulemaking package. The Department is required by A.R.S. § 49-223(A) to adopt Aquifer Water Quality Standards (AWQS) with these standards being based on maximum contaminant levels (MCLs). These MCLs are prescribed by the Environmental Protection Agency (EPA) and the Department is required to adopt the same MCLs unless there is a showing of substantial opposition, which allows the Department to prescribe different standards if the Department or stakeholder can show that the EPA levels are not appropriate for Arizona. The Department has indicated to Department staff that this substantial opposition language is unique to Arizona and the Department believes Arizona to be the only state to have this type of language.

For this part of the rulemaking package, the Department will be adopting the MCL level prescribed by the EPA for uranium. The rule does not currently state what is an acceptable amount of uranium. The Department is proposing to adopt the EPA standard which is .030 mg/L. The Department has indicated that there has not been any substantial opposition as defined in A.R.S. § 49-223, to the proposed amendment.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

The Department indicates that they reviewed two studies relevant to the rules and that these materials are available to the public upon request.

- MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support: The Department indicates that this report was used to review EPA assumptions regarding the MCL for uranium and included looking at technologies, costs, sampling, and analytical methodologies for public health risks reduction.
- Draft Economic Impact Statement for Arsenic Proposed AWQS: The Department indicates that this report informed DEQ on the economic impact of the subject matter of the rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department states that this rulemaking is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Uranium as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. The Department indicates that the AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (see A.R.S. § 49-224(B)). The Department states the AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the voluntary Remediation Program (VRP), and elsewhere.

The Department states that the full scope of stakeholders who may incur direct impacts from this rulemaking include individual APP Permittees, such as Mines, Industrial

Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. The Department indicates that while not all costs and benefits are borne evenly, these are the identified groups generally impacted from this Uranium AWQS rulemaking. The Department states that the costs to permittees to meet the adjusted AWQS are significant and indeterminate at this time. The Department states that permittees must determine appropriate treatment technology for the specific conditions applicable to them, then upgrade or install technology and train personnel as needed to operate. Benefits to stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual users alike.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states that the controlling statute A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. The Department indicates that it simply requires ADEQ to open a rulemaking docket pursuant to A.R.S. § 41-1021 for adoption of new or adjusted MCL as an AWQS within one year of the MCLs establishment or adjustment.

6. What are the economic impacts on stakeholders?

The Department says individual APP Permittees will be the primary bearers of costs associated with this rulemaking. The Department states that other costs to stakeholders could occur, such as rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment. The Department believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. The Department anticipates that hundreds of permits may need to be amended to update monitoring tables that include Uranium as a parameter. The Department indicates that any additional costs would generally be covered by increased fees paid by permittees.

The Department believes, generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resources as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. The Department states that savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstances} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike. In addition, the Department states that following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. Additionally, the Department states that investments in treatment technology and processes by permittees would result in additional hires to

operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenue.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates that there were no changes between the proposed draft and final rules before the Council.

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it received 2 public comments as it relates to this rulemaking. The Department indicates that they conducted

Comment 1 was from a utility organization and stated the following:

- Uranium. The EPA established an MCL of 30 parts per billion (ppb) for uranium in drinking water in 2000. However, ADEQ has not yet adopted this standard as an AWQS, leaving Arizona's aquifers—and the communities that depend on them—unprotected from the risks of uranium contamination. Facilities like the Pinyon Plain uranium mine exemplify the threats posed by inadequate regulation. Monitoring data from the mine has shown uranium levels as high as 130 ppb, far exceeding EPA's MCL. Such contamination poses serious health risks, including kidney damage, bone toxicity, and increased cancer risks, and jeopardizes hydrologically connected water sources like the springs on the Grand Canyon's South Rim. Recent studies from Crossey et al. and a report from EPA all indicate an increased risk from the mine for the Grand Canyon's waters and the drinking water of the Havasupai Tribe. We urge ADEQ to adopt the EPA's MCL of 30 ppb as an AWQS immediately and implement stricter

The Department responded with the following:

- ADEQ appreciates the comment. The Uranium MCL is one of the seven (7) MCLs proposed for adoption as AWQSs within the scope of the collective "AWQS Update" rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQSs verbatim. As is detailed in this rulemaking, the Uranium MCL is in micrograms per liter ($\mu\text{g/L}$) which is equivalent to parts per billion or (ppb). 1000 micrograms is equivalent to 1 milligram. Therefore, the Uranium MCL of 30 $\mu\text{g/L}$ is equivalent to 0.030 mg/L. In order to align with the existing unit selection in the tables in R18-11-406, 0.030 mg/L is the final AWQS for Uranium.

The second comment came from a local government and stated the following:

- If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

The Department responded with the following:

- ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Uranium MCL as AWQS.

Council staff believes that the department adequately addressed the comments in accordance with A.R.S. § 41-1052(D)(7).

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

This rulemaking does not require a permit or a license.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates that the rules are not more stringent than federal law.

11. **Conclusion**

This regular rulemaking by the Department seeks to amend one rule regarding aquifer water quality standards. The Department specifically seeks to amend the rule to add the EPA standards for the amount of allowable uranium for aquifer water quality standards. There was no substantial opposition to the EPA standards.

The Department is seeking a standard 60-day delayed effective date.

Council staff recommends approval of this rulemaking.

March 13, 2025

Jessica Klein, Chair
Governor's Regulatory Review Council
100 N. 15th Ave., Ste. 302
Phoenix, AZ 85007

Re: Aquifer Water Quality Standards Update Regular Rulemaking: Title 18,
Environmental Quality, Chapters 9 and 11

Dear Chair Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits this final rulemaking package to the Governor's Regulatory Review Council (GRRC) for consideration and approval at the Council Meeting scheduled for May 6th, 2025.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. §§ 41-1039, 41-1052 and A.A.C. R1-6-201:

I. Information required under A.A.C. R1-6-201(A)(1):

- (A)(1)(a) The public record closed for all rules on December 16th, 2024 at 11:59 p.m.
- (A)(1)(b) The rulemaking activity does relate to a five-year review report. The report on 18 AAC 11, Articles 4 and 5 was approved on November 3rd, 2020.
- (A)(1)(c) The rulemaking activity does not establish a new fee.
- (A)(1)(d) The rulemaking does not contain a fee increase.
- (A)(1)(e) An immediate effective date is not requested.
- (A)(1)(f) The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- (A)(1)(g) The Department's preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council, pursuant to A.R.S. § 41-1055(B)(3) (a) (see subheading IV, below).
- (A)(1)(h) A list of documents is enclosed (see subheading IV, below).

II. Information required under A.A.C. R1-6-201(A)(2) through (8):

- (A)(2) Five (5) Notices of Final Rulemaking (NFRMs), including the preamble, table of contents, and text of each rule (*see* subheading IV, below);
- (A)(3) The preambles contain economic, small business, and consumer impact statements that contain the information required by A.R.S. § 41-1055 (*see* subheading IV, below);
- (A)(4) The preambles contain comments received by the agency, both written and oral, concerning the proposed rule (*see* subheading IV, below);
- (A)(5) No analyses were submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
- (A)(6) No materials were incorporated by reference in this rulemaking;
- (A)(7) The general and specific statutes authorizing the rule, including relevant statutory definitions (*see* subheading IV, below);
- (A)(8) All statutes referred to in the definitions are represented in the general and specific statutes authorizing the rule.

III. Governor's office approvals pursuant to A.R.S. § 41-1039:

- (A) ADEQ received prior written approval from the Governor's Office twice. Once for Title 18, Chapter 11, Article 4 on August 24, 2022 and then again for Title 18, Chapter 9, Articles 1 and 2 on February 5th, 2024 (*see* subheading IV, below);
- (B) ADEQ received written final approval from the Governor's Office for this rulemaking on March 11th, 2025 (*see* subheading IV, below).

IV. List of documents enclosed (25 documents total):

- One (1) Cover Letter (R1-6-201(A)(1));
 - AWQS_CL.pdf
- One (1) JLBC email (R1-6-201(A)(1)(g));
 - AWQS_JLBC.pdf
- Five (5) NFRMs (R1-6-201(A)(2));
 - AWQS_NFRM_18_AAC_9_Impl.pdf
 - AWQS_NFRM_18_AAC_11_As.pdf
 - AWQS_NFRM_18_AAC_11_U.pdf
 - AWQS_NFRM_18_AAC_11_DBP.pdf
 - AWQS_NFRM_18_AAC_11_MBC.pdf
- Five (5) EISs (R1-6-201(A)(3));
 - AWQS_EIS_18_AAC_9_Impl.pdf
 - AWQS_EIS_18_AAC_11_As.pdf
 - AWQS_EIS_18_AAC_11_U.pdf
 - AWQS_EIS_18_AAC_11_DBP.pdf
 - AWQS_EIS_18_AAC_11_MBC.pdf
- Five (5) Public Comments Received Documents (R1-6-201(A)(4));

- AWQS_Cmts_18_AAC_9_Impl.pdf
- AWQS_Cmts_18_AAC_11_As.pdf
- AWQS_Cmts_18_AAC_11_U.pdf
- AWQS_Cmts_18_AAC_11_DBP.pdf
- AWQS_Cmts_18_AAC_11_MBC.pdf
- Five (5) General and Specific Authorizing Statutes (R1-6-201(A)(7));
 - 49-104 - Powers and duties of the department and director.pdf
 - 49-203 - Powers and duties of the director and department.pdf
 - 49-221 - Water quality standards in general; protected surface waters list.pdf
 - 49-223 - Aquifer water quality standards.pdf
 - 49-224 - Aquifer identification, classification and reclassification.pdf
- Three (3) A.R.S. § 41-1039 Governor's Approvals
 - 8_24_22_Gov_Approval.pdf
 - 2_5_24_Gov_Approval.pdf
 - 25_3_11_Gov_Approval.pdf

Thank you for your timely review and approval. Please contact Jon Rezabek, Legal Specialist, Water Quality Division, 602-771-8219 or rezabek.jon@azdeq.gov if you have any questions.

Sincerely,



Karen Peters, Director
Arizona Department of Environmental Quality

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &
February 5, 2024

2. Article, Part, or Section Affected (as applicable)

R18-11-406

Rulemaking Action

Amend

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

Authorizing statute: A.R.S. §§ 49-221, and 49-223.

Implementing statute: A.R.S. §§ 49-221, and 49-223.

4. The effective date of the rule:

July 7, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Proposed Rulemaking: 30 A.A.R. 3412, Issue Date: November 15, 2024, Issue Number: 46, File Number: R24-230.

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

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

Name: Jon Rezabek
Title: Legal Specialist
Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awp-rulemaking>

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

General Explanation of the Collective Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. AWQSs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium with corresponding MCLs are either unestablished as AWQSs or are established but currently have a misaligned value as the standard. MCLs for the seven (7) pollutants can be viewed at 40 *Code of Federal Regulations* (C.F.R.) 141.60 *et seq.* A.R.S. § 49-223(A) requires ADEQ to move forward with the adoption of MCLs as AWQSs through the rulemaking process unless substantial opposition to the adoption is received from stakeholders. Upon receipt of substantial opposition, ADEQ may adopt for that pollutant the verbatim MCL as an AWQS, but only upon a finding that the MCL is appropriate for adoption in Arizona as an AWQS. In making this finding, ADEQ must consider whether the assumptions used by the EPA in developing and implementing the MCLs are appropriate for establishing an Arizona state AWQSs. The listed assumptions for consideration are technology, cost, sampling and analytical methodologies and public health risk reduction. If ADEQ determines the MCL is inappropriate as an AWQS, the Department may establish an alternative AWQS for the pollutant with an MCL. The alternative AWQS must be:

- (1) Based on the protection of human health and shall rely on technical protocols appropriate for the development of AWQSs,
and
- (2) Based on credible medical and toxicological evidence that has been subjected to peer review.

Subject Matter of this NFRM: This *Notice of Final Rulemaking* (NFRM) proposes to establish an AWQS for uranium that aligns with the MCL for Uranium. The original MCL for Uranium was established through Final Rule by the Environmental Protection Agency (EPA), published in the *Federal Register* at 65 *Federal Register* 76708.

What is the MCL for Uranium that is proposed to be the new AWQS and what is the current AWQS for Uranium?

| Pollutant | Current MCL / New or Adjusted AWQS | Previous AWQS |
|-----------|---------------------------------------|---------------|
| Uranium | 30 µg/L or 0.030 mg/L | None |

Uranium MCL Unit Conversion - µg/L to mg/L: The Uranium MCL is in micrograms per Liter (µg/L) which is equivalent to parts per billion or (ppb). 1000 micrograms is equivalent to 1 milligram. Therefore, the Uranium MCL of 30 µg/L is equivalent to 0.030 mg/L. In order to align with the existing unit selection in the tables in R18-11-406, 0.030 mg/L is the final AWQS for Uranium.

Substantial Opposition: ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the MCL for Uranium as an AWQS.

Associated Rulemakings: ADEQ proposes a total of five (5) NFRMs in the collective AWQS Update rulemaking. Three (3) of the five (5) NFRMs, including this NFRM, propose to establish or align the AWQSs with the MCLs in *Arizona Administrative Code*, (A.A.C.) Title 18, Chapter 11, Article 4 for pollutants Arsenic, Bromate, Chlorite, Haloacetic Acids, Total Trihalomethanes and Uranium. This NFRM’s scope is limited to Uranium. A second NFRM’s scope includes Arsenic. A third NFRM’s scope includes four (4) disinfection byproducts: Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes. A fourth NFRM’s scope includes microbiological contaminants. A fifth and final NFRM includes in its scope a proposed new section and some amendments to A.A.C., Title 18, Chapter 9, Articles 1 and 2. With the fifth NFRM, ADEQ proposes a rule detailing implementation of new or adjusted AWQSs into existing Individual Aquifer Protection Program permits (APPs), along with adjacent amendments to existing rule to make way for this purpose.

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or “AWQSs” are protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona’s aquifer quality for drinking water-protected use (*See* A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQSs are used in ADEQ’s Aquifer Protection Program (APP), and, to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

Sampling and Analytical Methodologies. In the Baseline Monitoring Requirement subsection of the final rule at R18-9-A215(E)(4), the following is provided,

“[s]ampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.”

At the time this NFRM was compiled, wastewater methods for some of the pollutants with new or adjusted AWQSs were not ADHS-Approved (*see* A.A.C. Title 9, Chapter 14, Article 6, Tables 6.2.A and 6.2.B). In March 2025, ADEQ formally requested that the following sampling methods be reviewed and considered for addition to ADHS’s “Director Approved” list of sampling methods pursuant to A.A.C. R9-14-610, found published outside of the rule on ADHS’s website, here: <https://www.azdhs.gov/documents/preparedness/state-laboratory/lab-licensure-certification/environmental-laboratory/application/application-part-e.pdf>

Table 1. Analytical Methods for Baseline Monitoring

| Analyte | Analytical Method |
|-----------------------|--|
| Arsenic | EPA 200.8, SM 3113B, SM 3114B |
| Bromate | EPA 300.1, EPA 317.0 Rev 2.0, EPA 321.8, EPA 326.0 |
| Chlorite | EPA 300.0, EPA 300.1, EPA 317.0 Rev 2.0, EPA 326.0 |
| Haloacetic Acids | EPA 552.1, EPA 552.2, EPA 552.3, SM 6251B |
| Fecal coliform | SM 9223B |
| <i>E. coli</i> | SM 9223B |
| Total Trihalomethanes | EPA 502.2, EPA 524.2, EPA 551.1, SM 6251B |
| Uranium (Total) | EPA 200.8 |

* “EPA” - Environmental Protection Agency; “SM” - Standard Methods

Who are the stakeholders to this rulemaking? The stakeholders for this rulemaking are predominantly the permittees of the APP, and to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP). Other stakeholders include private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state’s aquifers being protected for drinking water use.

What has been the stakeholder process thus far for this rulemaking? ADEQ has conducted a number of general and specific stakeholder meetings, as well as tribal listening sessions, concerning this rulemaking. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ’s website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

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

MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support:

Summary: This report provides a review of the EPA assumptions used to establish the MCL for Uranium at 65 *Federal Register* 76708. The assumptions reviewed are listed in A.R.S. § 49-223(A) and include technologies, costs, sampling and analytical methodologies and public health risk reduction.

Study Resource: Provided review of the EPA assumptions used to establish the MCL for Uranium at 65 *Federal Register* 76708 in order to inform ADEQ further on the subject matter and its applicability in the AWQS setting.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: LaPat-Polasko, L., Hoagland-Stamatovski, B., and Brenton, H. (2023). MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support. Matrix New World Engineering, Land Surveying and Landscape Architecture, PC.

Draft Economic Impact Statement for Uranium Proposed AWQS:

Summary: This report provides the Department a draft economic impact statement on the proposed Uranium AWQS modeled after the requirements of A.R.S. § 41-1055.

Study Resource: This report informs ADEQ on the economic impact of the subject matter of the rulemaking.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: McClure Consulting LLC with The Natelson Dale Group, Inc. (2024). Draft Economic Impact Statement for Uranium Proposed AWQS. McClure Consulting LLC with The Natelson Dale Group, Inc.

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

Not applicable.

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

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Uranium as an Aquifer

Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the Uranium MCL as an AWQS. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Uranium AWQS rulemaking.

Costs to permittees to meet the new AWQS for Uranium are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the "fee-for-service" model requirements ADEQ must operate under (*see* A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Uranium AWQS, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Uranium as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including the reduction in loss of life due to reduced Uranium consumption, as well as the avoidance or reduction of uranium-related ailments and loss of income and additional financial hardships associated with the quantified and non-quantified diseases. Arizona's many community water systems (CWSs) and their clientele could see savings due to reduced UraniumF in the groundwater under the proposed AWQS. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$24,000 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: "permittees") will be the primary bearers of costs associated with this rulemaking.

Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees' fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultant have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|--|---|
| <i>Costs</i> | | |
| Cost estimates for mining reclamation/remediation | Matrix Report Chart 17 | Included for illustrative purposes |
| <i>Costs and Benefits</i> | | |
| National estimates of # of systems impacted, cancer risk from uranium/radionuclides, and estimated compliance costs | Matrix Report Chart 9 and related EPA documentation in 65 FR 76733 ff. | National numbers adjusted to potential Arizona cases and populations, based on greater presence of Uranium in groundwater and a lower proportion of affected population than nation |

| <i>General</i> | | |
|---|---|---|
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Uranium. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (see Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA), which takes into account multiple factors affecting potential costs and benefits. Cost ranges generated by the Matrix Report and used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP) program. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--------------------------------|--|----------------------------------|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees | Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential | Significant | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|---|--|-------------------------------------|
| | costs from nothing to hundreds of millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | | |
| Industrial Facilities | Industrial operations are assumed to have a disproportionately higher representation among permittees treating for uranium, in relation to those treating urban wastewater | Significant | |
| Wastewater Treatment Plants | Most permittees in this category will not be treating for uranium, except for those where ambient levels are high | Significant | |
| Mines | Mining operations are assumed to represent a fairly high proportion of those permittees treating for uranium. | Significant | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below | Assumed to be minimal and spread broadly through the customer base, on a monthly basis | |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that many permits may need to be amended to update monitoring tables that include Uranium as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the | Following EPA, quantified benefits are measured in terms of reduced loss of | | Significant |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|---|--|----------------------------------|-------------------------------------|
| more immediately affected population consists primarily of private well users throughout the state. | life and costs associated with treatment for disease. | | |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. | | Significant |
| State costs | Some state-supported medical costs would decrease. | Minimal | Significant |
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be about \$24,000 for the direct and secondary hires. | | Minimal |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

In the Matrix Report, costs for treatment are given within a wide range. The complexity driving the variation in costs results primarily from: 1) permittees’ need to consider/analyze multiple treatment technologies that have varying applicability according to specific water conditions; 2) operational costs that vary by influent Uranium concentration and water quality, and 3) the scale of permittee operations, plus other factors. The Matrix Report recognized that the number of permittees-affected needed to be adjusted downward because some facilities may have ambient Uranium concentrations exceeding the proposed AWQS, and in recognition of facilities that analyzed for total Uranium and had a quantified Uranium discharge limit, plus other technicalities. For the purposes of this EIS, the Matrix Report’s statewide cost range estimates (from nothing to millions) can be viewed as a theoretical total range, reflecting treatment options available, but within which permittees would tend to be minimizing costs where possible. Consequently the actual cost range is likely to be considerably narrower than the theoretical total range. The group of permittees that undertake treatment to reduce Uranium must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate.

Mines

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. Reclamation and remediation are additional requirements and costs related to uranium treatments associated with mining. Extensive mining activity in Arizona adds to the significance of this factor. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive, and constitutes an additional complicating factor in selecting and using technology for dealing with changes in AWQSs for individual contaminants, including uranium.

Industrial Facilities

The estimated number of industrial wastewater processing permittees is 56. This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources. Most of these will not be treating for uranium, except for those where ambient levels are high. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific

expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQs, except where ambient water levels that exceed proposed AWQs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele. For segment 2, according to the Matrix MCL Report the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This estimate was further reduced for this analysis based on the estimated number of facilities treating for uranium and their distribution. Applying these two factors results in a relatively small estimated affected population of approximately 19,300. Estimates of benefits related to uranium reduction are based on the Matrix Report Chart 9 (p. 19) and the EPA backup. These factors, which include the relatively low estimate by EPA of cancer incidence associated with uranium exposure, yields a modest estimate of benefits of \$176,000. According to the Matrix Report, benefit estimates may underestimate the cost forgone for avoiding the cancer cases, as these medical-related costs do not take into account the loss of income and additional financial hardships or intangible factors, such as the psychological impact associated with the cancer. The uranium cancer risk reduction benefit estimates in EPA are based on a combination of cancers avoided but do not include the non-quantified kidney toxicity risk-reduction benefits. Other non-quantified benefits, according to EPA in 65 FR 76734, "include those related to the technologies

used to remove radium and uranium from ground water (e.g., water softening technologies like ion exchange, lime softening, and membrane softening and iron removal technologies like green sand filtration and oxidation/filtration). EPA does not have enough information to estimate these benefits, but believes that they could be significant. Examples of benefits related to water softening include reductions in excessive calcium and manganese carbonate scaling in distribution systems, water heaters, and boilers and reductions in soap and detergent use. Examples of benefits related to iron removal include improvements in color and taste and reduction in staining of clothes, sinks, and basins.”

Community water systems (CWSs) and their clientele

Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. Estimates of the population served by municipal or other systems with water sources that included groundwater were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater. As many as 2.04 million Arizonans, as estimated, could be affected in this way. Because relatively few permittees will be treating for Uranium, the potentially affected population will likewise be reduced.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems).

Direct employment and earnings resulting from permittees’ investment in equipment are shown separately in the table below from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|---------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$3,148,517 |
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 5.67 |
| New Annual Earnings for Direct Jobs Created | \$529,186 |
| Total New Jobs (Direct + Secondary) | 17.38 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$24,034 |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with

the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee's particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in

A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (see A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced Uranium in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary

employment generated by investments in Uranium technology (using the low end of costs where ranges are given) are just over \$24,000.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing specific contaminants referenced extensively in the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Comment 1: Interest Group

Uranium. The EPA established an MCL of 30 parts per billion (ppb) for uranium in drinking water in 2000. However, ADEQ has not yet adopted this standard as an AWQS, leaving Arizona's aquifers—and the communities that depend on them—unprotected from the risks of uranium contamination. Facilities like the Pinyon Plain uranium mine exemplify the threats posed by inadequate regulation. Monitoring data from the mine has shown uranium levels as high as 130 ppb, far exceeding EPA's MCL. Such contamination poses serious health risks, including kidney damage, bone toxicity, and increased cancer risks, and jeopardizes hydrologically connected water sources like the springs on the Grand Canyon's South Rim. Recent studies from Crossey et al. and a report from EPA all indicate an increased risk from the mine for the Grand Canyon's waters and the drinking water of the Havasupai Tribe. We urge ADEQ to adopt the EPA's MCL of 30 ppb as an AWQS immediately and implement stricter

compliance timelines for facilities already exceeding this standard.

ADEQ Response 1:

ADEQ appreciates the comment. The Uranium MCL is one of the seven (7) MCLs proposed for adoption as AWQs within the scope of the collective “AWQS Update” rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQs verbatim. As is detailed in this rulemaking, the Uranium MCL is in micrograms per liter (µg/L) which is equivalent to parts per billion or (ppb). 1000 micrograms is equivalent to 1 milligram. Therefore, the Uranium MCL of 30 µg/L is equivalent to 0.030 mg/L. In order to align with the existing unit selection in the tables in R18-11-406, 0.030 mg/L is the final AWQS for Uranium.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Uranium MCL as AWQS.

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

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This rulemaking does not create a requirement for a permit.

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

Federal law is not applicable to the subject matter of the rule.

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

Not applicable.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rule follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS
ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

A. No Change

B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | (mg/L) |
|----------------------------|---|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |

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| | |
|----------------|--------------|
| Selenium | 0.05 |
| Thallium | 0.002 |
| <u>Uranium</u> | <u>0.030</u> |

- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change

AWP NFRM Economic Impact Statement (EIS) - 18 AAC 11 - Uranium

A summary of the economic, small business, and consumer impact:

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Uranium as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the Uranium MCL as an AWQS. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Uranium AWQS rulemaking.

Costs to permittees to meet the new AWQS for Uranium are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the "fee-for-service" model requirements ADEQ must operate under (*see* A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Uranium AWQS, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables that include Uranium as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including the reduction in loss of life due to reduced Uranium consumption, as well as the avoidance or reduction of uranium-related ailments and loss of income and additional financial hardships associated with the quantified and non-quantified diseases. Arizona's many community water systems (CWSs) and their clientele could see savings due to reduced UraniumF in the groundwater under the proposed AWQS. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$24,000 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: “permittees”) will be the primary bearers of costs associated with this rulemaking. Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultant have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|---|
| Costs | | |
| Cost estimates for mining reclamation/remediation | Matrix Report Chart 17 | Included for illustrative purposes |
| Costs and Benefits | | |
| National estimates of # of systems impacted, cancer risk from uranium/radionuclides, and estimated compliance costs | Matrix Report Chart 9 and related EPA documentation in 65 FR 76733 ff. | National numbers adjusted to potential Arizona cases and populations, based on greater presence of Uranium in groundwater and a lower proportion of affected population than nation |
| General | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Uranium. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (*see* Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA), which takes into account multiple factors affecting potential costs and benefits. Cost ranges generated by the Matrix Report and

used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP) program. According to ADEQ's database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| | |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|----------------------------------|--|--|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees | Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to hundreds of millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSSs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see A.R.S. § 49-104(B)(17)</i>). | Significant | |
| Industrial Facilities | Industrial operations are assumed to have a disproportionately higher representation among permittees treating for uranium, in relation to those treating urban wastewater | Significant | |
| Wastewater Treatment Plants | Most permittees in this category will not be treating for uranium, except for those where ambient levels are high | Significant | |
| Mines | Mining operations are assumed to represent a fairly high proportion of those permittees treating for uranium. | Significant | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below | Assumed to be minimal and spread broadly through the customer base, on a monthly basis | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|----------------------------------|-------------------------------------|
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that many permits may need to be amended to update monitoring tables that include Uranium as a parameter. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. | | Significant |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. | | Significant |
| State costs | Some state-supported medical costs would decrease. | Minimal | Significant |
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be about \$24,000 for the direct and secondary hires. | | Minimal |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

In the Matrix Report, costs for treatment are given within a wide range. The complexity driving the variation in costs results primarily from: 1) permittees’ need to consider/analyze multiple treatment technologies that have varying applicability according to specific water conditions; 2) operational costs that vary by influent Uranium concentration and water quality, and 3) the scale of permittee operations, plus other factors. The Matrix Report recognized that the number

of permittees-affected needed to be adjusted downward because some facilities may have ambient Uranium concentrations exceeding the proposed AWQS, and in recognition of facilities that analyzed for total Uranium and had a quantified Uranium discharge limit, plus other technicalities.

For the purposes of this EIS, the Matrix Report's statewide cost range estimates (from nothing to millions) can be viewed as a theoretical total range, reflecting treatment options available, but within which permittees would tend to be minimizing costs where possible. Consequently the actual cost range is likely to be considerably narrower than the theoretical total range. The group of permittees that undertake treatment to reduce Uranium must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate.

Mines

The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. Reclamation and remediation are additional requirements and costs related to uranium treatments associated with mining. Extensive mining activity in Arizona adds to the significance of this factor. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive, and constitutes an additional complicating factor in selecting and using technology for dealing with changes in AWQSs for individual contaminants, including uranium.

Industrial Facilities

The estimated number of industrial wastewater processing permittees is 56. This category of permittee is generally processing wastewater generated from an industrial process. Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources. Most of these will not be treating for uranium, except for those where ambient levels are high. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also subsection F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost.

ADEQ

ADEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQSs, except where ambient water levels that exceed proposed AWQSs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQSs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele. For segment 2, according to the Matrix MCL Report the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This estimate was further reduced for this analysis based on the estimated number of facilities

treating for uranium and their distribution. Applying these two factors results in a relatively small estimated affected population of approximately 19,300. Estimates of benefits related to uranium reduction are based on the Matrix Report Chart 9 (p. 19) and the EPA backup. These factors, which include the relatively low estimate by EPA of cancer incidence associated with uranium exposure, yields a modest estimate of benefits of \$176,000. According to the Matrix Report, benefit estimates may underestimate the cost forgone for avoiding the cancer cases, as these medical-related costs do not take into account the loss of income and additional financial hardships or intangible factors, such as the psychological impact associated with the cancer. The uranium cancer risk reduction benefit estimates in EPA are based on a combination of cancers avoided but do not include the non-quantified kidney toxicity risk-reduction benefits. Other non-quantified benefits, according to EPA in 65 FR 76734, “include those related to the technologies used to remove radium and uranium from ground water (e.g., water softening technologies like ion exchange, lime softening, and membrane softening and iron removal technologies like green sand filtration and oxidation/filtration). EPA does not have enough information to estimate these benefits, but believes that they could be significant. Examples of benefits related to water softening include reductions in excessive calcium and manganese carbonate scaling in distribution systems, water heaters, and boilers and reductions in soap and detergent use. Examples of benefits related to iron removal include improvements in color and taste and reduction in staining of clothes, sinks, and basins.”

Community water systems (CWSs) and their clientele

Savings could accrue to CWSs due to reduced Uranium in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. Estimates of the population served by municipal or other systems with water sources that included groundwater were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater. As many as 2.04 million Arizonans, as estimated, could be affected in this way. Because relatively few permittees will be treating for Uranium, the potentially affected population will likewise be reduced.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems).

Direct employment and earnings resulting from permittees’ investment in equipment are shown separately in the table below from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|---------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$3,148,517 |
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 5.67 |
| New Annual Earnings for Direct Jobs Created | \$529,186 |
| Total New Jobs (Direct + Secondary) | 17.38 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$24,034 |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated

through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee’s particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|--|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (see A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules: Potential savings could accrue to community water systems due to reduced Uranium in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers. As many as 1.8 million Arizonans could potentially be affected.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted therein, estimated state taxes for direct and secondary employment generated by investments in Uranium technology (using the low end of costs where ranges are given) are just over \$24,000.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Uranium Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (see Heading No. 8 above for citation). Other reference material was used to a lesser extent (see Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing specific contaminants referenced extensively in the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

AWP NFRM Public Comments - 18 AAC 11 - Uranium

Comment 1: Interest Group

Uranium. The EPA established an MCL of 30 parts per billion (ppb) for uranium in drinking water in 2000. However, ADEQ has not yet adopted this standard as an AWQS, leaving Arizona's aquifers—and the communities that depend on them—unprotected from the risks of uranium contamination. Facilities like the Pinyon Plain uranium mine exemplify the threats posed by inadequate regulation. Monitoring data from the mine has shown uranium levels as high as 130 ppb, far exceeding EPA's MCL. Such contamination poses serious health risks, including kidney damage, bone toxicity, and increased cancer risks, and jeopardizes hydrologically connected water sources like the springs on the Grand Canyon's South Rim. Recent studies from Crossey et al. and a report from EPA all indicate an increased risk from the mine for the Grand Canyon's waters and the drinking water of the Havasupai Tribe. We urge ADEQ to adopt the EPA's MCL of 30 ppb as an AWQS immediately and implement stricter compliance timelines for facilities already exceeding this standard.

ADEQ Response 1:

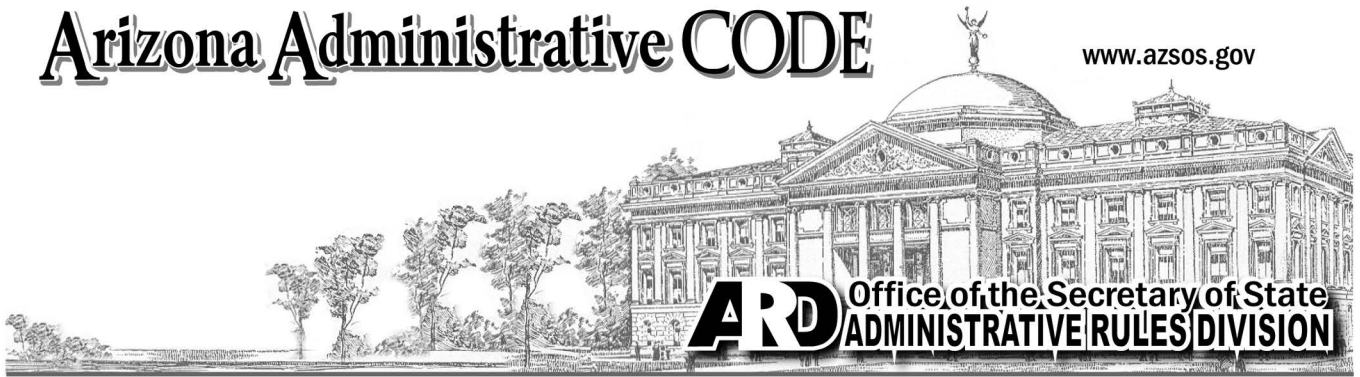
ADEQ appreciates the comment. The Uranium MCL is one of the seven (7) MCLs proposed for adoption as AWQs within the scope of the collective "AWQS Update" rulemaking. All MCLs except for Microbiological Contaminants are being adopted as AWQs verbatim. As is detailed in this rulemaking, the Uranium MCL is in micrograms per liter ($\mu\text{g/L}$) which is equivalent to parts per billion or (ppb). 1000 micrograms is equivalent to 1 milligram. Therefore, the Uranium MCL of 30 $\mu\text{g/L}$ is equivalent to 0.030 mg/L. In order to align with the existing unit selection in the tables in R18-11-406, 0.030 mg/L is the final AWQS for Uranium.

Comment 2: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 2:

ADEQ appreciates the comment. The answer to that question is – not necessarily. "Substantial Opposition" is a term defined in A.R.S. § 49-223(A) as, "... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS]." Upon receipt of "substantial opposition", the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is "appropriate" as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>. ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the Uranium MCL as AWQS.



18 A.A.C. 11

Supp. 23-3

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2023 through September 30, 2023

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-99 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Authority: A.R.S. §§49-202(A), 49-203(A)(1)

Supp. 23-3

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Article 1, consisting of Section R18-11-103, reserved effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-105 and R18-11-106, and Appendices A and B, adopted April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 and R18-11-102, R18-11-104, R18-11-107 through R18-11-109, R18-11-111 through R18-11-113, R18-11-115, R18-11-117 and R18-11-118, R18-11-120 and R18-11-121, amended effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 through R18-11-121 and Appendices A through C, adopted effective February 18, 1992 (Supp. 92-1).

Article 1, consisting of Section R18-11-101, repealed effective February 18, 1992 (Supp. 92-1).

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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Article 3 heading repealed effective April 24, 1996 (Supp. 96-2).

Article 3, consisting of Sections R18-11-301 through R18-11-304 repealed effective February 18, 1992 (Supp. 92-1).

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS**R18-11-101. Definitions**

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation (AgI)" means the use of a surface water for crop irrigation.
3. "Agricultural livestock watering (AgL)" means the use of a surface water as a water supply for consumption by livestock.
4. "Annual mean" is the arithmetic mean of monthly values determined over a consecutive 12-month period, provided that monthly values are determined for at least three months. A monthly value is the arithmetic mean of all values determined in a calendar month.
5. "Aquatic and wildlife (cold water) (A&Wc)" means the use of a surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
6. "Aquatic and wildlife (effluent-dependent water) (A&Wedw)" means the use of an effluent-dependent water by animals, plants, or other organisms for habitation, growth, or propagation.
7. "Aquatic and wildlife (ephemeral) (A&We)" means the use of an ephemeral water by animals, plants, or other organisms, excluding fish, for habitation, growth, or propagation.
8. "Aquatic and wildlife (warm water) (A&Ww)" means the use of a surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
9. "Arizona Pollutant Discharge Elimination System (AZPDES)" means the point source discharge permitting program established under 18 A.A.C. 9, Article 9.
10. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
11. "Clean Water Act" means the Federal Water Pollution Control Act [33 U.S.C. 1251 to 1387].
12. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
13. "Criteria" means elements of water quality standards that are expressed as pollutant concentrations, levels, or narrative statements representing a water quality that supports a designated use.
14. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
15. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health based water quality standard criteria, in order to simulate long-term exposure, the receiving water critical flow condition is the harmonic mean flow.
16. "Deep lake" means a lake or reservoir with an average depth of more than 6 meters.
17. "Designated use" means a use specified in Appendix B of this Article for a surface water.
18. "Domestic water source (DWS)" means the use of a surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
19. "Effluent-dependent water (EDW)" means a surface water or portion of a surface water, that consists of a point source discharge without which the surface water would be ephemeral. An effluent-dependent water may be perennial or intermittent depending on the volume and frequency of the point source discharge of treated wastewater.
20. "Ephemeral water" means a surface water or portion of surface water that flows or pools only in direct response to precipitation.
21. "Existing use" means a use attained in the waterbody on or after November 28, 1975, whether or not it is included in the water quality standards.
22. "Fish consumption (FC)" means the use of a surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
23. "Full-body contact (FBC)" means the use of a surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
24. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_Y = \sqrt[n]{(Y_1)(Y_2)(Y_3)\dots(Y_n)}$$
25. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
26. "Igneous lake" means a lake located in volcanic, basaltic, or granite geology and soils.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

27. "Intermittent water" means a surface water or portion of surface water that flows continuously during certain times of the year and more than in direct response to precipitation, such as when it receives water from a spring, elevated groundwater table or another surface source, such as melting snowpack.
28. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
29. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
30. "Outstanding Arizona water (OAW)" means a surface water that is classified as an outstanding state resource water by the Director under R18-11-112.
31. "Partial-body contact (PBC)" means the recreational use of a surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
32. "Perennial water" means a surface water or portion of surface water that flows continuously throughout the year.
33. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance. A.R.S. § 49-201(29)
34. "Pollutant Minimization Program" means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loadings.
35. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
36. "Reference condition" means a set of abiotic physical stream habitat, water quality, and site selection criteria established by the Director that describe the typical characteristics of stream sites in a region that are least disturbed by environmental stressors. Reference biological assemblages of macroinvertebrates and algae are collected from these reference condition streams for calculating the Arizona Indexes of Biological Integrity thresholds.
37. "Regional Administrator" means the Regional Administrator of Region IX of the U.S. Environmental Protection Agency.
38. "Regulated discharge" means a point-source discharge regulated under an AZPDES permit, a discharge regulated by a § 404 permit, and any discharge authorized by a federal permit or license that is subject to state water quality certification under § 401 of the Clean Water Act.
39. "Riffle habitat" means a stream segment where moderate water velocity and substrate roughness produce moderately turbulent conditions that break the surface tension of the water and may produce breaking wavelets that turn the surface water into white water.
40. "Run habitat" means a stream segment where there is moderate water velocity that does not break the surface tension of the water and does not produce breaking wavelets that turn the surface water into white water.
41. "Sedimentary lake" means a lake or reservoir in sedimentary or karst geology and soils.
42. "Shallow lake" means a lake or reservoir, excluding an urban lake, with a smaller, flatter morphology and an average depth of less than 3 meters and a maximum depth of less than 4 meters.
43. "Significant degradation" means:
 - a. The consumption of 20 percent or more of the available assimilative capacity for a pollutant of concern at critical flow conditions, or
 - b. Any consumption of assimilative capacity beyond the cumulative cap of 50 percent of assimilative capacity.
44. "Surface water" means "WOTUS" as defined in A.R.S. § 49-201(53).
45. "Total nitrogen" means the sum of the concentrations of ammonia (NH₃), ammonium ion (NH₄⁺), nitrite (NO₂), and nitrate (NO₃), and dissolved and particulate organic nitrogen expressed as elemental nitrogen.
46. "Total phosphorus" means all of the phosphorus present in a sample, regardless of form, as measured by a persulfate digestion procedure.
47. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
48. "Urban lake" means a manmade lake within an urban landscape.
49. "Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of a designated use including physical, chemical, biological, and economic factors.
50. "Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the variance.
51. "Wadable" means a surface water can be safely crossed on foot and sampled without a boat.
52. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
53. "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas.

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54. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Former Section R9-21-101 repealed, new Section R9-21-101 adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Amended effective January 7, 1985 (Supp. 85-1). Amended by adding subsection (C) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-101 renumbered without change as Section R18-11-101 (Supp. 87-3). Former Section R18-11-101 repealed, new Section R18-11-101 adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Deleted first definition to R18-11-101(32) "Navigable Water", previously printed in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-102. Applicability

- A. The water quality standards prescribed in this Article apply to surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is a part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores that is not a surface water or is located in an area that once was a surface water but is no longer a surface water because it has been and remains legally converted, including:
 - a. A pit,
 - b. Pregnant leach solution pond,
 - c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond or a sump in a mine pit associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product and that is being held for recycling,
 - h. Spill or upset catchment pond, or
 - i. A pond used for onsite remediation;
 3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-103. Repealed**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Repealed effective April 24, 1996 (Supp. 96-2).

R18-11-104. Designated Uses

- A. The Director shall adopt or remove a designated use or subcategory of a designated use by rule.
- B. Designated uses of a surface water may include full-body contact, partial-body contact, domestic water source, fish consumption, aquatic and wildlife (cold water), aquatic and wildlife (warm water), aquatic and wildlife (ephemeral), aquatic and wildlife (effluent-dependent water), agricultural irrigation, and agricultural livestock watering. The designated uses for specific surface waters are listed in Appendix B of this Article.
- C. Numeric water quality criteria to maintain and protect water quality for the designated uses are prescribed in Appendix A, R18-11-109, R18-11-110, and R18-11-112. Narrative water quality standards to protect all surface waters are prescribed in R18-11-108.
- D. If a surface water has more than one designated use listed in Appendix B, the most stringent water quality criterion applies.
- E. The Director shall revise the designated uses of a surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in Appendix B.
- F. In designating uses of a surface water and in establishing water quality criteria to protect the designated uses, the Director shall take into consideration the applicable water quality standards for downstream surface waters and shall ensure that the water quality standards that are established for an upstream surface water also provide for the attainment and maintenance of the water quality standards of downstream surface waters.
- G. A use attainability analysis shall be conducted prior to removal of a designated use or adoption of a subcategory of a designated use that requires less stringent water quality criteria.
- H. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria, provided the designated use is not an existing use and it is demonstrated through a use attainability analysis that attaining the designated use is not feasible for any of the following reasons:
1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A natural, ephemeral, intermittent, or low-flow condition or water level prevents the attainment of the use;
 3. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
 4. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
 5. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use; or
 6. Controls more stringent than those required by § 301 (b) and § 306 of the Clean Water Act [33 U.S.C. § 1311 and § 1316] are necessary to attain the use and implementation

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of the controls would result in substantial and widespread economic and social impact.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-105. Tributaries; Designated Uses

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000 feet in elevation.
3. The aquatic and wildlife (warm water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000 feet in elevation.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Section heading amended per instructions of the Department of Environmental Quality, August 9, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-106. Net Ecological Benefit

- A. The Director may, by rule, modify a water quality standard on the ground that there is a net ecological benefit associated with the discharge of effluent to support or create a riparian and aquatic habitat in an area where water resources are limited. The Director may modify a water quality standard for a pollutant if it is demonstrated that:
 1. The discharge of effluent creates or supports an ecologically valuable aquatic, wetland, or riparian ecosystem in an area where these resources are limited;
 2. The ecological benefits associated with the discharge of effluent under a modified water quality standard exceed the environmental costs associated with the elimination of the discharge of effluent;
 3. The cost of treatment to achieve compliance with a water quality standard is so high that it is more cost effective to eliminate the discharge of effluent to the surface water. The discharger shall demonstrate that it is feasible to eliminate the discharge of effluent that creates or supports the ecologically valuable aquatic, wetland, or riparian ecosystem;
 4. The discharge of effluent to the surface water will not cause or contribute to a violation of a water quality standard that has been established for a downstream surface water;
 5. All practicable point source discharge control programs, including local pretreatment, waste minimization, and source reduction programs are implemented; and
 6. The discharge of effluent does not produce or contribute to the concentration of a pollutant in the tissues of aquatic organisms or wildlife that is likely to be harmful to humans or wildlife through food chain concentration.
- B. The Director shall not modify a water quality criterion for a pollutant to be less stringent than a technology-based effluent

limitation that applies to the discharge of that effluent. The discharge of effluent shall, at a minimum, comply with applicable technology-based effluent limitations.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-107. Antidegradation

- A. The Director shall, using R18-11-107.01 and this Section, determine whether there is degradation of water quality in a surface water on a pollutant-by-pollutant basis.
- B. Tier 1: The level of water quality necessary to support an existing use shall be maintained and protected. No degradation of existing water quality is permitted in a surface water where the existing water quality does not meet the applicable water quality standards.
- C. Tier 2: Where existing water quality in a surface water is better than the applicable water quality standard the existing water quality shall be maintained and protected. The Director may allow degradation of existing water quality in the surface water, if the Director makes all of the following findings:
 1. The water quality necessary for existing uses is fully protected and water quality is not lowered to a level that does not comply with applicable water quality standards,
 2. The highest statutory and regulatory requirements for new and existing point sources are achieved,
 3. All cost-effective and reasonable best management practices for nonpoint source pollution control are implemented, and
 4. Allowing lower water quality is necessary to accommodate important economic or social development in the area where the surface water is located.
- D. Tier 3: Existing water quality shall be maintained and protected in a surface water that is classified as an OAW under R18-11-112. Degradation of an OAW under subsection (C) is prohibited.
- E. The Director shall implement this Section in a manner consistent with § 316 of the Clean Water Act [33 U.S.C. 1326] if a potential water quality impairment associated with a thermal discharge is involved.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-107.01. Antidegradation Criteria

- A. Tier 1 antidegradation protection.
 1. Tier 1 antidegradation protection applies to the following surface waters:
 - a. A surface water listed on the 303(d) list for the pollutant that resulted in the listing,
 - b. An effluent dependent water,
 - c. An ephemeral water,
 - d. An intermittent water, and
 - e. A canal listed in Appendix B.
 2. A regulated discharge shall not cause a violation of a surface water quality standard or a wasteload allocation in a total maximum daily load approved by EPA.

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3. Except as provided in subsections (E) and (F), Tier 1 antidegradation review requirements are satisfied for a point-source discharge regulated under an individual AZPDES permit to an ephemeral water, effluent dependent water, intermittent water, or a canal listed in Appendix B, if water quality-based effluent limitations designed to achieve compliance with applicable surface water quality standards are established in the permit and technology-based requirements of the Clean Water Act for the point source discharge are met.
- B. Tier 2 antidegradation protection.**
1. Tier 2 antidegradation protection applies to a perennial water with existing water quality that is better than applicable water quality standards. A perennial water that is not listed in subsection (A)(1) nor classified as an OAW under A.A.C. R18-9-112(G) has Tier 2 antidegradation protection for all pollutants of concern.
 2. A regulated discharge that meets the following criteria, at critical flow conditions, does not cause significant degradation:
 - a. The regulated discharge consumes less than 20 percent of the available assimilative capacity for each pollutant of concern, and
 - b. At least 50 percent of the assimilative capacity for each pollutant of concern remains available in the surface water for each pollutant of concern.
 3. Antidegradation review. Any person proposing a new or expanded regulated discharge under an individual AZPDES permit that may cause significant degradation shall provide ADEQ with the following information:
 - a. Baseline characterization. A person seeking authorization to discharge under an individual AZPDES permit to a perennial water shall provide baseline water quality data on pollutants of concern where no data exists or there are insufficient data to characterize baseline water quality and to determine available assimilative capacity. A discharger shall characterize baseline water quality at a location upstream of the proposed discharge location;
 - b. Alternative analysis.
 - i. The person seeking authorization for the discharge shall prepare and submit a written analysis of alternatives to the discharge. The analysis shall provide information on all reasonable, cost-effective, less-degrading or non-degrading discharge alternatives. Alternatives may include wastewater treatment process changes or upgrades, pollution prevention measures, source reduction, water reclamation, alternative discharge locations, groundwater recharge, land application or treatment, local pretreatment programs, improved operation and maintenance of existing systems, seasonal or controlled discharge to avoid critical flow conditions, and zero discharge;
 - ii. The alternatives analysis shall include cost information on base pollution control measures associated with the regulated discharge and cost information for each alternative;
 - iii. The person shall implement the alternative that is cost-effective and reasonable, results in the least degradation, and is approved by the Director. An alternative is cost-effective and reasonable if treatment costs associated with the alternative are less than a 10 percent increase above the cost of base pollution control measures;
- iv. For purposes of this subsection, “base pollution control measures” are water pollution control measures required to meet technology-based requirements of the Clean Water Act and water quality-based effluent limits designed to achieve compliance with applicable water quality standards; and
- c. Social and economic justification. The person shall demonstrate to the Director that significant degradation is necessary to accommodate important economic or social development in the local area. The person seeking authorization for the discharge shall prepare a written social and economic justification that includes a description of the following:
 - i. The geographic area where significant degradation of existing water quality will occur;
 - ii. The current baseline social and economic conditions in the local area;
 - iii. The net positive social and economic effects of development associated with the regulated discharge and allowing significant degradation;
 - iv. The negative social, environmental, and economic effects of allowing significant degradation of existing water quality; and
 - v. Alternatives to the regulated discharge that do not significantly degrade water quality yet may yield comparable social and economic benefits.
4. For purposes of this Section, the term “pollutant of concern” means a pollutant with either a numeric or narrative water quality standard.
 5. Public participation. The Director shall provide public notice and an opportunity to comment on an antidegradation review under subsection (B)(3) and shall provide an opportunity for a public hearing under A.A.C. R18-9-A908(B).
- C. Tier 3 antidegradation protection.**
1. Tier 3 antidegradation protection applies only to an OAW listed in R18-11-112(G).
 2. A new or expanded point-source discharge directly to an OAW is prohibited.
 3. A person seeking authorization for a regulated discharge to a tributary to, or upstream of, an OAW shall demonstrate in a permit application or in other documentation submitted to ADEQ that the regulated discharge will not degrade existing water quality in the downstream OAW.
 4. A discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires a determination by the Director to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less and are not regularly occurring. The form of such a determination shall be as follows:
 - a. For Corps-issued § 404 permits, an individual § 401 water quality certification.
 - b. For Director-issued § 404 permits, a § 404 permit action, wherein the Director shall conduct a water quality evaluation as a part of the state’s requirements for issuing § 404 permits and in accordance with this Section.

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- D. Antidegradation review of a § 404 permit shall be conducted as follows:
 - 1. For a Corps-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a nationwide or regional § 404 permit as part of the § 401 water quality certification prior to issuance of the nationwide or regional permit. The Director shall conduct the antidegradation review of an individual § 404 permit if the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters. For regulated discharges that may degrade water quality in an OAW or a water that is on the 303(d) List of impaired waters, the Director shall conduct the antidegradation review as part of the § 401 water quality certification process.
 - 2. For a Director-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a general § 404 permit as a part of its determination whether to issue a general permit in accordance with state requirements for issuing a § 404 general permit and with this Section. The Director shall conduct the antidegradation review of an individual § 404 permit as part of the § 404 permit action in accordance with state requirements for issuing a § 404 permit and in accordance with this Section.
- E. Antidegradation review of an AZPDES stormwater permit. An individual stormwater permit for a municipal separate storm sewer system (MS4) meets antidegradation requirements if the permittee complies with the permit, including developing a stormwater management plan containing controls that reduce the level of pollutants in stormwater discharges to the maximum extent practicable.
- F. Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-108. Narrative Water Quality Standards

- A. A surface water shall not contain pollutants in amounts or combinations that:
 - 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 - 2. Cause objectionable odor in the area in which the surface water is located;
 - 3. Cause off-taste or odor in drinking water;
 - 4. Cause off-flavor in aquatic organisms;
 - 5. Are toxic to humans, animals, plants, or other organisms;
 - 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 - 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or

- 8. Change the color of the surface water from natural background levels of color.
- B. A surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard.
- C. A surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.
- D. A surface water shall not contain solid waste such as refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, appliances, or tires.
- E. A Wadeable, perennial stream shall support and maintain a community of organisms having a taxa richness, species composition, tolerance, and functional organization comparable to that of a stream with reference conditions in Arizona.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.01. Narrative Biological Criteria for Wadeable, Perennial Streams

- A. The narrative biological criteria in this Section apply to a wadeable, perennial stream with either an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.
- B. The biological standard in R18-11-108(E) is met when a bioassessment result, as measured by the Arizona Index of Biological Integrity (IBI), for cold or warm water is:
 - 1. Greater than or equal to the 25th percentile of reference condition, or
 - 2. Greater than the 10th percentile of reference condition and less than the 25th percentile of reference condition and a verification bioassessment result is greater than or equal to the 25th percentile of reference condition.
- C. Arizona Index of Biological Integrity (IBI) scores:

| Bioassessment Result | Index of Biological Integrity Scores | |
|--|--------------------------------------|---------|
| | A&Wc | A&Ww |
| Greater than or equal to the 25th percentile of reference condition | ≥52 | ≥50 |
| Greater than the 10th and less than the 25th percentile of reference condition | 46 - 51 | 40 - 49 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.02. Narrative Bottom Deposit Criteria for Wadeable, Perennial Streams

- A. The narrative bottom deposit criteria in this Section apply to wadeable, perennial streams with an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.

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- B. The narrative water quality standard for bottom deposits at R18-11-108(A)(1) is met when:
 1. The percentage of fine sediments in the riffle habitats of a wadeable, perennial stream with an A&Wc designated use, as determined by a riffle pebble count, is less than or equal to 30 percent.
 2. The percentage of fine sediments in all stream habitats of a wadeable, perennial stream with an A&Ww designated use, as determined by a reach level pebble count, is equal to or less than 50 percent.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.03. Narrative Nutrient Criteria for Lakes and Reservoirs

- A. The narrative nutrient criteria in this Section apply to those lakes and reservoirs categorized in Appendix B.
- B. The narrative water quality standard for nutrients at R18-11-108(A)(6) is met when, based on a minimum of two lake sample events conducted during the peak season based on lake productivity, the results show an average chlorophyll-*a* value below the applicable threshold for designated use and lake and reservoir category in subsection (D).
 1. The mean chlorophyll-*a* concentration is less than the lower value in the target range chlorophyll-*a* for the lake and reservoir category, or
 2. The mean chlorophyll-*a* concentration is within the target range for the lake and reservoir category and:
 - a. The mean blue green algae count is at or below 20,000 per milliliter, and

- b. The blue green algae count is less than 50 percent of the total algae count, and
- c. There is no evidence of nutrient-related impairments such as:
 - i. An exceedance of dissolved oxygen or pH standards;
 - ii. A fish kill coincident with a dissolved oxygen or pH exceedance;
 - iii. A fish kill or other aquatic organism mortality coincident with algal toxicity;
 - iv. Secchi depth is less than the lower value prescribed for the lake and reservoir category;
 - v. A nuisance algal bloom is present in the limnetic portion of the lake or reservoir; or
 - vi. The concentration of total phosphorous, total nitrogen, or total Kjehldal nitrogen (TKN) is greater than the upper value in the range prescribed for the lake and reservoir category; or

- 3. For a shallow lake. In addition to meeting the mean chlorophyll-*a* concentrations in subsections (B)(1) or (2), submerged aquatic vegetation covers 50 percent or less of the lake bottom and there is less than a 5 mg/L swing in diel-dissolved oxygen concentration measured within the photic zone.

- C. The following threshold ranges apply during the peak season for lake productivity:
 1. Warm water lakes peak season, April – October;
 2. Cold water lakes peak season, May – September.
- D. The following table lists the numeric targets for lakes and reservoirs.

| NUMERIC TARGETS FOR LAKES AND RESERVOIRS | | | | | | | | | | |
|--|--------------------------|----------------------|------------------|-------------------------|-----------------------|--------------------------------------|---------------------------|-------------------------------------|-------------------------|---------|
| Designated Use | Lake Category | Chl- <i>a</i> (µg/L) | Secchi Depth (m) | Total Phosphorus (µg/L) | Total Nitrogen (mg/L) | Total Kjehldal Nitrogen (TKN) (mg/L) | Blue-Green Algae (per ml) | Blue-Green Algae (% of total count) | Dissolved Oxygen (mg/L) | pH (SU) |
| FBC and PBC | Deep | 10-15 | 1.5-2.5 | 70-90 | 1.2-1.4 | 1.0-1.1 | 20,000 | | | 6.5-9.0 |
| | Shallow | 10-15 | 1.5-2.0 | 70-90 | 1.2-1.4 | 1.0-1.1 | | | | |
| | Igneous | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Sedimentary | 20-30 | 1.5-2.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Urban | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| A&Wc | All | 5-15 | 1.5-2.0 | 50-90 | 1.0-1.4 | 0.7-1.1 | | <50 | 7 (top m) | 6.5-9.0 |
| A&Ww | All (except urban lakes) | 25-40 | 0.8-1.0 | 115-140 | 1.6-1.8 | 1.3-1.6 | | | 6 (top m) | |
| | Urban | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | |
| A&Wedw | All | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | 6.5-9.0 |
| DWS | All | 10-20 | 0.5-1.5 | 70-100 | 1.2-1.5 | 1.0-1.2 | 20,000 | | | 5.0-9.0 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-109. Numeric Water Quality Standards

- A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC | PBC |
|---|-----|-----|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

- B. pH. The following water quality standards for pH are expressed in standard units:

| pH | DWS | FBC, PBC, A&W ¹ | AgI | AgL |
|---------|-----|----------------------------|-----|-----|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

Footnotes:

- 1. "1" Includes A&Wc, A&Ww, A&Wedw, and A&We.

- C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww | A&Wedw | A&Wc |
|------|--------|------|
| | | |

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| | | |
|--------|--------|--------|
| 3.0° C | 3.0° C | 1.0° C |
|--------|--------|--------|

- D. Suspended sediment concentration.
- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:

| A&Wc | A&Ww |
|------|------|
| 25 | 80 |

- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.
- E. Dissolved oxygen. A surface water meets the water quality standard for dissolved oxygen when either:
- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
 - The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|---|---|
| A&Ww | 6.0 |
| A&Wc | 7.0 |
| A&W edw for a sample taken from three hours after sunrise to sunset | 3.0 |
| A&W edw for a sample taken from sunset to three hours after sunrise | 1.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Nutrient criteria. The following are water quality standards for total phosphorus and total nitrogen (expressed in milligrams per liter (mg/L)) that apply to the surface waters listed below. A minimum of 10 samples, each taken at least 10 days apart in a consecutive 12-month period, are required to determine a 90th percentile. Not more than 10 percent of the samples may exceed the 90th percentile value listed below. The Director will apply these water quality standards for total phosphorus and total nitrogen to the surface waters listed below, and to their perennial tributaries, if listed. The Director may also apply these total phosphorus and total nitrogen standards to any source discharging to any tributary (ephemeral, intermittent, effluent dependent water, or perennial) of the surface waters listed below, if necessary to protect nutrient water quality in the listed surface water, based on the volume, frequency, magnitude and duration of the discharge, and distance to the downstream surface water listed below:

- Verde River and its perennial tributaries from the Verde headwaters to Bartlett Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.30 | 1.00 |
| Total nitrogen | 1.00 | 1.50 | 3.00 |

- Black River, Tonto Creek and their perennial tributaries for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.20 | 0.80 |
| Total nitrogen | 0.50 | 1.00 | 2.00 |

- Salt River and its perennial tributaries above Roosevelt Lake for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.12 | 0.30 | 1.00 |
| Total nitrogen | 0.60 | 1.20 | 2.00 |

- Salt River below Stewart Mountain Dam to its confluence with the Verde River:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.05 | – | 0.20 |
| Total nitrogen | 0.60 | – | 3.00 |

- Little Colorado River and its perennial tributaries upstream from:
 - The headwaters to River Reservoir,
 - South Fork of Little Colorado River at 34°00'49"/109°24'18" to above South Fork Campground at 34°04'49"/109°24'18", and
 - The headwaters of Water Canyon Creek to the Apache-Sitgreaves National Forest boundary:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.08 | 0.10 | 0.75 |
| Total nitrogen | 0.60 | 0.75 | 1.10 |

- From the Little Colorado River and State Route 260 at 34°06'39"/109°18'55" to Lyman Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.20 | 0.30 | 0.75 |
| Total nitrogen | 0.70 | 1.20 | 1.50 |

- Colorado River at the Northern International Boundary near Morelos Dam:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | – | 0.33 | – |
| Total nitrogen | – | 2.50 | – |

- Oak Creek from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River and the West Fork of Oak Creek from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek.

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.1 | 0.25 | 0.30 |
| Total nitrogen | 1.00 | 1.50 | 2.50 |

- No discharge of wastewater to Show Low Creek or its perennial tributaries upstream of and including Fools Hollow Lake shall exceed 0.16 mg/L total phosphates as P.
- No discharge of wastewater to the San Francisco River or its perennial tributaries upstream of Luna Lake Dam shall exceed 1.0 mg/L total phosphates as P.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final

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rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-110. Salinity Standards for the Colorado River

- A. The flow-weighted average annual salinity in the lower main stem of the Colorado River shall not exceed the following criteria:

| Location | Total Dissolved Solids |
|------------------|------------------------|
| Below Hoover Dam | 723 mg/L |
| Below Parker Dam | 747 mg/L |
| At Imperial Dam | 879 mg/L |

- B. The plan of implementation contained in the “2014 Review, Water Quality Standards for Salinity, Colorado River System,” approved October 2014, is incorporated by reference to preserve the basin-wide approach to salinity control developed by the Colorado River Basin Salinity Control Forum and to ensure compliance with the numeric criteria for salinity in subsection (A). This material does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the Colorado River Basin Salinity Control Forum, 106 West 500 South, Suite 101, Bountiful, Utah 84010-6232 or at <http://www.coloradoriversalinity.org/>.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-111. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610, 40 CFR 136.3, or an alternative analytical method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-112. Outstanding Arizona Waters

- A. The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B. The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C. Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
1. A map and a description of the surface water;

2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
 3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
 4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D. The Director may classify a surface water as an OAW based upon the following criteria:
1. The surface water is a perennial or intermittent water;
 2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
 3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
 4. The surface water meets one or both of the following conditions:
 - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
 - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E. The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F. The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
 2. The social and economic impact of Tier 3 antidegradation protection;
 3. The public comments in support of, or in opposition to, an OAW classification;
 4. The timing of the nomination relative to the triennial review of surface water quality standards;
 5. The consistency of an OAW classification with applicable water quality management plans; and

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6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).
- G.** The following surface waters are classified as OAWs:
1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
 2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
 3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
 4. Peeples Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
 5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
 6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
 7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
 8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
 9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
 10. Cave Creek, from its headwaters to the Coronado National Forest boundary (approximately 10.4 river miles);
 11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
 12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
 13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
 14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
 15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
 18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
 19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
 20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
 21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).
- R18-11-113. Effluent-Dependent Waters**
- A.** The Director shall classify a surface water as an effluent-dependent water by rule.
- B.** The Director may adopt, under R18-11-115, a site-specific water quality standard for an effluent-dependent water.
- C.** Any person may submit a petition for rule adoption requesting that the Director classify a surface water as an effluent-dependent water. The petition shall include:
1. A map and a description of the surface water;
 2. Information that demonstrates that the surface water consists of a point source discharge of wastewater; and
 3. Information that demonstrates that, without a point source discharge of a wastewater, the receiving water is an ephemeral water.
- D.** The Director shall use the water quality standards that apply to an effluent-dependent water to derive water quality-based effluent limits for a point source discharge of wastewater to an ephemeral water.
- E.** The Director may use aquatic and wildlife (edw) acute standards only to derive water quality based effluent limits for a sporadic, infrequent, or emergency point source discharge to an ephemeral water or to an effluent-dependent water. The Director shall consider the following factors when deciding whether to apply A&Wedw (acute) standards:
1. The amount, frequency, and duration of the discharge;
 2. The length of time water may be present in the receiving water;
 3. The distance to a downstream water with aquatic and wildlife chronic standards; and
 4. The likelihood of chronic exposure to pollutants.
- F.** The Director may establish alternative water quality-based effluent limits in an AZPDES permit based on seasonal differences in the discharge.
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective December 18, 1992 (Supp. 92-4). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).
- R18-11-114. Mixing Zones**
- A.** The Director may establish a mixing zone for a point source discharge to a surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited in an ephemeral water or where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B.** The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director

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for a mixing zone as part of an application for an AZPDES permit. The request shall include:

1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C.** The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D.** Director determination.
1. The Director shall deny a request to establish a mixing zone if a water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E.** Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F.** The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.
- G.** Mixing zone requirements.
1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
 2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
 3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
 4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
 5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.
- H.** The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:
1. Chlordane,
 2. DDT and its metabolites (DDD and DDE),
 3. Dieldrin,
 4. Dioxin,
 5. Endrin,
 6. Endrin aldehyde,
 7. Heptachlor,
 8. Heptachlor epoxide,
 9. Lindane,
 10. Mercury,
 11. Polychlorinated biphenyls (PCBs), and
 12. Toxaphene.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-115. Site-Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in Appendix A;
 3. Resident aquatic organisms that occur in a surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in Appendix A;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in Appendix A. "Natural background" means the concentration of a pollutant in a surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically-defensible procedure.

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1. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Uses one of the following procedures, as defined by the most recent EPA guidance documents:
 - i. The recalculation procedure,
 - ii. The water effects ratio for metals,
 - iii. The streamlined water effects ratio, or
 - iv. The Biotic ligand model.
 - d. Demonstrates that all designated uses are protected.
2. Alternatively, a study outline submitted for the Director's approval must contain the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Describes the hydrologic regime of the waterbody;
 - d. Describes the scientifically-defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 - e. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 - f. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 - g. Demonstrates that all designated uses are protected; and
 - h. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration. Modeling approaches include Better Assessment Science Integrating Source and Nonpoint Sources (Basins), Hydrologic Simulation Program-Fortran (HSPF), and Hydrologic Engineering Center (HEC) programs developed by the U.S. Army Corps of Engineers.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Section repealed by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-116. Resource Management Agencies

Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-117. Canals and Urban Park Lakes

A. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified in Appendix B. Physical or mechanical maintenance

includes dewatering, lining, dredging, and the physical, biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified in Appendix B.

- B. The discharge of lubricating oil associated with the start-up of well pumps that discharge to canals is not a violation of R18-11-108(B).

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-118. Dams and Flood Control Structures

Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-119. Natural background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is not caused by human activity but is due solely to naturally-occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

R18-11-120. Enforcement of Non-permitted Discharges

- A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-121. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve com-

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pliance. The permittee shall demonstrate that all requirements under § 301(b) and § 306 of the Clean Water Act [33 U.S.C. 1311(b) and 1316] are achieved and that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-122. Variances

- A. Upon request, the Director may establish, by rule, a discharger-specific or water segment(s)-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B. A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.
 4. A detailed discussion of the discharge control technologies that are available for achieving compliance with the water quality standard for which a variance is sought.
 5. Documentation that more advanced treatment technology than applicable technology-based effluent limitations is necessary to achieve compliance with the water quality standard for which a variance is sought.
 6. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
 7. Documentation that the proposed term is only as long as necessary to achieve the highest attainable condition.
 8. Documentation that is appropriate to the type of use to which the variance would apply as follows:
 - a. For a water quality standard variance to a use specified in Clean Water Act § 101(a)(2), documentation must include demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - i. Naturally occurring pollutant concentrations prevent attainment of the use;
 - ii. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - iii. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - iv. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - v. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - vi. That installation and operation of each of the available discharge technologies more advanced than those required to comply with technology-based effluent limitations to achieve compliance with the water quality standard would result in substantial and widespread economic and social impact; or
 - vii. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
 - b. For a water quality standard variance to a use other than those uses specified in Clean Water Act § 101(a)(2), documentation must justify how consideration and value of the water subject to the use appropriately supports the variance and term. A demonstration consistent with (B)(8)(a) of this Section may be used to satisfy this requirement.
 9. For a waterbody segment(s)-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant(s) or water quality parameter(s) and water body or waterbody segment(s) specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(9)(a) previously applied to the water body or waterbody seg-

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ment(s), documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant(s) or water quality parameter(s) subject to the water quality variance and the water quality progress achieved.

10. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification of the permittee subject to the variance;
 - b. For an existing point source discharge, a detailed description of the existing discharge control technologies that are used to achieve compliance with applicable water quality standards. For a new point source discharge, a detailed description of the proposed discharge control technologies that will be used to achieve compliance with applicable water quality standards; and
 - c. Documentation that the existing or proposed discharge control technologies will comply with applicable technology-based effluent limitations.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(8)(a)(vii). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable; or
 3. If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time of the issuance of the variance, and the adoption and implementation of a Pollutant Minimization Program.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The Director may not grant a variance for a point source discharge to an OAW listed in R18-11-112(G).
 - I. Each variance established by the Director is subject to review and approval by the Regional Administrator.
 - J. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E). The variance term runs from the approval of the variance by the Regional Administrator.
 - K. The Director shall reevaluate, in its triennial review, whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance in its triennial review rulemaking.
 - L. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - M. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.
 - N. The following are discharger-specific variances adopted by the Director:
 - O. The following are water body and waterbody segment-specific variances adopted by the Director:

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).
- R18-11-123. Discharge Prohibitions**
- A. The discharge of wastewater to the following surface waters is prohibited:
 1. Sabino Canyon Creek;
 2. Vekol Wash, upstream of the Ak-Chin Indian Reservation; and
 3. Smith Wash, upstream of the Ak-Chin Indian Reservation.
 - B. The discharge to Lake Powell of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel is prohibited.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

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Appendix A. Numeric Water Quality Standards

Table 1. Water Quality Criteria By Designated Use (see f) Footnotes

| Parameter | CAS NUMBER | DWS (µg/L) | FC (µg/L) | FBC (µg/L) | PBC (µg/L) | A&Wc Acute (µg/L) | A&Wc Chronic (µg/L) | A&Ww Acute (µg/L) | A&Ww Chronic (µg/L) | A&Wedw Acute (µg/L) | A&Wedw Chronic (µg/L) | A&We Acute (µg/L) | AgI (µg/L) | AgL (µg/L) |
|---------------------------------------|------------|----------------------------|-----------|-------------|-------------|---|---|---|---|-----------------------------|-----------------------------|-------------------|------------|------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | 850 | 550 | | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | 3,800 | 250 | | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | 2,500 | 170 | | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 3 | | 4.5 | 0.003 | See (b) |
| Alpha Particles (Gross) Radioactivity | | 15 pCi/L See (h) | | | | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | See (e) & Table 15 (absent) | See (e) & Table 16 (absent) | | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | 1,000 D | 600 D | | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 340 D | 150 D | 440 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | 8,800 | 560 | | | |
| Benzo(b)fluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 1,300 | 89 | 10,000 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | 65 D | 5.3 D | | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | 120,000 | 6,700 | | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | 180 | 14 | | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | 15,000 | 10,000 | | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | 5,500 | 360 | | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | 1,700 | 130 | | | |
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | 650 | 50 | | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | 18,000 | 1,100 | | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | 2.4 | 0.2 | 3.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4,000 | 4,000 | 19 | 11 | 19 | 11 | 19 | 11 | | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | 3,800 | 260 | | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | 180,000 | 9,800 | | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | 14,000 | 900 | | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | 15 | 4.7 | 48,000 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | 270,000 | 15,000 | | | |
| beta-Chloronaphthalene | 91587 | 560 | 1267 317 | 74,667 | 74,667 | | | | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | 2,200 | 150 | | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | 0.08 | 0.04 | | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | 16 D | 11 D | 34 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | 41 T | 9.7 T | 84 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 4 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | 0.1 | | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | 470 | 35 | 1,100 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | 1,200 | 470 | 5,900 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | 2,500 | 970 | | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | 2,000 | 780 | 6,500 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | 59,000 | 41,000 | | | |

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| | | | | | | | | | | | | | | | |
|--|----------|--------|------------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------|
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | 15,000 | 950 | | | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | 68,000 | 3,900 | | | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | 97,000 | 5,500 | | | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | 1,000 | 88 | | | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | 26,000 | 9,200 | | | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | 3,000 | 1,100 | | | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 4 | 0.003 | See (b) | |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | 26,000 | 1,600 | | | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | 400 | 360 | 400 | 360 | 3,100 | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 150,000 | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | 17,000 | 1,000 | | | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | 310 | 24 | | | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | 110 | 9.2 | | | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | 14,000 | 860 | | | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | 130 | 11 | | | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | 0.004 | 0.004 | |
| Endrin aldehyde | 7421934 | | | | | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | 23,000 | 1,400 | | | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | 2,000 | 1,600 | | | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | | | | | |
| Guthion | 86500 | | | | | 0.01 | | 0.01 | | 0.01 | | | | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | 6 | 3.7 | | | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | 45 | 8.2 | | | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | 1 | 0.61 | 11 | | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | 3.5 | 0.3 | | | | |
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | 490 | 350 | 850 | | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | 2 See (c) | | | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | 1,000 D | | | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | 59,000 | 43,000 | | | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | 0.1 | | | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 5 D | | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | 0.03 | | | | |
| Methylmercury | 22967926 | | 0.3 mg/ kg | | | | | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | 0.001 | | | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | 3,200 | 580 | | | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | 1,300 | 850 | | | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | 4,100 | 3,000 | | | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | 2,900 | 200 | | | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | 28 | 6.6 | 28 | | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | 0.07 | 0.01 | | | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | 100 | 54 | | | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | 0.3 | 0.2 | | | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | 30 | 6.3 | | | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | 7,000 | 1,000 | 180,000 | | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | | | | | |

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| | | | | | | | | | | | | | | |
|---|----------|--------------|---------|-----------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------|----------|
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 19 | 19 | 2 | 0.01 | 2 | 0.02 | 2 | 0.02 | 11 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | | 2 T | 33 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | 5,600 | 370 | | | |
| Sulfides | | | | | | | | | | | | 100 | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | 0.01 | 0.005 | 0.1 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | 4,700 | 3,200 | | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | 6,500 | 680 | 15,000 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | 700 D | 150 D | | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | 8,700 | 180 | | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.7 | 0.0002 | 11 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | 0.5 | 0.07 | | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | 1,700 | 300 | | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 2,600 | 1,600 | | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | 18,000 | 12,000 | | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | 20,000 | 1,300 | | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | 160 | 25 | 3,000 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Footnotes

- a. The asbestos standard is 7 million fibers (longer than 10 micrometers) per liter.
- b. The aldrin/dieldrin standard is exceeded when the sum of the two compounds exceeds 0.003 µg/L.
- c. In lakes, the acute criteria for hydrogen sulfide apply only to water samples taken from the epilimnion, or the upper layer of a lake or reservoir.
- d. Hardness, expressed as mg/L CaCO₃, is determined according to the following criteria:
 - i. If the receiving water body has an A&Wc or A&Ww designated use, then hardness is based on the hardness of the receiving water body from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - ii. If the receiving water has an A&Wedw or A&We designated use, then the hardness is based on the hardness of the effluent from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - iii. The mathematical equations for the hardness-dependent parameter represent the water quality standards. Examples of criteria for the hardness-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- e. pH is determined according to the following criteria:
 - i. If the receiving water has an A&Wc or A&Ww designated use, then pH is based on the pH of the receiving water body from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - ii. If the receiving water body has an A&Wedw or A&We designated use, then the pH is based on the pH of the effluent from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - iii. The mathematical equations for ammonia represent the water quality standards. Examples of criteria for ammonia have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- f. Table 1 abbreviations.
 - i. µg/L = micrograms per liter,
 - ii. mg/kg = milligrams per kilogram,
 - iii. pCi/L = picocuries per liter,
 - iv. D = dissolved,
 - v. T = total recoverable,
 - vi. TTHM indicates that the chemical is a trihalomethane.
- g. The total trihalomethane (TTHM) standard is exceeded when the sum of these four compounds exceeds 80 µg/L, as a rolling annual average.
- h. The concentration of gross alpha particle activity includes radium-226, but excludes radon and uranium.
- i. The average annual concentration of beta particle activity and photon emitters from manmade radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirems per year.
- j. The mathematical equations for the pH-dependent parameters represent the water quality standards. Examples of criteria for the pH-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- k. Abbreviations for the mathematical equations are as follows:
 - e = the base of the natural logarithm and is a mathematical constant equal to 2.71828
 - LN = is the natural logarithm
 - CMC = Criterion Maximum Concentration (acute)
 - CCC = Criterion Continuous Concentration (chronic)

Historical Note

Appendix A repealed; new Appendix A, Table 1 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 1 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 1 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 1 repealed; new Appendix A, Table 1 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 1 amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater | | Aquatic and Wildlife warm water, and edw | | Aquatic and Wildlife ephemeral | |
|--|-----------|--|-----------|--|------------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L. |
| 20 | 0.40 | 20 | 2.1 | 20 | 4.9 |
| 100 | 1.8 | 100 | 9.4 | 100 | 22 |
| 400 | 6.5 | 400 | 34 | 400 | 80 |
| $e^{(0.9789*LN(Hardness)-3.866)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-2.208)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-1.363)}*(1.136672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A repealed; new Appendix A, Table 2 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 2 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 2 amended to correct references to footnotes (Supp. 02-4). Appendix A, Table 2 footnotes amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 2 repealed; new Appendix A, Table 2 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 2 repealed; new Table 2 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater, warmwater, and edw | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977*LN(Hardness)-3.909)}*(1.101672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A, Table 3 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 3 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 3 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 3 repealed; new Table 3 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 | 20 | 512 |
| 100 | 570 | 100 | 74.1 | 100 | 1,912 |
| 400 | 1,773 | 400 | 231 | 400 | 5,950 |
| $e^{(0.819*LN(Hardness)+3.7256)}*(0.316)$ | | $e^{(0.819*LN(Hardness)+0.6848)}*(0.86)$ | | $e^{(0.819*LN(Hardness)+4.9361)}*(0.316)$ | |

Historical Note

Appendix A, Table 4 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 4 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 4 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 4 repealed; new Table 4 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 | 20 | 5.1 |
| 100 | 13 | 100 | 9.0 | 100 | 23 |
| 400 | 50 | 400 | 29 | 400 | 86 |
| $e^{(0.9422*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.8545*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.9422*LN(Hardness)-1.1514)}*(0.96)$ | |

Historical Note

Appendix A, Table 5 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 5 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 5 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 5 repealed; new Table 5 made by final

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rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 | 20 | 22.8 |
| 100 | 64.6 | 100 | 2.5 | 100 | 136.3 |
| 400 | 281 | 400 | 10.9 | 400 | 592.7 |
| $e^{(1.273 * \text{LN}(\text{Hardness}) - 1.46)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 4.705)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 0.7131)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | |

Historical Note

Appendix A, Table 6 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 6 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 6 renumbered to Table 9; new Table 6 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 6 repealed; new Table 6 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 | 20 | 1066 |
| 100 | 468 | 100 | 52.0 | 100 | 4158 |
| 400 | 1513 | 400 | 168 | 400 | 13436 |
| $e^{(0.846 * \text{LN}(\text{Hardness}) + 2.255)} * (0.998)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 0.0584)} * (0.997)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 4.4389)} * (0.998)$ | |

Historical Note

Appendix A, Table 7 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 7 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 7 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 7 repealed; new Table 7 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife coldwater, warmwater, edw, and ephemeral | |
|---|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e^{(1.72 * \text{LN}(\text{Hardness}) - 6.59)} * (0.85)$ | |

Historical Note

Appendix A, Table 8 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 8 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 8 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 8 repealed; new Table 8 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 30.0 | 20 | 284 |
| 100 | 117 | 100 | 1112 |
| 400 | 379 | 400 | 3599 |
| $e^{(0.8473 * \text{LN}(\text{Hardness}) + 0.884)} * (0.978)$ | | $e^{(0.8473 * \text{LN}(\text{Hardness}) + 3.1342)} * (0.978)$ | |

Historical Note

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Appendix A, Table 9 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 9 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 9 renumbered to Table 11; new Table 9 renumbered from Table 6 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 9 repealed; new Table 9 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|------|---|------|--------------------------------------|------|
| pH | µg/L | pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 | 3 | 0.66 |
| 6 | 3.3 | 6 | 2.1 | 6 | 13.5 |
| 9 | 67.7 | 9 | 42.7 | 9 | 274 |
| $e^{(1.005*(pH)-4.83)}$ | | $e^{(1.005*(pH)-5.29)}$ | | $e^{(1.005*(pH)-3.4306)}$ | |

Historical Note

Appendix A, Table 10 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 10 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 10 renumbered to Table 12; new Table 10 renumbered from Table 11 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 10 repealed; new Table 10 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Present

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$MIN\left(\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}\right) \cdot \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.098 \times (20-p)})\right)\right)$$

Historical Note

Appendix A, Table 11 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 11 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 11 renumbered to Table

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10; new Table 11 renumbered from Table 9 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 11 repealed; new Table 11 renumbered from Table 25 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater, Unionid Mussels Present
 For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Appendix A, Table 12 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 12 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 12 renumbered to Table 18; new Table 12 renumbered from Table 10 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 12 repealed; new Table 12 renumbered from Table 26 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix A, Table 12 repealed; new Appendix A, Table 12 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater and warmwater, Unionid Mussels Present

For the aquatic and wildlife cold and warm water uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Appendix A, Table 13 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 13 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 13 renumbered to Table 15; new Table 13 renumbered from Table 14 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 13 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 13 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Absent

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)$$

Historical Note

Appendix A, Table 14 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 14 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 14 renumbered to Table 13; new Table 14 renumbered from Table 15 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 14 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Appendix A, Table 15 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 15 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 15 renumbered to Table 14; new Table 15 renumbered from Table 13 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 15 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | | | | | | |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | | | | | | |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | | | | | | |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | | | | | | |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | | | | | | |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | | | | | | |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | | | | | | |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | | | | | | |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | | | | | | |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | | | | | | |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | | | | | | |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 | | | | | | |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | | | | | | |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | | | | | | |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | | | | | | |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | | | | | | |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | | | | | | |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | | | | | | |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | | | | | | |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 | | | | | | |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 | | | | | | |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 | | | | | | |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | | | | | | |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 | | | | | | |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | | | | | | |

$$0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7, T)))}$$

Historical Note

Appendix A, Table 16 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 16 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 16 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 16 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater, Unionid Mussels Absent
 For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Appendix A, Table 17 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 17 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 17 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 17 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 18. Repealed

Historical Note

Appendix A, Table 18 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 18 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 18 repealed; new Table 18 renumbered from Table 12 and amended by final rulemaking at 14 A.A.R.

4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 18 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 19. Repealed

Historical Note

Appendix A, Table 19 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

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Appendix A, Table 19 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 19 renumbered to Table 21; new Table 19 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 19 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 20. Repealed**Historical Note**

Appendix A, Table 20 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 20 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 20 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 20 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 21. Repealed**Historical Note**

Appendix A, Table 21 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 21 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 21 renumbered to Table 22; new Table 21 renumbered from Table 19 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 21 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 22. Repealed**Historical Note**

Appendix A, Table 22 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 22 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 22 renumbered to Table 23; new Table 22 renumbered from Table 21 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 22 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 23. Repealed**Historical Note**

Appendix A, Table 23 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 23 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 23 renumbered to Table 24; new Table 23 renumbered from Table 22 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 23 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 24. Repealed**Historical Note**

Appendix A, Table 24 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 24 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 24 renumbered to Table 25; new Table 24 renumbered from Table 23 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 24 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 25. Renumbered**Historical Note**

Appendix A, Table 25 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 25 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 25 renumbered to Table 26; new Table 25 renumbered from Table 24 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 25 renumbered to Table 11 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 26. Renumbered**Historical Note**

Appendix A, Table 26 renumbered from Table 25 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 26 renumbered to Table 12 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

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Appendix B. Surface Waters and Designated Uses

(Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Appendix B table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.)

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Lake Category | Aquatic and Wildlife | | | | Human Health | | | | Agricultural | | |
|-----------|-------------------------|---|---------------|----------------------|------|------|--------|--------------|-----|-----|----|--------------|-----|-----|
| | | | | A&Wc | A&Ww | A&We | A&Wedw | FBC | PBC | DWS | FC | AgI | AgL | |
| BW | Alamo Lake | 34°14'06"/113°35'00" | Deep | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Big Sandy River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Blue Tank | 34°40'14"/112°58'17" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Carter Tank | 34°52'27"/112°57'31" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash | | | | A&We | | | PBC | | | | | AgL |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Date Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek | | | A&Ww | | | FBC | | DWS | | FC | AgI | AgL |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Peeples Canyon (OAW) | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Red Lake | 35°12'18"/113°03'57" | Sedimentary | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Santa Maria River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Big Springs Tank | 36°36'08"/112°21'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek | | A&Wc | | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" | | | | A&We | | | PBC | | | | | |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash | | | | | A&Wedw | | PBC | | | | | AgL |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek | | | | A&We | | | PBC | | | | | |
| CG | Catacart Creek | Headwaters to Santa Fe Reservoir | | A&Wc | | | | FBC | | DWS | | FC | AgI | AgL |
| CG | Catacart Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" | | A&Wc | | | | FBC | | | | FC | AgI | AgL |
| CG | Catacart Creek (EDW) | City of Williams WWTP outfall to 1 km downstream | | | | | A&Wedw | | PBC | | | | | |
| CG | Catacart Creek | Red Lake Wash to Havasupai Indian Reservation boundary | | | | A&We | | | PBC | | | | | AgL |
| CG | Catacart Lake | 35°15'04"/112°12'58" | Igneous | A&Wc | | | | FBC | | DWS | | FC | | AgL |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" | | A&Wc | | | | FBC | | | | FC | | |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |

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| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| CG | City Reservoir | 35°13'57"/112°11'25" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" | | A&Wc | | | | FBC | | | FC | | |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream | | | | | A&Wedw | | PBC | | | | |
| CG | Colorado River | Lake Powell to Lake Mead | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" | | A&Wc | | | | FBC | | | FC | | |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" | | A&Wc | | | | FBC | | | FC | | |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Detrital Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" | Shallow | | A&Ww | | | FBC | | | FC | AgL | AgL |
| CG | Grand Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Grapevine Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hance Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" | | A&Wc | | | | FBC | | | FC | | |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Horn Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hualapai Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Jacob Lake | 36°42'27"/112°13'50" | Sedimentary | A&Wc | | | | FBC | | | FC | | |
| CG | Kaibab Lake | 35°17'04"/112°09'32" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" | | A&Wc | | | | FBC | | | FC | | |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Lake Mead | 36°06'18"/114°26'33" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lake Powell | 36°59'53"/111°08'17" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Monument Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Nankowep Creek | Headwaters to confluence with unnamed tributary at 36°15'29"/111°57'26" | | A&Wc | | | | FBC | | | FC | | |
| CG | Nankowep Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" | | | A&Ww | | | FBC | | | FC | | |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" | | A&Wc | | | | FBC | | | FC | | |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" | | A&Wc | | | | FBC | | | FC | | |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Paria River | Utah border to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" | | A&Wc | | | | FBC | | | FC | | |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Roaring Springs | 36°11'45"/112°02'06" | | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Russell Tank | 35°52'21"/111°52'45" | | A&Wc | | | | FBC | | | FC | | AgL |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" | | A&Wc | | | | FBC | | | FC | | |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" | | A&Wc | | | | FBC | | | FC | | |

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| | | | | | | | | | | | | | |
|----|--------------------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash | | | | A&We | | | PBC | | | | |
| CG | Slate Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Stone Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River | | | A&Wc | | | FBC | | | FC | | |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek | | | A&Wc | | | FBC | | | FC | | |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" | | | | A&We | | | | PBC | | | |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek | | | | A&We | | | | PBC | | | |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unnamed Wash (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon | | | | | A&Wedw | | | PBC | | | |
| CG | Unnamed Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash | | | | | A&Wedw | | | PBC | | | |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" | | | A&Wc | | | FBC | | | FC | | |
| CG | Virgin River | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45'/112°21'03" | | | A&Wc | | | FBC | | | FC | | |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CL | A10 Backwater | 33°31'45"/114°33'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | A7 Backwater | 33°34'27"/114°32'04" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Adobe Lake | 33°02'36"/114°39'26" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Cibola Lake | 33°14'01"/114°40'31" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Clear Lake | 33°01'59"/114°31'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Columbus Wash | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | |
| CL | Colorado River | Lake Mead to Topock Marsh | | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| CL | Colorado River | Topock Marsh to Morelos Dam | | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" | | | | A&We | | | | PBC | | | |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash | | | | A&We | | | | PBC | | | |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" | Shallow | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Island Lake | 33°01'44"/114°36'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Havasu | 34°35'18"/114°25'47" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Mohave | 35°26'58"/114°38'30" | Deep | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| CL | Martinez Lake | 32°58'49"/114°28'09" | Shallow | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Mittry Lake | 32°49'17"/114°27'54" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Mohave Wash | Headwaters to Lower Colorado River | | | | A&We | | | PBC | | | | |
| CL | Nortons Lake | 33°02'30"/114°37'59" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" | Sedimentary | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Quigley Pond | 32°43'40"/113°57'44" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Redondo Lake | 32°44'32"/114°29'03" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Sacramento Wash | Headwaters to Topock Marsh | | | | A&We | | | PBC | | | | |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" | | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash | | | | A&We | | | PBC | | | | AgL |
| CL | Topock Marsh | 34°43'27"/114°28'59" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains | | | | | | | | | | AgI | AgL |
| LC | Als Lake | 35°02'10"/111°25'17" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ashurst Lake | 35°01'06"/111°24'18" | Igneous | A&Wc | | | | FBC | | | FC | AgI | AgL |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" | Sedimentary | A&Wc | | | | FBC | | | FC | AgI | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--|--|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| LC | Becker Lake | 34°09'11"/109°18'23" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Black Canyon Lake | 34°20'32"/110°40'13" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag | | | | | A&We | | PBC | | | | |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Carnero Lake | 34°06'57"/109°31'42" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chilson Tank | 34°51'43"/111°22'54" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" | Shallow | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Colter Reservoir | 33°56'39"/109°28'53" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Lake | 34°26'37"/109°37'40" | Shallow | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cow Lake | 34°53'14"/111°18'51" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Daves Tank | 34°44'22"/111°17'15" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Deep Lake | 35°03'34"/111°25'00" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hay Lake | 34°00'11"/109°25'57" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Horse Lake | 35°03'55"/111°27'50" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hulsey Lake | 33°55'58"/109°09'40" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Indian Lake | 35°00'39"/111°22'41" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Jacks Canyon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Jarvis Lake | 33°58'59"/109°12'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Kinnikinnick Lake | 34°53'53"/111°18'18" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Knoll Lake | 34°25'38"/111°05'13" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lake Humphreys (EDW) | 35°11'51"/111°35'19" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake of the Woods | 34°09'40"/109°58'47" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir | | A&Wc | | | | FBC | | | FC | | |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River | Headwaters to Lyman Reservoir | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs | | A&Wc | | | | FBC | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|---------------------------------------|--|--|--------------------|------|------|--|--------|--|------|----|-----|-----|
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little George Reservoir | 34°00'37"/109°19'15" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Long Tom Tank | 34°20'35"/110°49'22" | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" | | Deep | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Marshall Lake | 35°07'18"/111°32'07" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | McKay Reservoir | 34°01'27"/109°13'48" | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Morton Lake | 34°53'37"/111°17'41" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Mud Lake | 34°55'19"/111°21'29" | | Shallow | | A&Ww | | FBC | | | FC | | AgL |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Nelson Reservoir | 34°02'52"/109°11'19" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Norton Reservoir | 34°03'57"/109°31'27" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Nutriosio Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Paddy Creek | Headwaters to confluence with Nutriosio Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Pierce Seep | 34°23'39"/110°31'17" | | | A&Wc | | | | | PBC | | | |
| LC | Pine Tank | 34°46'49"/111°17'21" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River | | | | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream | | | | | | A&Wedw | | PBC | | | |
| LC | Rainbow Lake | 34°09'00"/109°59'09" | | Shallow Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" | | | | | | | | A&We | | PBC | |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash | | | | | | A&Wedw | | PBC | | | |
| LC | River Reservoir | 34°02'01"/109°26'07" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Rudd Creek | Headwaters to confluence with Nutriosio Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Russel Reservoir | 33°59'29"/109°20'01" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Scott Reservoir | 34°10'31"/109°57'31" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Lake | 34°11'36"/110°00'12" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Slade Reservoir | 33°59'41"/109°20'26" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Lake | 34°47'47"/111°14'04" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Spaulding Tank | 34°30'17"/111°02'06" | | | | A&Ww | | FBC | | | FC | | AgL |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Tremaine Lake | 34°46'02"/111°13'51" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/110°38'13" to confluence with Black Canyon Creek | | | | | | A&Wedw | | PBC | | | |
| LC | Unnamed Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep | | | | | | A&Wedw | | PBC | | | |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Whipple Lake | 34°16'49"/109°58'29" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | White Mountain Lake | 34°21'57"/109°59'21" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Willow Creek | Headwaters to confluence with Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Willow Springs Lake | 34°18'13"/110°52'16" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" | | | | | | | | A&We | | PBC | AgL |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 | | | | | | A&Wedw | | PBC | | | AgL |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |

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|----|--|--|-------------|--|--|------|--------|--------|-----|-----|--|--|--|--|--|--|--|--|--|-----|
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" | | | | A&We | | PBC | | | | | | | | | | | | AgL |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream | | | | | A&Wedw | | PBC | | | | | | | | | | | |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" | | | | A&We | | PBC | | | | | | | | | | | | |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | | | | | | | | | | |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash | | | | A&We | | PBC | | | | | | | | | | | | |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" | | | | | | | | | | | | | | | | | | AgL |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon | | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Ash Creek | Below confluence with Tex Canyon to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Beehive Tank | 32°52'37"/111°02'20" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch | | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Cave Creek | Headwaters to the Cave Creek Dam | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal | | | | | A&We | | PBC | | | | | | | | | | | |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary | | | | A&We | | PBS | | | | | | | | | | | | AgL |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | French Gulch | Headwaters to confluence with Hassayampa River | | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek | | | | | | A&Wedw | | PBC | | | | | | | | | | |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road | | | | | | A&Wedw | | PBC | | | | | | | | | | |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam | | | | | | A&Wedw | | PBC | | | | | | | | | | AgL |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River | | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" | Igneous | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" | | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Horsethief Lake | 34°09'42"/112°17'57" | Igneous | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River | | | | | A&We | | PBC | | | | | | | | | | | |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" | Urban | | | | | PBC | | | | | | | | | | | | AgL |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Lake Pleasant | 33°53'46"/112°16'29" | Deep | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" | | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Lynx Lake | 34°31'07"/112°23'07" | Deep | | | A&Wc | | FBC | | | | | | | | | | | | AgL |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River | | | | | | A&Wedw | | PBC | | | | | | | | | | |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" | | | | | | PBC | | | | | | | | | | | | |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River | | | | | A&We | | PBC | | | | | | | | | | | AgL |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" | Sedimentary | | | A&Ww | | FBC | | | | | | | | | | | | AgL |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" | Urban | | | A&Ww | | PBC | | | | | | | | | | | | AgL |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" | | | | A&Ww | | FBC | | | | | | | | | | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-----------------------|---|---------|--|------|------|--------|-----|-----|-----|----|-----|-----|
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes | | | | | | | | DWS | | AgI | AgL |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations | | | | | | | | | | AgI | AgL |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" | Shallow | | A&Ww | | | FBC | | | | FC | AgI |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch | | | A&Wc | | | FBC | | | | FC | AgL |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" | | | A&Ww | | | | PBC | | | FC | AgL |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon | | | | | A&Wedw | | PBC | | | | |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River | | | A&We | | | | PBC | | | | |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam | | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" | | | A&We | | | | PBC | | | | |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake | | | | | A&Wedw | | PBC | | | | |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge | | | A&We | | | | PBC | | | | |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" | | | A&Ww | | | | PBC | | | FC | |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | | FC | AgI |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream | | | | | A&Wedw | | PBC | | | | |
| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon | | | A&Wc | | | FBC | | | | FC | AgL |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" | Urban | | A&Ww | | | FBC | | | | FC | |
| MG | The Lake Tank | 32°54'14"/111°04'15" | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" | | | A&Wc | | | FBC | | | | FC | AgI |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek | | | A&Ww | | | FBC | | | | FC | AgI |
| MG | Unnamed Wash (EDW) | Gila Bend WWTP outfall to confluence with the Gila River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | | |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek | | | | | A&Wedw | | PBC | | | | |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream | | | | | A&Wedw | | PBC | | | | |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | White Canyon Creek | Headwaters to confluence with Walnut Canyon Creek | | | A&Ww | | | FBC | | | | FC | AgL |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash | EDW | | | | A&Wedw | | PBC | | | | |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" | Urban | | A&Ww | | | | PBC | | | FC | |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | | AgL |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" | | | | A&We | | | PBC | | | | |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | | |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek | | | | A&We | | | PBC | | | | |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | | |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" | | | | A&We | | | PBC | | | | AgL |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek | | | | A&We | | | PBC | | | | AgL |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Arivaca Lake | 31°31'52"/111°15'06" | Igneous | | A&Ww | | | FBC | | | | FC | AgI |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash | | | | A&We | | | PBC | | | | AgL |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro | | | | A&We | | | PBC | | | | |
| SC | Black Wash (EDW) | Pima County WWMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash | | | | | A&Wedw | | PBC | | | | |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash | | | | A&We | | | PBC | | | | |
| SC | California Gulch | Headwaters To U.S./Mexico border | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Cañada del Oro | Headwaters to State Route 77 | | | A&Ww | | | FBC | | | | FC | AgI |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" | | | | A&We | | | PBC | | | | AgL |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" | | | A&Ww | | | FBC | | | | FC | AgL |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" | | | | A&We | | | PBC | | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-------------------------------------|---|---------|------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" | | | | A&We | | | PBC | | | | |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" | | | A&Ww | | | FBC | | | FC | | |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" | | | | A&We | | | PBC | | | | AgL |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch | | | | A&We | | | PBC | | | | AgL |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" | | | | A&We | | | PBC | | | | |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at | | | | A&We | | | PBC | | | | AgL |
| SC | Hit Tank | 32°43'57"/111°03'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Huachuca Tank | 31°21'11"/110°30'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48'/110°47'49" | | | A&Wc | | | FBC | | | FC | | |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48'/110°47'49" to confluence with Sabino Canyon Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42'/110°52'51" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42'/110°52'51" to confluence with the Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek | | | A&Ww | | | | PBC | | FC | | |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek | | | | A&We | | | PBC | | | | |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33'/110°45'31" | | | A&Wc | | | FBC | | | FC | | |
| SC | Palisade Canyon | Below 32°22'33'/110°45'31" to unnamed tributary of Sabino Canyon | | | A&Ww | | | FBC | | | FC | | |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | | |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17'/110°28'47" | A&Wc | | | | | FBC | | | FC | | |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| SC | Patagonia Lake | 31°29'56"/110°50'49" | Deep | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Peña Blanca Lake | 31°24'15"/111°05'12" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Potrero Creek | Headwaters to Interstate 19 | | | | A&We | | | PBC | | | | AgL |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash | | | | A&We | | | PBC | | | | |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29'/110°50'39" | | | A&Wc | | | FBC | | | FC | | |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash | | | A&Ww | | | FBC | | | FC | | |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| SC | Ruby Lakes | 31°26'29"/111°14'22" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sabino Canyon | Headwaters to 32°23'20"/110°47'06" | | | A&Wc | | | FBC | | DWS | FC | AgL | |
| SC | Sabino Canyon | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge | | | | A&Wedw | | | PBC | | | | AgL |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" | | | | A&We | | | PBC | | | | |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation | | | | A&We | | | PBC | | | | |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/112°01'47" to the Chin Indian Reservation | | | | A&Wedw | | | PBC | | | | |
| SC | Soldier Tank | 32°25'34"/110°44'43" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25'/110°45'31" | | | | A&We | | | PBC | | | | AgL |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall | | | | A&Wedw | | | PBC | | | | AgL |

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| | | | | | | | | | | | | |
|----|------------------------------|--|-------------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SC | Split Tank | 31°28'11"/111°05'12" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" | | A&Wc | | | FBC | | | FC | | |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir | | A&Ww | | | FBC | | | FC | | |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Headwaters to Houghton Road | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek | | | A&We | | | PBC | | | | AgL |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" | | | A&We | | | PBC | | | | AgL |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek | | | A&We | | | PBC | | | | AgL |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River | | | A&We | | | PBC | | | | AgL |
| SC | Unnamed Wash (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream | | | A&Wedw | | | PBC | | | | |
| SC | Unnamed Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash | | | A&Wedw | | | PBC | | | | |
| SC | Unnamed Wash (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro | | | A&Wedw | | | PBC | | | | |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations | | | A&We | | | PBC | | | | |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River | | | A&We | | | PBC | | | | AgL |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bear Creek | Headwaters to U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon | | A&Ww | | | FBC | | | FC | | |
| SP | Black Draw | Headwaters to the U.S./Mexico border | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek | | | A&We | | | PBC | | | | AgL |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River | | | A&We | | | PBC | | | | AgL |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/110°19'44" | Sedimentary | A&Ww | | | FBC | | | FC | | |
| SP | Espiritu Canyon Creek | Headwaters to confluence with Soza Wash | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Creek | Headwaters to confluence with Aravaipa Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fourmile Canyon Creek | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Fourmile Canyon, Right Prong | Headwaters to confluence with Fourmile Canyon | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | | FBC | | | FC | | AgL |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" | | A&Wc | | | FBC | | DWS | FC | AgI | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | |
|----|--------------------------------------|--|-------------|------|------|--------|-----|--------|-----|----|-----|-----|
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | AgI | |
| SP | Glance Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gold Gulch | Headwaters to U.S./Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/ 110°19'49" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/ 109°22'17" | | | A&Ww | | FBC | | | FC | | |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Hot Springs Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/ 109°43'32" | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Leslie Canyon Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/ 110°18'34" | | | A&Ww | | FBC | | | FC | | |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" | | A&Wc | | | FBC | | DWS | FC | | AgL |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | | AgL |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/ 110°18'52" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/ 109°54'02" | | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" | | | | A&We | | | PBC | | | |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw | | | | A&We | | | PBC | | | AgL |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/ 110°21'37" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Parsons Canyon Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40'/ 110°18'42" | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" | Shallow | | A&Wc | | FBC | | | FC | | AgL |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Swamp Springs Canyon | Headwaters to confluence with Redfield Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/ 110°26'11" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/ 110°26'10" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Unnamed Wash (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream | | | | A&Wedw | | PBC | | | | |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" | | | | A&We | | PBC | | | | |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash | | | | | | A&Wedw | PBC | | | |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36'/ 109°43'48" | | | | A&We | | PBC | | | | AgL |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/ 110°20'12" | | | A&Ww | | FBC | | | FC | | |
| SR | Ackre Lake | 33°37'01"/109°20'40" | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Apache Lake | 33°37'23"/111°12'26" | Deep | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37'/ 111°26'40" | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Basin Lake | 33°55'00"/109°26'09" | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Bear Creek | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Beaver Creek | Headwaters to confluence with Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Big Lake | 33°52'36"/109°25'33" | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River | Headwaters to confluence with Salt River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, West Fork | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Bloody Tanks Wash | Headwaters to Schulze Ranch Road | | | | A&We | | PBC | | | | AgL |
| SR | Bloody Tanks Wash | Schulze Ranch Road to confluence with Miami Wash | | | | A&We | | PBC | | | | |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek | | | A&Ww | | FBC | | | FC | | |
| SR | Campaign Creek | Headwaters to Roosevelt Lake | | | A&Ww | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------|---|---------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Canyon Lake | 33°32'44"/111°26'19" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| SR | Centerfire Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Conklin Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Corduroy Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Crescent Lake | 33°54'38"/109°25'18" | Shallow | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Deer Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Fish Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Fish Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | LaBarge Creek | Headwaters to Canyon Lake | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek | | | | A&We | | | PBC | | | | |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°26'55"/110°49'25" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" | | | A&Ww | | | FBC | | | | | |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pine Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek | | | A&Ww | | | FBC | | | FC | | |
| SR | Reservation Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek | | A&Wc | | | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|----|------------------------|--|-------------|------|------|-----|-----|-----|----|-----|-----|
| SR | Roosevelt Lake | 33°52'17"/111°00'17" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash | | | A&We | | PBC | | | | |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Saguaro Lake | 33°33'44"/111°30'55" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Salome Creek | Headwaters to confluence with the Salt River | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Salt House Lake | 33°57'04"/109°20'11" | Igneous | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake | | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek | | A&Wc | | FBC | | | FC | | |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Workman Creek | Headwaters to confluence with Reynolds Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Apache Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" | | A&Wc | | FBC | | | FC | | AgL |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Bennett Wash | Headwaters to the Gila River | | | A&We | | PBC | | | | |
| UG | Bitter Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine | | A&Ww | | FBC | | | FC | | AgL |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River | | | A&We | | PBC | | FC | | |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cima Creek | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Dankworth Lake | 32°43'13"/109°42'17" | Sedimentary | A&Wc | | FBC | | | FC | | AgL |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | East Whittail | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Foote Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. | | A&Ww | | FBC | | | FC | | AgL |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" | Igneous | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Grant Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Judd Lake | 33°51'15"/109°09'35" | Sedimentary | A&Wc | | FBC | | | FC | | |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

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| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| UG | Lanphier Canyon Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Little Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | | |
| UG | Georges Tank | 33°51'24"/109°08'30" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Luna Lake | 33°49'50"/109°05'06" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | Markham Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Roper Lake | 32°45'23"/109°42'14" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | San Francisco River | Headwaters to the New Mexico border | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | San Francisco River | New Mexico border to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | San Simon River | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | AgL |
| UG | Sheep Tank | 32°46'14"/109°48'09" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Smith Pond | 32°49'15"/109°50'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Tinny Pond | 33°47'49"/109°04'27" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek | | | A&Ww | | | FBC | | | FC | | |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Barrata Tank | 35°02'43"/112°24'21" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bartlett Lake | 33°49'52"/111°37'44" | Deep | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Beaver Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary | | | | | A&Wedw | | PBC | | | | AgL |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20'/112°05'06" | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Bray Creek | Headwaters to confluence with Webber Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Camp Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Chase Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" | | | | A&We | | | PBC | | | | |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'02'/111°52'17" to 34°48'12"/111°52'48" | | | | | A&Wedw | | PBC | | | | |
| VR | Dude Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| VR | East Verde River | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" | | | A&Ww | | | FBC | | DWS | FC | | |
| VR | Foxboro Lake | 34°53'42"/111°39'55" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fry Lake | 35°03'45"/111°48'04" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Headwaters to confluence with Government Spring | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Garrett Tank | 35°18'57"/112°42'20" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |

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| | | | | | | | | | | | | |
|----|----------------------------|--|-------------|------|------|--------|-----|-----|-----|----|-----|-----|
| VR | Granite Creek | Headwaters to Watson Lake | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" | Urban | | | A&Wedw | | PBC | | FC | | |
| VR | Heifer Tank | 35°20'27"/112°32'59" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Homestead Tank | 35°21'24"/112°41'36" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horse Park Tank | 34°58'15"/111°36'32" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" | Sedimentary | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Houston Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Huffer Tank | 34°27'46"/111°23'11" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/ 111°45'51" | | | | A&We | | | PBC | | | |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek | | | | A&Wedw | | PBC | | | | |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15'/ 111°44'47" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek, West Fork (OAW) | Headwaters to confluence with Oak Creek | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Odell Lake | 34°56'5"/111°37'53" | Igneous | A&Wc | | | FBC | | | FC | | |
| VR | Peck's Lake | 34°46'51"/112°02'01" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Perkins Tank | 35°06'42"/112°04'12" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51'/ 111°26'49" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Red Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Reservoir #1 | 35°13'5"/111°50'09" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Reservoir #2 | 35°13'17"/111°50'39" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Scholze Lake | 35°11'53"/112°00'37" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23'/ 111°57'21" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Stehr Lake | 34°22'01"/111°40'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |
| VR | Stoneman Lake | 34°46'47"/111°31'14" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sullivan Lake | 34°51'42"/112°27'51" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41'/ 111°57'31" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Fort McDowell Indian Reservation boundary at 33°39'19.8"/-111°37'42.7" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Tangle Creek | Headwaters to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Trinity Tank | 35°27'44"/112°48'01" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'59"/ 111°48'35" to Volunteer Wash | | | | A&Wedw | | PBC | | | | |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Verde River | Below Bartlett Lake Dam to Salt River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Watson Lake | 34°34'58"/112°25'26" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Webber Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/ 111°34'34" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" | Igneous | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williscraft Tank | 35°11'22"/112°35'40" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek | Above Willow Creek Reservoir | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Willow Creek | Below Willow Creek Reservoir to confluence with Granite Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |

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Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix B repealed, new Appendix B adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix B amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix B amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix C. Site-Specific Standards

| Watershed | Surface Water | Surface Water Description & Location | Parameter | Site-Specific Criterion |
|-----------|--------------------|--|-------------------------|---|
| LC | Rio de Flag (EDW) | Flagstaff WWTP outfall to the confluence with San Francisco Wash | Copper (D) | 36 µg/L (A&Wedw) |
| CL | Yuma East Wetlands | From inlet culvert from Colorado River into restored channel to Ocean Bridge | Selenium (T) | 2.2 µg/L (A&Ww chronic) |
| | | | Total residual chlorine | 33 µg/L (A&Ww acute) |
| | | | | 20 µg/L (A&Ww chronic) |
| SR | Pinto Creek | From confluence of Ellis Ranch tributary at 33°19'26.7"/110°54'57.5" to the confluence of West Fork of Pinto Creek at 33°27'32.3"/111°00'19.7" | Copper (D) | 34 µg/L (A&Ww acute for hardness values below 268 mg/L) |
| | | | | 34 µg/L (A&Ww chronic) |

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix C repealed effective April 24, 1996 (Supp. 96-2). New Appendix C made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix C amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

ARTICLE 2. WATER QUALITY STANDARDS FOR NON-WOTUS PROTECTED SURFACE WATERS

R18-11-201. Definitions

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation AZ (AgI AZ)" means the use of a non-WOTUS protected surface water for crop irrigation.
3. "Agricultural livestock watering AZ (AgL AZ)" means the use of a non-WOTUS protected surface water as a water supply for consumption by livestock.
4. "Aquatic and wildlife AZ (cold water) (A&Wc AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
5. "Aquatic and wildlife AZ (warm water) (A&Ww AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
6. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
7. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
8. "Criteria" means elements of water quality standards expressed as pollutant concentrations, levels, or narrative

statements representing a water quality that supports a designated use.

9. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health-based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
10. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health-based water quality standard criteria, in order to simulate long-term exposure, the

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receiving water critical flow condition is the harmonic mean flow.

11. "Designated use" means a use specified on the Protected Surface Waters List for a non-WOTUS protected surface water.
12. "Domestic water source AZ (DWS AZ)" means the use of a non-WOTUS protected surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
13. "Fish consumption AZ (FC AZ)" means the use of a non-WOTUS protected surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
14. "Full-body contact AZ (FBC AZ)" means the use of a non-WOTUS protected surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely, and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
15. "Geometric mean" means the n th root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_y = \sqrt[n]{(Y_1)(Y_2)(Y_3)(Y_n)}$$

16. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
17. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
18. "Non-WOTUS protected surface water" means a protected surface water designated in Table A of R18-11-216 or added to the PSWL by an emergency action authorized by A.R.S. § 49-221(G)(7) that is not a WOTUS.
19. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
20. "Partial-body contact AZ (PBC AZ)" means the recreational use of a non-WOTUS protected surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and, sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
21. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance.
22. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
23. "Recharge Project" means a facility necessary or convenient to obtain, divert, withdraw, transport, exchange,

deliver, treat, or store water to infiltrate or reintroduce that water into the ground.

24. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
25. "Urban lake" means a manmade lake within an urban landscape.
26. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
27. "Wetland" means, for the purposes of non-WOTUS protected surface waters, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
28. "WOTUS" means waters of the state that are also navigable waters as defined by Section 502(7) of the Clean Water Act.
29. "WOTUS protected surface water" means a protected surface water that is a WOTUS.
30. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1).
Amended subsection A. effective April 17, 1984 (Supp. 84-2). Former Section R9-21-201 repealed, former Section R9-21-203 renumbered as Section R9-21-201 and amended effective January 7, 1985 (Supp. 85-1).
Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-201 renumbered without change as Section R18-11-201 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-202. Applicability

- A. The water quality standards prescribed in this Article apply to non-WOTUS protected surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
 1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores including:
 - a. A pit,
 - b. Pregnant leach solution pond

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- c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond of sump in a mine put associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product that is being held for recycling,
 - h. Spill or catchment pond, or
 - i. A pond used for onsite remediation
3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.
 5. WOTUS Protected Surface Waters.

Historical Note

Former Section R9-21-202 repealed, former Section R9-21-102 renumbered as Section R9-21-202 and amended effective January 7, 1985 (Supp. 85-1). Amended subsections (B), (D), and (E) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-202 renumbered without change as Section R18-11-202 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-203. Designated Uses for Non-WOTUS Protected Surface Waters

- A. The designated uses for specific non-WOTUS protected surface waters are listed in the Protected Surface Waters List in this article. The designated uses that may be assigned to a non-WOTUS protected surface water are:
 1. Full-body contact AZ,
 2. Partial-body contact AZ,
 3. Domestic water source AZ,
 4. Fish consumption AZ,
 5. Aquatic and wildlife AZ (cold water),
 6. Aquatic and wildlife AZ (warm water),
 7. Agricultural irrigation AZ, and
 8. Agricultural livestock watering AZ.
- B. Numeric water quality criteria to maintain and protect water quality for the designated uses assigned to non-WOTUS protected surface waters are prescribed in R18-11-215. Narrative water quality standards to protect non-WOTUS protected surface waters are prescribed in R18-11-214.
- C. If a non-WOTUS protected surface water has more than one designated use listed in the Protected Surface Waters List, the most stringent water quality criterion applies.
- D. The Director shall revise the designated uses of a non-WOTUS protected surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in the Protected Surface Waters List.
- E. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria through a rulemaking action for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

3. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the non-WOTUS protected surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
4. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1). Amended subsection (B) by adding paragraphs (27) and (28) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-203 renumbered as Section R9-21-201, former Section R9-21-204 renumbered as Section R9-21-203 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-203 renumbered and amended as Section R9-21-204, new Section R9-21-203 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-203 renumbered without change as Section R18-11-203 (Supp. 87-3). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-204. Interim, Presumptive Designated Uses

The following water quality standards apply to a non-WOTUS protected surface water that is not listed on the Protected Surface Waters List but is added on an emergency basis pursuant to A.R.S. § 49-221(G)(7):

1. The aquatic and wildlife AZ (cold water use applies to a non-WOTUS protected surface water above 5000 feet in elevation;
2. The aquatic and wildlife AZ (warm water) applies to a non-WOTUS protected surface water below 5000 feet in elevation;
3. The full-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
4. The partial-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans in a way that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
5. The fish consumption AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for harvesting aquatic organisms for con-

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sumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.

6. The domestic water source AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans as a source of potable water.
7. The agricultural irrigation AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used for crop irrigation.
8. The agricultural livestock watering AZ use applies to any non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used as a water supply for consumption by livestock.

Historical Note

Former Section R9-21-204 renumbered and amended as Section R9-21-207, former Section R9-21-206 renumbered and amended as Section R9-21-204 effective January 29, 1980 (Supp. 80-1). Former Section

R9-21-204 renumbered as Section R9-21-203, former Section R9-21-205 renumbered as Section R9-21-204 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-204 renumbered and amended as Section R9-21-205, former Section R9-21-203 renumbered and amended as Section R9-21-204 effective August 12, 1986 (Supp. 86-4). Former Section

R9-21-204 renumbered without change as Section R18-11-204 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-205. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610 or an alternative method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Former Section R9-21-205 repealed, new Section R9-21-205 adopted effective January 29, 1980 (Supp. 80-1).

Former Section R9-21-205 renumbered as Section R9-21-204, former Section R9-21-206 renumbered as Section R9-21-205 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-205 renumbered and amended as Section R9-21-206, former Section R9-21-204 renumbered and amended as Section R9-21-205 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-205 renumbered without change as Section R18-11-205 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992

(Supp. 92-1). Section repealed April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-206. Mixing Zones

- A. The Director may establish a mixing zone for a point source discharge to a non-WOTUS protected surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B. The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director for a mixing zone as part of an application for an AZPDES permit. The request shall include:
 1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C. The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
 1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D. Director determination.
 1. The Director shall deny a request to establish a mixing zone if an applicable water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E. Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F. The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.

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G. Mixing zone requirements.

1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.

H. The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:

1. Chlordane,
2. DDT and its metabolites (DDD and DDE),
3. Dieldrin,
4. Dioxin,
5. Endrin,
6. Endrin aldehyde,
7. Heptachlor,
8. Heptachlor epoxide,
9. Lindane,
10. Mercury,
11. Polychlorinated biphenyls (PCBs), and
12. Toxaphene.

Historical Note

Former Section R9-21-206 renumbered and amended as Section R9-21-204, new Section R9-21-206 adopted effective January 29, 1980 (Supp. 80-1). Amended by adding subsection (B) effective October 14, 1981 (Supp. 81-5). Amended subsection (B) and Table 1 effective January 29, 1982 (Supp. 82-1). Amended subsection (B) and Table 1 effective August 13, 1982 (Supp. 82-4). Former Section R9-21-206 renumbered as Section R9-21-205, former Section R9-21-207 renumbered as Section R9-21-206 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-206 renumbered and amended as Section R9-21-207, former Section R9-21-205 renumbered and amended as R9-21-206 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-206 renumbered without change as Section R18-11-206 (Supp. 87-3). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-207. Natural Background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is caused solely by naturally occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Former Section R9-21-207 repealed, former Section R9-21-204 renumbered and amended as Section R9-21-207 effective January 29, 1980 (Supp. 80-1). Former Section R9-21-207 renumbered as Section R9-21-206, former Section R9-21-208 renumbered as Section R9-21-207

and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-207 renumbered without change as Section R9-21-208, former Section R9-21-206 renumbered and amended as Section R9-21-207 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-207 renumbered without change as Section R18-11-207 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-208. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve compliance. The permittee shall demonstrate that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Former Section R9-21-208 repealed, new Section R9-21-208 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-208 renumbered as Section R9-21-207, Appendices 1 through 9 amended as Appendix A (now shown following R9-21-213), former Section R9-21-209 renumbered as R9-21-208 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-208 renumbered and amended as Section R9-21-209, former Section R9-21-207 renumbered without change as Section R9-21-208 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-208 renumbered without change as Section R18-11-208 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-209. Variances

- A.** Upon request, the Director may establish, by rule, a discharger-specific or water segment-specific or water segments-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B.** A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality

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standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.

4. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
5. Documentation that the proposed term is only as long as necessary to achieve compliance with applicable water quality standards.
6. Documentation that is appropriate to the type of designated use to which the variance would apply as follows. For a water quality standard variance documentation must include a demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - a. Naturally occurring pollutant concentrations prevent attainment of the use;
 - b. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - c. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - d. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - f. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
7. For a waterbody segment-specific or segments-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or pollutants or water quality parameter or parameters and water body or waterbody segment or segments specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(7)(a) previously applied to the water body or waterbody segment or segments, documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant or pollutants or water quality parameter or parameters subject to the water quality variance and the water quality progress achieved.
8. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section: Identification of the permittee subject to the variance.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(6)(a)(vi). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E).
 - I. The Director shall periodically, but not more than every five years, reevaluate whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition during each rulemaking for this Article. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance during the rulemaking.
 - J. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - K. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.

Historical Note

Former Section R9-21-209 renumbered and amended as Section R9-21-210, new Section R9-21-209 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-209 renumbered as Section R9-21-208, Tables I and II amended as Appendix B (now shown following R9-21-213 and Appendix A), former Section R9-21-210 renumbered as Section R9-21-209 and amended effective

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January 7, 1985 (Supp. 85-1). Former Section R9-21-209 renumbered and amended as Section R9-21-210, former Section R9-21-208 renumbered and amended as Section R9-21-209 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-209 renumbered without change as Section R18-11-209 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-210. Site Specific Standards

- A. The Director shall adopt a site-specific standard by rule.
- B. The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
 1. Local physical, chemical, or hydrological conditions of a non-WOTUS protected surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a non-WOTUS protected surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in R18-11-215;
 3. Resident aquatic organisms that occur in a non-WOTUS protected surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in R18-11-215;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in R18-11-215. "Natural background" means the concentration of a pollutant in a non-WOTUS protected surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a non-WOTUS protected surface water.
- C. Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically defensible procedure. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 1. Identifies the pollutant;
 2. Describes the reach's boundaries;
 3. Describes the hydrologic regime of the waterbody;
 4. Describes the scientifically defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 5. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 6. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 7. Demonstrates that all designated uses are protected; and
 8. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective January 29, 1980 (Supp. 80-1). Amended subsection (A) effective April 17, 1984 (Supp. 84-2). Former Section R9-21-210 renumbered as Section R9-21-209, former Section R9-21-211 renumbered as Section R9-21-210 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-210 renumbered without change as Section R18-11-210 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-211. Enforcement of Non-permitted Discharges to Non-WOTUS Protected Surface Waters

- A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211 effective January 29, 1980 (Supp. 80-1). Amended subsections (D), (G) three (I), and added (J) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-211 renumbered as Section R9-21-210, former Section R9-21-212 renumbered as Section R9-21-211 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-211 renumbered and amended as Section R9-21-212, former Section R9-21-210 renumbered and amended as Section R9-21-211 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-211 renumbered without change as Section R18-11-211 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-212. Statements of Intent and Limitations on the Reach of Article 2

- A. Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.
- B. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified as non-WOTUS protected surface waters on the Protected Surface Waters List. Physical or mechanical maintenance includes dewatering, lining, dredging, and the physical,

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biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified on the Protected Surface Waters List.

- C. Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article.
- D. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-212 renumbered as Section R9-21-211, former Section R9-21-213 renumbered as Section R9-21-212 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-212 repealed, former Section R9-21-211 renumbered and amended as Section R9-21-212 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-212 renumbered without change as Section R18-11-212 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-213. Procedures for Determining Economic, Social, and Environmental Cost and Benefits

- A. The Director shall perform an economic, social, and environmental cost and benefits analysis that shows the benefits outweigh the costs before conducting any of the following rulemaking actions:
 1. Adopting a water quality standard that applies to non-WOTUS protected surface waters at a particular level or for a particular water category of non-WOTUS protected surface waters;
 2. Adding a non-WOTUS protected surface water to the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(4) apply; or
 3. Removing a non-WOTUS protected surface water from the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(6) apply.
- B. The economic, social, and environmental cost and benefit analysis must include:
 1. A justification of the valuation methodology used to quantify the costs or benefits of the rulemaking action;
 2. A reference to any study relevant to the economic, social, and environmental cost and benefit analysis that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of the costs and benefits of the rulemaking action;
 3. A description of any data on which an economic, social, and environmental cost and benefits analysis is based and an explanation of how the data was obtained and why the data is acceptable data.
 4. A description of the probable impact of the rulemaking on any existing AZPDES permits that are impacted by the rulemaking action;
 5. A description of the probable amount of additional AZPDES permits that will be required for known and ongoing point-source discharges after the rulemaking is completed that otherwise would not have been required if the Director did not undertake the rulemaking action; and
 6. The administrative and other costs to ADEQ associated with the proposed rulemaking.
- C. The Director shall publish a copy of the economic, social, and environmental cost and benefits analysis to the agency website

prior to filing any rulemaking materials during any of the rulemaking actions listed in subsection (A) of this rule.

- D. If for any reason enough data is not reasonably available to comply with the requirements of subsection (B) of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms.
- E. The Director is not required to prepare the economic, social, and environmental cost and benefits analysis required by this rule when:
 1. Adding or removing a WOTUS-protected surface water from the Protected Surface Waters List; or
 2. Adding a water to the Protected Surface Waters List on an emergency basis pursuant to A.R.S. § 49-221(G)(7).

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Former Section R9-21-213 renumbered as Section R9-21-212, former Section R9-21-103 renumbered as Section R9-21-213 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-213 renumbered without change as Section R9-21-214, new Section R9-21-213 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-213 renumbered without change as Section R18-11-213 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-214. Narrative Water Quality Standards for Non-WOTUS Protected Surface Waters

- A. A non-WOTUS protected surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the non-WOTUS protected surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or
 8. Change the color of the non-WOTUS protected surface water from natural background levels of color.
- B. A non-WOTUS protected surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard
- C. A non-WOTUS protected surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.

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Historical Note

Former Section R9-21-213 renumbered without change as Section R9-21-214 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-214 renumbered without change as Section R18-11-214 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-215. Numeric Water Quality Standards for Non-WOTUS Protected Surface Waters

A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony-forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC AZ | PBC AZ |
|---|--------|--------|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

B. pH. The following water quality standards for non-WOTUS protected surface waters pH are expressed in standard units:

| pH | DWS AZ | FBC AZ, PBC AZ, A&Ww AZ, A&Wc AZ | AgI AZ | AgL AZ |
|---------|--------|----------------------------------|--------|--------|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww AZ | A&Wc AZ |
|---------|---------|
| 3.0° C | 1.0° C |

D. Suspended sediment concentration.

- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

| A&Wc AZ | A&Ww AZ |
|---------|---------|
| 25 | 80 |

E. Dissolved oxygen. A non-WOTUS protected surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|----------------|---|
| A&Ww AZ | 6.0 |
| A&Wc AZ | 7.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

F. Tables 1 through 17 prescribe water quality criteria for individual pollutants by designated use.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 1. Water Quality Criteria by Designated Use (see footnote)

| Parameter | CAS NUMBER | DWS AZ (µg/L) | FC AZ (µg/L) | FBC AZ (µg/L) | PBC AZ (µg/L) | A&Wc AZ Acute (µg/L) | A&Wc AZ Chronic (µg/L) | A&Ww AZ Acute (µg/L) | A&Ww AZ Chronic (µg/L) | AgI AZ (µg/L) | AgL AZ (µg/L) |
|---------------------------------------|------------|----------------------------|--------------|---------------|---------------|---|---|---|---|---------------|---------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 0.003 | See (b) |
| Alpha Particles (Gross) Radioactivity | | 15 pCi/L See (h) | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | | |
| Benzo[b]fluoranthene Benzfluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | | |

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|--|----------|--------------|----------|-------------|-------------|-------------------|-------------------|-------------------|-------------------|---------|---------|
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4000 | 4000 | 19 | 11 | 19 | 11 | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | | |
| beta-Chloronaphthalene | 91587 | 560 | 317 | 74,667 | 74,667 | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 14 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | | |
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.003 | See (b) |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.004 | 0.004 |
| Endrin aldehyde | 7421934 | 2 | | | | 0.09 | 0.04 | 0.09 | 0.04 | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|---|----------|--------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|----------|----------|
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | |
| Methylmercury | 22967926 | | 0.3 mg/kg | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | |
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 2 19 | 19 | 2 | 0.01 | 2 | 0.02 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | | |
| Sulfides | | | | | | | | | | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Historical Note

Table 1 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ | | Aquatic and Wildlife Warm Water AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 0.40 | 20 | 2.1 |
| 100 | 1.8 | 100 | 9.4 |
| 400 | 6.5 | 400 | 34 |
| c(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness))*0.041838) | | c(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness))*0.041838) | |

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Historical Note

Table 2 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977 \cdot \text{LN}(\text{Hardness}) - 3.909)} \cdot (1.101672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Table 3 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 |
| 100 | 570 | 100 | 74.1 |
| 400 | 1,773 | 400 | 231 |
| $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 3.7256)} \cdot (0.316)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 0.6848)} \cdot (0.86)$ | |

Historical Note

Table 4 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 |
| 100 | 13 | 100 | 9.0 |
| 400 | 50 | 400 | 29 |
| $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.8545 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | |

Historical Note

Table 5 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 |
| 100 | 64.6 | 100 | 2.5 |
| 400 | 281 | 400 | 10.9 |
| $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 1.46)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | | $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 4.705)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | |

Historical Note

Table 6 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 |
| 100 | 468 | 100 | 52.0 |
| 400 | 1513 | 400 | 168 |
| $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 2.255)} \cdot (0.998)$ | | $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 0.0584)} \cdot (0.997)$ | |

Historical Note

Table 7 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |

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| | |
|------------------------------------|------|
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e(1.72*LN(Hardness)-6.59)*(0.85)$ | |

Historical Note

Table 8 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 30.0 |
| 100 | 117 |
| 400 | 379 |
| $e(0.8473*LN(Hardness)+0.884)*(0.978)$ | |

Historical Note

Table 9 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|------|--|------|
| pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 |
| 6 | 3.3 | 6 | 2.1 |
| 9 | 67.7 | 9 | 42.7 |
| $e(1.005*(pH)-4.83)$ | | $e(1.005*(pH)-5.29)$ | |

Historical Note

Table 10 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Present
 For the Aquatic and Wildlife Coldwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |

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| | | | | | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |
| $MIN\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}, \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.026 \times (20-T)})\right)\right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 11 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Table 12 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ and Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Coldwater and Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - \text{MAX}(T,7))})$$

Historical Note

Table 13 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)\right)$$

Historical Note

Table 14 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ Uses, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Table 15 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7))})$ | | | | | | | | | | | | | | | | | | | | | | | | |

Historical Note

Table 16 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 17 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-216. The Protected Surface Waters List

Tables A through C prescribe the protected surface waters list.

Historical Note

Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table A. Non-WOTUS Protected Surface Waters and Designated Uses

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Aquatic and Wildlife | | Human Health | | | | Agricultural | |
|-----------|------------------------|--|----------------------|---------|--------------|--------|--------|-------|--------------|--------|
| | | | A&Wc AZ | A&Ww AZ | FBC AZ | PBC AZ | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| CG | Cottonwood Creek | Headwaters to confluence with unnamed tributary at 35°20'46"/113°35'31" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Cottonwood Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Headwaters to confluence with unnamed tributary at 35°20'48"/113°30'40" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| CG | Wright Canyon Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Boot Lake | 34°58'54"/111°20'11" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Little Ortega Lake | 34°22'47"/109°40'06" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Mormon Lake | 34°56'38"/111°27'25" | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | Agl AZ | Agl AZ |
| LC | Potato Lake | 35°03'15"/111°24'13" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Pratt Lake | 34°01'32"/109°04'18" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Sponseller Lake | 34°14'09"/109°50'45" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Vail Lake | 35°05'23"/111°30'46" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| LC | Water Canyon Reservoir | 34°03'38"/109°26'20" | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| MG | Bonsall Park Lake | 59th Avenue & Bethany Home Road at 33°31'24'/112°11'08" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| MG | Canal Park Lake | College Avenue & Curry Road, Tempe at 33°26'54'/111°56'19" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| SP | Big Creek | Headwaters to confluence with Pitchfork Canyon Wash | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Goudy Canyon Wash | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| SP | Grant Creek | Headwaters to confluence with unnamed tributary at 32°38'10"/109°56'37" | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | |
| SP | Grant Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | | |
| SP | High Creek | Headwaters to confluence with unnamed tributary at 32°33'08"/110°14'42" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | High Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Pinery Creek | Headwaters to State Highway 181 | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Pinery Creek | Below State Highway 181 to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | Agl AZ |
| SP | Post Creek | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Riggs Flat Lake | 32°42'28"/109°57'53" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Rock Creek | Headwaters to confluence with Turkey Creek | | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Soldier Creek | Headwaters to confluence with Post Creek at 32°40'50'/109°54'41" | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| SP | Snow Flat Lake | 32°39'10"/109°51'54" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Stronghold Canyon East | Headwaters to 31°55'9.28"/109°57'53.24" | A&Wc AZ | | | PBC AZ | | | | |
| SP | Stronghold Canyon East | 31°55'9.28"/109°57'53.24" to confluence with Carlink Canyon | | A&Ww AZ | | PBC AZ | | | | |
| SP | Turkey Creek | Headwaters to confluence with Rock Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| SP | Turkey Creek | Below confluence with Rock Creek to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | Agl AZ |
| UG | Ward Canyon | Headwaters to confluence with Turkey Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |
| VR | Moonshine Creek | Headwaters to confluence with Post Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | Agl AZ |

Historical Note

Table A made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table B. WOTUS Protected Surface Waters

The waters listed in this table have been tentatively identified by ADEQ as WOTUS, under the law governing on 8/26/2022. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table B will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the WOTUS Protected Surface Waters Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|--|
| BW | Big Sandy River | Headwaters to Alamo Lake |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River |
| CG | Colorado River | Lake Powell to Lake Mead |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River |
| CG | Lake Mead | 36°06'18"/114°26'33" |
| CG | Lake Powell | 36°59'53"/111°08'17" |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Paria River | Utah border to confluence with the Colorado River |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" |
| CG | Virgin River | Headwaters to confluence with the Colorado River |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03" |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CL | A10 Backwater | 33°31'45"/114°33'19" |
| CL | A7 Backwater | 33°34'27"/114°32'04" |
| CL | Adobe Lake | 33°02'36"/114°39'26" |
| CL | Cibola Lake | 33°14'01"/114°40'31" |
| CL | Clear Lake | 33°01'59"/114°31'19" |
| CL | Colorado River | Lake Mead to Topock Marsh |
| CL | Colorado River | Topock Marsh to Morelos Dam |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" |
| CL | Island Lake | 33°01'44"/114°36'42" |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" |
| CL | Lake Havasu | 34°35'18"/114°25'47" |
| CL | Lake Mohave | 35°26'58"/114°38'30" |
| CL | Martinez Lake | 32°58'49"/114°28'09" |
| CL | Mittry Lake | 32°49'17"/114°27'54" |
| CL | Nortons Lake | 33°02'30"/114°37'59" |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" |
| CL | Topock Marsh | 34°43'27"/114°28'59" |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | |
|----|--|---|
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Chevelon Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Colter Reservoir | 33°56'39"/109°28'53" |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek |
| LC | Little Colorado River | Headwaters to Lyman Reservoir |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek |
| LC | Morrison Creek | Headwaters to Mamie Creek @ 33°59'24.45"/109°03'51.94 |
| LC | Nutrioso Creek | Headwaters to confluence with the Little Colorado River |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek |
| LC | Riggs Creek | Headwaters to Nutrioso Creek |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" |
| LC | Rudd Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Rosey Creek | Headwaters to 34°02'28.72"/109°27'24.3" |
| LC | Scott Reservoir | 34°10'31"/109°57'31" |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek |
| LC | Show Low Lake | 34°11'36"/110°00'12" |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River |
| LC | White Mountain Lake | 34°21'57"/109°59'21" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" |
| MG | Lake Pleasant | 33°53'46"/112°16'29" |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at 34°20'45.74"/112°4'17.26" |
| MG | Little Sycamore Creek | Headwaters to Sycamore Creek @ 34°21'39.13"/111°58'49.98" |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam |
| MG | Seven Springs Wash | Headwaters to Unnamed trib @ 33°57'58.66"/111°51'52.07" |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek |
| SC | California Gulch | Headwaters To U.S./Mexico border |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) |
| SC | Cox Gulch | Headwaters to Three R Canyons @ 31°28'28.03"/110°47'14.65" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek |
| SP | Bear Creek | Headwaters to U.S./Mexico border |
| SP | Black Draw | Headwaters to the U.S./Mexico border |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" |
| SP | Gold Gulch | Headwaters to U.S./Mexico border |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon |

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | |
|----|--------------------------------------|---|
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36"/109°43'48" |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border |
| SR | Ackre Lake | 33°37'01"/109°20'40" |
| SR | Apache Lake | 33°37'23"/111°12'26" |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Beaver Creek | Headwaters to confluence with Black River |
| SR | Black River | Headwaters to confluence with Salt River |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek |
| SR | Black River, West Fork | Headwaters to confluence with the Black River |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork |
| SR | Canyon Lake | 33°32'44"/111°26'19" |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River |
| SR | Conklin Creek | Headwaters to confluence with the Black River |
| SR | Corduoy Creek | Headwaters to confluence with Fish Creek |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Fish Creek | Headwaters to confluence with the Black River |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" |
| SR | Roosevelt Lake | 33°52'17"/111°00'17" |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek |
| SR | Saguaro Lake | 33°33'44"/111°30'55" |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Apache Creek | Headwaters to confluence with the Gila River |
| UG | Bitter Creek | Headwaters to confluence with the Gila River |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River |
| UG | Bob Thomas Creek | Headwaters to Stone Creek 33°51'93"/109°42'52" |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary |
| UG | Grant Creek | Headwaters to confluence with the Blue River |
| UG | Judd Lake | 33°51'15"/109°09'35" |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek |
| UG | Luna Lake | 33°49'50"/109°05'06" |
| UG | North Fork Cave Creek | Headwaters to Cave Creek @ 31°52'56.63"/109°12'19.75" |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River |
| UG | San Francisco River | Headwaters to the New Mexico border |
| UG | San Francisco River | New Mexico border to confluence with the Gila River |
| UG | San Simon River | Headwaters to confluence with the Gila River |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek |
| VR | Bartlett Lake | 33°49'52"/111°37'44" |
| VR | Beaver Creek | Headwaters to confluence with the Verde River |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" |
| VR | East Verde River | Headwaters to confluence with Ellison Creek |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15"/111°44'47" |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek |
| VR | Sullivan Lake | 34°51'42"/112°27'51" |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41"/111°57'31" |

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| | | |
|----|------------------------|--|
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam |
| VR | Verde River | Below Bartlett Lake Dam to Salt River |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" |

Historical Note

Table B made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table C. Historically Regulated as WOTUS and in Need of Confirmation

The waters listed in this table have historically been and will continue to be regulated as WOTUS unless ADEQ makes a determination that they are non-WOTUS. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table C will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Historically Regulated as WOTUS and in Need of Confirmation Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|---|
| BW | Alamo Lake | 34°14'06"/113°35'00" |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River |
| BW | Blue Tank | 34°40'14"/112°58'17" |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Carter Tank | 34°52'27"/112°57'31" |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek |
| BW | Date Creek | Headwaters to confluence with Santa Maria River |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River |
| BW | Peoples Canyon (OAW) | Headwaters to confluence with Santa Maria River |
| BW | Red Lake | 35°12'18"/113°03'57" |
| BW | Santa Maria River | Headwaters to Alamo Lake |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River |
| CG | Big Springs Tank | 36°36'08"/112°21'01" |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek |
| CG | Cataract Creek | Headwaters to Santa Fe Reservoir |
| CG | Cataract Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" |
| CG | Cataract Creek | Red Lake Wash to Havasupai Indian Reservation boundary |
| CG | Cataract Creek (EDW) | City of Williams WWTP outfall to 1 km downstream |
| CG | Cataract Lake | 35°15'04"/112°12'58" |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River |
| CG | City Reservoir | 35°13'57"/112°11'25" |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" |
| CG | Detrital Wash | Headwaters to Lake Mead |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" |
| CG | Grand Wash | Headwaters to Colorado River |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River |
| CG | Grapevine Wash | Headwaters to Colorado River |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River |
| CG | Hance Creek | Headwaters to confluence with the Colorado River |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" |
| CG | Horn Creek | Headwaters to confluence with the Colorado River |

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| | | |
|----|--|---|
| CG | Hualapai Wash | Headwaters to Lake Mead |
| CG | Jacob Lake | 36°42'27"/112°13'50" |
| CG | Kaibab Lake | 35°17'04"/112°09'32" |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Monument Creek | Headwaters to confluence with the Colorado River |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Roaring Springs | 36°11'45"/112°02'06" |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River |
| CG | Russell Tank | 35°52'21"/111°52'45" |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" |
| CG | Slate Creek | Headwaters to confluence with the Colorado River |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River |
| CG | Unnamed Wash to Cedar Canyon (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon |
| CG | Unnamed Wash to Spring Valley Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek |
| CL | Columbus Wash | Headwaters to confluence with the Gila River |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream |
| CL | Mohave Wash | Headwaters to Lower Colorado River |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" |
| CL | Quigley Pond | 32°43'40"/113°57'44" |
| CL | Redondo Lake | 32°44'32"/114°29'03" |
| CL | Sacramento Wash | Headwaters to Topock Marsh |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains |
| LC | Als Lake | 35°02'10"/111°25'17" |
| LC | Ashurst Lake | 35°01'06"/111°24'18" |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" |
| LC | Becker Lake | 34°09'11"/109°18'23" |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" |
| LC | Carrero Lake | 34°06'57"/109°31'42" |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek |
| LC | Chilson Tank | 34°51'43"/111°22'54" |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash |
| LC | Concho Lake | 34°26'37"/109°37'40" |
| LC | Cow Lake | 34°53'14"/111°18'51" |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| LC | Daves Tank | 34°44'22"/111°17'15" |
| LC | Deep Lake | 35°03'34"/111°25'00" |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Hay Lake | 34°00'11"/109°25'57" |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" |
| LC | Horse Lake | 35°03'55"/111°27'50" |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Hulsey Lake | 33°55'58"/109°09'40" |
| LC | Humphrey Lake (EDW) | 35°11'51"/111°35'19" |
| LC | Indian Lake | 35°00'39"/111°22'41" |
| LC | Jacks Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Jarvis Lake | 33°58'59"/109°12'36" |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" |
| LC | Knoll Lake | 34°25'38"/111°05'13" |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" |
| LC | Lake of the Woods | 34°09'40"/109°58'47" |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork |
| LC | Leroux Wash, tributary to Little Colorado River | From City of Holbrook-Painted Mesa WRF outfall at 34° 54' 30", -110° 11' 36" to Little Colorado River. The outfall discharges into Leroux Wash. All reaches of the Little Colorado River between the outfall to the Colorado River are perennial or intermittent. |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs |
| LC | Little George Reservoir | 34°00'37"/109°19'15" |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" |
| LC | Long Tom Tank | 34°20'35"/110°49'22" |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" |
| LC | Marshall Lake | 35°07'18"/111°32'07" |
| LC | McKay Reservoir | 34°01'27"/109°13'48" |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek |
| LC | Morton Lake | 34°53'37"/111°17'41" |
| LC | Mud Lake | 34°55'19"/111°21'29" |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" |
| LC | Norton Reservoir | 34°03'57"/109°31'27" |
| LC | Paddy Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Pierce Seep | 34°23'39"/110°31'17" |
| LC | Pine Tank | 34°46'49"/111°17'21" |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream |
| LC | Rainbow Lake | 34°09'00"/109°59'09" |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash |
| LC | River Reservoir | 34°02'01"/109°26'07" |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" |
| LC | Russel Reservoir | 33°59'29"/109°20'01" |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" |
| LC | Slade Reservoir | 33°59'41"/109°20'26" |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" |
| LC | Soldiers Lake | 34°47'47"/111°14'04" |
| LC | Spaulding Tank | 34°30'17"/111°02'06" |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" |
| LC | Tremaine Lake | 34°46'02"/111°13'51" |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/ 110°38'13" to confluence with Black Canyon Creek |
| LC | Unnamed Wash to Pierce Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep |
| LC | Unnamed wash, tributary to Rio de Flag River (Bow and Arrow Wash) | Treated municipal wastewater is piped from the Rio de Flag WWTP through a city-wide reuse system to the main effluent storage pond that is in an unnamed wash. |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" |
| LC | Whipple Lake | 34°16'49"/109°58'29" |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| LC | Willow Springs Lake | 34°18'13"/110°52'16" |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" |
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" |
| MG | Arnett Creek | Headwaters to Queen Creek @ 33°16'43.24"/111°10'12.49" |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | Beehive Tank | 32°52'37"/111°02'20" |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River |
| MG | Cash Gulch | Headwaters to Jersey Gulch @ 34°25'31.39"/112°25'30.96" |
| MG | Cave Creek | Headwaters to the Cave Creek Dam |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" |
| MG | Corgett Wash | From Corgett Wash WRF outfall at 33°21'42", -112°27'05" to Gila River. The discharge point is 0.5 miles from the ephemeral conveyance Corgett Wash. The Gila River is then 1.5 miles downstream from Corgett Wash. |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" |
| MG | Eugene Gulch | Headwaters to Big Bug Creek @ 34°27'11.51"/112°18'30.95" |
| MG | French Gulch | Headwaters to confluence with Hassayampa River |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56". |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River |
| MG | Hassayampa River | From City of Buckeye-Palo Verde Road WWTP outfall at 33° 23' 54.3", -112° 40' 33.7" to Buckeye Canal |
| MG | Horsethief Lake | 34°09'42"/112°17'57" |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" |
| MG | Jersey Gulch | Headwaters to Hassayampa River @ 34°25'40.16"/112°25'45.64" |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River |
| MG | Lynx Lake | 34°31'07"/112°23'07" |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River |
| MG | Money Metals Trib | Headwaters to Unnamed Trib (UB1) |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" |
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River |
| MG | The Lake Tank | 32°54'14"/111°04'15" |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek |
| MG | Unnamed Trib (UQ2) to Queen Creek | Headwaters to Queen Creek @ 33°18'26.15"/111°04'19.3" |
| MG | Unnamed Trib (UQ3) to Queen Creek | Headwaters to Queen Creek @ 33°18'33.75"/111°04'02.61" |
| MG | Unnamed Trib to Big Bug Creek (UB1) | Headwaters to Big Bug Creek @ 34°25'38.86"/112°22'29.32" |
| MG | Unnamed Trib to Eugene Gulch | Headwaters to Eugene Gulch @ 34°27'34.6"/112°20'24.53" |
| MG | Unnamed Trib to Lynx Creek | Headwaters to Superior Mining Div. Outfall @ Lynx Creek @ 34°27'10.57"/112°23'14.22" |
| MG | Unnamed tributary to Deadman's Wash | From EPCOR Water Anthem Water Campus WWTP outfall at 33° 50' 47.9", -112° 08' 25.6" to Deadman's Wash |
| MG | Unnamed tributary to Gila River (EDW) | Gila Bend WWTP outfall to confluence with the Gila River |
| MG | Unnamed tributary to Gila River (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River |
| MG | Unnamed tributary to the Agua Fria River | From Softwinds WWTP outfall at 34° 32' 43", -112° 14' 21" to the Agua Fria River. Discharges to Agua Fria which is a jurisdictional tributary to Lake Pleasant (TNW) |
| MG | Unnamed tributary to Winters Wash | From Balterra WWTP outfall at 33° 29' 45", -112° 55' 10" to Winters Wash |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek |
| MG | Unnamed wash, tributary to Black Canyon Creek | From Black Canyon Ranch RV Resort WWTP outfall to Agua Fria River. |
| MG | Unnamed wash, tributary to Queen Creek | Queen Creek, AZ15050100-013B is closest WBID to outfall coordinates |
| MG | Unnamed wash, tributary to Waterman Wash | The Rainbow Valley outfall discharges to an unnamed wash to Waterman wash to the Gila River. |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek |
| MG | White Canyon | Headwaters to confluence with Walnut Canyon Creek |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash |
| SC | Arivaca Lake | 31°31'52"/111°15'06" |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro |
| SC | Black Wash (EDW) | Pima County WWMMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash |
| SC | Cañada del Oro | Headwaters to State Route 77 |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" |
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at |
| SC | Hit Tank | 32°43'57"/111°03'18" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Huachuca Tank | 31°21'11"/110°30'18" |
| SC | Humboldt Canyon | Headwaters to Alum Gulch @ 31°28'25.84"/110°44'01.57" |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49" |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51" |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31" |
| SC | Palisade Canyon | Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47" |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" |
| SC | Patagonia Lake | 31°29'56"/110°50'49" |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SC | Peña Blanca Lake | 31°24'15"/111°05'12" |
| SC | Potrero Creek | Headwaters to Interstate 19 |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39" |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" |
| SC | Ruby Lakes | 31°26'29"/111°14'22" |
| SC | Sabino Creek | Headwaters to 32°23'20"/110°47'06" |
| SC | Sabino Creek | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/ 112°01'47" to the Chin Indian Reservation |
| SC | Soldier Tank | 32°25'34"/110°44'43" |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River |
| SC | Split Tank | 31°28'11"/111°05'12" |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" |
| SC | Tanque Verde Creek | Headwaters to Houghton Road |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Unnamed Trib (Endless Mine Tributary) to Harshaw Creek | Headwaters to Harshaw Creek @ 31°26'12.3"/110°43'27.26" |
| SC | Unnamed Trib (UA2) to Alum Gulch | Headwaters to Alum Gulch @ 31°28'49.67"/110°44'12.86" |
| SC | Unnamed Trib to Cox Gulch | Headwaters to Cox Gulch @ 31°27'53.86"/110°46'51.29" |
| SC | Unnamed Trib to Three R Canyon | Headwaters to Three R Canyon @ 31°28'25.82"/110°46'04.11" |
| SC | Unnamed Wash to Canada Del Oro (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/ 110°48'02" to 5 km downstream |
| SC | Unnamed Wash to Canada del Oro (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro |
| SC | Unnamed Wash to Santa Cruz Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Brewery Gulch | Headwaters to Mule Gulch @ 31°26'27.88"/109°54'48.1" |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River |
| SP | Curry Draw | Headwaters to San Pedro River |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/ 110°19'44" |
| SP | Espirito Canyon Creek | Headwaters to confluence with Soza Wash |
| SP | Fournmile Canyon Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Fournmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" |
| SP | Fournmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek |
| SP | Fournmile Canyon, Right Prong | Headwaters to confluence with Fournmile Canyon |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" |
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SP | Glance Creek | Headwaters to confluence with Whitewater Draw |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/110°19'49" |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River |
| SP | Greenbush Draw | From City of Bisbee San Jose WWTP outfall at 31°20'35.4", -109°56'10.2" to San Pedro River. The City of Bisbee San Jose WWTP outfall discharges to Greenbush Draw. |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/109°22'17" |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Hot Springs Canyon | Headwaters to confluence with the San Pedro River |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/109°43'32" |
| SP | Leslie Creek | Headwaters to confluence with Whitewater Draw |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/110°18'34" |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River |
| SP | Montezuma Creek | Headwaters to Mexico Border @ 31°20'01.87"/110°13'40.97" |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/110°18'52" |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/109°54'02" |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/110°21'37" |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River |
| SP | Parsons Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40"/110°18'42" |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Swamp Springs Canyon Creek | Headwaters to confluence with Redfield Canyon |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/110°26'11" |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/110°26'10" |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Unnamed Wash Mt. Lemmon (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/110°20'12" |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37"/111°26'40" |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek |
| SR | Basin Lake | 33°55'00"/109°26'09" |
| SR | Bear Creek | Headwaters to confluence with the Black River |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Big Lake | 33°52'36"/109°25'33" |
| SR | Bloody Tanks Wash | Headwaters to Schultze Ranch Road |
| SR | Bloody Tanks Wash | Schultze Ranch Road to confluence with Miami Wash |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek |
| SR | Campaign Creek | Headwaters to Roosevelt Lake |
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary |
| SR | Centerfire Creek | Headwaters to confluence with the Black River |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork |
| SR | Deer Creek (D2E) | Headwaters to confluence with the Black River, East Fork |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46" /110°52'35" |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek |
| SR | Fish Creek | Headwaters to confluence with the Salt River |
| SR | Five Point Mountain Tributary | Headwaters to Pinto Creek @ 33°22'25.93"/110°58'14" |
| SR | Gibson Mine Tributary | Headwaters to Pinto Creek @ 33°20'48.99"/110°56'42.31" |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek |
| SR | LaBarge Creek | Headwaters to Canyon Lake |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°25'29"/110°48'20" |
| SR | Pine Creek | Headwaters to confluence with the Salt River |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek |
| SR | Reservation Creek | Headwaters to confluence with the Black River |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash |
| SR | Salome Creek | Headwaters to confluence with the Salt River |
| SR | Salt House Lake | 33°57'04"/109°20'11" |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek |
| SR | Unnamed trib to Black River North Fork East Fork | Headwaters to Black River NF of EF |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Bennett Wash | Headwaters to the Gila River |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek |
| UG | Cima Creek | Headwaters to confluence with Cave Creek |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Dankworth Lake | 32°43'13"/109°42'17" |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River |
| UG | East Whitetail | Headwaters to terminus near San Simon River |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River |
| UG | Foote Creek | Headwaters to confluence with the Blue River |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" |
| UG | Georges Tank | 33°51'24"/109°08'30" |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek |
| UG | Lanphier Canyon | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek |
| UG | Little Creek | Headwaters to confluence with the San Francisco River |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash |
| UG | Markham Creek | Headwaters to confluence with the Gila River |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River |
| UG | Roper Lake | 32°45'23"/109°42'14" |
| UG | Sheep Tank | 32°46'14"/109°48'09" |
| UG | Smith Pond | 32°49'15"/109°50'36" |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek |
| UG | Tinny Pond | 33°47'49"/109°04'27" |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| VR | Banning Creek | Headwaters to Granite Creek @ 34°31'01.02"/112°28'37.63" |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" |
| VR | Barrata Tank | 35°02'43"/112°24'21" |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06" |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek |
| VR | Bray Creek | Headwaters to confluence with Webber Creek |
| VR | Butte Creek | Headwaters to Miller Creek @ 34°32'49.03"/112°28'29.3" |
| VR | Camp Creek | Headwaters to confluence with Verde River |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Chase Creek | Headwaters to confluence with the East Verde River |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'42"/111°52'26" to 34°50'02"/111°52'17" |
| VR | Dude Creek | Headwaters to confluence with the East Verde River |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River |
| VR | Foxboro Lake | 34°53'42"/111°39'55" |
| VR | Fry Lake | 35°03'45"/111°48'04" |
| VR | Gap Creek | Headwaters to confluence with Government Spring |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River |
| VR | Garrett Tank | 35°18'57"/112°42'20" |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" |
| VR | Government Canyon | Headwaters to Granite Creek @ 34°33'29.49"/112°26'53.18" |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" |
| VR | Granite Creek | Headwaters to Watson Lake |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" |
| VR | Heifer Tank | 35°20'27"/112°32'59" |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" |
| VR | Homestead Tank | 35°21'24"/112°41'36" |
| VR | Horse Park Tank | 34°58'15"/111°36'32" |
| VR | Houston Creek | Headwaters to confluence with the Verde River |
| VR | Huffer Tank | 34°27'46"/111°23'11" |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/111°45'51" |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir |
| VR | Mall Creek | Headwaters to East Verde River @ 34°25'03.88"/111°15'49.6" |
| VR | Manzanita Creek | Headwaters to Granite Creek @ 34°31'31.19"/112°28'44.34" |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" |
| VR | Miller Creek | Headwaters to Granite Creek @ 34°32'48.55"/112°28'12.96" |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" |
| VR | Munds Creek (EDW), Tributary to Oak Creek | From Pinewood Sanitary District Kay S. Blackman WWTP outfall at 34°56'09", -111°38'35" to Oak Creek. |
| VR | North Fork Miller | Headwaters to Miller Creek |
| VR | North Granite Creek | Headwaters to Granite Creek @ 34°33'04.33"/112°27'50.45" |
| VR | Oak Creek, West Fork (QAW) | Headwaters to confluence with Oak Creek |
| VR | Odell Lake | 34°56'5"/111°37'53" |
| VR | Peck's Lake | 34°46'51"/112°02'01" |
| VR | Perkins Tank | 35°06'42"/112°04'12" |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51"/111°26'49" |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River |
| VR | Red Creek | Headwaters to confluence with the Verde River |
| VR | Reservoir #1 | 35°13'5"/111°50'09" |
| VR | Reservoir #2 | 35°13'17"/111°50'39" |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek |
| VR | Scholze Lake | 35°11'53"/112°00'37" |
| VR | Slaughterhouse Gulch | Headwaters to Yavapai Res. Boundary |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23"/111°57'21" |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" |
| VR | Stehr Lake | 34°22'01"/111°40'02" |
| VR | Stoneman Lake | 34°46'47"/111°31'14" |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 34°04'42"/111°42'14" |
| VR | Tangle Creek | Headwaters to confluence with Verde River |
| VR | Trinity Tank | 35°27'44"/112°48'01" |
| VR | Unnamed Trib to Granite Creek (UGC) | Headwaters to Yavapai Prescott Reservation Boundary |
| VR | Unnamed Trib to UGC (UUG) | Headwaters to Unnamed Trib to Granite Creek (UGC) |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'53.54"/111°48'40.32" to Volunteer Wash |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | |
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| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash |
| VR | Watson Lake | 34°34'58"/112°25'26" |
| VR | Webber Creek | Headwaters to confluence with the East Verde River |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/111°34'34" |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash |
| VR | Williscraft Tank | 35°11'22"/112°35'40" |
| VR | Willow Creek | Above Willow Creek Reservoir |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" |

Historical Note

Table C made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-217. Best Management Practices for non-WOTUS Protected Surface Waters

- A.** The BMPs described in this rule are intended to ensure that activities within the ordinary high-water mark of perennial or intermittent non-WOTUS protected surface waters, or within the bed and bank of other waters that materially impact (i.e., are within 1/4 mile upstream of) non-WOTUS protected surface waters, do not violate applicable surface water quality standards in the non-WOTUS protected surface waters. For purposes of this Section, the activities described in the prior sentence will be referred to as “regulated activities.” Depending on the regulated activities conducted, not all of the BMPs described below may be applicable to a particular project. The owner or operator is responsible to consider the BMPs outlined below and to implement those necessary to ensure that the regulated activities will not violate applicable surface water quality standards in the non-WOTUS protected surface water.
- B.** The BMPs described below are not applicable to any activities that are addressed under an individual or general AZPDES permit that are otherwise regulated under A.R.S. Title 49.
- C.** Erosion and sedimentation control BMPs:
 - 1. When flow is present in any non-WOTUS protected surface waters within a project area, flow shall not be altered except to prevent erosion or pollution of any non-WOTUS protected surface waters.
 - 2. Any disturbance within the ordinary high-water mark of non-WOTUS protected surface waters or within the bed and banks of other waters, that is not intended to be permanently altered, shall be stabilized as soon as practicable to prevent erosion and sedimentation.
 - 3. When flow in any non-WOTUS protected surface water is sufficient to erode, carry, or deposit material, regulated activities shall cease until:
 - a. The flow decreases below the point where sediment movement ceases; or
 - b. Control measures have been undertaken, i.e., equipment and material easily transported by flow are protected within non-erodible barriers or moved outside the flow area.
 - 4. Silt laden or turbid water resulting from regulated activities should be managed in a manner to reduce sediment load prior to discharging.
 - 5. No washing or dewatering of fill material should occur within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters. Other than the replacement of native fill or material used to support vegetation rooting or growth, fill placed within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.

D. Pollutant management BMPs:

- 1. If regulated activities are likely to violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water, operations shall cease until the problem is resolved or until control measures have been implemented.
- 2. Construction material and/or fill (other than native fill or that necessary to support revegetation) placed within surface waters as a result of regulated activities shall not include pollutants in concentrations that will violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water.

E. Construction phase BMPs:

- 1. Equipment staging and storage areas or fuel, oil, and other petroleum products storage and solid waste containment should not be located within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water.
- 2. Any equipment maintenance, washing, or fueling shall not be done within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters with the following exception: Equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in non-WOTUS protected surface waters (but outside of standing or flowing water) provided material specifically manufactured and sold as spill containment is in place during fueling/servicing.
- 3. All equipment shall be inspected for leaks, all leaks shall be repaired, and all repaired equipment shall be cleaned to remove any fuel or other fluid residue prior to use within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
- 4. Washout of concrete handling equipment shall not take place within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.

F. Post-construction BMPs:

- 1. Upon completion of regulated activities, areas within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters shall be promptly cleared of all forms, piling, construction residues, equipment, debris, or other obstructions.
- 2. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, steps will be taken using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
- 3. Any permanent water crossings within the ordinary high-water mark of any perennial or intermittent in a non-WOTUS protected surface water (other than fords) shall

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not be equipped with gutters, drains, scuppers, or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a non-WOTUS protected surface water if such runoff can be directed to a local stormwater drainage, containment, and/or treatment system.

4. Debris shall be cleared as needed from culverts, ditches, dips, and other drainage structures within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water to prevent clogging or conditions that may lead to a washout.
 5. Temporary structures constructed or imported materials shall be removed no later than upon completion of the regulated activities.
 6. Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause erosion, or cause changes in sediment load, shall be removed no later than upon completion of the regulated activities.
- G. Design consideration BMPs:**
1. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways, culvert crossings, staging areas, material stockpiles, berms, dikes, and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
 2. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks. Examples of unacceptable materials include clay, silt, sand, and gravel finer than cobble (roughly fist-sized). The armoring shall, via mass, anchoring systems, or a combination of the two, resist washout.
- H. Notification.** The owner or operator of any regulated activities shall, five days prior to initiation of the regulated activities, submit a notice to ADEQ on a form that includes basic information including the GPS location, the waterbody ID of the nearest non-WOTUS protected surface water, general description of planned activities, types of BMPs to be employed during the project, and phone number and email for a contact person. Work may proceed after five calendar days have passed since the owner/operator provided notification to ADEQ unless ADEQ responds in writing to the contact person for the owner/operator.
- I. Exclusions:** The BMPs and notification requirements in this Section shall not apply to:
1. Activities that are already regulated under A.R.S. Title 49.
 2. Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 3. Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 4. Maintenance but not construction of drainage ditches.
 5. Construction and maintenance of irrigation ditches.
 6. Maintenance of structures as dams, dikes, and levees.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix A. Repealed**Historical Note**

Former Section R9-21-208, Appendices 1 through 9 renumbered and amended as new Appendix A adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

Appendix B. Repealed**Historical Note**

Former R9-21-209, Table 1 and Table 2 renumbered and amended as Appendix B adopted effective January 7, 1985 (Supp.85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS**R18-11-301. Definitions**

The terms in this Article have the following meanings:

“Direct reuse” has the meaning prescribed in R18-9-701(1).

“Disinfection” means a treatment process that uses oxidants, ultraviolet light, or other agents to kill or inactivate pathogenic organisms in wastewater.

“Filtration” means a treatment process that removes particulate matter from wastewater by passage through porous media.

“Gray water” means wastewater, collected separately from a sewage flow, that originates from a clothes washer, bathtub, shower, or sink, but it does not include wastewater from a kitchen sink, dishwasher, or a toilet.

“Industrial wastewater” means wastewater generated from an industrial process.

“Landscape impoundment” means a manmade lake, pond, or impoundment of reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage, landscaping, or for aesthetic purposes only.

“NTU” means nephelometric turbidity unit.

“On-site wastewater treatment facility” has the meaning prescribed in A.R.S. § 49-201(24).

“Open access” means that access to reclaimed water by the general public is uncontrolled.

“Reclaimed water” has the meaning prescribed in A.R.S. § 49-201(31).

“Recreational impoundment” means a manmade lake, pond, or impoundment of reclaimed water where boating or fishing is an intended use of the impoundment. Swimming and other full-body recreation activities (for example, water-skiing) are prohibited in a recreational impoundment.

“Restricted access” means that access to reclaimed water by the general public is controlled.

“Secondary treatment” means a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR § 133.102.

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“Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in places of human habitation, employment, or recreation.

Historical Note

Adopted effective July 9, 1981 (Supp. 81-4). Former Section R9-21-301 renumbered without change as Section R18-11-301 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-302. Applicability

This Article applies to the direct reuse of reclaimed water, except for:

1. The direct reuse of gray water, or
2. The direct reuse of reclaimed water from an onsite wastewater treatment facility regulated by a general Aquifer Protection Permit under 18 A.A.C. 9, Article 3.

Historical Note

Adopted effective June 8, 1981 (Supp. 81-3). Amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-302 renumbered without change as Section R18-11-302 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-303. Class A+ Reclaimed Water

- A. Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A+ reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A+ reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
 3. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.

- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A+ reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.
- D. Class A+ reclaimed water is not required for any type of direct reuse. A person may use Class A+ reclaimed water for any type of direct reuse listed in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-303 renumbered without change as Section R18-11-303 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-304. Class A Reclaimed Water

- A. Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in subsection (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.

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tion (B)(2) before discharge to a reclaimed water distribution system.

- D. A person shall use Class A reclaimed water for a type of direct reuse listed as Class A in Table A. A person may use Class A reclaimed water for a type of direct reuse listed as Class B or Class C in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-304 renumbered without change as Section R18-11-304 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-305. Class B+ Reclaimed Water

- A. Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- B. An owner of a facility shall ensure that:
1. Class B+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
 2. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.
- C. Class B+ reclaimed water is not required for a type of direct reuse. A person may use Class B+ reclaimed water for a type of direct reuse listed as Class B or Class C in Table A. A person shall not use Class B+ reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-306. Class B Reclaimed Water

- A. Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- B. An owner of a facility shall ensure that Class B reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
1. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
- C. A person shall use a minimum of Class B reclaimed water for a type of direct reuse listed as Class B in Table A. A person may use Class B reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class B reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-307. Class C Reclaimed Water

- A. Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.
- B. The owner of a facility shall ensure that:
1. The total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days.
 2. Class C reclaimed water meets the following criteria after treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven reclaimed water samples taken is less than 1000 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 4000 / 100 ml.
- C. A person shall use a minimum of Class C reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class C reclaimed water for a type of direct reuse listed as Class A or Class B in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-308. Industrial Reuse

- A. The reclaimed water quality requirements for the following direct reuse applications are industry-specific and shall be determined by the Department on a case-by-case basis in a reclaimed water permit issued by the Department under 18 A.A.C. 9, Article 7:
1. Direct reuse of industrial wastewater containing sewage.
 2. Direct reuse of industrial wastewater for the production or processing of any crop used as human or animal food.
- B. The Department shall use best professional judgment to determine the reclaimed water quality requirements needed to protect public health and the environment for a type of direct reuse specified in subsection (A).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-309. Reclaimed Water Quality Standards for an Unlisted Type of Direct Reuse

- A. The Department may prescribe in an individual reclaimed water permit issued under 18 A.A.C. 9, Article 7, reclaimed water quality requirements for a type of direct reuse not listed in Table A. Before permitting a direct reuse of reclaimed water not listed in Table A, the Department shall, using its best professional judgment, determine and require compliance with reclaimed water quality requirements needed to protect public health and the environment.
- B. Department may determine that Class A+, A, B+, B, or C reclaimed water is appropriate for a new type of direct reuse.
- C. The Department shall consider the following factors when prescribing reclaimed water quality requirements for a new type of direct reuse:
1. The risk to public health;
 2. The degree of public access to the site where the reclaimed water is reused and human exposure to the reclaimed water;
 3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
 4. The level of treatment necessary to prevent nuisance conditions;

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5. Specific water quality requirements for the intended type of direct reuse;
6. The means of application of the reclaimed water;
7. The degree of treatment necessary to avoid a violation of surface water quality standards or aquifer water quality standards;
8. The potential for improper or unintended use of the reclaimed water;
9. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that apply to the new type of direct reuse; and
10. Similar wastewater reclamation experience of reclaimed water providers in the United States.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

Table A. Minimum Reclaimed Water Quality Requirements for Direct Reuse

| Type of Direct Reuse | Minimum Class of Reclaimed Water Required |
|--|---|
| Irrigation of food crops | A |
| Recreational impoundments | A |
| Residential landscape irrigation | A |
| Schoolground landscape irrigation | A |
| Open access landscape irrigation | A |
| Toilet and urinal flushing | A |
| Fire protection systems | A |
| Spray irrigation of an orchard or vineyard | A |
| Commercial closed loop air conditioning systems | A |
| Vehicle and equipment washing (does not include self-service vehicle washes) | A |
| Snowmaking | A |
| Surface irrigation of an orchard or vineyard | B |
| Golf course irrigation | B |
| Restricted access landscape irrigation | B |
| Landscape impoundment | B |
| Dust control | B |
| Soil compaction and similar construction activities | B |
| Pasture for milking animals | B |
| Livestock watering (dairy animals) | B |
| Concrete and cement mixing | B |
| Materials washing and sieving | B |
| Street cleaning | B |
| Pasture for non-dairy animals | C |
| Livestock watering (non-dairy animals) | C |
| Irrigation of sod farms | C |
| Irrigation of fiber, seed, forage, and similar crops | C |
| Silviculture | C |

Note: Nothing in this Article prevents a wastewater treatment plant from using a higher quality reclaimed water for a type of direct reuse than the minimum class of reclaimed water listed in Table A. For example, a wastewater treatment plant may provide Class A reclaimed water for a type of direct reuse where Class B or Class C reclaimed water is acceptable.

Historical Note

New Table adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

R18-11-401. Definitions

In addition to the definitions contained in A.R.S. §§ 49-101 and 49-201, the terms of this Article shall have the following meanings:

1. "Beta particle and photon radioactivity from man-made radionuclides" means all radionuclides emitting beta particles or photons, except Thorium-232, Uranium-235, Uranium-238 and their progeny.
2. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements.
3. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
4. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
5. "Mg/l" means milligrams per liter.
6. "Millirem" means 1/1000 of a rem. A rem means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.
7. "Non-drinking water protected use" means the protection and maintenance of aquifer water quality for a use other than for human consumption.
8. "pCi" means picocurie, or the quantity of radioactive material producing 2.22 nuclear transformations per minute.
9. "Total trihalomethanes" means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromo-chloromethane, bromodichloromethane and tribromo-methane (bromoform).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3).

R18-11-402. Repealed

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Repealed effective August 14, 1992 (Supp. 92-3).

R18-11-403. Analytical Methods

Analysis of a sample to determine compliance with an aquifer water quality standard shall be in accordance with an analytical method specified in A.A.C. Title 9, Chapter 14, Article 6 or an alternative analytical method that is approved by the Director of the Arizona Department of Health Services pursuant to A.A.C. R9-14-610(C).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3). Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-404. Laboratories

A test result from a sample taken to determine compliance with an aquifer water quality standard shall be valid only if the sample has

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been analyzed by a laboratory that is licensed by the Arizona Department of Health Services for the analysis performed.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-405. Narrative Aquifer Water Quality Standards

- A. A discharge shall not cause a pollutant to be present in an aquifer classified for a drinking water protected use in a concentration which endangers human health.
- B. A discharge shall not cause or contribute to a violation of a water quality standard established for a navigable water of the state.
- C. A discharge shall not cause a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in an aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. The aquifer water quality standards in this Section apply to aquifers that are classified for drinking water protected use.
- B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | mg/L |
|----------------------------|--|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

- C. The following are the aquifer water quality standards for organic chemicals:

| Pollutant | (mg/L) |
|----------------------------|--------|
| Benzene | 0.005 |
| Benzo (a) pyrene | 0.0002 |
| Carbon Tetrachloride | 0.005 |
| o-Dichlorobenzene | 0.6 |
| para-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| cis-1,2-Dichloroethylene | 0.07 |
| trans-1,2-Dichloroethylene | 0.1 |
| 1,2-Dichloropropane | 0.005 |
| Dichloromethane | 0.005 |
| Di (2-ethylhexyl) adipate | 0.4 |
| Di (2-ethylhexyl) pthalate | 0.006 |

| | |
|---------------------------|------------|
| Ethylbenzene | 0.7 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Monochlorobenzene | 0.1 |
| Pentachlorophenol | 0.001 |
| Styrene | 0.1 |
| 2,3,7,8-TCDD (Dioxin) | 0.00000003 |
| Tetrachloroethylene | 0.005 |
| Toluene | 1 |
| Trihalomethanes (Total) | 0.10 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.20 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Vinyl Chloride | 0.002 |
| Xylenes (Total) | 10 |

- D. The following are the aquifer water quality standards for pesticides and polychlorinated biphenyls (PCBs):

| Pollutant | (mg/L) |
|---|---------|
| Alachlor | 0.002 |
| Atrazine | 0.003 |
| Carbofuran | 0.04 |
| Chlordane | 0.002 |
| Dalapon | 0.2 |
| 1,2-Dibromo-3-Chloropropane (DBCP) | 0.0002 |
| 2,4,-Dichlorophenoxyacetic Acid(2,4-D) | 0.07 |
| Dinoseb | 0.007 |
| Diquat | 0.02 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylene Dibromide (EDB) | 0.00005 |
| Glyphosate | 0.7 |
| Heptachlor | 0.0004 |
| Heptachlor Epoxide | 0.0002 |
| Lindane | 0.0002 |
| Methoxychlor | 0.04 |
| Oxamyl | 0.2 |
| Picloram | 0.5 |
| Polychlorinated Biphenols (PCBs) | 0.0005 |
| Simazine | 0.004 |
| Toxaphene | 0.003 |
| 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex) | 0.05 |

- E. The following are the aquifer water quality standards for radionuclides:

1. The maximum concentration for gross alpha particle activity, including Radium-226 but excluding radon and uranium, shall not exceed 15 pCi/l.
2. The maximum concentration for combined Radium-226 and Radium-228 shall not exceed 5 pCi/l.
3. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
4. Except for the radionuclides listed in this subsection, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2-liter-per-day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Con-

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centration of Radionuclides in Air or Water for Occupational Exposure,” National Bureau of Standards Handbook 69, National Bureau of Commerce, as amended August 1963 (and no future editions), incorporated herein by reference and on file with the Office of the Secretary of State and with the Department. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year. The following average annual concentrations are assumed to produce a total body or organ dose of 4 millirem/year:

| Radionuclide | Critical Organ | pCi/l |
|--------------|----------------|--------|
| Tritium | Total body | 20,000 |
| Strontium-90 | Bone Marrow | 8 |

- F. The aquifer water quality standard for microbiological contaminants is based upon the presence or absence of total coliforms in a 100-milliliter sample. If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological contaminants.
- G. The following are the aquifer water quality standards for turbidity:
- One nephelometric turbidity unit as determined by a monthly average except that five or fewer nephelometric turbidity units may be allowed if it can be determined that the higher turbidity does not interfere with disinfection, prevent maintenance of effective disinfectant agents in water supply distribution systems, or interfere with microbiological determinations.
 - Five nephelometric turbidity units based on an average of two consecutive days.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended effective May 26, 1994 (Supp. 94-2).

R18-11-407. Aquifer Water Quality Standards in Reclassified Aquifers

- A. All aquifers in the state are classified for drinking water protected use except for aquifers which are reclassified to a non-drinking water protected use pursuant to A.R.S. § 49-224 and A.A.C. R18-11-503.
- B. Aquifer water quality standards for drinking water protected use apply to reclassified aquifers except where expressly superseded by aquifer water quality standards adopted pursuant to subsection (C).
- C. The Director shall adopt, by rule, aquifer water quality standards for reclassified aquifers within one year of the date of the order reclassifying the aquifer to a nondrinking water protected use. The Director shall adopt aquifer water quality standards for reclassified aquifers only for pollutants that are specifically identified in a petition for reclassification as prescribed by A.R.S. § 49-223(E) and A.A.C. R18-11-503(B). Aquifer water quality standards for reclassified aquifers shall be sufficient to protect the use of the reclassified aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-408. Petition for Adoption of a Numeric Aquifer Water Quality Standard

- A. Any person may petition the Director to adopt, by rule, a numeric aquifer water quality standard for a pollutant for which no numeric aquifer water quality standard exists.
- B. Petitions for adoption of a numeric aquifer water quality standard shall be filed with the Department and shall comply with the requirements applicable to petitions for rule adoption as provided by A.R.S. § 41-1033 and A.A.C. R18-1-302, except as otherwise provided by A.R.S. § 49-223 or this Section.
- C. In addition to the requirements of A.A.C. R18-1-302, a petition for rule adoption to establish a numeric aquifer water quality standard shall include specific reference to:
- Technical information that the pollutant is a toxic pollutant.
 - Technical information upon which the Director reasonably may base the establishment of a numeric aquifer water quality standard.
 - Evidence that the pollutant that is the subject of the petition is or may in the future be present in an aquifer or part of an aquifer that is classified for drinking water protected use. Evidence may include, but is not limited to, any of the following:
 - A laboratory analysis of a water sample by a laboratory licensed by the Arizona Department of Health Services which indicates the presence of the pollutant in the aquifer.
 - A hydrogeological study which demonstrates that the pollutant that is the subject of the petition may be present in an aquifer in the future. The hydrogeological study shall include the following:
 - A description of the use that results in a discharge of the pollutant that is the subject of the petition.
 - A description of the mobility of the pollutant in the vadose zone and in the aquifer.
 - A description of the persistence of the pollutant in the vadose zone and in the aquifer.
- D. Within 180 calendar days of the receipt of a complete petition for rule adoption to establish a numeric aquifer water quality standard, the Director shall make a written determination of whether the petition should be granted or denied. The Director shall give written notice by regular mail of the determination to the petitioner.
- E. If the petition for rule adoption is granted, the Director shall initiate rulemaking proceedings to adopt a numeric aquifer water quality standard. The Director shall, within one year of the date that the petition for adoption of a numeric aquifer water quality standard is granted, either adopt a rule establishing a numeric aquifer water quality standard or publish a notice of termination of rulemaking in the Arizona Administrative Register.
- F. If the petition for rule adoption is denied, the Director shall issue a denial letter to the petitioner which explains the reasons for the denial. The denial of a petition for rule adoption to establish a numeric aquifer water quality standard is not subject to judicial review.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).

Appendix 1. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

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Appendix 2. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 3. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 4. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 5. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 6. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 7. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

ARTICLE 5. AQUIFER BOUNDARY AND PROTECTED USE CLASSIFICATION

R18-11-501. Definitions

In addition to the definitions contained in A.R.S. § 49-201, the words and phrases of this Article shall have the following meaning:

1. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
2. "Hardrock areas containing little or no water" means areas of igneous or metamorphic rock which do not yield usable quantities of water.
3. "Nondrinking water protected use" means the protection and maintenance of aquifer water quality for a use other than human consumption.
4. "Usable quantities" means five gallons of water per day.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-502. Aquifer Boundaries

- A. Except as provided in subsection (B), aquifer boundaries for the aquifers in this state are identified and defined as being identical to the hydrologic basin and subbasin boundaries, as found by the Director of the Department of Water Resources, Findings and Order In the Matter of The Designation of Groundwater Basins and Subbasins In The State of Arizona (dated June 21, 1984), pursuant to A.R.S. §§ 45-403 and 45-404, which is incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.
- B. Excluded from the boundaries of the aquifers are hard rock areas which contain little or no water, as identified in Plate 1 of the Department of Water Resources, Water Resource Hydro-

logic Map Series Report Number 2 (dated January 1981) and as further identified in the Bureau of Mines, University of Arizona County Geologic Map Series (individual county maps dated 1957 through 1960), which are incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.

- C. The Director may, by rule, modify or add an aquifer boundary provided that one or more of the following applies:
 1. The Department of Water Resources modifies the boundaries of its basins or subbasins.
 2. The Director is made aware of new technical information or data which supports refinement of an aquifer boundary.
- D. Facilities located outside of the boundaries defined in these rules shall be subject to A.R.S. § 49-241 except as provided therein.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-503. Petition for reclassification

- A. Any person may petition the Director to reclassify an aquifer from a drinking water protected use to a nondrinking water protected use pursuant to A.R.S. § 49-224(C).
- B. A written petition for reclassification pursuant to A.R.S. § 49-224(C) or A.R.S. § 49-224(D) shall be filed with the Department and shall include the following categories of information:
 1. The proposed protected use for which the reclassification is being requested.
 2. The pollutant and affected aquifer water quality standards for which the reclassification is being requested.
 3. A hydrogeologic report which demonstrates that the aquifer proposed for reclassification is or will be hydrologically isolated, to the extent described in A.R.S. § 49-224(C)(1). This report and demonstration of hydrologic isolation for the area containing such aquifer, and immediate adjacent geologic units, shall include at least the following:
 - a. Hydrogeologic area maps and cross sections.
 - b. An analysis of subsurface geology, including geologic and hydrologic separation.
 - c. Water level elevation or piezometric level contour maps.
 - d. Analysis of hydrologic characteristics of the aquifer and the immediate adjacent geologic units.
 - e. Description of existing water quality and analysis of water chemistry.
 - f. Projected annual quantity of water to be withdrawn.
 - g. Identification of pumping centers, cones of depression and areas of recharge.
 - h. A water balance.
 - i. Existing flow direction and evaluation of the effects of seasonal and future pumping on flow.
 - j. An evaluation as to whether the reclassification will contribute to or cause a violation of aquifer water quality standards in other aquifers, or in parts of the aquifer not being proposed for reclassification.
 4. Documentation demonstrating that water from the aquifer or part of the aquifer for which reclassification is pro-

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posed is not being used as drinking water. This documentation shall include at least the following:

- a. A list of all wells or springs including their location, ownership and use within the aquifer or part of the aquifer being proposed for reclassification.
 - b. Identification of groundwater withdrawal rights, on file with the Department of Water Resources, within the aquifer or part of the aquifer being proposed for reclassification.
 - c. A comprehensive list of agencies, persons and other information sources consulted for aquifer use documentation.
5. A cost-benefit analysis developed pursuant to the requirements of A.R.S. § 49-224(C)(3), except for petitions submitted pursuant to A.R.S. § 49-224(D). This analysis shall identify potential future uses of the aquifer being proposed for reclassification, as well as other opportunity costs associated with reclassification, and shall contain a description of the cost-benefit methodology used, including all assumptions, data, data sources and criteria considered and all supporting statistical analyses.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-504. Agency Action on Petition

- A. Upon receipt of a petition for reclassification, the Director shall review the petition for compliance with the requirements of R18-11-503. If additional information is necessary, the petitioner shall be notified of specific deficiencies in writing within 30 calendar days of receipt of the petition.
- B. Within 120 calendar days after receipt of a complete petition, and after consultation with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C), the Director shall make a final decision to grant or deny the petition and shall notify the petitioner of such decision and the reason for such determination in writing.
- C. Upon a decision to grant a petition for aquifer reclassification, the Director shall initiate proceedings for promulgation of aquifer water quality standards and, if applicable, for aquifer boundary designation for the reclassified aquifers.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-505. Public participation

- A. Within 30 days of receipt of a complete petition for reclassification filed pursuant to A.R.S. § 49-224(D), or if the Director deems it necessary to consider a reclassification under A.R.S. § 49-224(C), the Director shall give public notice of the proposed reclassification pursuant to A.A.C. R18-1-401.
- B. The Director shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification. The Director shall give notice of each public hearing and conduct the public hearing in accordance with the provisions of A.A.C. R18-1-402.

Historical Note

Adopted effective June 29, 1989 (Supp. 89-2).

R18-11-506. Rescission of Reclassification

The Director may, by rule, rescind an aquifer reclassification and return an aquifer to a drinking water protected use if he determines that any of the conditions under which the reclassification was

granted are no longer valid. If the Director initiates a change under this Section, he shall consult with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C).

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

ARTICLE 6. IMPAIRED WATER IDENTIFICATION

Article 6, consisting of Sections R18-11-601 through R18-11-606, made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-601. Definitions

In addition to the definitions established in A.R.S. §§ 49-201 and 49-231, and A.A.C. R18-11-101, the following terms apply to this Article:

1. "303(d) List" means the list of surface waters or segments required under section 303(d) of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 2.1, for which TMDLs are developed and submitted to EPA for approval.
2. "Attaining" means there is sufficient, credible, and scientifically defensible data to assess a surface water or segment and the surface water or segment does not meet the definition of impaired or not attaining.
3. "AZPDES" means the Arizona Pollutant Elimination Discharge System.
4. "Credible and scientifically defensible data" means data submitted, collected, or analyzed using:
 - a. Quality assurance and quality control procedures under A.A.C. R18-11-602;
 - b. Samples or analyses representative of water quality conditions at the time the data were collected;
 - c. Data consisting of an adequate number of samples based on the nature of the water in question and the parameters being analyzed; and
 - d. Methods of sampling and analysis, including analytical, statistical, and modeling methods that are generally accepted and validated by the scientific community as appropriate for use in assessing the condition of the water.
5. "Designated use" means those uses specified in 18 A.A.C. 11, Article 1 for each surface water or segment whether or not they are facing.
6. "EPA" means the U.S. Environmental Protection Agency.
7. "Impaired water" means a Navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 United States Code § 1313(d) and the regulations implementing that statute. A.R.S. § 49-231(1).
8. "Laboratory detection limit" means a "Method Reporting Limit" (MRL) or "Reporting Limit" (RL). These analogous terms describe the laboratory reported value, which is the lowest concentration level included on the calibration curve from the analysis of a pollutant that can be quantified in terms of precision and accuracy.
9. "Monitoring entity" means the Department or any person who collects physical, chemical, or biological data used for an impaired water identification or a TMDL decision.
10. "Naturally occurring condition" means the condition of a surface water or segment that would have occurred in the

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- absence of pollutant loadings as a result of human activity.
11. "Not attaining" means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
 - a. A TMDL is prepared and implemented for the surface water;
 - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
 - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
 12. "NPDES" means National Pollutant Discharge Elimination System.
 13. "Planning List" means a list of surface waters and segments that the Department will review and evaluate to determine if the surface water or segment is impaired and whether a TMDL is necessary.
 14. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. 1362(6). Characteristics of water, such as dissolved oxygen, pH, temperature, turbidity, and suspended sediment are considered pollutants if they result or may result in the non-attainment of a water quality standard.
 15. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." 33 U.S.C. 1362(19).
 16. "QAP" means a quality assurance plan detailing how environmental data operations are planned, implemented, and assessed for quality during the duration of a project.
 17. "Sampling event" means one or more samples taken under consistent conditions on one or more days at a distinct station or location.
 18. "SAP" means a site specific sampling and analysis plan that describes the specifics of sample collection to ensure that data quality objectives are met and that samples collected and analyzed are representative of surface water conditions at the time of sampling.
 19. "Spatially independent sample" means a sample that is collected at a distinct station or location. The sample is independent if the sample was collected:
 - a. More than 200 meters apart from other samples, or
 - b. Less than 200 meters apart, and collected to characterize the effect of an intervening tributary, outfall or other pollution source, or significant hydrographic or hydrologic change.
 20. "Temporally independent sample" means a sample that is collected at the same station or location more than seven days apart from other samples.
 21. "Threatened" means that a surface water or segment is currently attaining its designated use, however, trend analysis, based on credible and scientifically defensible data, indicates that the surface water or segment is likely to be impaired before the next listing cycle.
 22. "TMDL" means total maximum daily load.
 23. "TMDL decision" means a decision by the Department to:
 - a. Prioritize an impaired water for TMDL development,
 - b. Develop a TMDL for an impaired water, or
 - c. Develop a TMDL implementation plan.
 24. "Total maximum daily load" means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. A.R.S. § 49-231(4).
 25. "Water quality standard" means a standard composed of designated uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the antidegradation policy, and moderating provisions, for example, mixing zones, site-specific alternative criteria, and exemptions, in A.A.C. Title 18, Chapter 11, Article 1.
 26. "WQARF" means the water quality assurance revolving fund established under A.R.S. § 49-282.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-602. Credible Data

- A. Data are credible and relevant to an impaired water identification or a TMDL decision when:
 1. Quality Assurance Plan. A monitoring entity, which contribute data for an impaired water identification or a TMDL decision, provides the Department with a QAP that contains, at a minimum, the elements listed in subsections (A)(1)(a) through (A)(1)(f). The Department may accept a QAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 - a. An approval page that includes the date of approval and the signatures of the approving officials, including the project manager and project quality assurance manager;
 - b. A project organization outline that identifies all key personnel, organizations, and laboratories involved in monitoring, including the specific roles and responsibilities of key personnel in carrying out the procedures identified in the QAP and SAP, if applicable;
 - c. Sampling design and monitoring data quality objectives or a SAP that meets the requirements of subsection (A)(2) to ensure that:
 - i. Samples are spatially and temporally representative of the surface water,
 - ii. Samples are representative of water quality conditions at the time of sampling, and
 - iii. The monitoring is reproducible;
 - d. The following field sampling information to assure that samples meet data quality objectives:
 - i. Sampling and field protocols for each parameter or parametric group, including the sampling methods, equipment and containers, sample preservation, holding times, and any analysis

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- proposed for completion in the field or outside of a laboratory;
- ii. Field and laboratory methods approved under subsection (A)(5);
 - iii. Handling procedures to identify samples and custody protocols used when samples are brought from the field to the laboratory for analysis;
 - iv. Quality control protocols that describe the number and type of field quality control samples for the project that includes, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - v. Procedures for testing, inspecting, and maintaining field equipment;
 - vi. Field instrument calibration procedures that describe how and when field sampling and analytical instruments will be calibrated;
 - vii. Field notes and records that describe the conditions that require documentation in the field, such as weather, stream flow, transect information, distance from water edge, water and sample depth, equipment calibration measurements, field observations of watershed activities, and bank conditions. Indicate the procedures implemented for maintaining field notes and records and the process used for attaching pertinent information to monitoring results to assist in data interpretation;
 - viii. Minimum training and any specialized training necessary to do the monitoring, that includes the proper use and calibration of field equipment used to collect data, sampling protocols, quality assurance/quality control procedures, and how training will be achieved;
- e. Laboratory analysis methods and quality assurance/quality control procedures that assure that samples meet data quality objectives, including:
 - i. Analytical methods and equipment necessary for analysis of each parameter, including identification of approved laboratory methods described in subsection (A)(5), and laboratory detection limits for each parameter;
 - ii. The name of the designated laboratory, its license number, if licensed by the Arizona Department of Health Services, and the name of a laboratory contact person to assist the Department with quality assurance questions;
 - iii. Quality controls that describe the number and type of laboratory quality control samples for the project, including, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - iv. Procedures for testing, inspecting, and maintaining laboratory equipment and facilities;
 - v. A schedule for calibrating laboratory instruments, a description of calibration methods, and a description of how calibration records are maintained; and
 - vi. Sample equipment decontamination procedures that outline specific methods for sample collection and preparation of equipment, identify the frequency of decontamination, and describe the procedures used to verify decontamination;
 - f. Data review, management, and use that includes the following:
 - i. A description of the data handling process from field to laboratory, from laboratory to data review and validation, and from validation to data storage and use. Include the role and responsibility of each person for each step of the process, type of database or other storage used, and how laboratory and field data qualifiers are related to the laboratory result;
 - ii. Reports that describe the intended frequency, content, and distribution of final analysis reports and project status reports;
 - iii. Data review, validation, and verification that describes the procedure used to validate and verify data, the procedures used if errors are detected, and how data are accepted, rejected, or qualified; and
 - iv. Reconciliation with data quality objectives that describes the process used to determine whether the data collected meets the project objectives, which may include discarding data, setting limits on data use, or revising data quality objectives.
2. Sampling and analysis plan.
 - a. A monitoring entity shall develop a SAP that contains, at a minimum, the following elements:
 - i. The experimental design of the project, the project goals and objectives, and evaluation criteria for data results;
 - ii. The background or historical perspective of the project;
 - iii. Identification of target conditions, including a discussion of whether any weather, seasonal variations, stream flow, lake level, or site access may affect the project and the consideration of these factors;
 - iv. The data quality objectives for measurement of data that describe in quantitative and qualitative terms how the data meet the project objectives of precision, accuracy, completeness, comparability, and representativeness;
 - v. The types of samples scheduled for collection;
 - vi. The sampling frequency;
 - vii. The sampling periods;
 - viii. The sampling locations and rationale for the site selection, how site locations are benchmarked, including scaled maps indicating approximate location of sites; and
 - ix. A list of the field equipment, including tolerance range and any other manufacturer's specifications relating to accuracy and precision.
 - b. The Department may accept a SAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 3. The monitoring entity may include any of the following in the QAP or SAP:

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- a. The name, title, and role of each person and organization involved in the project, identifying specific roles and responsibilities for carrying out the procedures identified in the QAP and SAP;
 - b. A distribution list of each individual and organization receiving a copy of the approved QAP and SAP;
 - c. A table of contents;
 - d. A health and safety plan;
 - e. The inspection and acceptance requirements for supplies;
 - f. The data acquisition that describes types of data not obtained through this monitoring activity, but used in the project;
 - g. The audits and response actions that describe how field, laboratory, and data management activities and sampling personnel are evaluated to ensure data quality, including a description of how the project will correct any problems identified during these assessments; and
 - h. The waste disposal methods that identify wastes generated in sampling and methods for disposal of those wastes.
4. Exceptions. The Department may determine that the following data are also credible and relevant to an impaired water identification or TMDL decision when data were collected, provided the conditions in subsections (A)(5), (A)(6), and (B) are met, and where the data were collected in the surface water or segment being evaluated for impairment:
 - a. The data were collected before July 12, 2002 and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2);
 - b. The data were collected after July 12, 2002 as part of an ongoing monitoring effort by a governmental agency and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2); or
 - c. The instream water quality data were or are collected under the terms of a NPDES or AZPDES permit or a compliance order issued by the Department or EPA, a consent decree signed by the Department or EPA, or a sampling program approved by the Department or EPA under WQARF or CERCLA, and the Department determines that the data yield results of comparable reliability to data collected under subsections (A)(1) and (A)(2).
 5. Data collection, preservation, and analytical procedures. The monitoring entity shall collect, preserve, and analyze data using methods of sample collection, preservation, and analysis established under A.A.C. R9-14-610.
 6. Laboratory. The monitoring entity shall ensure that chemical and toxicological samples are analyzed in a state-licensed laboratory, a laboratory exempted by the Arizona Department of Health Services for specific analyses, or a federal or academic laboratory that can demonstrate proper quality assurance/quality control procedures substantially equal to those required by the Arizona Department of Health Services, and shall ensure that the laboratory uses approved methods identified in A.A.C. R9-14-610.
- B. Documentation for data submission. The monitoring entity shall provide the Department with the following information either before or with data submission:
 1. A copy of the QAP or SAP, or both, revisions to a previously submitted QAP or SAP, and any other information necessary for the Department to evaluate the data under subsection (A)(4);
 2. The applicable dates of the QAP and SAP, including any revisions;
 3. Written assurance that the methods and procedures specified in the QAP and SAP were followed;
 4. The name of the laboratory used for sample analyses and its certification number, if the laboratory is licensed by the Arizona Department of Health Services;
 5. The quality assurance/quality control documentation, including the analytical methods used by the laboratory, method number, detection limits, and any blank, duplicate, and spike sample information necessary to properly interpret the data, if different from that stated in the QAP or SAP;
 6. The data reporting unit of measure;
 7. Any field notes, laboratory comments, or laboratory notations concerning a deviation from standard procedures, quality control, or quality assurance that affects data reliability, data interpretation, or data validity; and
 8. Any other information, such as complete field notes, photographs, climate, or other information related to flow, field conditions, or documented sources of pollutants in the watershed, if requested by the Department for interpreting or validating data.
 - C. Recordkeeping. The monitoring entity shall maintain all records, including sample results, for the duration of the listing cycle. If a surface water or segment is added to the Planning List or to the 303(d) List, the Department shall coordinate with the monitoring entity to ensure that records are kept for the duration of the listing.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-603. General Data Interpretation Requirements

- A. The Department shall use the following data conventions to interpret data for impaired water identifications and TMDL decisions:
 1. Data reported below laboratory detection limits.
 - a. When the analytical result is reported as $<X$, where X is the laboratory detection limit for the analyte and the laboratory detection limit is less than or equal to the surface water quality standard, consider the result as meeting the water quality standard:
 - i. Use these statistically derived values in trend analysis, descriptive statistics or modeling if there is sufficient data to support the statistical estimation of values reported as less than the laboratory detection limit; or
 - ii. Use one-half of the value of the laboratory detection limit in trend analysis, descriptive statistics, or modeling, if there is insufficient data to support the statistical estimation of values reported as less than the laboratory detection limit.
 - b. When the sample value is less than or equal to the laboratory detection limit but the laboratory detection limit is greater than the surface water quality standard, shall not use the result for impaired water identifications or TMDL decisions;

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2. Identify the field equipment specifications used for each listing cycle or TMDL developed. A field sample measurement within the manufacturer's specification for accuracy meets surface water quality standards;
 3. Resolve a data conflict by considering the factors identified under the weight-of-evidence determination in R18-11-605(B);
 4. When multiple samples from a surface water or segment are not spatially or temporally independent, or when lake samples are from multiple depths, use the following resultant value to represent the specific dataset:
 - a. The appropriate measure of central tendency for the dataset for:
 - i. A pollutant listed in the surface water quality standards 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - ii. A chronic water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2;
 - iii. A surface water quality standard for a pollutant that is expressed as an annual or geometric mean;
 - iv. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - v. The surface water quality standard for radioc chemicals in R18-11-109(G); or
 - vi. Except for chromium, all single sample maximum water quality standards in R18-11-112.
 - b. The maximum value of the dataset for:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and acute water quality standard in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1;
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A); or
 - iv. The 90th percentile water quality standard for nitrogen and phosphorus in R18-11-109(F) and R18-11-112.
 - c. The worst case measurement of the dataset for:
 - i. Surface water quality standard for dissolved oxygen under R18-11-109(E). For purposes of this subsection, worst case measurement means the minimum value for dissolved oxygen;
 - ii. Surface water quality standard for pH under R18-11-109(B). For purposes of this subsection, "worst case measurement" means both the minimum and maximum value for pH.
- B.** The Department shall not use the following data for placing a surface water or segment on the Planning List, the 303(d) List, or in making a TMDL decision.
1. Any measurement outside the range of possible physical or chemical measurements for the pollutant or measurement equipment,
 2. Uncorrected data transcription errors or laboratory errors, and
 3. An outlier identified through statistical procedures, where further evaluation determines that the outlier represents a valid measure of water quality but should be excluded from the dataset.
- C.** The Department may employ fundamental statistical tests if appropriate for the collected data and type of surface water when evaluating a surface water or segment for impairment or in making a TMDL decision. The statistical tests include descriptive statistics, frequency distribution, analysis of variance, correlation analysis, regression analysis, significance testing, and time series analysis.
- D.** The Department may employ modeling when evaluating a surface water or segment for impairment or in making a TMDL decision, if the method is appropriate for the type of waterbody and the quantity and quality of available data meet the requirements of R18-11-602. Modeling methods include:
1. Better Assessment Science Integrating Source and Non-point Sources (BASINS),
 2. Fundamental statistics, including regression analysis,
 3. Hydrologic Simulation Program-Fortran (HSPF),
 4. Spreadsheet modeling, and
 5. Hydrologic Engineering Center (HEC) programs developed by the Army Corps of Engineers.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-604. Types of Surface Waters Placed on the Planning List and 303(d) List

- A.** The Department shall evaluate, at least every five years, Arizona's surface waters by considering all readily available data.
1. The Department shall place a surface water or segment on:
 - a. The Planning List if it meets any of the criteria described in subsection (D), or
 - b. The 303(d) List if it meets the criteria for listing described in subsection (E).
 2. The Department shall remove a surface water or segment from the Planning List based on the requirements in R18-11-605(E)(1) or from the 303(d) List, based on the requirements in R18-11-605(E)(2).
 3. The Department may move surface waters or segments between the Planning List and the 303(d) List based on the criteria established in R18-11-604 and R18-11-605.
- B.** When placing a surface water or segment on the Planning List or the 303(d) List, the Department shall list the stream reach, derived from EPA's Reach File System or National Hydrography Dataset, or the entire lake, unless the data indicate that only a segment of the stream reach or lake is impaired or not attaining its designated use, in which case, the Department shall describe only that segment for listing.
- C.** Exceptions. The Department shall not place a surface water or segment on either the Planning List or the 303(d) List if the non-attainment of a surface water quality standard is due to one of the following:
1. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 2. The data were collected within a mixing zone or under a variance or nutrient waiver established in a NPDES or AZPDES permit for the specific parameter and the result does not exceed the alternate discharge limitation established in the permit. The Department may use data collected within these areas for modeling or allocating loads in a TMDL decision; or

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3. An activity exempted under R18-11-117, R18-11-118, or a condition exempted under R18-11-119.
- D. Planning List.**
1. The Department shall:
 - a. Use the Planning List to prioritize surface waters for monitoring and evaluation as part of the Department's watershed management approach;
 - b. Provide the Planning List to EPA; and
 - c. Evaluate each surface water and segment on the Planning List for impairment based on the criteria in R18-11-605(D) to determine the source of the impairment.
 2. The Department shall place a surface water or segment on the Planning List based the criteria in R18-11-605(C). The Department may also include a surface water or segment on the Planning List when:
 - a. A TMDL is completed for the pollutant and approved by EPA;
 - b. The surface water or segment is on the 1998 303(d) List but the dataset used for the listing:
 - i. Does not meet the credible data requirements of R18-11-602, or
 - ii. Contains insufficient samples to meet the data requirements under R18-11-605(D);
 - c. Some monitoring data exist but there are insufficient data to determine whether the surface water or segment is impaired or not attaining, including:
 - i. A numeric surface water quality standard is exceeded, but there are not enough samples or sampling events to fulfill the requirements of R18-11-605(D);
 - ii. Evidence exists of a narrative standard violation, but the amount of evidence is insufficient, based on narrative implementation procedures and the requirements of R18-11-605(D)(3);
 - iii. Existing monitoring data do not meet credible data requirements in R18-11-602; or
 - iv. A numeric surface water quality standard is exceeded, but there are not enough sample results above the laboratory detection limit to support statistical analysis as established in R18-11-603(A)(1).
 - d. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act, but insufficient current or original monitoring data exist to determine whether the surface water or segment will meet current surface water quality standards;
 - e. Trend analysis using credible and scientifically defensible data indicate that surface water quality standards may be exceeded by the next assessment cycle;
 - f. The exceedance of surface water quality standards is due to pollution, but not a pollutant;
 - g. Existing data were analyzed using methods with laboratory detection limits above the numeric surface water quality standard but analytical methods with lower laboratory detection limits are available;
 - h. The surface water or segment is expected to attain its designated use by the next assessment as a result of existing or proposed technology-based effluent limitations or other pollution control requirements under local, state, or federal authority. The appropriate entity shall provide the Department with the following documentation to support placement on the Planning List:
 - i. Verification that discharge controls are required and enforceable;
 - ii. Controls are specific to the surface water or segment, and pollutant of concern;
 - iii. Controls are in place or scheduled for implementation; and
 - iv. There are assurances that the controls are sufficient to bring about attainment of water quality standards by the next 303(d) List submission; or
- E. 303(d) List.** The Department shall:
1. Place a surface water or segment on the 303(d) List if the Department determines:
 - a. Based on R18-11-605(D), that the surface water or segment is impaired due to a pollutant and that a TMDL decision is necessary; or
 - b. That the surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.
 2. Provide public notice of the 303(d) List according to the requirements of A.R.S. § 49-232 and submit the 303(d) List according to section 303(d) of the Clean Water Act.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-605. Evaluating A Surface Water or Segment For Listing and Delisting

- A.** The Department shall compile and evaluate all reasonably current, credible, and scientifically defensible data to determine whether a surface water or segment is impaired or not attaining.
- B.** Weight-of-evidence approach.
1. The Department shall consider the following concepts when evaluating data:
 - a. Data or information collected during critical conditions may be considered separately from the complete dataset, when the data show that the surface water or segment is impaired or not attaining its designated use during those critical conditions, but attaining its uses during other periods. Critical conditions may include stream flow, seasonal periods, weather conditions, or anthropogenic activities;
 - b. Whether the data indicate that the impairment is due to persistent, seasonal, or recurring conditions. If the data do not represent persistent, recurring, or seasonal conditions, the Department may place the surface water or segment on the Planning List;
 - c. Higher quality data over lower quality data when making a listing decision. Data quality is established by the reliability, precision, accuracy, and represen-

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tativeness of the data, based on factors identified in R18-11-602(A) and (B), including monitoring methods, analytical methods, quality control procedures, and the documented field and laboratory quality control information submitted with the data. The Department shall consider the following factors when determining higher quality data:

- i. The age of the measurements. Newer measurements are weighted heavier than older measurements, unless the older measurements are more representative of critical flow conditions;
 - ii. Whether the data provide a direct measure of an impact on a designated use. Direct measurements are weighted heavier than measurements of an indicator or surrogate parameter; or
 - iii. The amount or frequency of the measurements. More frequent data collection are weighted heavier than nominal datasets.
2. The Department shall evaluate the following factors to determine if the water quality evidence supports a finding that the surface water or segment is impaired or not attaining:
- a. An exceedance of a numeric surface water quality standard based on the criteria in subsections (C)(1), (C)(2), (D)(1), and (D)(2);
 - b. An exceedance of a narrative surface water quality standard based on the criteria in subsections (C)(3) and (D)(3);
 - c. Additional information that determines whether a water quality standard is exceeded due to a pollutant, suspected pollutant, or naturally occurring condition:
 - i. Soil type, geology, hydrology, flow regime, biological community, geomorphology, climate, natural process, and anthropogenic influence in the watershed;
 - ii. The characteristics of the pollutant, such as its solubility in water, bioaccumulation potential, sediment sorption potential, or degradation characteristics, to assist in determining which data more accurately indicate the pollutant's presence and potential for causing impairment; and
 - iii. Available evidence of direct or toxic impacts on aquatic life, wildlife, or human health, such as fish kills and beach closures, where there is sufficient evidence that these impacts occurred due to water quality conditions in the surface water.
 - d. Other available water quality information, such as NPDES or AZPDES water quality discharge data, as applicable.
 - e. If the Department determines that a surface water or segment does not merit listing under numeric water

quality standards based on criteria in subsections (C)(1), (C)(2), (D)(1), or (D)(2) for a pollutant, but there is evidence of a narrative standard exceedance in that surface water or segment under subsection (D)(3) as a result of the presence of the same pollutant, the Department shall list the surface water or segment as impaired only when the evidence indicates that the numeric water quality standard is insufficient to protect the designated use of the surface water or segment and the Department justifies the listing based on any of the following:

- i. The narrative standard data provide a more direct indication of impairment as supported by professionally prepared and peer-reviewed publications;
 - ii. Sufficient evidence of impairment exists due to synergistic effects of pollutant combinations or site-specific environmental factors; or
 - iii. The pollutant is bioaccumulative, relatively insoluble in water, or has other characteristics that indicate it is occurring in the specific surface water or segment at levels below the laboratory detection limits, but at levels sufficient to result in an impairment.
3. The Department may consider a single line of water quality evidence when the evidence is sufficient to demonstrate that the surface water or segment is impaired or not attaining.

C. Planning List.

- 1. When evaluating a surface water or segment for placement on the Planning List.
 - a. Consider at least ten spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the Planning List following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 1, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 80 percent confidence level using a binomial distribution for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 1, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 80 percent.

Table 1. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 10 | 15 | 3 | 173 | 181 | 22 | 349 | 357 | 41 |
| 16 | 23 | 4 | 182 | 190 | 23 | 358 | 367 | 42 |
| 24 | 31 | 5 | 191 | 199 | 24 | 368 | 376 | 43 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 32 | 39 | 6 | 200 | 208 | 25 | 377 | 385 | 44 |
| 40 | 47 | 7 | 209 | 218 | 26 | 386 | 395 | 45 |
| 48 | 56 | 8 | 219 | 227 | 27 | 396 | 404 | 46 |
| 57 | 65 | 9 | 228 | 236 | 28 | 405 | 414 | 47 |
| 66 | 73 | 10 | 237 | 245 | 29 | 415 | 423 | 48 |
| 74 | 82 | 11 | 246 | 255 | 30 | 424 | 432 | 49 |
| 83 | 91 | 12 | 256 | 264 | 31 | 433 | 442 | 50 |
| 92 | 100 | 13 | 265 | 273 | 32 | 443 | 451 | 51 |
| 101 | 109 | 14 | 274 | 282 | 33 | 452 | 461 | 52 |
| 110 | 118 | 15 | 283 | 292 | 34 | 462 | 470 | 53 |
| 119 | 126 | 16 | 293 | 301 | 35 | 471 | 480 | 54 |
| 127 | 136 | 17 | 302 | 310 | 36 | 481 | 489 | 55 |
| 137 | 145 | 18 | 311 | 320 | 37 | 490 | 499 | 56 |
| 146 | 154 | 19 | 321 | 329 | 38 | 500 | | 57 |
| 155 | 163 | 20 | 330 | 338 | 39 | | | |
| 164 | 172 | 21 | 339 | 348 | 40 | | | |

2. When there are less than ten samples, the Department shall place a surface water or segment on the Planning List following subsection (B), if three or more temporally independent samples exceed the following surface water quality standards:
 - a. The surface water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - b. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - c. The surface water quality standard for radiochemicals in R18-11-109(G);
 - d. The surface water quality standard for dissolved oxygen under R18-11-109(E);
 - e. The surface water quality standard for pH under R18-11-109(B); or
 - f. The following surface water quality standards in R18-11-112:
 - i. Single sample maximum standards for nitrogen and phosphorus,
 - ii. All metals except chromium, or
 - iii. Turbidity.
3. The Department shall place a surface water or segment on the Planning List if information in subsections (B)(2)(c), (B)(2)(d), and (B)(2)(e) indicates that a narrative water

quality standard violation exists, but no narrative implementation procedure required under A.R.S. § 49-232(F) exists to support use of the information for listing.

- D. 303(d) List.
 1. When evaluating a surface water or segment for placement on the 303(d) List.
 - a. Consider at least 20 spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the 303(d) List, following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 2, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 90 percent confidence level using a binomial distribution, for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 2, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 90 percent.

Table 2. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 20 | 25 | 5 | 174 | 182 | 24 | 344 | 352 | 43 |
| 26 | 32 | 6 | 183 | 191 | 25 | 353 | 361 | 44 |
| 33 | 40 | 7 | 192 | 199 | 26 | 362 | 370 | 45 |
| 41 | 47 | 8 | 200 | 208 | 27 | 371 | 379 | 46 |
| 48 | 55 | 9 | 209 | 217 | 28 | 380 | 388 | 47 |
| 56 | 63 | 10 | 218 | 226 | 29 | 389 | 397 | 48 |
| 64 | 71 | 11 | 227 | 235 | 30 | 398 | 406 | 49 |
| 72 | 79 | 12 | 236 | 244 | 31 | 407 | 415 | 50 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 80 | 88 | 13 | 245 | 253 | 32 | 416 | 424 | 51 |
| 89 | 96 | 14 | 254 | 262 | 33 | 425 | 434 | 52 |
| 97 | 104 | 15 | 263 | 270 | 34 | 435 | 443 | 53 |
| 105 | 113 | 16 | 271 | 279 | 35 | 444 | 452 | 54 |
| 114 | 121 | 17 | 280 | 288 | 36 | 453 | 461 | 55 |
| 122 | 130 | 18 | 289 | 297 | 37 | 462 | 470 | 56 |
| 131 | 138 | 19 | 298 | 306 | 38 | 471 | 479 | 57 |
| 139 | 147 | 20 | 307 | 315 | 39 | 480 | 489 | 58 |
| 148 | 156 | 21 | 316 | 324 | 40 | 490 | 498 | 59 |
| 157 | 164 | 22 | 325 | 333 | 41 | 499 | 500 | 60 |
| 165 | 173 | 23 | 334 | 343 | 42 | | | |

2. The Department shall place a surface water or segment on the 303(d) List, following subsection (B) without the required number of samples or numeric water quality standard exceedances under subsection (D)(1), if either the following conditions occur:
 - a. More than one temporally independent sample in any consecutive three-year period exceeds the surface water quality standard in:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and the acute water quality standards in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1; or
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A).
 - b. More than one exceedance of an annual mean, 90th percentile, aquatic and wildlife chronic water quality standard, or a bacteria 30-day geometric mean water quality standard occurs, as specified in R18-11-109, R18-11-110, R18-11-112, or 18 A.A.C. 11, Article 1, Appendix A, Table 2.
 3. Narrative water quality standards exceedances. The Department shall place a surface water or segment on the Planning List if the listing requirements are met under A.R.S. § 49-232(F).
- E. Removing a surface water, segment, or pollutant from the Planning List or the 303(d) List.**
1. Planning List. The Department shall remove a surface water, segment, or pollutant from the Planning List when:
 - a. Monitoring activities indicate that:
 - i. There is sufficient credible data to determine that the surface water or segment is impaired under subsection (D), in which case the Department shall place the surface water or segment on the 303(d) List. This includes surface waters with an EPA approved TMDL when the Department determines that the TMDL strategy is insufficient for the surface water or segment to attain water quality standards; or
 - ii. There is sufficient credible data to determine that the surface water or segment is attaining all designated uses and standards.
 - b. All pollutants for the surface water or segment are delisted.
 2. 303(d) List. The Department shall:
 - a. Remove a pollutant from a surface water or segment from the 303(d) List based on one or more of the following criteria:
 - i. The Department developed, and EPA approved, a TMDL for the pollutant;
 - ii. The data used for previously listing the surface water or segment under R18-11-605(D) is superseded by more recent credible and scientifically defensible data meeting the requirements of R18-11-602, showing that the surface water or segment meets the applicable numeric or narrative surface water quality standard. When evaluating data to remove a pollutant from the 303(d) List, the monitoring entity shall collect the more recent data under similar hydrologic or climatic conditions as occurred when the samples were taken that indicated impairment, if those conditions still exist;
 - iii. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act;
 - iv. The surface water or segment no longer meets the criteria for impairment for the specific narrative water quality standard based on a change in narrative water quality standard implementation procedures;
 - v. A re-evaluation of the data indicate that the surface water or segment does not meet the criteria for impairment because of a deficiency in the original analysis; or
 - vi. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 - b. Remove a surface water, segment, or pollutant from the 303(d) List, based on criteria that are no more stringent than the listing criteria under subsection (D);
 - c. Remove a surface water or segment from the 303(d) List if all pollutants for the surface water or segment are removed from the list;
 - d. Remove a surface water, segment, or pollutant, from the 303(d) List and place it on the Planning List, if:
 - i. The surface water, segment or pollutant was on the 1998 303(d) List and the dataset used in the original listing does not meet the credible data requirements under R18-11-602, or contains insufficient samples to meet the data requirements under subsection (D); or

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- ii. The monitoring data indicate that the impairment is due to pollution, but not a pollutant.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-606. TMDL Priority Criteria for 303(d) Listed Surface Waters or Segments

- A. In addition to the factors specified in A.R.S. § 49-233(C), the Department shall consider the following when prioritizing an impaired water for development of TMDLs:
 - 1. A change in a water quality standard;
 - 2. The date the surface water or segment was added to the 303(d) List;
 - 3. The presence in a surface water or segment of species listed as threatened or endangered under section 4 of the Endangered Species Act;
 - 4. The complexity of the TMDL;
 - 5. State, federal, and tribal policies and priorities; and
 - 6. The efficiencies of coordinating TMDL development with the Department's surface water monitoring program, the watershed monitoring rotation, or with remedial programs.
- B. The Department shall prioritize an impaired surface water or segment for TMDL development based on the factors specified in A.R.S. § 49-233(C) and subsection (A) as follows:
 - 1. Consider an impaired surface water or segment a high priority if:
 - a. The listed pollutant poses a substantial threat to the health and safety of humans, aquatic life, or wildlife based on:
 - i. The number and type of designated uses impaired;
 - ii. The type and extent of risk from the impairment to human health, aquatic life, or wildlife;
 - iii. The pollutant causing the impairment, or
 - iv. The severity, magnitude, and duration the surface water quality standard was exceeded;
 - b. A new or modified individual NPDES or AZPDES permit is sought for a new or modified discharge to the impaired water;
 - c. The listed surface water or segment is listed as a unique water in A.A.C. R18-11-112 or is part of an area classified as a "wilderness area," "wild and scenic river," or other federal or state special protection of the water resource;
 - d. The listed surface water or segment contains a species listed as threatened or endangered under the federal Endangered Species Act and the presence of the pollutant in the surface water or segment is likely to jeopardize the listed species;
 - e. A delay in conducting the TMDL could jeopardize the Department's ability to gather sufficient credible data necessary to develop the TMDL;
 - f. There is significant public interest and support for the development of a TMDL;
 - g. The surface water or segment has important recreational and economic significance to the public; or
 - h. The pollutant is listed for eight years or more.
 - 2. Consider an impaired surface water or segment a medium priority if:
 - a. The surface water or segment fails to meet more than one designated use;
 - b. The pollutant exceeds more than one surface water quality standard;
 - c. A surface water quality standard exceedance is correlated to seasonal conditions caused by natural events, such as storms, weather patterns, or lake turnover;
 - d. It will take more than two years for proposed actions in the watershed to result in the surface water attaining applicable water quality standards;
 - e. The type of pollutant and other factors relating to the surface water or segment make the TMDL complex; or
 - f. The administrative needs of the Department, including TMDL schedule commitments with EPA, permitting requirements, or basin priorities that require completion of the TMDL.
 - 3. Consider an impaired surface water or segment a low priority if:
 - a. The Department has formally submitted a proposal to delist the surface water, segment, or pollutant to EPA based on R18-11-605(E)(2). If the Department makes the submission outside the listing process cycle, the change in priority ranking will not be effective until EPA approves the submittal;
 - b. The Department has modified, or formally proposed for modification, the designated use or applicable surface water quality standard, resulting in an impaired water no longer being impaired, but the modification has not been approved by EPA;
 - c. The surface water or segment is expected to attain surface water quality standards due to any of the following:
 - i. Recently instituted treatment levels or best management practices in the drainage area,
 - ii. Discharges or activities related to the impairment have ceased, or
 - iii. Actions have been taken and controls are in place or scheduled for implementation that will likely to bring the surface water back into compliance;
 - d. The surface water or segment is ephemeral or intermittent. The Department shall re-prioritize the surface water or segment if the presence of the pollutant in the listed water poses a threat to the health and safety of humans, aquatic life, or wildlife using the water, or the pollutant is contributing to the impairment of a downstream perennial surface water or segment;
 - e. The pollutant poses a low ecological and human health risk;
 - f. Insufficient data exist to determine the source of the pollutant load;
 - g. The uncertainty of timely coordination with national and international entities concerning international waters;
 - h. Naturally occurring conditions are a major contributor to the impairment; and
 - i. No documentation or effective analytical tools exist to develop a TMDL for the surface water or segment with reasonable accuracy.
- C. The Department will target surface waters with high priority factors in subsections (B)(1)(a) through (B)(1)(d) for initiation of TMDLs within two years following EPA approval of the 303(d) List.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

- D. The Department may shift priority ranking of a surface water or segment for any of the following reasons:
1. A change in federal, state, or tribal policies or priorities that affect resources to complete a TMDL;
 2. Resource efficiencies for coordinating TMDL development with other monitoring activities, including the Department's ambient monitoring program that monitors watersheds on a five-year rotational basis;
 3. Resource efficiencies for coordinating TMDL development with Department remedial or compliance programs;
 4. New information is obtained that will revise whether the surface water or segment is a high priority based on factors in subsection (B); and
 5. Reduction or increase in staff or budget involved in the TMDL development.
- E. The Department may complete a TMDL initiated before July 12, 2002 for a surface water or segment that was listed as impaired on the 1998 303(d) List but does not qualify for listing under the criteria in R18-11-605, if:
1. The TMDL investigation establishes that the water quality standard is not being met and the allocation of loads is expected to bring the surface water into compliance with standards,
 2. The Department estimates that more than 50 percent of the cost of completing the TMDL has been spent,
 3. There is community involvement and interest in completing the TMDL, or
 4. The TMDL is included within an EPA-approved state workplan initiated before July 12, 2002.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.
17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-203. Powers and duties of the director and department

A. The director shall:

1. Adopt, by rule, water quality standards in the form and subject to the considerations prescribed by article 2 of this chapter.
2. Adopt, by rule, a permit program for WOTUS that is consistent with but not more stringent than the requirements of the clean water act for the point source discharge of any pollutant or combination of pollutants into WOTUS. The program and the rules shall be sufficient to enable this state to administer the permit program identified in section 402(b) of the clean water act, including the sewage sludge requirements of section 405 of the clean water act and as prescribed by article 3.1 of this chapter.
3. Apply the program and rules authorized under paragraph 2 of this subsection to point source discharges to non-WOTUS protected surface waters, consistent with section 49-255.04, which establishes the program components and rules that do not apply to non-WOTUS protected surface waters. The following are exempt from the non-WOTUS protected surface waters point source discharge program:
 - (a) Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 - (b) Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 - (c) Maintenance but not construction of drainage ditches.
 - (d) Construction and maintenance of irrigation ditches.
 - (e) Maintenance of structures such as dams, dikes and levees.
4. Adopt, by rule, a program to control nonpoint source discharges of any pollutant or combination of pollutants into WOTUS.
5. Adopt, by rule, an aquifer protection permit program to control discharges of any pollutant or combination of pollutants that are reaching or may with a reasonable probability reach an aquifer. The permit program shall be as prescribed by article 3 of this chapter.
6. Adopt, by rule, the permit program for underground injection control described in the safe drinking water act.
7. Adopt, by rule, technical standards for conveyances of reclaimed water and a permit program for the direct reuse of reclaimed water.
8. Adopt, by rule or as permit conditions, discharge limitations, best management practice standards, new source performance standards, toxic and pretreatment standards and other standards and conditions as reasonable and necessary to carry out the permit programs and regulatory duties described in paragraphs 2 through 6 of this subsection.
9. Assess and collect fees to revoke, issue, deny, modify or suspend permits issued pursuant to this chapter and to process permit applications. The director may also assess and collect costs reasonably necessary if the director must conduct sampling or monitoring relating to a facility because the owner or operator of the facility has refused or failed to do so on order by the director. The director shall set fees that are reasonably related to the department's costs of providing the service for which the fee is charged. Monies collected from aquifer protection permit fees and from Arizona pollutant discharge elimination system permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. Monies from other permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund unless otherwise provided by law. Monies paid by an applicant for review by consultants for the department pursuant to section 49-241.02, subsection B shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. State agencies are exempt from all fees imposed pursuant to this chapter.
10. Adopt, modify, repeal and enforce other rules that are reasonably necessary to carry out the director's functions under this chapter.
11. Require monitoring at an appropriate point of compliance for any organic or inorganic pollutant listed under section 49-243, subsection I if the director has reason to suspect the presence of the pollutant in a discharge.
12. Adopt rules establishing what constitutes a significant increase or adverse alteration in the characteristics or volume of pollutants discharged for purposes of determining what constitutes a major modification to an existing facility under the definition of new facility pursuant to section 49-201. Before adopting these rules, the director shall determine whether a change at a particular facility results in a significant increase or adverse alteration in the characteristics or volume of pollutants discharged on a case-by-case basis, taking into account site conditions and operational factors.
13. Consider evidence gathered by the Arizona navigable stream adjudication commission established by section 37-1121 when deciding whether a permit is required to discharge pursuant to article 3.1 of this chapter.

B. The director may:

1. On presentation of credentials, enter into, on or through any public or private property from which a discharge has occurred, is occurring or may occur or on which any disposal, land application of sludge or treatment regulated by this chapter has occurred, is occurring or may be occurring and any public or private property where records relating to a discharge or records that are otherwise required to be maintained as prescribed by this chapter are kept, as reasonably necessary to ensure compliance with this chapter. The director or a department employee may take samples, inspect and copy records required to be maintained pursuant to this chapter, inspect equipment, activities, facilities and monitoring equipment or methods of monitoring, take photographs and take other action reasonably necessary to determine the application of, or compliance with, this chapter. The owner or managing agent of the property shall be afforded the opportunity to accompany the director or department employee during inspections and investigations, but prior notice of entry to the owner or managing agent is not required if reasonable grounds exist to believe that notice would frustrate the enforcement of this chapter. If the director or department employee obtains any samples before leaving the premises, the director or department employee shall give the owner or managing agent a receipt describing the samples obtained and a portion of each sample equal in volume or weight to the portion retained. If an analysis is made of samples, or monitoring and testing are performed, a copy of the results shall be furnished promptly to the owner or managing agent.
2. Require any person who has discharged, is discharging or may discharge into the waters of the state under article 3, 3.1 or 3.3 of this chapter and any person who is subject to pretreatment standards and requirements or sewage sludge use or disposal requirements under article 3.1 of this chapter to collect samples, to establish and maintain records, including photographs, and to install, use and maintain sampling and monitoring equipment to determine the absence or presence and nature of the discharge or indirect discharge or sewage sludge use or disposal.

3. Administer state or federal grants, including grants to political subdivisions of this state, for the construction and installation of publicly and privately owned pollutant treatment works and pollutant control devices and establish grant application priorities.

4. Develop, implement and administer a water quality planning process, including a ranking system for applicant eligibility, wherein appropriated state monies and available federal monies are awarded to political subdivisions of this state to support or assist regional water quality planning programs and activities.

5. Enter into contracts and agreements with the federal government to implement federal environmental statutes and programs.

6. Enter into intergovernmental agreements pursuant to title 11, chapter 7, article 3 if the agreement is necessary to more effectively administer the powers and duties described in this chapter.

7. Participate in, conduct and contract for studies, investigations, research and demonstrations relating to the causes, minimization, prevention, correction, abatement, mitigation, elimination, control and remedy of discharges and collect and disseminate information relating to discharges.

8. File bonds or other security as required by a court in any enforcement actions under article 4 of this chapter.

C. Subject to section 38-503 and other applicable statutes and rules, the department may contract with a private consultant to assist the department in reviewing aquifer protection permit applications and on-site wastewater treatment facilities to determine whether a facility meets the criteria and requirements of this chapter and the rules adopted by the director. Except as provided in section 49-241.02, subsection B, the department shall not use a private consultant if the fee charged for that service would be greater than the fee the department would charge to provide that service. The department shall pay the consultant for the services rendered by the consultant from fees paid by the applicant or facility to the department pursuant to subsection A, paragraph 9 of this section.

D. The director shall integrate all of the programs authorized in this section and other programs affording water quality protection that are administered by the department for purposes of administration and enforcement and shall avoid duplication and dual permitting to the maximum extent practicable.

[49-221. Water quality standards in general; protected surface waters list](#)

A. The director shall:

1. Adopt, by rule, water quality standards for all WOTUS and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses. For non-WOTUS protected surface waters, the director shall apply surface water quality standards established as of January 1, 2021, until specifically changed by the director pursuant to paragraph 2 of this subsection. Rules regarding the following shall not be adopted or applied as water quality standards for non-WOTUS protected surface waters:

- (a) Antidegradation.
- (b) Antidegradation criteria.
- (c) Outstanding Arizona waters.

2. Adopt, by rule, water quality standards for non-WOTUS protected surface waters, by December 31, 2022, consistent with paragraph 1 of this subsection and as determined necessary in the rulemaking process. In adopting those standards, the director shall consider the unique characteristics of this state's surface waters and the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

B. The director may adopt, by rule, water quality standards for waters of the state other than those described in subsection A of this section, including standards for the use of water pumped from an aquifer that does not meet the standards adopted pursuant to section 49-223, subsections A and B and that is put to a beneficial use other than drinking water. These standards may include standards for the use of water pumped as part of a remedial action. In adopting such standards, the director shall consider the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

C. In setting standards pursuant to subsection A or B of this section, the director shall consider the following:

- 1. The protection of the public health and the environment.
- 2. The uses that have been made, are being made or with reasonable probability may be made of these waters.
- 3. The provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts.
- 4. The degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories.
- 5. Guidelines, action levels or numerical criteria adopted or recommended by the United States environmental protection agency or any other federal agency.
- 6. Any unique physical, biological or chemical properties of the waters.

D. Water quality standards shall be expressed in terms of the uses to be protected and, if adequate information exists to do so, numerical limitations or parameters, in addition to any narrative standards that the director deems appropriate.

E. The director may adopt by rule water quality standards for the direct reuse of reclaimed water. In establishing these standards, the director shall consider the following:

- 1. The protection of public health and the environment.
- 2. The uses that are being made or may be made of the reclaimed water.
- 3. The degree to which standards for the direct reuse of reclaimed water may cause violations of water quality standards for other hydrologically connected water categories.

F. If the director proposes to adopt water quality standards for agricultural water, the director shall consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture relating to its administration pursuant to title 3, chapter 3, article 4.1 of this state's authority relating to agricultural water under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112, subpart E) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252). For the purposes of this subsection:

1. "Agricultural water":

(a) Means water that is used in a covered activity on produce where water is intended to, or is likely to, contact produce or food contact surfaces.

(b) Includes all of the following:

- (i) Water used in growing activities, including irrigation water, water used for preparing crop sprays and water used for growing sprouts.
- (ii) Water used in harvesting, packing and holding activities, including water used for washing or cooling harvested produce and water used for preventing dehydration of produce.

2. "Covered activity" means growing, harvesting, packing or holding produce. Covered activity includes processing produce to the extent that the activity is within the meaning of farm as defined in section 3-525.

3. "Harvesting" has the same meaning prescribed in section 3-525.

4. "Holding" has the same meaning prescribed in section 3-525.

5. "Packing" has the same meaning prescribed in section 3-525.

6. "Produce" has the same meaning prescribed in section 3-525.

G. The director shall maintain and publish a protected surface waters list. The department shall publish the initial list on the department's website and in the Arizona administrative register within thirty days after September 29, 2021. Not later than December 31, 2022, the department shall adopt by rule the protected surface waters list, including procedures for determining economic, social and environmental costs and benefits. Publication of the list in the Arizona administrative register is an appealable agency action pursuant to title 41, chapter 6, article 10 and may be appealed by any party that provides evidence of an actual adverse effect that the party appealing the decision would suffer as a result of the director's decision. All of the following apply to the protected surface water list:

1. The protected surface waters list shall include:

(a) All WOTUS.

(b) Any perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States:

(i) The Bill Williams river, from the confluence of the Big Sandy and Santa Maria rivers at 113°31'38.617"w, 34°18'22.373"n, to its confluence with the Colorado river at 114°8'9.854"w, 34°18'9.33"n.

(ii) The Colorado river, from the Arizona-Utah border at 111°32'35.741"w, 36°58'51.698"n, to the Arizona-Mexico border at 114°43'12.564"w, 32°43'6.218"n.

(iii) The Gila river, from the Arizona-New Mexico border at 109°2'52.8"w, 32°41'11.2015"n, to the confluence with the Colorado river at 114°33'28.145"w, 32°43'14.408"n.

(iv) The Little Colorado river, from the confluence of the east and west forks of the Little Colorado river at 109°28'7.131"w, 33°59'39.852"n, to its confluence with the Colorado river at 111°49'4.693"w, 36°12'10.243"n.

(v) The Salt river, from the confluence of the Black and White rivers at 110°13'39.5"w, 33°44'6.082"n, to the confluence with the Gila river at 112°18'5.704"w, 33°22'42.978"n.

(vi) The San Pedro river, from the Arizona-Mexico border at 110°9'1.704"w, 31°20'2.387"n, to the confluence with the Gila river at 110°47'0.905"w, 32°59'5.671"n.

(vii) The Santa Cruz river, from its origins in the Canelo Hills of southeastern Arizona at 110°37'3.968"w, 31°27'39.21"n, to its confluence with the Gila river at 111°33'26.02"w, 32°41'39.058"n.

(viii) The Verde river, from Sullivan lake at 112°28'10.588"w, 34°52'11.136"n, to its confluence with the Salt river at 111°39'48.32"w, 33°33'20.538"n.

(c) Any non-WOTUS waters of the state that are added under paragraphs 3 and 4 of this subsection.

2. Notwithstanding paragraph 1 of this subsection, the protected surface waters list shall not contain any of the following non-WOTUS waters:

(a) Canals in the Yuma project and ditches, canals, pipes, impoundments and other facilities that are operated by districts organized under title 48, chapters 18, 19, 20, 21 and 22 and that are not used to directly deliver water for human consumption, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner and operator of the ditch or canal until the owner and operator withdraws its request.

(b) Irrigated areas, including fields flooded for agricultural production.

(c) Ornamental and urban ponds and lakes such as those owned by homeowners' associations and golf courses, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the ornamental or urban pond or lake until the owner withdraws its request.

(d) Swimming pools and other bodies of water that are regulated pursuant to section 49-104, subsection B.

(e) Livestock and wildlife water tanks and aquaculture tanks that are not constructed within a protected surface water.

(f) Stormwater control features.

(g) Groundwater recharge, water reuse and wastewater recycling structures, including underground storage facilities and groundwater savings facilities permitted under title 45, chapter 3.1 and detention and infiltration basins, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the groundwater recharge, water reuse or wastewater recycling structure until the owner withdraws its request.

(h) Water-filled depressions created as part of mining or construction activities or pits excavated to obtain fill, sand or gravel.

(i) All waste treatment systems components, including constructed wetlands, lagoons and treatment ponds, such as settling or cooling ponds, designed to either convey or retain, concentrate, settle, reduce or remove pollutants, either actively or passively, from wastewater before discharge or to eliminate discharge.

(j) Groundwater.

(k) Ephemeral waters except for those prescribed in paragraph 1, subdivision (b) of this subsection.

(l) Lakes and ponds owned and managed by the United States department of defense and other surface waters located on and that do not leave United States department of defense property, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the United States department of defense until it withdraws its request.

3. Unless listed in paragraph 2 of this subsection, the director shall add the following non-WOTUS surface waters to the protected surface waters list:

(a) All lakes, ponds and reservoirs that are public waters used as a drinking source, for recreational or commercial fish consumption or for water-based recreation such as swimming, wading and boating and other types of recreation in and on the water.

(b) Perennial waters or intermittent waters of the state that are used as a drinking water source, including ditches and canals.

(c) Perennial or intermittent tributaries to the Bill Williams river, the Colorado river, the Gila river, the Little Colorado river, the Salt river, the San Pedro river, the Santa Cruz river and the Verde river.

- (d) Perennial or intermittent public waters used for recreational or commercial fish consumption.
 - (e) Perennial or intermittent public waters used for water-based recreation such as swimming, wading, boating and other types of recreation in and on the water.
 - (f) Perennial or intermittent wetlands adjacent to waters on the protected surface waters list.
 - (g) Perennial or intermittent waters of the state that cross into another state, the Republic of Mexico or the reservation of a federally recognized tribe.
4. The director may add additional non-WOTUS surface waters to the protected surface waters list if all of the following apply:
- (a) The water is not required to be listed under paragraph 1 or 3 of this subsection.
 - (b) The water is not excluded under paragraph 2 of this subsection.
 - (c) The economic, environmental and social benefits of adding the water outweigh the economic, environmental and social costs of excluding the water from the list.
5. The director shall remove any erroneously listed, non-WOTUS waters from the protected surface waters list when the water is excluded under paragraph 2 of this subsection and shall not regulate discharges to those waters in the interim.
6. The director shall remove non-WOTUS waters from the protected surface waters list when the water is not required to be listed under paragraph 3 of this subsection and the economic, environmental and social benefits of removing the water outweigh the economic, environmental and social costs of retaining the water on the list.
7. The director, on an emergency basis, may add a water to the protected surface waters list if the director discovers an imminent and substantial danger to public health or welfare or the environment, if the water would otherwise qualify to be added under paragraph 3 of this subsection. Notwithstanding any other law, the emergency addition shall take effect immediately on the director's determination that describes the imminent and substantial danger in writing. Within thirty days after the director's determination, the department shall publish a notice of that determination in the Arizona administrative register and on the department's website. Waters added under this subsection shall be incorporated into the protected surface waters list during the next rulemaking that follows the addition.

[49-223. Aquifer water quality standards](#)

- A. Primary drinking water maximum contaminant levels established by the administrator before August 13, 1986 are adopted as drinking water aquifer water quality standards. The director may only adopt additional aquifer water quality standards by rule. Within one year after the administrator establishes additional primary drinking water maximum contaminant levels, the director shall open a rule making docket pursuant to section 41-1021 for adoption of those maximum contaminant levels as drinking water aquifer water quality standards. If substantial opposition is demonstrated in the rule making docket regarding a particular constituent, the director may adopt for that constituent the maximum contaminant level as a drinking water aquifer water quality standard upon making a finding that this level is appropriate for adoption in Arizona as an aquifer water quality standard. In making this finding, the director shall consider whether the assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction used by the administrator in developing and implementing the maximum contaminant level are appropriate for establishing a drinking water aquifer water quality standard. For purposes of this subsection "substantial opposition" means information submitted to the director that explains with reasonable specificity why the maximum contaminant level is not appropriate as an aquifer water quality standard.
- B. The director may adopt by rule numeric drinking water aquifer water quality standards for pollutants for which the administrator has not established primary drinking water maximum contaminant levels or for which a maximum contaminant level has been established but the director has determined it to be inappropriate as an aquifer water quality standard pursuant to subsection A of this section. These standards shall be based on the protection of human health. In establishing numeric drinking water aquifer water quality standards, the director shall rely on technical protocols appropriate for the development of aquifer water quality standards and shall base the standards on credible medical and toxicological evidence that has been subjected to peer review.
- C. Any person may petition the director to adopt a numeric drinking water aquifer quality standard for any pollutant for which no drinking water aquifer quality standard exists. The director shall grant the petition and institute rule making proceedings adopting a numeric standard as provided under subsection B of this section within one hundred eighty days if the petition shows that the pollutant is a toxic pollutant, that the pollutant has been, or may in the future be, detected in any of the state's drinking water aquifers, and that there exists technical information on which a numeric standard might reasonably be based. Within one year of the commencement of the rule making proceeding, the director shall either adopt a numeric standard or make and publish a finding that, pursuant to subsection B of this section, the development of a numeric standard is not possible. The decision to not adopt a numeric standard shall, for purposes of judicial review, be treated in the same manner as a rule adopted pursuant to title 41, chapter 6.
- D. For purposes of assessing compliance with each aquifer water quality standard adopted pursuant to this section, the director shall for purposes of articles 3 and 4 of this chapter, and may for purposes of other provisions of this title, identify sampling and analytical protocols appropriate for detecting and measuring the pollutant in the aquifers in the state.
- E. Within one year from the reclassification of an aquifer to a non-drinking water status, pursuant to section 49-224, the director shall adopt water quality standards for that aquifer. For any pollutants which were not the basis for the reclassification, the applicable standard shall be identical with the standard for those pollutants adopted pursuant to subsections A and B of this section. For any pollutants which were the basis for reclassification, the standard shall be sufficient to achieve the purpose for which the aquifer was reclassified but shall minimize unnecessary degradation of the aquifer by taking into consideration the potential long-term uses of the aquifer and the short-term and long-term benefits of the activities resulting in discharges into the aquifer.
- F. The director shall adopt water quality standards for an aquifer for which a petition has been submitted pursuant to section 49-224, subsection D sufficient to achieve the non-drinking water use for which that aquifer was classified, taking into consideration the potential long-term uses of that aquifer and the short-term and long-term benefits of the discharging activities creating that aquifer.
- G. In any action pursuant to this title, aquifer water quality protection provisions, including monitoring requirements, may be imposed only for pollutants for which aquifer water quality standards have been established that are likely to be present in a discharge. Indicator parameters and quality assurance parameters appropriate for such pollutants also may be specified.

49-224. Aquifer identification, classification and reclassification

A. Not later than June 30, 1987 the director shall, by rule, identify and define the boundaries of all aquifers in this state utilizing, to the maximum extent possible, data available from the department of water resources.

B. All aquifers in this state identified and defined under subsection A of this section and any other aquifers subsequently discovered, identified and defined shall be classified for drinking water protected use unless the classification is changed in the manner provided in subsection C of this section.

C. The director, after consulting with the appropriate groundwater users advisory council established pursuant to title 45, chapter 2, article 2 if the aquifer is in an active management area, and a public hearing held pursuant to section 49-208, may change the classification of an aquifer or part of an aquifer for a protected use other than drinking water on making all of the following findings:

1. The identified aquifer or part of an aquifer is or will be so hydrologically isolated from other aquifers or other parts of the same aquifer that there is no reasonable probability that poorer quality water from the identified aquifer or part of an aquifer will cause or contribute to a violation of aquifer water quality standards in other aquifers or parts of the same aquifer.

2. Water from the identified aquifer or part of an aquifer is not being used as drinking water.

3. The short-term and long-term benefits to the public that would result from the degradation of the quality of the water in the identified aquifer or part of an aquifer below standards established pursuant to section 49-223, subsections A and B would significantly outweigh the short-term and long-term costs to the public of such degradation. Benefits and costs to be considered include economic, social and environmental.

D. Owners or operators of facilities whose discharges are solely responsible for creating an aquifer may petition the director for a classification of the aquifer for a non-drinking water use. The director may, by rule, classify that aquifer for a non-drinking water use upon making the findings prescribed in subsection C, paragraphs 1 and 2 of this section.

E. The director shall provide for public participation in proceedings under this section pursuant to section 49-208 and shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification.

D-16.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 18, Chapter 11 (Total Trihalomethanes, Bromate, Chlorite, and Haloacetic Acids)

Amend: R18-11-406



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - REGULAR RULEMAKING

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 22, 2025

SUBJECT: DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11

Amend: R18-11-406

Summary:

This regular rulemaking from the Department of Environmental Quality (Department) seeks to amend one (1) rule in Title 18, Chapter 11, regarding Aquifer Water Quality Standards.

The Department is proposing to make amendments and additions to Chapter 11 as part of a four part rulemaking package. The Department is required by A.R.S. § 49-223(A) to adopt Aquifer Water Quality Standards (AWQS) with these standards being based on maximum contaminant levels (MCLs). These MCLs are prescribed by the Environmental Protection Agency (EPA) and the Department is required to adopt the same MCLs unless there is a showing of substantial opposition, which allows the Department to prescribe different standards if the Department or stakeholder can show that the EPA levels are not appropriate for Arizona. The Department has indicated to Department staff that this substantial opposition language is unique to Arizona and the Department believes Arizona to be the only state to have this type of language.

For this part of the rulemaking package, the Department is proposing to adopt the MCL level prescribed by the EPA for Total Trihalomethanes, Bromate, Chlorite and Haloacetic Acids.

The rule does not currently state what is an acceptable amount of Bromate, Chlorite and Haloacetic Acids and the Department is proposing to add those three contaminants to the rule, with the allowable amounts being based on EPA standards. Additionally, the Department is proposing to align the EPA standard for Total Trihalomethanes from the current amount of .1 mg/L to the EPA standard of .080 mg/L. The Department has indicated that there has not been any substantial opposition, as defined in A.R.S. § 49-223, to the proposed amendment.

1. **Are the rules legal, consistent with legislative intent, and within the agency's statutory authority?**

The Department cites both general and specific statutory authority for these rules.

2. **Do the rules establish a new fee or contain a fee increase?**

This rulemaking does not establish a new fee or contain a fee increase.

3. **Does the preamble disclose a reference to any study relevant to the rules that the agency reviewed and either did or did not rely upon?**

- MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support: The Department indicates that this report was used to review EPA assumptions regarding the MCL for the four Disinfectant Byproducts (DBPs) at 71 Federal Register 388 and 63 Federal Register 69390 and included looking at technologies, costs, sampling, and analytical methodologies for public health risks reduction.
- Draft Economic Impact Statement for Arsenic Proposed AWQS: The Department indicates that this report informed DEQ on the economic impact of the subject matter of the rulemaking.

4. **Summary of the agency's economic impact analysis:**

The Department states that this rulemaking is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt an adjustment to the Safe Drinking Water Act Maximum Contaminant Level (MCL) for Bromate, Chloride, Haloacetic Acids, and Total Trihalomethanes (hereinafter: "disinfection byproducts") as an Aquifer Water Quality Standard (AWQS) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. The Department indicates that the AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (see A.R.S. § 49-224(B)). The Department states the AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the voluntary Remediation Program (VRP), and elsewhere.

The Department states that the full scope of stakeholders who may incur direct impacts

from this rulemaking include individual APP Permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. The Department indicates that while not all costs and benefits are borne evenly, these are the identified groups generally impacted from this Disinfection Byproducts AWQS rulemaking. The Department states that the costs to permittees to meet the adjusted AWQS are significant and indeterminant at this time. The Department states that permittees must determine appropriate treatment technology for the specific conditions applicable to them, then upgrade or install technology and train personnel as needed to operate. Benefits to stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual users alike.

5. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states that the controlling statute A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. The Department indicates that it simply requires ADEQ to open a rulemaking docket pursuant to A.R.S. § 41-1021 for adoption of new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

6. What are the economic impacts on stakeholders?

The Department says individual APP Permittees will be the primary bearers of costs associated with this rulemaking. The Department states that other costs to stakeholders could occur, such as rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment. The Department believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. The Department anticipates that hundreds of permits may need to be amended to update monitoring tables that include disinfection byproducts as a parameter.

The Department indicates that any additional costs would generally be covered by increased fees paid by permittees. The Department believes, generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resources as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224.

The Department states that savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstances} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike. In addition, the Department states that following EPA, quantified benefits are measured in terms of reduced loss of life and costs associated with treatment for disease. Additionally, the Department states that investments in

treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenue.

7. **Are the final rules a substantial change, considered as a whole, from the proposed rules and any supplemental proposals?**

The Department indicates that there were no changes between the proposed rulemaking and final rulemaking now before the Council.

8. **Does the agency adequately address the comments on the proposed rules and any supplemental proposals?**

The Department indicates it received 1 public comment as it relates to this rulemaking. The Department indicates that they conducted

Comment 1 was from a utility organization and stated the following:

- If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

The Department responded with the following:

- ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the four (4) disinfection byproducts MCLs as AWQSs..

Council staff believes that the department adequately addressed the comments in accordance with A.R.S. § 41-1052(D)(7).

9. **Do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

This rulemaking does not require a permit or a license.

10. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates that the rules are not more stringent than federal law.

11. Conclusion

This regular rulemaking by the Department seeks to amend one rule regarding aquifer purification standards. The Department specifically seeks to amend the rule to add the EPA standards for the amount of allowable Bromate, Chlorite and Haloacetic Acids in drinking water. Additionally, the Department is proposing to amend the rule to reflect the new EPA standards for the amount of allowable Total Trihalomethanes. The Department indicated that there was no substantial opposition for any of the EPA standards.

The Department is seeking a standard 60-day delayed effective date.

Council staff recommends approval of this rulemaking.

March 13, 2025

Jessica Klein, Chair
Governor's Regulatory Review Council
100 N. 15th Ave., Ste. 302
Phoenix, AZ 85007

Re: Aquifer Water Quality Standards Update Regular Rulemaking: Title 18,
Environmental Quality, Chapters 9 and 11

Dear Chair Klein:

The Arizona Department of Environmental Quality (ADEQ) hereby submits this final rulemaking package to the Governor's Regulatory Review Council (GRRC) for consideration and approval at the Council Meeting scheduled for May 6th, 2025.

The following information is provided for your use in reviewing the enclosed rules for approval pursuant to A.R.S. §§ 41-1039, 41-1052 and A.A.C. R1-6-201:

I. Information required under A.A.C. R1-6-201(A)(1):

- (A)(1)(a) The public record closed for all rules on December 16th, 2024 at 11:59 p.m.
- (A)(1)(b) The rulemaking activity does relate to a five-year review report. The report on 18 AAC 11, Articles 4 and 5 was approved on November 3rd, 2020.
- (A)(1)(c) The rulemaking activity does not establish a new fee.
- (A)(1)(d) The rulemaking does not contain a fee increase.
- (A)(1)(e) An immediate effective date is not requested.
- (A)(1)(f) The Department certifies that the preamble discloses reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule.
- (A)(1)(g) The Department's preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee (JLBC) of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council, pursuant to A.R.S. § 41-1055(B)(3) (a) (see subheading IV, below).
- (A)(1)(h) A list of documents is enclosed (see subheading IV, below).

II. Information required under A.A.C. R1-6-201(A)(2) through (8):

- (A)(2) Five (5) Notices of Final Rulemaking (NFRMs), including the preamble, table of contents, and text of each rule (*see* subheading IV, below);
- (A)(3) The preambles contain economic, small business, and consumer impact statements that contain the information required by A.R.S. § 41-1055 (*see* subheading IV, below);
- (A)(4) The preambles contain comments received by the agency, both written and oral, concerning the proposed rule (*see* subheading IV, below);
- (A)(5) No analyses were submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
- (A)(6) No materials were incorporated by reference in this rulemaking;
- (A)(7) The general and specific statutes authorizing the rule, including relevant statutory definitions (*see* subheading IV, below);
- (A)(8) All statutes referred to in the definitions are represented in the general and specific statutes authorizing the rule.

III. Governor's office approvals pursuant to A.R.S. § 41-1039:

- (A) ADEQ received prior written approval from the Governor's Office twice. Once for Title 18, Chapter 11, Article 4 on August 24, 2022 and then again for Title 18, Chapter 9, Articles 1 and 2 on February 5th, 2024 (*see* subheading IV, below);
- (B) ADEQ received written final approval from the Governor's Office for this rulemaking on March 11th, 2025 (*see* subheading IV, below).

IV. List of documents enclosed (25 documents total):

- One (1) Cover Letter (R1-6-201(A)(1));
 - AWQS_CL.pdf
- One (1) JLBC email (R1-6-201(A)(1)(g));
 - AWQS_JLBC.pdf
- Five (5) NFRMs (R1-6-201(A)(2));
 - AWQS_NFRM_18_AAC_9_Impl.pdf
 - AWQS_NFRM_18_AAC_11_As.pdf
 - AWQS_NFRM_18_AAC_11_U.pdf
 - AWQS_NFRM_18_AAC_11_DBP.pdf
 - AWQS_NFRM_18_AAC_11_MBC.pdf
- Five (5) EISs (R1-6-201(A)(3));
 - AWQS_EIS_18_AAC_9_Impl.pdf
 - AWQS_EIS_18_AAC_11_As.pdf
 - AWQS_EIS_18_AAC_11_U.pdf
 - AWQS_EIS_18_AAC_11_DBP.pdf
 - AWQS_EIS_18_AAC_11_MBC.pdf
- Five (5) Public Comments Received Documents (R1-6-201(A)(4));

- AWQS_Cmts_18_AAC_9_Impl.pdf
- AWQS_Cmts_18_AAC_11_As.pdf
- AWQS_Cmts_18_AAC_11_U.pdf
- AWQS_Cmts_18_AAC_11_DBP.pdf
- AWQS_Cmts_18_AAC_11_MBC.pdf
- Five (5) General and Specific Authorizing Statutes (R1-6-201(A)(7));
 - 49-104 - Powers and duties of the department and director.pdf
 - 49-203 - Powers and duties of the director and department.pdf
 - 49-221 - Water quality standards in general; protected surface waters list.pdf
 - 49-223 - Aquifer water quality standards.pdf
 - 49-224 - Aquifer identification, classification and reclassification.pdf
- Three (3) A.R.S. § 41-1039 Governor's Approvals
 - 8_24_22_Gov_Approval.pdf
 - 2_5_24_Gov_Approval.pdf
 - 25_3_11_Gov_Approval.pdf

Thank you for your timely review and approval. Please contact Jon Rezabek, Legal Specialist, Water Quality Division, 602-771-8219 or rezabek.jon@azdeq.gov if you have any questions.

Sincerely,



Karen Peters, Director
Arizona Department of Environmental Quality

Enclosures

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &
February 5, 2024

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

R18-11-406

Amend

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

Authorizing statute: A.R.S. §§ 49-221, and 49-223.

Implementing statute: A.R.S. §§ 49-221, and 49-223.

4. The effective date of the rule:

July 7, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

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

Notice of Proposed Rulemaking: 30 A.A.R. 3416, Issue Date: November 15, 2024, Issue Number: 46, File Number: R24-231.

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

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

Name: Jon Rezabek
Title: Legal Specialist
Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awp-rulemaking>

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

Introduction:

General Explanation of the Collective Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state aquifer water quality standards (AWQSs) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. AWQSs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium with corresponding MCLs are either unestablished as AWQSs or are established but currently have a misaligned value as the standard. MCLs for the seven (7) pollutants can be viewed at 40 *Code of Federal Regulations* (C.F.R.) 141.60 *et seq.* A.R.S. § 49-223(A) requires ADEQ to move forward with the adoption of MCLs as AWQSs through the rulemaking process unless substantial opposition to the adoption is received from stakeholders. Upon receipt of substantial opposition, ADEQ may adopt for that pollutant the verbatim MCL as an AWQS, but only upon a finding that the MCL is appropriate for adoption in Arizona as an AWQS. In making this finding, ADEQ must consider whether the assumptions used by the EPA in developing and implementing the MCLs are appropriate for establishing an Arizona state AWQSs. The listed assumptions for consideration are technology, cost, sampling and analytical methodologies and public health risk reduction. If ADEQ determines the MCL is inappropriate as an AWQS, the Department may establish an alternative AWQS for the pollutant with an MCL. The alternative AWQS must be:

- (1) Based on the protection of human health and shall rely on technical protocols appropriate for the development of AWQSs,
and

(2) Based on credible medical and toxicological evidence that has been subjected to peer review.

Subject Matter of this NFRM: This *Notice of Final Rulemaking* (NFRM) proposes to align the AWQS for Total Trihalomethanes with the MCL for Total Trihalomethanes. Additionally, this NFRM proposes to establish AWQSs for Bromate, Chlorite and Haloacetic Acids that align with the MCLs for Bromate, Chlorite and Haloacetic Acids. The original MCLs for Total Trihalomethanes Bromate, Chlorite and Haloacetic Acids were established through Final Rules by the Environmental Protection Agency (EPA), published in the *Federal Register* at 71 *Federal Register* 388, 63 *Federal Register* 69390, 63 *Federal Register* 69390 and 71 388, respectively.

What are the MCLs for Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes that are proposed to be the new AWQSs and what are the current AWQSs for Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes?

| Pollutant | Current MCL / New or Adjusted AWQS | Previous AWQS |
|------------------------------|---|----------------------|
| Bromate | 0.010 mg/L | None |
| Chlorite | 1.0 mg/L | None |
| Haloacetic Acids | 0.060 mg/L | None |
| Total Trihalomethanes | 0.080 mg/L | 0.1 mg/L |

Substantial Opposition: ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the MCLs for Bromate, Chlorite, Haloacetic Acids, nor Total Trihalomethanes as AWQSs.

Associated Rulemakings ADEQ proposes a total of five (5) NFRMs in the collective AWQS Update rulemaking. Three (3) of the five (5) NFRMs, including this NFRM, propose to establish or align the AWQSs with the MCLs in *Arizona Administrative Code*, (A.A.C.) Title 18, Chapter 11, Article 4 for pollutants Arsenic, Bromate, Chlorite, Haloacetic Acids, Total Trihalomethanes and Uranium. This NFRM’s scope is limited to four (4) disinfection byproducts: Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes. A second NFRM’s scope includes Arsenic. A third NFRM’s scope includes Uranium. A fourth NFRM’s scope includes microbiological contaminants. A fifth and final NFRM includes in its scope a proposed new section and some amendments to A.A.C., Title 18, Chapter 9, Articles 1 and 2. With the fifth NFRM, ADEQ proposes a rule detailing implementation of new or adjusted AWQSs into existing Individual Aquifer Protection Program permits (APPs), along with adjacent amendments to existing rule to make way for this purpose.

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or “AWQSs” are

protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona’s aquifer quality for drinking water-protected use (See A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQs are used in ADEQ’s Aquifer Protection Program (APP), and, to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

Sampling and Analytical Methodologies. In the Baseline Monitoring Requirement subsection of the final rule at R18-9-A215(E)(4), the following is provided,

“[s]ampling for each pollutant with a new or adjusted AWQS shall be conducted using Arizona Department of Health Services-approved (ADHS) methods under A.A.C. R9-14-610, including methods on the ADHS Director Approved List, if available. If an ADHS-approved method does not exist, sampling shall be conducted using an appropriate EPA-approved method or a method specified by the ADEQ Director.”

At the time this NFRM was compiled, wastewater methods for some of the pollutants with new or adjusted AWQs were not ADHS-Approved (see A.A.C. Title 9, Chapter 14, Article 6, Tables 6.2.A and 6.2.B). In March 2025, ADEQ formally requested that the following sampling methods be reviewed and considered for addition to ADHS’s “Director Approved” list of sampling methods pursuant to A.A.C. R9-14-610, found published outside of the rule on ADHS’s website, here: <https://www.azdhs.gov/documents/preparedness/state-laboratory/lab-licensure-certification/environmental-laboratory/application/application-part-e.pdf>

Table 1. Analytical Methods for Baseline Monitoring

| Analyte | Analytical Method |
|-----------------------|--|
| Arsenic | EPA 200.8, SM 3113B, SM 3114B |
| Bromate | EPA 300.1, EPA 317.0 Rev 2.0, EPA 321.8, EPA 326.0 |
| Chlorite | EPA 300.0, EPA 300.1, EPA 317.0 Rev 2.0, EPA 326.0 |
| Haloacetic Acids | EPA 552.1, EPA 552.2, EPA 552.3, SM 6251B |
| Fecal coliform | SM 9223B |
| <i>E. coli</i> | SM 9223B |
| Total Trihalomethanes | EPA 502.2, EPA 524.2, EPA 551.1, SM 6251B |
| Uranium (Total) | EPA 200.8 |

* “EPA” - Environmental Protection Agency; “SM” - Standard Methods

Who are the stakeholders to this rulemaking? The stakeholders for this rulemaking are predominantly the permittees of the APP, and to a lesser extent, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP). Other stakeholders include private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state’s aquifers being protected for drinking water use.

What has been the stakeholder process thus far for this rulemaking? ADEQ has conducted a number of general and specific

stakeholder meetings, as well as tribal listening sessions, concerning this rulemaking. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ's website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

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

MCL Assumptions Report – Arsenic Aquifer Water Quality Standards Technical Support:

Summary: This report provides a review of the EPA assumptions used to change or establish the MCLs for the four Disinfectant Byproducts (DBPs) at 71 *Federal Register* 388 and 63 *Federal Register* 69390. The assumptions reviewed are listed in A.R.S. § 49-223(A) and include technologies, costs, sampling and analytical methodologies and public health risk reduction.

Study Resource: Provided review of the EPA assumptions used to establish the MCLs for the four DBPs at 71 *Federal Register* 388 and 63 *Federal Register* 69390 in order to inform ADEQ further on the subject matter and its applicability in the AWQS setting.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: LaPat-Polasko, L., Hoagland-Stamatovski, B., and Brenton, H. (2023). MCL Assumptions Report – Disinfectant Byproducts Aquifer Water Quality Standards Technical Support. Matrix New World Engineering, Land Surveying and Landscape Architecture, PC.

Draft Economic Impact Statement for Arsenic Proposed AWQS:

Summary: This report provides the Department a draft economic impact statement on the proposed Arsenic AWQS modeled after the requirements of A.R.S. § 41-1055.

Study Resource: This report informs ADEQ on the economic impact of the subject matter of the rulemaking.

Public Review: The public may review this study or may obtain copies from the Department by request. Requests can be submitted to the Department by email at awqs@azdeq.gov or by mail to Arizona Department of Environmental Quality, 1110 W. Washington Ave. Phoenix, AZ 85007.

Reference: McClure Consulting LLC with The Natelson Dale Group, Inc. (2024). Draft Economic Impact Statement for Disinfectant Byproducts Proposed AWQS. McClure Consulting LLC with The Natelson Dale Group, Inc.

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

Not applicable.

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

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) and (C) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt four (4) new or adjusted Safe Drinking Water Act Maximum Contaminant Levels (MCL) for Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes (hereinafter: "disinfection byproducts") as Aquifer Water Quality Standards (AWQSs) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the four (4) new or adjusted disinfection byproducts MCLs as an AWQSs. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Disinfection Byproducts AWQS rulemaking.

Costs to permittees to meet the new or adjusted AWQSs for the Disinfection Byproducts are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or

install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSSs, as part of the “fee-for-service” model requirements ADEQ must operate under (see A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Disinfection Byproducts AWQSSs, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the new or adjusted AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables for the Disinfection Byproducts parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including a reduction in risk of getting cancer due to consumption, as well as a similar reduction to a variety of disorders. Loss of income and additional financial hardships associated with the aforementioned diseases are also an expected benefit.

Arizona’s many community water systems (CWSs) and their clientele could see savings due to a reduction in Disinfection Byproducts in the groundwater under the proposed new or adjusted AWQSSs. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just under \$116,500 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11//23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on ADEQ’s dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: “permittees”) will be the primary bearers of costs associated with this rulemaking.

Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees’ fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultants have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced disinfection byproducts in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees’ existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a “no further degradation” standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|---|
| <i>Costs</i> | | |
| Cost estimates vary | Matrix Report Charts 8 and 9 | |
| <i>Benefits</i> | | |
| Bladder cancer incidence, costs, and similar factors related to DBPs | Table IV–8 and related text in 63 FR 69439 | |
| Adjustments to EPA estimates based on updated information | Matrix Report p. 29 | |
| <i>Bladder cancer data for Arizona</i> | National Cancer Institute seer.cancer.gov/statfacts/html/urinb.html | |
| <i>General</i> | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and its consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Disinfection Byproducts. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Disinfection Byproducts Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (*see* Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA) and data from the National Cancer Institute.

ADEQ and its consultant applied modeling factors as noted in the preceding table, using a combination of the Matrix Report for DBPs and their source material (primarily the Environmental Protection Agency (EPA)),

Cost ranges generated by the Matrix Report and used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP)

program. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| | |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|-----------------------------------|---|----------------------------------|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees: Mines | DBPs are least likely to be found in mine-related water being treated, compared to other permittee types. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSS, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | Significant | |
| Permittees: Industrial Facilities | DBPs would not be particularly likely to be found in industrial-related water being treated, compared to other permittee types, unless the industrial process has a tendency to produce DBP. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSS, as | Significant | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|---|--|
| | part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | | |
| Permittees: Wastewater Treatment Plants | This category of permittee type is most likely to be dealing with DBPs, because of the urban-use connection. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | Significant | |
| Clientele for Other Programs (UST, VRP, etc.) | Coming into compliance with new standards. | Minimal | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below. | Minimal, and spread broadly through the customer base, on a monthly basis | Savings on fees could accrue due to reduced DBP in the groundwater under the proposed AWQS |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update or install for the first time in the monitoring tables, disinfection byproducts as parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduction in bladder cancer cases, fatal and non-fatal, estimated for the affected population | | Significant |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced disinfection byproducts in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. As many as 2.04 million Arizonans could be potentially affected in this way | | Significant |
| State costs | Some state-supported medical costs would decrease | | Significant |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--------------------------------|--|----------------------------------|-------------------------------------|
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range) | | Significant |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

The group of permittees that undertake treatment to reduce DBP must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. Costs can vary based on multiple treatment technologies with varying applicability according to specific water and locational conditions. Also, permittees must balance trade-offs between minimizing initial costs, which could favor chlorination, and avoiding adding to the DBP problem by using alternatives to chlorination, which might be more expensive initially but produce savings over a longer term. If chlorination treatment is optimized and the underlying water does not contribute too many complications, DBP would be minimized, thus reducing the need for treatment. In general, DBP are more likely to be generated within municipal water treatment systems, and also in treated wastewater. DBP also can form in groundwater under certain conditions.

Mines

Because mines are not necessarily associated, locationally or otherwise, with water treated for household consumption, DBP are likely to be minimal compared with discharge systems that have an urban connection. The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive.

Industrial Facilities

This category of permittee is generally processing wastewater generated from an industrial process (separate from mining, which is treated as a separate category in this report). Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity. For some industrial processes, water use will involve treatments

similar to those for households, therefore DBP contamination would be expected; but other industrial processes will have minimal or no involvement with disinfectant treatments, and consequently DBP will be minimized.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources, and so will typically be dealing with DBP. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also Section F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost. Effects on small businesses related to DBP specifically are assumed to parallel those for discussed above related to the permittee categories of mining activity, industrial facilities, and wastewater treatment plants.

ADEQ

DEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQs, except where ambient water levels that exceed proposed AWQs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele.

For segment 2, according to the Matrix MCL Report for DBP, the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This group is assumed to receive some benefit from DBP treatment-level changes according to the proposed AWQs. The affected group would benefit from diseases forgone with the more stringent standards.

EPA made use of bladder cancer as the ailment to represent a DBP-related disease that could lead to loss of life and an extended illness, with the benefits representing the forgone effects of that representative ailment. Avoided health-related costs in the form of non-quantified benefits include potential benefits from reduced reproductive and developmental risks, reduced risks of cancers other than bladder cancer (e.g. colon and rectal cancer), spleen disorders, kidney disorders, mutagenicity, reproductive effects, immunotoxicity, liver disorders, and neurotoxicity (Matrix 2023, p. 30), along with improved water quality. If implementing the rule changes perceptions of the health risks associated with drinking water and improves taste and odor, it may reduce actions such as buying bottled water or installing filtration devices (EPA, 71 FR 451).

Community water systems (CWSs) and their clientele

This affected group (segment 1 as noted above) includes a portion of customers of municipal or water utility water systems.

Estimates of this segment of the population, served by water sources that included groundwater, were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater, along with populations served by various categories of providers. An estimated 2.04 million Arizonans could be affected in this way. The Matrix Report notes potential savings for

CWSs due to reduced DBP in the groundwater under the proposed AWQS, and that such savings could be substantial “considering the costs to treat DBP in water is much higher than the cost to prevent DBP from occurring” (MCL p. 43). These savings would presumably be passed on to customers. ADEQ and its consultant have not attempted to estimate dollar amounts associated with this effect.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled “Regional Input-Output Modeling System (RIMS) Model Explanation”). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems). In the summary of the model as tabulated below for the disinfection byproducts contaminants, direct employment and earnings resulting from permittees’ investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|---|---------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$15,259,767 |
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 27.47 |
| New Annual Earnings for Direct Jobs Created | \$2,564,781 |
| Total New Jobs (Direct + Secondary) | 84.24 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |

| | |
|--|-----------|
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$116,485 |
|--|-----------|

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the “productive capacity” is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants’ revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue (“Output”) allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases.

Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee’s particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, “‘Small business’ means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year.”
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify “businesses” as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in

A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|--|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (see A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced DBP in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted in that section, estimated state taxes for direct and secondary employment generated by investments in DBP technology (using the low end of costs where ranges are given) are approximately \$116,500.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why

the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Disinfection Byproducts Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing specific contaminants referenced extensively in the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Comment 1: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 1:

ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the four (4) disinfection byproducts MCLs as AWQSs.

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

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This rulemaking does not create a requirement for a permit.

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

Federal law is not applicable to the subject matter of the rule.

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

Not applicable.

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

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rule follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS
ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

Section

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

A. No Change

B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | (mg/L) |
|---------------------------|---|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| <u>Bromate</u> | <u>0.010</u> |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| <u>Chlorite</u> | <u>1.0</u> |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |

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| | |
|----------------------------|-------|
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

C. The following are the aquifer water quality standards for organic chemicals:

| Pollutant | (mg/L) |
|-----------------------------|--------------|
| Benzene | 0.005 |
| Benzo (a) pyrene | 0.0002 |
| Carbon Tetrachloride | 0.005 |
| o-Dichlorobenzene | 0.6 |
| para-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| cis-1,2-Dichloroethylene | 0.07 |
| trans-1,2-Dichloroethylene | 0.1 |
| 1,2-Dichloropropane | 0.005 |
| Dichloromethane | 0.005 |
| Di (2-ethylhexyl) adipate | 0.4 |
| Di (2-ethylhexyl) phthalate | 0.006 |
| Ethylbenzene | 0.7 |
| <u>Haloacetic Acids</u> | <u>0.060</u> |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Monochlorobenzene | 0.1 |
| Pentachlorophenol | 0.001 |
| Styrene | 0.1 |
| 2,3,7,8-TCDD (Dioxin) | 0.00000003 |
| Tetrachloroethylene | 0.005 |

| | |
|-------------------------|------------------------------|
| Toluene | 1 |
| Trihalomethanes (Total) | 0.10 <u>0.080</u> |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.20 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Vinyl Chloride | 0.002 |
| Xylenes (Total) | 10 |

- D.** No Change
- E.** No Change
- F.** No Change
- G.** No Change

AWP NFRM Economic Impact Statement (EIS) - 18 AAC 11 - Disinfection Byproducts

A summary of the economic, small business, and consumer impact:

This Economic, Small Business, and Consumer Impact Statement (EIS) has been prepared to meet the requirements of A.R.S. § 41-1055.

A. An Identification of the Rulemaking:

The rulemaking addressed by this EIS has the scope of an amendment to R18-11-406(B) and (C) in Title 18, Chapter 11, Article 4 of the Arizona Administrative Code (A.A.C.) This rulemaking action is being taken by the Arizona Department of Environmental Quality (ADEQ) in order to adopt four (4) new or adjusted Safe Drinking Water Act Maximum Contaminant Levels (MCL) for Bromate, Chlorite, Haloacetic Acids and Total Trihalomethanes (hereinafter: "disinfection byproducts") as Aquifer Water Quality Standards (AWQSs) pursuant to Arizona Revised Statutes (A.R.S.) § 49-223. A.R.S. § 49-223 mandates that within one year after the EPA establishes or adjusts an MCL, the ADEQ Director shall open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of the MCL as an AWQS. As is detailed in Section 7 of this Notice of Final Rulemaking (NFRM), ADEQ conducted the rulemaking in conformance with the statutory administrative procedure in A.R.S. Title 41, Chapter 6, and is hereby submitting this EIS, in conformance with the requirements of A.R.S. §§ 41-1055 and 41-1035. ADEQ has determined that this rulemaking will impact the regulated community, ADEQ customers, the environment, and may impact human health. This EIS was developed to evaluate the rulemaking's impacts and compare the benefits and detriments of adopting the four (4) new or adjusted disinfection byproducts MCLs as an AWQSs. The AWQSs are designed to protect the State's aquifers, all of which have been designated for drinking water-protected use (*see* A.R.S. § 49-224(B)). The AWQSs are primarily used in ADEQ's Aquifer Protection Permit program (APP), and (to a lesser extent) in some remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

B. A summary of the EIS:

General & Specific Impacts

The full scope of stakeholders who may incur direct impacts from this rulemaking include APP permittees, such as Mines, Industrial Facilities and Wastewater Treatment Plants, as well as rate payers to municipal drinking water systems, ADEQ, the general public and the environment. While not all costs and benefits are borne evenly, these are the identified groups generally impacted from the Disinfection Byproducts AWQS rulemaking.

Costs to permittees to meet the new or adjusted AWQSs for the Disinfection Byproducts are significant and indeterminate at this time. Permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs to permittees could range from nothing to millions, depending on a number of factors. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the "fee-for-service" model requirements ADEQ must operate under (*see* A.R.S. § 49-104(B)(17)). Regulated parties for other programs that utilize the AWQS, such as remediation programs such as WQARF and VRP will be minimally affected by the update to the Disinfection Byproducts AWQSs, likely through coming into compliance with new standards. Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the new or adjusted AWQS. However, there could be offsetting effects for community water system clientele. ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update monitoring tables for the Disinfection Byproducts parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees.

Benefits to Stakeholders include the State of Arizona and its constituents, generally, due to savings that could accrue through aquifers remaining a viable asset to community water portfolios and individual well users alike. Also, private well users could see significant health benefits, including a reduction in risk of getting cancer due to consumption, as well as a similar reduction to a variety of disorders. Loss of income and additional financial hardships associated with the aforementioned diseases are also an expected benefit.

Arizona's many community water systems (CWSs) and their clientele could see savings due to a reduction in Disinfection Byproducts in the groundwater under the proposed new or adjusted AWQSs. Also, some state-supported medical costs will decrease and state revenue would be affected through the investments in treatment technologies and processes to be made by permittees resulting in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just under \$116,500 for the direct and secondary hires (at the low end of the estimated cost range).

Stakeholder Process

ADEQ has conducted a number of general and specific stakeholder meetings concerning this rulemaking, including tribal listening sessions and rule language sessions with major industry associations and their counsel, representing a majority of the individual APP regulated parties. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24, 1/8/25, 2/20/25 and others. A repository of stakeholder materials can be found published on

ADEQ's dedicated AWQS Rulemaking website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

C. Identification of the persons who will be directly affected, bear the costs of, or directly benefit from the rules:

Costs to Stakeholders

Individual APP Permittees (hereinafter: "permittees") will be the primary bearers of costs associated with this rulemaking. Permittees are discussed under the following three categories:

- Mines, where treatment conditions can vary noticeably from typical urban waste processing.
- Industrial facilities, with treatment conditions that can vary according to the industrial processes involved.
- Wastewater Treatment Plants, including mostly those treating urban-related wastewater.

Other potential costs to stakeholders addressed include the following:

- Rate payers in municipal systems, where rates could conceivably increase to cover increased costs for expanded treatment.
- Regulated parties under ADEQ remediation programs such as WQARF and VRP (minimal impact).
- Some permittees are assumed to be small businesses, and are additionally addressed as a segmented category.
- ADEQ, although any additional staff efforts and other expenses associated with monitoring proposed expanded treatment requirements will generally be covered through permittees' fee increases.

Benefits to Stakeholders

Generally, the state and the constituents of the state benefit from this rulemaking through the protection of the aquifer resource as an asset for drinking water use both now and in the future, pursuant to statutory mandate at A.R.S. § 49-224. More specifically, ADEQ and its consultants have attempted to quantify the benefit of the rulemaking to the extent possible in terms of health benefits related to forgone diseases. In Arizona, the immediate health-affected population consists primarily of private well users throughout the state, under certain qualifying conditions. Private well water consumers are generally limited to areas where discharged water treatment contaminant levels would improve based on the proposed AWQSs.

Other benefit categories include the following:

- Community water systems (CWSs) and their clientele. Savings could accrue to CWSs due to reduced disinfection byproducts in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers.
- State costs, where some state-supported medical costs would decrease, with diseases forgone.
- Beneficial State revenue effects could result from the following: Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues.

D. Benefit/Cost Analysis:

Not all permittees will be burdened with the requirement to alter their facility in order to come into compliance with the proposed AWQSs and thereby incur the related costs, for any one of the following reasons or combinations of reasons:

- Permittees' existing treatment methods/technologies are already adequate to meet the target standard;
- The contaminant in wastewater subject to treatment exists at a level below the proposed AWQS; and
- Ambient levels of the contaminant in groundwater exceed the proposed AWQS, in which case the permittee need only be held to a "no further degradation" standard (*see* A.A.C. R18-9-A205(C), A.R.S. § 49-243(B)(2) and (3)).

Cost estimate figures in this EIS relate primarily to expected equipment purchases, and do not include consideration of new structures, vehicles, furniture, and the like.

Key modeling factors used in this analysis are the following:

| Factors | Key source references | Notes |
|---|---|---|
| Costs | | |
| Cost estimates vary | Matrix Report Charts 8 and 9 | |
| Benefits | | |
| Bladder cancer incidence, costs, and similar factors related to DBPs | Table IV-8 and related text in 63 FR 69439 | |
| Adjustments to EPA estimates based on updated information | Matrix Report p. 29 | |
| <i>Bladder cancer data for Arizona</i> | National Cancer Institute seer.cancer.gov/statfacts/html/urinb.html | |
| General | | |
| Information about permittees by type of activity served, including size | APP Permittee Database | Categorizations of permittees and also the total number are as interpreted by ADEQ and its consultant |
| Amounts in October 2023 \$ | https://data.bls.gov/cgi-bin/cpicalc.pl | |

Approach to the EIS for Disinfection Byproducts. ADEQ and its consultant rely on estimates prepared by the authors of the “MCL Assumptions Report – Disinfection Byproducts Aquifer Water Quality Standards Technical Support”, prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC. in 2023 (“Matrix Report”) (see Heading No. 8 of this NFRM). This information was supplemented by the Matrix Report’s source material (primarily from the EPA) and data from the National Cancer Institute.

ADEQ and its consultant applied modeling factors as noted in the preceding table, using a combination of the Matrix Report for DBPs and their source material (primarily the Environmental Protection Agency (EPA)), Cost ranges generated by the Matrix Report and used in this EIS are broad, reflecting the complexity of the treatment options, water conditions, etcetera that were considered. Dollar figures in the EIS are in October 2023-equivalent dollars unless noted otherwise. The primary regulatory program affected by this rulemaking is the individual Aquifer Protection Permit (APP) program. According to ADEQ’s database of permittees, an estimated total of 434 permits are divided among the categories shown below:

| Category | # Permittees |
|---|--------------|
| Mines | 35 |
| Industrial Facilities | 56 |
| Wastewater Treatment Plants | 343 |
| Total | 434 |
| | |
| *Small Businesses as a segmented category | 135 |

The three categories in the table above are addressed separately in the benefit/cost analysis within this subsection where it is possible and meaningful to do so.

1. Part I – Benefit / Cost Stakeholder Matrix:

| Minimal | Moderate | Substantial | Significant |
|-------------------|--------------------------|--------------------------|--|
| \$500,000 or less | \$500,000 to \$5 million | Greater than \$5 million | Cost/Burden cannot be calculated, but the Department expects it to be significant. |

Note: all benefits and cost figures in this document are in annualized amounts.

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|-----------------------------------|---|----------------------------------|-------------------------------------|
| Costs to Stakeholders | | | |
| Permittees: Mines | DBPs are least likely to be found in mine-related water being treated, compared to other permittee types. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSS, as part of the “fee-for-service” model requirements ADEQ must operate under (see A.R.S. § 49-104(B)(17)). | Significant | |
| Permittees: Industrial Facilities | DBPs would not be particularly likely to be found in industrial-related water being treated, compared to other permittee types, unless the industrial process has a tendency to produce DBP. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSS, as | Significant | |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--|--|---|--|
| | part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | | |
| Permittees: Wastewater Treatment Plants | This category of permittee type is most likely to be dealing with DBPs, because of the urban-use connection. However, permittees must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. The Matrix Report showed potential costs from nothing to millions. Within this range, permittees would tend to be minimizing costs where possible, and the actual cost range is likely to be considerably narrower. Permittees will also need to cover any costs incurred by ADEQ in addressing revised AWQSs, as part of the “fee-for-service” model requirements ADEQ must operate under (<i>see</i> A.R.S. § 49-104(B)(17)). | Significant | |
| Clientele for Other Programs (UST, VRP, etc.) | Coming into compliance with new standards. | Minimal | |
| Rate payers in municipal systems | Private citizens and businesses could face increased user fees for wastewater processing, to cover the costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted below. | Minimal, and spread broadly through the customer base, on a monthly basis | Savings on fees could accrue due to reduced DBP in the groundwater under the proposed AWQS |
| Small businesses as a segmented category | Coming into compliance with new standards. Small businesses are generally cost-disadvantaged when compared to larger businesses because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. | Significant | |
| ADEQ | ADEQ believes some new costs will be incurred, despite the fact that some infrastructure for processing permits is already in place. ADEQ anticipates that hundreds of permits may need to be amended to update or install for the first time in the monitoring tables, disinfection byproducts as parameters. Any additional costs incurred would generally be covered by increased fees paid by permittees. | Significant | |
| Benefits to Stakeholders | | | |
| State of Arizona and its Constituents, generally | Savings could accrue to the people of the State of Arizona, generally, through aquifers (as a local, convenient and {in the right circumstance} inexpensive sources for drinking water) remaining a viable asset to community water portfolios and individual well users alike | | Significant |
| Private well users, health benefits: In Arizona, the more immediately affected population consists primarily of private well users throughout the state. | Following EPA, quantified benefits are measured in terms of reduction in bladder cancer cases, fatal and non-fatal, estimated for the affected population | | Significant |
| Community water systems (CWSs) and their clientele | Savings could accrue to CWSs due to reduced disinfection byproducts in the groundwater under the proposed AWQS. Any savings would presumably be passed on to customers. As many as 2.04 million Arizonans could be potentially affected in this way | | Significant |
| State costs | Some state-supported medical costs would decrease | | Significant |
| State revenue effects | Investments in treatment technology and processes by permittees would result in additional hires to operate equipment, which in turn would generate additional | | Significant |

| Description of Affected Groups | Description of Effect | Increased Cost/Decreased Revenue | Decreased Cost/Increases in Revenue |
|--------------------------------|---|----------------------------------|-------------------------------------|
| | employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. State income taxes are estimated to be just over \$45,000 for the direct and secondary hires (at the low end of the estimated cost range) | | |

2. Part II – Individual Stakeholder Summaries / Calculations:

The following subsection provides an explanatory discussion of expected stakeholder costs and benefits. The subsection outlines the key factors and analysis used to determine the impact findings reported in Part 1 of subsection D, above.

Costs to Stakeholders:

Permittees in General

The group of permittees that undertake treatment to reduce DBP must determine appropriate treatment technology for the specific conditions applicable to them; then upgrade or install technology and train or hire personnel as needed to operate. Costs can vary based on multiple treatment technologies with varying applicability according to specific water and locational conditions. Also, permittees must balance trade-offs between minimizing initial costs, which could favor chlorination, and avoiding adding to the DBP problem by using alternatives to chlorination, which might be more expensive initially but produce savings over a longer term. If chlorination treatment is optimized and the underlying water does not contribute too many complications, DBP would be minimized, thus reducing the need for treatment. In general, DBP are more likely to be generated within municipal water treatment systems, and also in treated wastewater. DBP also can form in groundwater under certain conditions.

Mines

Because mines are not necessarily associated, locationally or otherwise, with water treated for household consumption, DBP are likely to be minimal compared with discharge systems that have an urban connection. The 35 permittees operating mining facilities can be quite complex, potentially involving multiple water control structures (dams, retention areas, etc.) in conjunction with treatment processes. The concentrate leach process for extracting copper, a common practice in Arizona, is also water-intensive.

Industrial Facilities

This category of permittee is generally processing wastewater generated from an industrial process (separate from mining, which is treated as a separate category in this report). Consequently, water treatment technology options are partially dictated by the particular type of waste created through the industrial activity. For some industrial processes, water use will involve treatments similar to those for households, therefore DBP contamination would be expected; but other industrial processes will have minimal or no involvement with disinfectant treatments, and consequently DBP will be minimized.

Wastewater Treatment Plants

The 343 permittees in this category are generally treating wastewater from typical municipal/urban-type sources, and so will typically be dealing with DBP. Key subcategories in this group are listed below and provide a sense of the range of activities to which treatments are being applied. Some of these are tied to municipalities, and some are treating waste streams from planned communities, RV parks, correctional institutions, military installations, or similar developments that may be remote from or otherwise not connected to a central wastewater treatment collection and processing system.

- City/Town; Other Urban (subdivisions, single-purpose facilities such as schools)
- Hospitality/Travel/Recreation
- Military Base
- Prison/Jail
- Water Recharge, Other Processing

Rate payers in municipal systems (community water systems (CWSs))

Private citizens and businesses could face increased user fees for wastewater processing, to cover costs of implementing the revised AWQS. However, there could be offsetting effects for community water system clientele, as noted in the Benefit Stakeholders subsection below. Ratepayer costs are expected to be minimal and spread broadly through the customer base, and would be incurred on a monthly basis.

Small businesses as a segmented category

(See also Section F below, addressing the probable effects of the proposed rulemaking on small businesses.) Cost burdens on small businesses will tend to be proportionately greater than for large businesses. Not only are they less likely to have specific expertise needed to meet proposed modified standards in-house, but also small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases, so larger processing facilities can process wastes at a smaller unit cost. Effects on small businesses related to DBP specifically are assumed to parallel those for discussed above related to the permittee categories of mining activity, industrial facilities, and wastewater treatment plants.

ADEQ

DEQ may need additional staff or staff time to address advanced treatment processes and related testing, etc. However, any such costs should be covered by fees paid by permittees for ADEQ services.

Benefits to Stakeholders:

Private well users (and CWSs users)

The relevant affected group for this benefit consists of consumers of permittee-treated water that ends up in water supply chains, under certain qualifying conditions: benefiting water consumers are limited to where treatment levels would change according to proposed AWQs, except where ambient water levels that exceed proposed AWQs have been invoked so that proposed standards are bypassed.

There are two segments to this group of benefiting stakeholders:

1. Some community water systems (CWSs, or municipal water treatment utility operators), for systems in which groundwater is a water source, along with customers of those water utilities. These stakeholders are likely to jointly benefit from reduced treatment requirements and costs, with cost savings presumably passed on to customers, because groundwater quality has improved due to permittees' actions in meeting revised AWQs.
2. The population served by private wells, where there is no intermediary utility processing their water for consumption. This affected group would benefit from diseases forgone with the more stringent standards.

The first segment is addressed below under the subsection entitled, Community water systems (CWSs) and their clientele. For segment 2, according to the Matrix MCL Report for DBP, the estimated population in Arizona that obtains groundwater for domestic use is 350,000. This group is assumed to receive some benefit from DBP treatment-level changes according to the proposed AWQs. The affected group would benefit from diseases forgone with the more stringent standards.

EPA made use of bladder cancer as the ailment to represent a DBP-related disease that could lead to loss of life and an extended illness, with the benefits representing the forgone effects of that representative ailment. Avoided health-related costs in the form of non-quantified benefits include potential benefits from reduced reproductive and developmental risks, reduced risks of cancers other than bladder cancer (e.g. colon and rectal cancer), spleen disorders, kidney disorders, mutagenicity, reproductive effects, immunotoxicity, liver disorders, and neurotoxicity (Matrix 2023, p. 30), along with improved water quality. If implementing the rule changes perceptions of the health risks associated with drinking water and improves taste and odor, it may reduce actions such as buying bottled water or installing filtration devices (EPA, 71 FR 451).

Community water systems (CWSs) and their clientele

This affected group (segment 1 as noted above) includes a portion of customers of municipal or water utility water systems. Estimates of this segment of the population, served by water sources that included groundwater, were derived from data at the Arizona Department of Water Resources website (<https://www.azwater.gov/ama/ama-data>) which gave quantities of water use by municipal and other user types, by source, including groundwater, along with populations served by various categories of providers. An estimated 2.04 million Arizonans could be affected in this way. The Matrix Report notes potential savings for CWSs due to reduced DBP in the groundwater under the proposed AWQs, and that such savings could be substantial "considering the costs to treat DBP in water is much higher than the cost to prevent DBP from occurring" (MCL p. 43). These savings would presumably be passed on to customers. ADEQ and its consultant have not attempted to estimate dollar amounts associated with this effect.

State cost savings

Some state-supported medical costs would decrease. Dollar estimates of this effect have not been attempted.

State revenue effects

State tax revenues could increase as a result of added sales taxes on potential additional user fees, and state income taxes from new hires accompanying the investments in treatment facilities. These latter effects are discussed in subsection E, below.

E. A general description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the rulemaking:

General:

As permittees determine appropriate treatment technology for the specific conditions applicable to them, they must also then upgrade or install the technology and train or hire personnel as needed to operate it. In this EIS, this effect is simulated through the RIMS II modeling system described, as applied to this analysis (see next subsection below entitled "Regional Input-Output Modeling System (RIMS) Model Explanation"). Summarized results of the modeling process are tabulated below. Unless noted otherwise, results represent the low end of estimates where a range of potential annualized costs has been given in subsection D, above, to avoid potential confusion and overstatement related to this impact measure. The model translates expected annualized costs to employment and earnings based on relationships of those elements within the industry category that most closely matches that of the permittees (and is documented within the RIMS II system – NAICS code 2213: Water, sewage, and other systems).

In the summary of the model as tabulated below for the disinfection byproducts contaminants, direct employment and earnings resulting from permittees' investment in equipment are shown separately from the total multiplier (direct plus secondary) job-generating effects of this investment.

| RIMS II modeling outputs and key input factors | |
|--|---------------|
| Annualized Costs (with financing etc.)/Increased "Output" | \$15,259,767 |
| <i>Jobs Per Million Dollars in Output</i> | <i>1.80</i> |
| <i>Earnings Per Dollar of Output</i> | <i>\$0.17</i> |
| New Wastewater Treatment Direct Jobs Created | 27.47 |
| New Annual Earnings for Direct Jobs Created | \$2,564,781 |
| Total New Jobs (Direct + Secondary) | 84.24 |
| <i>Effective Income Tax Rate</i> | <i>2.1%</i> |
| Estimated Total Annual State Income Taxes (Direct and Secondary) | \$116,485 |

Source: RIMS II model for Arizona; ADEQ & consultant.

Regional Input-Output Modeling System (RIMS) Model Explanation:

This subsection discusses the Regional Input-Output Modeling System (RIMS II - As provided by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce) modeling analysis supporting the jobs-related economic impact of the proposed wastewater treatment investments / expansions in the State of Arizona. All impacts estimated through this analysis are provided for the statewide level of geography and are not intended to estimate impacts for sub-state geographic areas (e.g., metropolitan statistical area [MSA], county, etc.). Results of these analyses are shown in Parts E (employment) and G (state taxes) of the document.

The analysis assumes the investments to upgrade the wastewater facilities will include installing new wastewater-specific equipment (which may also include expanding the size of the facility, although that is not addressed in this analysis), which will increase the productive capacity of these wastewater facilities. For the purposes of this analysis, the "productive capacity" is assumed to be the annualized equivalent of capital investments (and additional operating costs would also be part of this, and such costs are included in the analysis where available). Cost (and benefit) figures shown in this document are annualized, having been calculated as such by the original data providers, generally from EPA and the Matrix Report.

The annualizations generally were based on assumptions of the payback of proposed investments having a 20-year lifespan (and an installation period was sometimes included) and an annual interest rate of 7.0%. ADEQ and its consultant further assumed that wastewater treatment plants' revenues (such as user fee increases) would increase by commensurate amounts to cover the annualized costs of the proposed improvements. This increase in revenue ("Output") allows ADEQ and its consultant to apply final-demand multipliers to estimate the number of new jobs and earnings (associated with these jobs) in the state that would result from the proposed investments. The RIMS II model generates economic multipliers for jobs, earnings, and output, based on the industry NAICS code 2213: Water, sewage, and other systems, for direct, indirect, and household (induced) effects. Along with the increases in employment and earnings generated by the proposed investments, the new earnings would also generate state income tax revenue for the State. Based on data from the BEA and the Arizona Department of Revenue (ADOR), ADEQ and its consultant derived an estimated effective state income rate of 2.1% (The State flat income tax rate, at the time this EIS was prepared, is 2.5%. The net income tax rate of 2.1% reflects deductions for the average wage and salary worker and other adjustments).

F. A statement on the probable impact of the rules on small business:

Economic costs to comply with AWQSs that are borne by small businesses may be considerable. Small businesses tend to be disadvantaged because treatment costs generally decline as the scale (processing capacity) of a processing facility increases. Besides the potential need for additional personnel or additional training, permittees may need to hire technical expertise on a consulting basis to determine the most appropriate and cost-effective treatment technologies that apply to any one permittee's particular conditions.

1. An identification of the small businesses subject to the rules:

Small businesses constitute a distinct category for which the impacts of rulemaking need to be considered. For this EIS and those addressing the other contaminants, impacted small businesses will be wastewater facility permittees meeting the following criteria:

- According to A.R.S. 41-1001 and as applied in this EIS, "'Small business' means a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than \$4 million in its last fiscal year."
- ADEQ and its consultant used a database of permittees, which had partial flow data, to screen permittees for this measure. Lacking further operational-level data for permittees, ADEQ and its consultant also screened permittees to identify "businesses" as opposed to governmental entities, and small businesses, constituting those that did not appear to be associated with a larger entity.

Based on the screening processes described above, in which the number of permittees that are also small businesses is estimated with limited precision, ADEQ and its consultant estimated that small businesses make up just over 30% of

permittees, or 135 entities in total. As noted previously in this EIS, not all of these facilities will necessarily need to incur costs to meet the proposed AWQS.

2. The administrative and other costs required for compliance with the rules:

Permittees small and large have systems already in place for the basic administrative and other managerial duties related to compliance to existing AWQSSs. To the extent that is the case, any additional duties would constitute an expansion of existing processes rather than new systems. Also, there is a possibility that permittees would need to hire a consultant for technical expertise to select and integrate new technology into existing treatment processes.

3. A description of the methods that the agency may use to reduce the impact on small businesses, as required in A.R.S. § 41-1035:

| A.R.S. § 41-1035 Methods | ADEQ Decision to use or not use and reason |
|---|--|
| 1. Establishing less stringent compliance or reporting requirements in the rule for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). ADEQ does allow permittees a reasonable amount of time to conduct Baseline Monitoring and to apply for permit amendment to come into compliance with new or adjusted AWQS (see Chapter 9 NFRM). |
| 3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses | Not used. In administering the APP program, compliance and reporting requirements are delineated in rule and statute in order to properly protect human health and the environment. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 4. Establishing performance standards for small businesses to replace design or operational standards in the rule | Not used. In administering the APP program, performance, design and operational standards are all built into a review of a facility's employment of the best available demonstrated control technologies, processes, operating methods or other alternatives. ADEQ believes these requirements are no more stringent than necessary (see A.R.S. §§ 49-223, 224, 241, 243). |
| 5. Exempting small businesses from any or all requirements of the law | Not used. In administering the APP program, all persons discharging a pollutant into the environment must obtain an APP permit under A.R.S. § 49-241, unless exempted through A.R.S. § 49-250. Eliminating small business from the scope of the APP program is not supported by statute and would undermine the purpose of the program, to protect the state's aquifers to a drinking water standard (see A.R.S. §§ 49-223, 224, 241, 243). |

4. The probable costs and benefits to private persons and consumers who are directly affected by the rules:

Potential savings could accrue to community water systems due to reduced DBP in the groundwater under the proposed AWQS, and such savings could be substantial and would presumably be passed on to customers.

G. A statement of the probable effect on state revenues:

To the extent that costs to upgrade treatment facilities result in higher user fees, additional fees could be taxable within the state's transaction privilege tax system. ADEQ and its consultant have not attempted to quantify any such effect. Investments in treatment technology and processes by permittees could result in additional hires to operate equipment, which in turn would generate additional employment through indirect and induced (secondary) economic activity, and subsequent tax revenues. Employment effects are addressed in subsection D, above. As noted in that section, estimated state taxes for direct and secondary employment generated by investments in DBP technology (using the low end of costs where ranges are given) are approximately \$116,500.

H. A description of any less intrusive or less costly methods of achieving the purpose of the rulemaking:

The controlling statute at A.R.S. § 49-223 does not allow ADEQ to conduct any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking. It simply requires ADEQ to open a rule making docket pursuant to A.R.S. § 41-1021 for adoption of a new or adjusted MCL as an AWQS within one year of the MCL's establishment or adjustment.

I. A description of any data on which the rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data:

Reference material used in this EIS comes mainly from the *MCL Assumptions Report – Disinfection Byproducts Aquifer Water Quality Standards Technical Support* prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix Report) for ADEQ in 2023 (*see* Heading No. 8 above for citation). Other reference material was used to a lesser extent (*see* Heading No. 8 above). ADEQ and its consultant also made selective use of EPA documents addressing specific contaminants referenced extensively in the Matrix Report. EPA documentation is the typical standard for assumed legitimacy with respect to actions assessed and implemented by ADEQ. ADEQ and its consultant reviewed the Matrix Report and engaged with Matrix principals in direct consultation regarding aspects of their documentation in the preparation of this EIS. EPA documentation was generally available online.

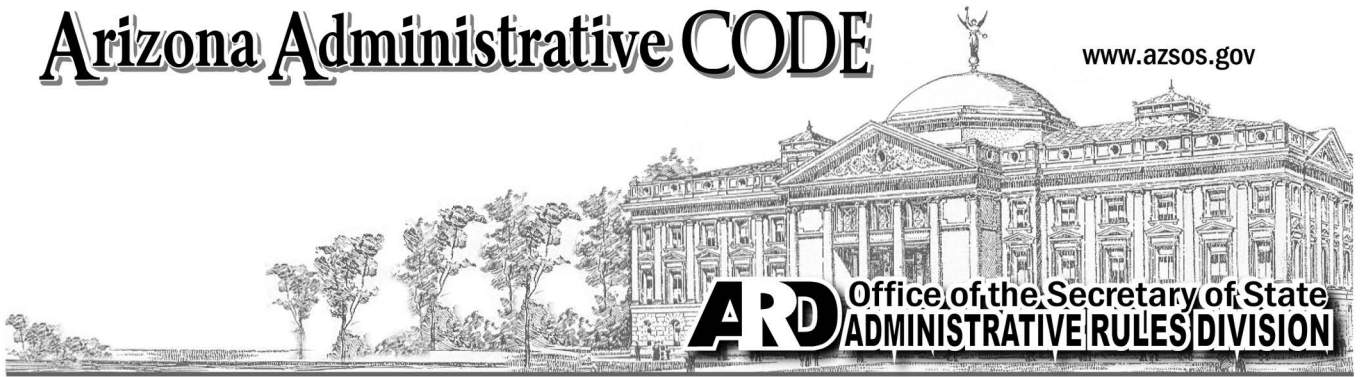
AWP NFRM Public Comments - 18 AAC 11 - Disinfection Byproducts

Comment 1: Utility

If there is significant opposition to any of the parameters does ADEQ then not proceed with that particular parameter?

ADEQ Response 1:

ADEQ appreciates the comment. The answer to that question is – not necessarily. “Substantial Opposition” is a term defined in A.R.S. § 49-223(A) as, “... information submitted to the director that explains with reasonable specificity why the [MCL] is not appropriate as an [AWQS].” Upon receipt of “substantial opposition”, the Department must conduct a statutorily delineated procedure that leads to a determination of whether the MCL is “appropriate” as an AWQS. More information on that process can be found here: <https://www.azdeq.gov/rulemaking/awqs-update/resources> . ADEQ did not receive substantial opposition from stakeholders on the proposal to adopt the four (4) disinfection byproducts MCLs as AWQs.



18 A.A.C. 11

Supp. 23-3

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2023 through September 30, 2023

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Questions about these rules? Contact:

Department: Arizona Department of Environmental Quality
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 Website: www.azdeq.gov
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The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-99 pages.

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Authority: A.R.S. §§49-202(A), 49-203(A)(1)

Supp. 23-3

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ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS

Tables in Article 1, Appendix A have been updated and now include historical notes (Supp. 16-4).

Article 1, consisting of Appendices A through C, repealed April 24, 1996 (Supp. 96-2).

Article 1, consisting of Section R18-11-103, reserved effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-105 and R18-11-106, and Appendices A and B, adopted April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 and R18-11-102, R18-11-104, R18-11-107 through R18-11-109, R18-11-111 through R18-11-113, R18-11-115, R18-11-117 and R18-11-118, R18-11-120 and R18-11-121, amended effective April 24, 1996 (Supp. 96-2).

Article 1, consisting of Sections R18-11-101 through R18-11-121 and Appendices A through C, adopted effective February 18, 1992 (Supp. 92-1).

Article 1, consisting of Section R18-11-101, repealed effective February 18, 1992 (Supp. 92-1).

Article 1 consisting of Section R9-21-101 renumbered as Article 1, Section R18-11-101 (Supp. 87-3).

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Article 2, consisting of Sections R18-11-201 through R18-11-205, adopted effective February 18, 1992 (Supp. 92-1).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Article 2, consisting of Sections R18-11-201 through R18-11-214 and Appendices A and B, repealed effective February 18, 1992 (Supp. 92-1).

Article 2 consisting of Sections R9-21-201 through R9-21-214 and Appendices A and B renumbered as Article 2, Sections R18-11-201 through R18-11-214 and Appendices A and B (Supp. 87-3).

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ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS

Article 3, consisting of Sections R18-11-301 through R18-11-309 and Table A, adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

Article 3 heading repealed effective April 24, 1996 (Supp. 96-2).

Article 3, consisting of Sections R18-11-301 through R18-11-304 repealed effective February 18, 1992 (Supp. 92-1).

Article 3 consisting of Sections R9-21-301 through R9-21-304 renumbered as Article 3, Sections R18-11-301 through R18-11-304 (Supp. 87-3).

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ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS

R18-11-101. Definitions

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation (AgI)" means the use of a surface water for crop irrigation.
3. "Agricultural livestock watering (AgL)" means the use of a surface water as a water supply for consumption by livestock.
4. "Annual mean" is the arithmetic mean of monthly values determined over a consecutive 12-month period, provided that monthly values are determined for at least three months. A monthly value is the arithmetic mean of all values determined in a calendar month.
5. "Aquatic and wildlife (cold water) (A&Wc)" means the use of a surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
6. "Aquatic and wildlife (effluent-dependent water) (A&Wedw)" means the use of an effluent-dependent water by animals, plants, or other organisms for habitation, growth, or propagation.
7. "Aquatic and wildlife (ephemeral) (A&We)" means the use of an ephemeral water by animals, plants, or other organisms, excluding fish, for habitation, growth, or propagation.
8. "Aquatic and wildlife (warm water) (A&Ww)" means the use of a surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
9. "Arizona Pollutant Discharge Elimination System (AZPDES)" means the point source discharge permitting program established under 18 A.A.C. 9, Article 9.
10. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
11. "Clean Water Act" means the Federal Water Pollution Control Act [33 U.S.C. 1251 to 1387].
12. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
13. "Criteria" means elements of water quality standards that are expressed as pollutant concentrations, levels, or narrative statements representing a water quality that supports a designated use.
14. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
15. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health based water quality standard criteria, in order to simulate long-term exposure, the receiving water critical flow condition is the harmonic mean flow.
16. "Deep lake" means a lake or reservoir with an average depth of more than 6 meters.
17. "Designated use" means a use specified in Appendix B of this Article for a surface water.
18. "Domestic water source (DWS)" means the use of a surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
19. "Effluent-dependent water (EDW)" means a surface water or portion of a surface water, that consists of a point source discharge without which the surface water would be ephemeral. An effluent-dependent water may be perennial or intermittent depending on the volume and frequency of the point source discharge of treated wastewater.
20. "Ephemeral water" means a surface water or portion of surface water that flows or pools only in direct response to precipitation.
21. "Existing use" means a use attained in the waterbody on or after November 28, 1975, whether or not it is included in the water quality standards.
22. "Fish consumption (FC)" means the use of a surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
23. "Full-body contact (FBC)" means the use of a surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
24. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_Y = \sqrt[n]{(Y_1)(Y_2)(Y_3)\dots(Y_n)}$$
25. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
26. "Igneous lake" means a lake located in volcanic, basaltic, or granite geology and soils.

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27. "Intermittent water" means a surface water or portion of surface water that flows continuously during certain times of the year and more than in direct response to precipitation, such as when it receives water from a spring, elevated groundwater table or another surface source, such as melting snowpack.
28. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
29. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
30. "Outstanding Arizona water (OAW)" means a surface water that is classified as an outstanding state resource water by the Director under R18-11-112.
31. "Partial-body contact (PBC)" means the recreational use of a surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
32. "Perennial water" means a surface water or portion of surface water that flows continuously throughout the year.
33. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance. A.R.S. § 49-201(29)
34. "Pollutant Minimization Program" means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loadings.
35. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
36. "Reference condition" means a set of abiotic physical stream habitat, water quality, and site selection criteria established by the Director that describe the typical characteristics of stream sites in a region that are least disturbed by environmental stressors. Reference biological assemblages of macroinvertebrates and algae are collected from these reference condition streams for calculating the Arizona Indexes of Biological Integrity thresholds.
37. "Regional Administrator" means the Regional Administrator of Region IX of the U.S. Environmental Protection Agency.
38. "Regulated discharge" means a point-source discharge regulated under an AZPDES permit, a discharge regulated by a § 404 permit, and any discharge authorized by a federal permit or license that is subject to state water quality certification under § 401 of the Clean Water Act.
39. "Riffle habitat" means a stream segment where moderate water velocity and substrate roughness produce moderately turbulent conditions that break the surface tension of the water and may produce breaking wavelets that turn the surface water into white water.
40. "Run habitat" means a stream segment where there is moderate water velocity that does not break the surface tension of the water and does not produce breaking wavelets that turn the surface water into white water.
41. "Sedimentary lake" means a lake or reservoir in sedimentary or karst geology and soils.
42. "Shallow lake" means a lake or reservoir, excluding an urban lake, with a smaller, flatter morphology and an average depth of less than 3 meters and a maximum depth of less than 4 meters.
43. "Significant degradation" means:
 - a. The consumption of 20 percent or more of the available assimilative capacity for a pollutant of concern at critical flow conditions, or
 - b. Any consumption of assimilative capacity beyond the cumulative cap of 50 percent of assimilative capacity.
44. "Surface water" means "WOTUS" as defined in A.R.S. § 49-201(53).
45. "Total nitrogen" means the sum of the concentrations of ammonia (NH₃), ammonium ion (NH₄⁺), nitrite (NO₂), and nitrate (NO₃), and dissolved and particulate organic nitrogen expressed as elemental nitrogen.
46. "Total phosphorus" means all of the phosphorus present in a sample, regardless of form, as measured by a persulfate digestion procedure.
47. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
48. "Urban lake" means a manmade lake within an urban landscape.
49. "Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of a designated use including physical, chemical, biological, and economic factors.
50. "Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the variance.
51. "Wadable" means a surface water can be safely crossed on foot and sampled without a boat.
52. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
53. "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas.

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54. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Former Section R9-21-101 repealed, new Section R9-21-101 adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Amended effective January 7, 1985 (Supp. 85-1). Amended by adding subsection (C) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-101 renumbered without change as Section R18-11-101 (Supp. 87-3). Former Section R18-11-101 repealed, new Section R18-11-101 adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Deleted first definition to R18-11-101(32) "Navigable Water", previously printed in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-102. Applicability

- A. The water quality standards prescribed in this Article apply to surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is a part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores that is not a surface water or is located in an area that once was a surface water but is no longer a surface water because it has been and remains legally converted, including:
 - a. A pit,
 - b. Pregnant leach solution pond,
 - c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond or a sump in a mine pit associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product and that is being held for recycling,
 - h. Spill or upset catchment pond, or
 - i. A pond used for onsite remediation;
 3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-103. Repealed**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Repealed effective April 24, 1996 (Supp. 96-2).

R18-11-104. Designated Uses

- A. The Director shall adopt or remove a designated use or subcategory of a designated use by rule.
- B. Designated uses of a surface water may include full-body contact, partial-body contact, domestic water source, fish consumption, aquatic and wildlife (cold water), aquatic and wildlife (warm water), aquatic and wildlife (ephemeral), aquatic and wildlife (effluent-dependent water), agricultural irrigation, and agricultural livestock watering. The designated uses for specific surface waters are listed in Appendix B of this Article.
- C. Numeric water quality criteria to maintain and protect water quality for the designated uses are prescribed in Appendix A, R18-11-109, R18-11-110, and R18-11-112. Narrative water quality standards to protect all surface waters are prescribed in R18-11-108.
- D. If a surface water has more than one designated use listed in Appendix B, the most stringent water quality criterion applies.
- E. The Director shall revise the designated uses of a surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in Appendix B.
- F. In designating uses of a surface water and in establishing water quality criteria to protect the designated uses, the Director shall take into consideration the applicable water quality standards for downstream surface waters and shall ensure that the water quality standards that are established for an upstream surface water also provide for the attainment and maintenance of the water quality standards of downstream surface waters.
- G. A use attainability analysis shall be conducted prior to removal of a designated use or adoption of a subcategory of a designated use that requires less stringent water quality criteria.
- H. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria, provided the designated use is not an existing use and it is demonstrated through a use attainability analysis that attaining the designated use is not feasible for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A natural, ephemeral, intermittent, or low-flow condition or water level prevents the attainment of the use;
 3. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
 4. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
 5. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use; or
 6. Controls more stringent than those required by § 301 (b) and § 306 of the Clean Water Act [33 U.S.C. § 1311 and § 1316] are necessary to attain the use and implementation

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of the controls would result in substantial and widespread economic and social impact.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-105. Tributaries; Designated Uses

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000 feet in elevation.
3. The aquatic and wildlife (warm water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000 feet in elevation.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Section heading amended per instructions of the Department of Environmental Quality, August 9, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

R18-11-106. Net Ecological Benefit

- A. The Director may, by rule, modify a water quality standard on the ground that there is a net ecological benefit associated with the discharge of effluent to support or create a riparian and aquatic habitat in an area where water resources are limited. The Director may modify a water quality standard for a pollutant if it is demonstrated that:
 1. The discharge of effluent creates or supports an ecologically valuable aquatic, wetland, or riparian ecosystem in an area where these resources are limited;
 2. The ecological benefits associated with the discharge of effluent under a modified water quality standard exceed the environmental costs associated with the elimination of the discharge of effluent;
 3. The cost of treatment to achieve compliance with a water quality standard is so high that it is more cost effective to eliminate the discharge of effluent to the surface water. The discharger shall demonstrate that it is feasible to eliminate the discharge of effluent that creates or supports the ecologically valuable aquatic, wetland, or riparian ecosystem;
 4. The discharge of effluent to the surface water will not cause or contribute to a violation of a water quality standard that has been established for a downstream surface water;
 5. All practicable point source discharge control programs, including local pretreatment, waste minimization, and source reduction programs are implemented; and
 6. The discharge of effluent does not produce or contribute to the concentration of a pollutant in the tissues of aquatic organisms or wildlife that is likely to be harmful to humans or wildlife through food chain concentration.
- B. The Director shall not modify a water quality criterion for a pollutant to be less stringent than a technology-based effluent

limitation that applies to the discharge of that effluent. The discharge of effluent shall, at a minimum, comply with applicable technology-based effluent limitations.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-107. Antidegradation

- A. The Director shall, using R18-11-107.01 and this Section, determine whether there is degradation of water quality in a surface water on a pollutant-by-pollutant basis.
- B. Tier 1: The level of water quality necessary to support an existing use shall be maintained and protected. No degradation of existing water quality is permitted in a surface water where the existing water quality does not meet the applicable water quality standards.
- C. Tier 2: Where existing water quality in a surface water is better than the applicable water quality standard the existing water quality shall be maintained and protected. The Director may allow degradation of existing water quality in the surface water, if the Director makes all of the following findings:
 1. The water quality necessary for existing uses is fully protected and water quality is not lowered to a level that does not comply with applicable water quality standards,
 2. The highest statutory and regulatory requirements for new and existing point sources are achieved,
 3. All cost-effective and reasonable best management practices for nonpoint source pollution control are implemented, and
 4. Allowing lower water quality is necessary to accommodate important economic or social development in the area where the surface water is located.
- D. Tier 3: Existing water quality shall be maintained and protected in a surface water that is classified as an OAW under R18-11-112. Degradation of an OAW under subsection (C) is prohibited.
- E. The Director shall implement this Section in a manner consistent with § 316 of the Clean Water Act [33 U.S.C. 1326] if a potential water quality impairment associated with a thermal discharge is involved.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-107.01. Antidegradation Criteria

- A. Tier 1 antidegradation protection.
 1. Tier 1 antidegradation protection applies to the following surface waters:
 - a. A surface water listed on the 303(d) list for the pollutant that resulted in the listing,
 - b. An effluent dependent water,
 - c. An ephemeral water,
 - d. An intermittent water, and
 - e. A canal listed in Appendix B.
 2. A regulated discharge shall not cause a violation of a surface water quality standard or a wasteload allocation in a total maximum daily load approved by EPA.

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3. Except as provided in subsections (E) and (F), Tier 1 antidegradation review requirements are satisfied for a point-source discharge regulated under an individual AZPDES permit to an ephemeral water, effluent dependent water, intermittent water, or a canal listed in Appendix B, if water quality-based effluent limitations designed to achieve compliance with applicable surface water quality standards are established in the permit and technology-based requirements of the Clean Water Act for the point source discharge are met.
- B. Tier 2 antidegradation protection.**
1. Tier 2 antidegradation protection applies to a perennial water with existing water quality that is better than applicable water quality standards. A perennial water that is not listed in subsection (A)(1) nor classified as an OAW under A.A.C. R18-9-112(G) has Tier 2 antidegradation protection for all pollutants of concern.
 2. A regulated discharge that meets the following criteria, at critical flow conditions, does not cause significant degradation:
 - a. The regulated discharge consumes less than 20 percent of the available assimilative capacity for each pollutant of concern, and
 - b. At least 50 percent of the assimilative capacity for each pollutant of concern remains available in the surface water for each pollutant of concern.
 3. Antidegradation review. Any person proposing a new or expanded regulated discharge under an individual AZPDES permit that may cause significant degradation shall provide ADEQ with the following information:
 - a. Baseline characterization. A person seeking authorization to discharge under an individual AZPDES permit to a perennial water shall provide baseline water quality data on pollutants of concern where no data exists or there are insufficient data to characterize baseline water quality and to determine available assimilative capacity. A discharger shall characterize baseline water quality at a location upstream of the proposed discharge location;
 - b. Alternative analysis.
 - i. The person seeking authorization for the discharge shall prepare and submit a written analysis of alternatives to the discharge. The analysis shall provide information on all reasonable, cost-effective, less-degrading or non-degrading discharge alternatives. Alternatives may include wastewater treatment process changes or upgrades, pollution prevention measures, source reduction, water reclamation, alternative discharge locations, groundwater recharge, land application or treatment, local pretreatment programs, improved operation and maintenance of existing systems, seasonal or controlled discharge to avoid critical flow conditions, and zero discharge;
 - ii. The alternatives analysis shall include cost information on base pollution control measures associated with the regulated discharge and cost information for each alternative;
 - iii. The person shall implement the alternative that is cost-effective and reasonable, results in the least degradation, and is approved by the Director. An alternative is cost-effective and reasonable if treatment costs associated with the alternative are less than a 10 percent increase above the cost of base pollution control measures;
- iv. For purposes of this subsection, “base pollution control measures” are water pollution control measures required to meet technology-based requirements of the Clean Water Act and water quality-based effluent limits designed to achieve compliance with applicable water quality standards; and
- c. Social and economic justification. The person shall demonstrate to the Director that significant degradation is necessary to accommodate important economic or social development in the local area. The person seeking authorization for the discharge shall prepare a written social and economic justification that includes a description of the following:
 - i. The geographic area where significant degradation of existing water quality will occur;
 - ii. The current baseline social and economic conditions in the local area;
 - iii. The net positive social and economic effects of development associated with the regulated discharge and allowing significant degradation;
 - iv. The negative social, environmental, and economic effects of allowing significant degradation of existing water quality; and
 - v. Alternatives to the regulated discharge that do not significantly degrade water quality yet may yield comparable social and economic benefits.
4. For purposes of this Section, the term “pollutant of concern” means a pollutant with either a numeric or narrative water quality standard.
 5. Public participation. The Director shall provide public notice and an opportunity to comment on an antidegradation review under subsection (B)(3) and shall provide an opportunity for a public hearing under A.A.C. R18-9-A908(B).
- C. Tier 3 antidegradation protection.**
1. Tier 3 antidegradation protection applies only to an OAW listed in R18-11-112(G).
 2. A new or expanded point-source discharge directly to an OAW is prohibited.
 3. A person seeking authorization for a regulated discharge to a tributary to, or upstream of, an OAW shall demonstrate in a permit application or in other documentation submitted to ADEQ that the regulated discharge will not degrade existing water quality in the downstream OAW.
 4. A discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires a determination by the Director to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less and are not regularly occurring. The form of such a determination shall be as follows:
 - a. For Corps-issued § 404 permits, an individual § 401 water quality certification.
 - b. For Director-issued § 404 permits, a § 404 permit action, wherein the Director shall conduct a water quality evaluation as a part of the state’s requirements for issuing § 404 permits and in accordance with this Section.

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- D. Antidegradation review of a § 404 permit shall be conducted as follows:
 1. For a Corps-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a nationwide or regional § 404 permit as part of the § 401 water quality certification prior to issuance of the nationwide or regional permit. The Director shall conduct the antidegradation review of an individual § 404 permit if the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters. For regulated discharges that may degrade water quality in an OAW or a water that is on the 303(d) List of impaired waters, the Director shall conduct the antidegradation review as part of the § 401 water quality certification process.
 2. For a Director-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a general § 404 permit as a part of its determination whether to issue a general permit in accordance with state requirements for issuing a § 404 general permit and with this Section. The Director shall conduct the antidegradation review of an individual § 404 permit as part of the § 404 permit action in accordance with state requirements for issuing a § 404 permit and in accordance with this Section.
- E. Antidegradation review of an AZPDES stormwater permit. An individual stormwater permit for a municipal separate storm sewer system (MS4) meets antidegradation requirements if the permittee complies with the permit, including developing a stormwater management plan containing controls that reduce the level of pollutants in stormwater discharges to the maximum extent practicable.
- F. Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-108. Narrative Water Quality Standards

- A. A surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or

- 8. Change the color of the surface water from natural background levels of color.
- B. A surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard.
- C. A surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.
- D. A surface water shall not contain solid waste such as refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, appliances, or tires.
- E. A Wadeable, perennial stream shall support and maintain a community of organisms having a taxa richness, species composition, tolerance, and functional organization comparable to that of a stream with reference conditions in Arizona.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.01. Narrative Biological Criteria for Wadeable, Perennial Streams

- A. The narrative biological criteria in this Section apply to a wadeable, perennial stream with either an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.
- B. The biological standard in R18-11-108(E) is met when a bioassessment result, as measured by the Arizona Index of Biological Integrity (IBI), for cold or warm water is:
 1. Greater than or equal to the 25th percentile of reference condition, or
 2. Greater than the 10th percentile of reference condition and less than the 25th percentile of reference condition and a verification bioassessment result is greater than or equal to the 25th percentile of reference condition.
- C. Arizona Index of Biological Integrity (IBI) scores:

| Bioassessment Result | Index of Biological Integrity Scores | |
|--|--------------------------------------|---------|
| | A&Wc | A&Ww |
| Greater than or equal to the 25th percentile of reference condition | ≥52 | ≥50 |
| Greater than the 10th and less than the 25th percentile of reference condition | 46 - 51 | 40 - 49 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.02. Narrative Bottom Deposit Criteria for Wadeable, Perennial Streams

- A. The narrative bottom deposit criteria in this Section apply to wadeable, perennial streams with an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.

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- B. The narrative water quality standard for bottom deposits at R18-11-108(A)(1) is met when:
 1. The percentage of fine sediments in the riffle habitats of a wadeable, perennial stream with an A&Wc designated use, as determined by a riffle pebble count, is less than or equal to 30 percent.
 2. The percentage of fine sediments in all stream habitats of a wadeable, perennial stream with an A&Ww designated use, as determined by a reach level pebble count, is equal to or less than 50 percent.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-108.03. Narrative Nutrient Criteria for Lakes and Reservoirs

- A. The narrative nutrient criteria in this Section apply to those lakes and reservoirs categorized in Appendix B.
- B. The narrative water quality standard for nutrients at R18-11-108(A)(6) is met when, based on a minimum of two lake sample events conducted during the peak season based on lake productivity, the results show an average chlorophyll-*a* value below the applicable threshold for designated use and lake and reservoir category in subsection (D).
 1. The mean chlorophyll-*a* concentration is less than the lower value in the target range chlorophyll-*a* for the lake and reservoir category, or
 2. The mean chlorophyll-*a* concentration is within the target range for the lake and reservoir category and:
 - a. The mean blue green algae count is at or below 20,000 per milliliter, and

- b. The blue green algae count is less than 50 percent of the total algae count, and
- c. There is no evidence of nutrient-related impairments such as:
 - i. An exceedance of dissolved oxygen or pH standards;
 - ii. A fish kill coincident with a dissolved oxygen or pH exceedance;
 - iii. A fish kill or other aquatic organism mortality coincident with algal toxicity;
 - iv. Secchi depth is less than the lower value prescribed for the lake and reservoir category;
 - v. A nuisance algal bloom is present in the limnetic portion of the lake or reservoir; or
 - vi. The concentration of total phosphorous, total nitrogen, or total Kjehldal nitrogen (TKN) is greater than the upper value in the range prescribed for the lake and reservoir category; or

- 3. For a shallow lake. In addition to meeting the mean chlorophyll-*a* concentrations in subsections (B)(1) or (2), submerged aquatic vegetation covers 50 percent or less of the lake bottom and there is less than a 5 mg/L swing in diel-dissolved oxygen concentration measured within the photic zone.

- C. The following threshold ranges apply during the peak season for lake productivity:
 1. Warm water lakes peak season, April – October;
 2. Cold water lakes peak season, May – September.
- D. The following table lists the numeric targets for lakes and reservoirs.

| NUMERIC TARGETS FOR LAKES AND RESERVOIRS | | | | | | | | | | |
|--|--------------------------|----------------------|------------------|-------------------------|-----------------------|--------------------------------------|---------------------------|-------------------------------------|-------------------------|---------|
| Designated Use | Lake Category | Chl- <i>a</i> (µg/L) | Secchi Depth (m) | Total Phosphorus (µg/L) | Total Nitrogen (mg/L) | Total Kjehldal Nitrogen (TKN) (mg/L) | Blue-Green Algae (per ml) | Blue-Green Algae (% of total count) | Dissolved Oxygen (mg/L) | pH (SU) |
| FBC and PBC | Deep | 10-15 | 1.5-2.5 | 70-90 | 1.2-1.4 | 1.0-1.1 | 20,000 | | | 6.5-9.0 |
| | Shallow | 10-15 | 1.5-2.0 | 70-90 | 1.2-1.4 | 1.0-1.1 | | | | |
| | Igneous | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Sedimentary | 20-30 | 1.5-2.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| | Urban | 20-30 | 0.5-1.0 | 100-125 | 1.5-1.7 | 1.2-1.4 | | | | |
| A&Wc | All | 5-15 | 1.5-2.0 | 50-90 | 1.0-1.4 | 0.7-1.1 | | <50 | 7 (top m) | 6.5-9.0 |
| A&Ww | All (except urban lakes) | 25-40 | 0.8-1.0 | 115-140 | 1.6-1.8 | 1.3-1.6 | | | 6 (top m) | |
| | Urban | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | |
| A&Wedw | All | 30-50 | 0.7-1.0 | 125-160 | 1.7-1.9 | 1.4-1.7 | | | | 6.5-9.0 |
| DWS | All | 10-20 | 0.5-1.5 | 70-100 | 1.2-1.5 | 1.0-1.2 | 20,000 | | | 5.0-9.0 |

Historical Note

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-109. Numeric Water Quality Standards

- A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC | PBC |
|---|-----|-----|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

- B. pH. The following water quality standards for pH are expressed in standard units:

| pH | DWS | FBC, PBC, A&W ¹ | AgI | AgL |
|---------|-----|----------------------------|-----|-----|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

Footnotes:

- 1. "1" Includes A&Wc, A&Ww, A&Wedw, and A&We.

- C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww | A&Wedw | A&Wc |
|------|--------|------|
| | | |

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| | | |
|--------|--------|--------|
| 3.0° C | 3.0° C | 1.0° C |
|--------|--------|--------|

- D. Suspended sediment concentration.
- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:

| A&Wc | A&Ww |
|------|------|
| 25 | 80 |

- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.
- E. Dissolved oxygen. A surface water meets the water quality standard for dissolved oxygen when either:
- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
 - The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|---|---|
| A&Ww | 6.0 |
| A&Wc | 7.0 |
| A&W edw for a sample taken from three hours after sunrise to sunset | 3.0 |
| A&W edw for a sample taken from sunset to three hours after sunrise | 1.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Nutrient criteria. The following are water quality standards for total phosphorus and total nitrogen (expressed in milligrams per liter (mg/L)) that apply to the surface waters listed below. A minimum of 10 samples, each taken at least 10 days apart in a consecutive 12-month period, are required to determine a 90th percentile. Not more than 10 percent of the samples may exceed the 90th percentile value listed below. The Director will apply these water quality standards for total phosphorus and total nitrogen to the surface waters listed below, and to their perennial tributaries, if listed. The Director may also apply these total phosphorus and total nitrogen standards to any source discharging to any tributary (ephemeral, intermittent, effluent dependent water, or perennial) of the surface waters listed below, if necessary to protect nutrient water quality in the listed surface water, based on the volume, frequency, magnitude and duration of the discharge, and distance to the downstream surface water listed below:

- Verde River and its perennial tributaries from the Verde headwaters to Bartlett Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.30 | 1.00 |
| Total nitrogen | 1.00 | 1.50 | 3.00 |

- Black River, Tonto Creek and their perennial tributaries for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.10 | 0.20 | 0.80 |
| Total nitrogen | 0.50 | 1.00 | 2.00 |

- Salt River and its perennial tributaries above Roosevelt Lake for any segments that are not located on tribal lands:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.12 | 0.30 | 1.00 |
| Total nitrogen | 0.60 | 1.20 | 2.00 |

- Salt River below Stewart Mountain Dam to its confluence with the Verde River:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.05 | – | 0.20 |
| Total nitrogen | 0.60 | – | 3.00 |

- Little Colorado River and its perennial tributaries upstream from:
 - The headwaters to River Reservoir,
 - South Fork of Little Colorado River at 34°00'49"/109°24'18" to above South Fork Campground at 34°04'49"/109°24'18", and
 - The headwaters of Water Canyon Creek to the Apache-Sitgreaves National Forest boundary:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.08 | 0.10 | 0.75 |
| Total nitrogen | 0.60 | 0.75 | 1.10 |

- From the Little Colorado River and State Route 260 at 34°06'39"/109°18'55" to Lyman Lake:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.20 | 0.30 | 0.75 |
| Total nitrogen | 0.70 | 1.20 | 1.50 |

- Colorado River at the Northern International Boundary near Morelos Dam:

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | – | 0.33 | – |
| Total nitrogen | – | 2.50 | – |

- Oak Creek from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River and the West Fork of Oak Creek from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek.

| Surface Water | Annual Mean | 90th Percentile | Single Sample Maximum |
|------------------|-------------|-----------------|-----------------------|
| Total phosphorus | 0.1 | 0.25 | 0.30 |
| Total nitrogen | 1.00 | 1.50 | 2.50 |

- No discharge of wastewater to Show Low Creek or its perennial tributaries upstream of and including Fools Hollow Lake shall exceed 0.16 mg/L total phosphates as P.
- No discharge of wastewater to the San Francisco River or its perennial tributaries upstream of Luna Lake Dam shall exceed 1.0 mg/L total phosphates as P.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).
 Amended effective April 24, 1996 (Supp. 96-2).
 Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final

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rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-110. Salinity Standards for the Colorado River

- A. The flow-weighted average annual salinity in the lower main stem of the Colorado River shall not exceed the following criteria:

| Location | Total Dissolved Solids |
|------------------|------------------------|
| Below Hoover Dam | 723 mg/L |
| Below Parker Dam | 747 mg/L |
| At Imperial Dam | 879 mg/L |

- B. The plan of implementation contained in the “2014 Review, Water Quality Standards for Salinity, Colorado River System,” approved October 2014, is incorporated by reference to preserve the basin-wide approach to salinity control developed by the Colorado River Basin Salinity Control Forum and to ensure compliance with the numeric criteria for salinity in subsection (A). This material does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the Colorado River Basin Salinity Control Forum, 106 West 500 South, Suite 101, Bountiful, Utah 84010-6232 or at <http://www.coloradoriversalinity.org/>.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-111. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610, 40 CFR 136.3, or an alternative analytical method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-112. Outstanding Arizona Waters

- A. The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B. The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C. Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
1. A map and a description of the surface water;

2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
 3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
 4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D. The Director may classify a surface water as an OAW based upon the following criteria:
1. The surface water is a perennial or intermittent water;
 2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
 3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
 4. The surface water meets one or both of the following conditions:
 - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
 - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E. The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F. The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
 2. The social and economic impact of Tier 3 antidegradation protection;
 3. The public comments in support of, or in opposition to, an OAW classification;
 4. The timing of the nomination relative to the triennial review of surface water quality standards;
 5. The consistency of an OAW classification with applicable water quality management plans; and

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6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).
- G.** The following surface waters are classified as OAWs:
1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
 2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
 3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
 4. Peeples Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
 5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
 6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
 7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
 8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
 9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
 10. Cave Creek, from its headwaters to the Coronado National Forest boundary (approximately 10.4 river miles);
 11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
 12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
 13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
 14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
 15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
 17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
 18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
 19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
 20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
 21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).
- R18-11-113. Effluent-Dependent Waters**
- A.** The Director shall classify a surface water as an effluent-dependent water by rule.
- B.** The Director may adopt, under R18-11-115, a site-specific water quality standard for an effluent-dependent water.
- C.** Any person may submit a petition for rule adoption requesting that the Director classify a surface water as an effluent-dependent water. The petition shall include:
1. A map and a description of the surface water;
 2. Information that demonstrates that the surface water consists of a point source discharge of wastewater; and
 3. Information that demonstrates that, without a point source discharge of a wastewater, the receiving water is an ephemeral water.
- D.** The Director shall use the water quality standards that apply to an effluent-dependent water to derive water quality-based effluent limits for a point source discharge of wastewater to an ephemeral water.
- E.** The Director may use aquatic and wildlife (edw) acute standards only to derive water quality based effluent limits for a sporadic, infrequent, or emergency point source discharge to an ephemeral water or to an effluent-dependent water. The Director shall consider the following factors when deciding whether to apply A&Wedw (acute) standards:
1. The amount, frequency, and duration of the discharge;
 2. The length of time water may be present in the receiving water;
 3. The distance to a downstream water with aquatic and wildlife chronic standards; and
 4. The likelihood of chronic exposure to pollutants.
- F.** The Director may establish alternative water quality-based effluent limits in an AZPDES permit based on seasonal differences in the discharge.
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective December 18, 1992 (Supp. 92-4). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).
- R18-11-114. Mixing Zones**
- A.** The Director may establish a mixing zone for a point source discharge to a surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited in an ephemeral water or where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B.** The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director

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for a mixing zone as part of an application for an AZPDES permit. The request shall include:

1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C.** The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D.** Director determination.
1. The Director shall deny a request to establish a mixing zone if a water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E.** Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F.** The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.
- G.** Mixing zone requirements.
1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
 2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
 3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
 4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
 5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.
- H.** The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:
1. Chlordane,
 2. DDT and its metabolites (DDD and DDE),
 3. Dieldrin,
 4. Dioxin,
 5. Endrin,
 6. Endrin aldehyde,
 7. Heptachlor,
 8. Heptachlor epoxide,
 9. Lindane,
 10. Mercury,
 11. Polychlorinated biphenyls (PCBs), and
 12. Toxaphene.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-115. Site-Specific Standards

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in Appendix A;
 3. Resident aquatic organisms that occur in a surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in Appendix A;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in Appendix A. "Natural background" means the concentration of a pollutant in a surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically-defensible procedure.

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1. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Uses one of the following procedures, as defined by the most recent EPA guidance documents:
 - i. The recalculation procedure,
 - ii. The water effects ratio for metals,
 - iii. The streamlined water effects ratio, or
 - iv. The Biotic ligand model.
 - d. Demonstrates that all designated uses are protected.
2. Alternatively, a study outline submitted for the Director's approval must contain the following elements:
 - a. Identifies the pollutant;
 - b. Describes the reach's boundaries;
 - c. Describes the hydrologic regime of the waterbody;
 - d. Describes the scientifically-defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 - e. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 - f. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 - g. Demonstrates that all designated uses are protected; and
 - h. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration. Modeling approaches include Better Assessment Science Integrating Source and Nonpoint Sources (Basins), Hydrologic Simulation Program-Fortran (HSPF), and Hydrologic Engineering Center (HEC) programs developed by the U.S. Army Corps of Engineers.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Section repealed by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-116. Resource Management Agencies

Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-117. Canals and Urban Park Lakes

A. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified in Appendix B. Physical or mechanical maintenance

includes dewatering, lining, dredging, and the physical, biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified in Appendix B.

B. The discharge of lubricating oil associated with the start-up of well pumps that discharge to canals is not a violation of R18-11-108(B).

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-118. Dams and Flood Control Structures

Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

R18-11-119. Natural background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is not caused by human activity but is due solely to naturally-occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

R18-11-120. Enforcement of Non-permitted Discharges

A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.

B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

R18-11-121. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve com-

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pliance. The permittee shall demonstrate that all requirements under § 301(b) and § 306 of the Clean Water Act [33 U.S.C. 1311(b) and 1316] are achieved and that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

R18-11-122. Variances

- A. Upon request, the Director may establish, by rule, a discharger-specific or water segment(s)-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B. A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.
 4. A detailed discussion of the discharge control technologies that are available for achieving compliance with the water quality standard for which a variance is sought.
 5. Documentation that more advanced treatment technology than applicable technology-based effluent limitations is necessary to achieve compliance with the water quality standard for which a variance is sought.
 6. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
 7. Documentation that the proposed term is only as long as necessary to achieve the highest attainable condition.
 8. Documentation that is appropriate to the type of use to which the variance would apply as follows:
 - a. For a water quality standard variance to a use specified in Clean Water Act § 101(a)(2), documentation must include demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - i. Naturally occurring pollutant concentrations prevent attainment of the use;
 - ii. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - iii. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - iv. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - v. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - vi. That installation and operation of each of the available discharge technologies more advanced than those required to comply with technology-based effluent limitations to achieve compliance with the water quality standard would result in substantial and widespread economic and social impact; or
 - vii. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
 - b. For a water quality standard variance to a use other than those uses specified in Clean Water Act § 101(a)(2), documentation must justify how consideration and value of the water subject to the use appropriately supports the variance and term. A demonstration consistent with (B)(8)(a) of this Section may be used to satisfy this requirement.
 9. For a waterbody segment(s)-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant(s) or water quality parameter(s) and water body or waterbody segment(s) specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(9)(a) previously applied to the water body or waterbody seg-

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ment(s), documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant(s) or water quality parameter(s) subject to the water quality variance and the water quality progress achieved.

10. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification of the permittee subject to the variance;
 - b. For an existing point source discharge, a detailed description of the existing discharge control technologies that are used to achieve compliance with applicable water quality standards. For a new point source discharge, a detailed description of the proposed discharge control technologies that will be used to achieve compliance with applicable water quality standards; and
 - c. Documentation that the existing or proposed discharge control technologies will comply with applicable technology-based effluent limitations.
 - C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(8)(a)(vii). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable; or
 3. If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time of the issuance of the variance, and the adoption and implementation of a Pollutant Minimization Program.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The Director may not grant a variance for a point source discharge to an OAW listed in R18-11-112(G).
 - I. Each variance established by the Director is subject to review and approval by the Regional Administrator.
 - J. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E). The variance term runs from the approval of the variance by the Regional Administrator.
 - K. The Director shall reevaluate, in its triennial review, whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance in its triennial review rulemaking.
 - L. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - M. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.
 - N. The following are discharger-specific variances adopted by the Director:
 - O. The following are water body and waterbody segment-specific variances adopted by the Director:

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).
- R18-11-123. Discharge Prohibitions**
- A. The discharge of wastewater to the following surface waters is prohibited:
 1. Sabino Canyon Creek;
 2. Vekol Wash, upstream of the Ak-Chin Indian Reservation; and
 3. Smith Wash, upstream of the Ak-Chin Indian Reservation.
 - B. The discharge to Lake Powell of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel is prohibited.

Historical Note

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

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Appendix A. Numeric Water Quality Standards

Table 1. Water Quality Criteria By Designated Use (see f) Footnotes

| Parameter | CAS NUMBER | DWS (µg/L) | FC (µg/L) | FBC (µg/L) | PBC (µg/L) | A&Wc Acute (µg/L) | A&Wc Chronic (µg/L) | A&Ww Acute (µg/L) | A&Ww Chronic (µg/L) | A&Wedw Acute (µg/L) | A&Wedw Chronic (µg/L) | A&We Acute (µg/L) | AgI (µg/L) | AgL (µg/L) |
|---------------------------------------|------------|----------------------------|-----------|-------------|-------------|---|---|---|---|-----------------------------|-----------------------------|-------------------|------------|------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | 850 | 550 | | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | 3,800 | 250 | | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | 2,500 | 170 | | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 3 | | 4.5 | 0.003 | See (b) |
| Alpha Particles (Gross Radioactivity) | | 15 pCi/L See (h) | | | | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | See (e) & Table 15 (absent) | See (e) & Table 16 (absent) | | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | 1,000 D | 600 D | | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 340 D | 150 D | 440 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | 8,800 | 560 | | | |
| Benzo(b)fluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 1,300 | 89 | 10,000 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | 65 D | 5.3 D | | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | 120,000 | 6,700 | | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | 180 | 14 | | | |
| Bromoforn | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | 15,000 | 10,000 | | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | 5,500 | 360 | | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | 1,700 | 130 | | | |
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | 650 | 50 | | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | 18,000 | 1,100 | | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | 2.4 | 0.2 | 3.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4,000 | 4,000 | 19 | 11 | 19 | 11 | 19 | 11 | | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | 3,800 | 260 | | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | 180,000 | 9,800 | | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | 14,000 | 900 | | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | 15 | 4.7 | 48,000 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | 270,000 | 15,000 | | | |
| beta-Chloronaphthalene | 91587 | 560 | 1267 317 | 74,667 | 74,667 | | | | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | 2,200 | 150 | | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | 0.08 | 0.04 | | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | 16 D | 11 D | 34 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | 41 T | 9.7 T | 84 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 4 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | 0.1 | | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | 470 | 35 | 1,100 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | 1,200 | 470 | 5,900 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | 2,500 | 970 | | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | 2,000 | 780 | 6,500 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | 59,000 | 41,000 | | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | | | |
|--|----------|--------|------------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------|
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | 15,000 | 950 | | | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | 68,000 | 3,900 | | | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | 97,000 | 5,500 | | | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | 1,000 | 88 | | | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | 26,000 | 9,200 | | | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | 3,000 | 1,100 | | | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 4 | 0.003 | See (b) | |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | 26,000 | 1,600 | | | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | 400 | 360 | 400 | 360 | 3,100 | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 1,000 | 310 | 150,000 | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | 17,000 | 1,000 | | | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | 310 | 24 | | | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | 110 | 9.2 | | | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | 14,000 | 860 | | | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | 130 | 11 | | | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | 0.2 | 0.06 | 3 | | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | 0.004 | 0.004 | |
| Endrin aldehyde | 7421934 | | | | | 0.09 | 0.04 | 0.09 | 0.04 | 0.09 | 0.04 | 0.7 | | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | 23,000 | 1,400 | | | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | 2,000 | 1,600 | | | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | 0.01 | | | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | 0.6 | 0.01 | 0.9 | | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | 6 | 3.7 | | | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | 45 | 8.2 | | | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | 1,600 | 130 | 1,600 | | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | 1 | 0.61 | 11 | | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | 3.5 | 0.3 | | | | |
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | 490 | 350 | 850 | | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | 2 See (c) | | | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | 1,000 D | | | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | 59,000 | 43,000 | | | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | 0.1 | | | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 2.4 D | 0.01 D | 5 D | | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | 0.03 | | | | |
| Methylmercury | 22967926 | | 0.3 mg/ kg | | | | | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | 0.001 | | | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | 3,200 | 580 | | | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | 1,300 | 850 | | | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | 4,100 | 3,000 | | | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | 2,900 | 200 | | | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | 28 | 6.6 | 28 | | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | 0.07 | 0.01 | | | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | 100 | 54 | | | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | 0.3 | 0.2 | | | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | 30 | 6.3 | | | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | 7,000 | 1,000 | 180,000 | | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | | | | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | | |
|---|----------|--------------|---------|-----------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------|----------|
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 19 | 19 | 2 | 0.01 | 2 | 0.02 | 2 | 0.02 | 11 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | | 2 T | 33 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | See (d) & Table 8 | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | 5,600 | 370 | | | |
| Sulfides | | | | | | | | | | | | 100 | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | 0.01 | 0.005 | 0.1 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | 4,700 | 3,200 | | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | 6,500 | 680 | 15,000 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | 700 D | 150 D | | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | 8,700 | 180 | | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.7 | 0.0002 | 11 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | 0.5 | 0.07 | | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | 1,700 | 300 | | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 2,600 | 1,600 | 2,600 | 1,600 | 1,000 |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | 18,000 | 12,000 | | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | 20,000 | 1,300 | | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | 160 | 25 | 3,000 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Footnotes

- a. The asbestos standard is 7 million fibers (longer than 10 micrometers) per liter.
- b. The aldrin/dieldrin standard is exceeded when the sum of the two compounds exceeds 0.003 µg/L.
- c. In lakes, the acute criteria for hydrogen sulfide apply only to water samples taken from the epilimnion, or the upper layer of a lake or reservoir.
- d. Hardness, expressed as mg/L CaCO₃, is determined according to the following criteria:
 - i. If the receiving water body has an A&Wc or A&Ww designated use, then hardness is based on the hardness of the receiving water body from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - ii. If the receiving water has an A&Wedw or A&We designated use, then the hardness is based on the hardness of the effluent from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO₃.
 - iii. The mathematical equations for the hardness-dependent parameter represent the water quality standards. Examples of criteria for the hardness-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- e. pH is determined according to the following criteria:
 - i. If the receiving water has an A&Wc or A&Ww designated use, then pH is based on the pH of the receiving water body from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - ii. If the receiving water body has an A&Wedw or A&We designated use, then the pH is based on the pH of the effluent from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
 - iii. The mathematical equations for ammonia represent the water quality standards. Examples of criteria for ammonia have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- f. Table 1 abbreviations.
 - i. µg/L = micrograms per liter,
 - ii. mg/kg = milligrams per kilogram,
 - iii. pCi/L = picocuries per liter,
 - iv. D = dissolved,
 - v. T = total recoverable,
 - vi. TTHM indicates that the chemical is a trihalomethane.
- g. The total trihalomethane (TTHM) standard is exceeded when the sum of these four compounds exceeds 80 µg/L, as a rolling annual average.
- h. The concentration of gross alpha particle activity includes radium-226, but excludes radon and uranium.
- i. The average annual concentration of beta particle activity and photon emitters from manmade radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirems per year.
- j. The mathematical equations for the pH-dependent parameters represent the water quality standards. Examples of criteria for the pH-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- k. Abbreviations for the mathematical equations are as follows:
 - e = the base of the natural logarithm and is a mathematical constant equal to 2.71828
 - LN = is the natural logarithm
 - CMC = Criterion Maximum Concentration (acute)
 - CCC = Criterion Continuous Concentration (chronic)

Historical Note

Appendix A repealed; new Appendix A, Table 1 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 1 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 1 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 1 repealed; new Appendix A, Table 1 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 1 amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater | | Aquatic and Wildlife warm water, and edw | | Aquatic and Wildlife ephemeral | |
|--|-----------|--|-----------|--|------------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L. |
| 20 | 0.40 | 20 | 2.1 | 20 | 4.9 |
| 100 | 1.8 | 100 | 9.4 | 100 | 22 |
| 400 | 6.5 | 400 | 34 | 400 | 80 |
| $e^{(0.9789*LN(Hardness)-3.866)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-2.208)}*(1.136672-LN(Hardness))*0.041838$ | | $e^{(0.9789*LN(Hardness)-1.363)}*(1.136672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A repealed; new Appendix A, Table 2 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 2 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 2 amended to correct references to footnotes (Supp. 02-4). Appendix A, Table 2 footnotes amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 2 repealed; new Appendix A, Table 2 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 2 repealed; new Table 2 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife coldwater, warmwater, and edw | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977*LN(Hardness)-3.909)}*(1.101672-LN(Hardness))*0.041838$ | |

Historical Note

Appendix A, Table 3 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 3 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 3 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 3 repealed; new Table 3 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 | 20 | 512 |
| 100 | 570 | 100 | 74.1 | 100 | 1,912 |
| 400 | 1,773 | 400 | 231 | 400 | 5,950 |
| $e^{(0.819*LN(Hardness)+3.7256)}*(0.316)$ | | $e^{(0.819*LN(Hardness)+0.6848)}*(0.86)$ | | $e^{(0.819*LN(Hardness)+4.9361)}*(0.316)$ | |

Historical Note

Appendix A, Table 4 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 4 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 4 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 4 repealed; new Table 4 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 | 20 | 5.1 |
| 100 | 13 | 100 | 9.0 | 100 | 23 |
| 400 | 50 | 400 | 29 | 400 | 86 |
| $e^{(0.9422*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.8545*LN(Hardness)-1.702)}*(0.96)$ | | $e^{(0.9422*LN(Hardness)-1.1514)}*(0.96)$ | |

Historical Note

Appendix A, Table 5 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 5 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 5 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 5 repealed; new Table 5 made by final

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rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 | 20 | 22.8 |
| 100 | 64.6 | 100 | 2.5 | 100 | 136.3 |
| 400 | 281 | 400 | 10.9 | 400 | 592.7 |
| $e^{(1.273 * \text{LN}(\text{Hardness}) - 1.46)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 4.705)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | | $e^{(1.273 * \text{LN}(\text{Hardness}) - 0.7131)} * (1.46203 - \text{LN}(\text{Hardness})) * (0.145712))$ | |

Historical Note

Appendix A, Table 6 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 6 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 6 renumbered to Table 9; new Table 6 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 6 repealed; new Table 6 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|--|-----------|---|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 | 20 | 1066 |
| 100 | 468 | 100 | 52.0 | 100 | 4158 |
| 400 | 1513 | 400 | 168 | 400 | 13436 |
| $e^{(0.846 * \text{LN}(\text{Hardness}) + 2.255)} * (0.998)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 0.0584)} * (0.997)$ | | $e^{(0.846 * \text{LN}(\text{Hardness}) + 4.4389)} * (0.998)$ | |

Historical Note

Appendix A, Table 7 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 7 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 7 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 7 repealed; new Table 7 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife coldwater, warmwater, edw, and ephemeral | |
|---|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e^{(1.72 * \text{LN}(\text{Hardness}) - 6.59)} * (0.85)$ | |

Historical Note

Appendix A, Table 8 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 8 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 8 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 8 repealed; new Table 8 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 30.0 | 20 | 284 |
| 100 | 117 | 100 | 1112 |
| 400 | 379 | 400 | 3599 |
| $e^{(0.8473 * \text{LN}(\text{Hardness}) + 0.884)} * (0.978)$ | | $e^{(0.8473 * \text{LN}(\text{Hardness}) + 3.1342)} * (0.978)$ | |

Historical Note

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Appendix A, Table 9 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 9 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 9 renumbered to Table 11; new Table 9 renumbered from Table 6 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 9 repealed; new Table 9 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife coldwater, warmwater and edw | | Chronic Aquatic and Wildlife coldwater, warmwater and edw | | Acute Aquatic and Wildlife ephemeral | |
|---|------|---|------|--------------------------------------|------|
| pH | µg/L | pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 | 3 | 0.66 |
| 6 | 3.3 | 6 | 2.1 | 6 | 13.5 |
| 9 | 67.7 | 9 | 42.7 | 9 | 274 |
| $e^{(1.005*(pH)-4.83)}$ | | $e^{(1.005*(pH)-5.29)}$ | | $e^{(1.005*(pH)-3.4306)}$ | |

Historical Note

Appendix A, Table 10 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 10 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 10 renumbered to Table 12; new Table 10 renumbered from Table 11 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 10 repealed; new Table 10 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Present

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$MIN\left(\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}\right) \cdot \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.098 \times (20-p)})\right)\right)$$

Historical Note

Appendix A, Table 11 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 11 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 11 renumbered to Table

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10; new Table 11 renumbered from Table 9 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 11 repealed; new Table 11 renumbered from Table 25 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater, Unionid Mussels Present
 For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 3 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Appendix A, Table 12 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 12 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 12 renumbered to Table 18; new Table 12 renumbered from Table 10 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 12 repealed; new Table 12 renumbered from Table 26 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix A, Table 12 repealed; new Appendix A, Table 12 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater and warmwater, Unionid Mussels Present

For the aquatic and wildlife cold and warm water uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Appendix A, Table 13 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 13 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 13 renumbered to Table 15; new Table 13 renumbered from Table 14 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 13 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 13 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Absent

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)$$

Historical Note

Appendix A, Table 14 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 14 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 14 renumbered to Table 13; new Table 14 renumbered from Table 15 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 14 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Appendix A, Table 15 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 15 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 15 renumbered to Table 14; new Table 15 renumbered from Table 13 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 15 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | | | | | | |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | | | | | | |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | | | | | | |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | | | | | | |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | | | | | | |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | | | | | | |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | | | | | | |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | | | | | | |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | | | | | | |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | | | | | | |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | | | | | | |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 | | | | | | |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | | | | | | |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | | | | | | |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | | | | | | |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | | | | | | |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | | | | | | |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | | | | | | |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | | | | | | |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 | | | | | | |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 | | | | | | |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 | | | | | | |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | | | | | | |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 | | | | | | |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | | | | | | |

$$0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7, T)))}$$

Historical Note

Appendix A, Table 16 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 16 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 16 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 16 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater, Unionid Mussels Absent
 For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Appendix A, Table 17 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 17 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 17 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 17 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

Table 18. Repealed

Historical Note

Appendix A, Table 18 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 18 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 18 repealed; new Table 18 renumbered from Table 12 and amended by final rulemaking at 14 A.A.R.

4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 18 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 19. Repealed

Historical Note

Appendix A, Table 19 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

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Appendix A, Table 19 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 19 renumbered to Table 21; new Table 19 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 19 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 20. Repealed**Historical Note**

Appendix A, Table 20 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 20 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 20 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 20 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 21. Repealed**Historical Note**

Appendix A, Table 21 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 21 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 21 renumbered to Table 22; new Table 21 renumbered from Table 19 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 21 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 22. Repealed**Historical Note**

Appendix A, Table 22 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 22 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 22 renumbered to Table 23; new Table 22 renumbered from Table 21 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 22 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 23. Repealed**Historical Note**

Appendix A, Table 23 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 23 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 23 renumbered to Table 24; new Table 23 renumbered from Table 22 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 23 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 24. Repealed**Historical Note**

Appendix A, Table 24 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 24 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 24 renumbered to Table 25; new Table 24 renumbered from Table 23 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 24 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 25. Renumbered**Historical Note**

Appendix A, Table 25 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 25 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 25 renumbered to Table 26; new Table 25 renumbered from Table 24 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 25 renumbered to Table 11 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

Table 26. Renumbered**Historical Note**

Appendix A, Table 26 renumbered from Table 25 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 26 renumbered to Table 12 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

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Appendix B. Surface Waters and Designated Uses

(Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Appendix B table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.)

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Lake Category | Aquatic and Wildlife | | | | Human Health | | | | Agricultural | | |
|-----------|-------------------------|---|---------------|----------------------|------|------|--------|--------------|-----|-----|----|--------------|-----|-----|
| | | | | A&Wc | A&Ww | A&We | A&Wedw | FBC | PBC | DWS | FC | AgI | AgL | |
| BW | Alamo Lake | 34°14'06"/113°35'00" | Deep | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Big Sandy River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Blue Tank | 34°40'14"/112°58'17" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Carter Tank | 34°52'27"/112°57'31" | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash | | | | A&We | | | PBC | | | | | AgL |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Date Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek | | | A&Ww | | | FBC | | DWS | | FC | AgI | AgL |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Peeples Canyon (OAW) | Headwaters to confluence with Santa Maria River | | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Red Lake | 35°12'18"/113°03'57" | Sedimentary | | A&Ww | | | FBC | | | | FC | | AgL |
| BW | Santa Maria River | Headwaters to Alamo Lake | | | A&Ww | | | FBC | | | | FC | AgI | AgL |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River | | | A&Ww | | | FBC | | | | FC | | AgL |
| CG | Big Springs Tank | 36°36'08"/112°21'01" | | A&Wc | | | | FBC | | | | FC | | AgL |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek | | A&Wc | | | | FBC | | | | FC | | |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River | | | A&Ww | | | FBC | | | | FC | | |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" | | | | A&We | | | PBC | | | | | |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash | | | | | A&Wedw | | PBC | | | | | AgL |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek | | | | A&We | | | PBC | | | | | |
| CG | Catacart Creek | Headwaters to Santa Fe Reservoir | | A&Wc | | | | FBC | | DWS | | FC | AgI | AgL |
| CG | Catacart Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" | | A&Wc | | | | FBC | | | | FC | AgI | AgL |
| CG | Catacart Creek (EDW) | City of Williams WWTP outfall to 1 km downstream | | | | | A&Wedw | | PBC | | | | | |
| CG | Catacart Creek | Red Lake Wash to Havasupai Indian Reservation boundary | | | | A&We | | | PBC | | | | | AgL |
| CG | Catacart Lake | 35°15'04"/112°12'58" | Igneous | A&Wc | | | | FBC | | DWS | | FC | | AgL |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" | | A&Wc | | | | FBC | | | | FC | | |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | | FC | | |

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| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| CG | City Reservoir | 35°13'57"/112°11'25" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" | | A&Wc | | | | FBC | | | FC | | |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream | | | | | A&Wedw | | PBC | | | | |
| CG | Colorado River | Lake Powell to Lake Mead | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" | | A&Wc | | | | FBC | | | FC | | |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" | | A&Wc | | | | FBC | | | FC | | |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Detrital Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" | Shallow | | A&Ww | | | FBC | | | FC | AgL | AgL |
| CG | Grand Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Grapevine Wash | Headwaters to Colorado River | | | | | A&We | | PBC | | | | |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hance Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Havasupai Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" | | A&Wc | | | | FBC | | | FC | | |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Horn Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Hualapai Wash | Headwaters to Lake Mead | | | | | A&We | | PBC | | | | |
| CG | Jacob Lake | 36°42'27"/112°13'50" | Sedimentary | A&Wc | | | | FBC | | | FC | | |
| CG | Kaibab Lake | 35°17'04"/112°09'32" | Igneous | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" | | A&Wc | | | | FBC | | | FC | | |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Lake Mead | 36°06'18"/114°26'33" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lake Powell | 36°59'53"/111°08'17" | Deep | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Monument Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Nankowep Creek | Headwaters to confluence with unnamed tributary at 36°15'29"/111°57'26" | | A&Wc | | | | FBC | | | FC | | |
| CG | Nankowep Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" | | | A&Ww | | | FBC | | | FC | | |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" | | A&Wc | | | | FBC | | | FC | | |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" | | A&Wc | | | | FBC | | | FC | | |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Paria River | Utah border to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" | | A&Wc | | | | FBC | | | FC | | |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek | | | A&Ww | | | FBC | | | FC | | |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Roaring Springs | 36°11'45"/112°02'06" | | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek | | A&Wc | | | | FBC | | | FC | | |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Russell Tank | 35°52'21"/111°52'45" | | A&Wc | | | | FBC | | | FC | | AgL |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" | | A&Wc | | | | FBC | | | FC | | |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" | | A&Wc | | | | FBC | | | FC | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash | | | | A&We | | | PBC | | | | |
| CG | Slate Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Stone Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River | | | A&Wc | | | FBC | | | FC | | |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek | | | A&Wc | | | FBC | | | FC | | |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" | | | | A&We | | | | PBC | | | |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek | | | | A&We | | | | PBC | | | |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Unnamed Wash (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon | | | | | A&Wedw | | | PBC | | | |
| CG | Unnamed Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash | | | | | A&Wedw | | | PBC | | | |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" | | | A&Wc | | | FBC | | | FC | | |
| CG | Virgin River | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45'/112°21'03" | | | A&Wc | | | FBC | | | FC | | |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | | |
| CL | A10 Backwater | 33°31'45"/114°33'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | A7 Backwater | 33°34'27"/114°32'04" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Adobe Lake | 33°02'36"/114°39'26" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Cibola Lake | 33°14'01"/114°40'31" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Clear Lake | 33°01'59"/114°31'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Columbus Wash | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | |
| CL | Colorado River | Lake Mead to Topock Marsh | | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| CL | Colorado River | Topock Marsh to Morelos Dam | | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" | | | | A&We | | | | PBC | | | |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash | | | | A&We | | | | PBC | | | |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" | Shallow | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Island Lake | 33°01'44"/114°36'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Havasu | 34°35'18"/114°25'47" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Lake Mohave | 35°26'58"/114°38'30" | Deep | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| CL | Martinez Lake | 32°58'49"/114°28'09" | Shallow | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Mittry Lake | 32°49'17"/114°27'54" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Mohave Wash | Headwaters to Lower Colorado River | | | | A&We | | | PBC | | | | |
| CL | Nortons Lake | 33°02'30"/114°37'59" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" | Sedimentary | | A&Ww | | | FBC | | | FC | AgI | AgL |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Quigley Pond | 32°43'40"/113°57'44" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Redondo Lake | 32°44'32"/114°29'03" | Shallow | | A&Ww | | | FBC | | | FC | | |
| CL | Sacramento Wash | Headwaters to Topock Marsh | | | | A&We | | | PBC | | | | |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" | | | A&Ww | | | FBC | | | FC | | AgL |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash | | | | A&We | | | PBC | | | | AgL |
| CL | Topock Marsh | 34°43'27"/114°28'59" | Shallow | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream | | | | | A&Wedw | | | PBC | | | |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes | | | | | | | | DWS | | AgI | AgL |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains | | | | | | | | | | AgI | AgL |
| LC | Als Lake | 35°02'10"/111°25'17" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ashurst Lake | 35°01'06"/111°24'18" | Igneous | A&Wc | | | | FBC | | | FC | AgI | AgL |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" | Sedimentary | A&Wc | | | | FBC | | | FC | AgI | AgL |

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--|--|-------------|------|------|--|--------|-----|-----|-----|----|-----|-----|
| LC | Becker Lake | 34°09'11"/109°18'23" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Black Canyon Lake | 34°20'32"/110°40'13" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag | | | | | A&We | | PBC | | | | |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Carnero Lake | 34°06'57"/109°31'42" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" | Sedimentary | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Chilson Tank | 34°51'43"/111°22'54" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" | Shallow | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Colter Reservoir | 33°56'39"/109°28'53" | Shallow | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Concho Lake | 34°26'37"/109°37'40" | Shallow | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cow Lake | 34°53'14"/111°18'51" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Daves Tank | 34°44'22"/111°17'15" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Deep Lake | 35°03'34"/111°25'00" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hay Lake | 34°00'11"/109°25'57" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Horse Lake | 35°03'55"/111°27'50" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Hulsey Lake | 33°55'58"/109°09'40" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Indian Lake | 35°00'39"/111°22'41" | | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Jacks Canyon Creek | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Jarvis Lake | 33°58'59"/109°12'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Knoll Lake | 34°25'38"/111°05'13" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lake Humphreys (EDW) | 35°11'51"/111°35'19" | EDW | | | | A&Wedw | | PBC | | | | |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" | Igneous | A&Wc | | | | FBC | | DWS | FC | | AgL |
| LC | Lake of the Woods | 34°09'40"/109°58'47" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir | | A&Wc | | | | FBC | | | FC | | |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River | Headwaters to Lyman Reservoir | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs | | A&Wc | | | | FBC | | | FC | | |

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| | | | | | | | | | | | | | |
|----|---------------------------------------|--|--|--------------------|------|------|--|--------|--|------|----|-----|-----|
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River | | A&Wc | | | | FBC | | | FC | | AgL |
| LC | Little George Reservoir | 34°00'37"/109°19'15" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Long Tom Tank | 34°20'35"/110°49'22" | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" | | Deep | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Marshall Lake | 35°07'18"/111°32'07" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | McKay Reservoir | 34°01'27"/109°13'48" | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Morton Lake | 34°53'37"/111°17'41" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Mud Lake | 34°55'19"/111°21'29" | | Shallow | | A&Ww | | FBC | | | FC | | AgL |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Nelson Reservoir | 34°02'52"/109°11'19" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Norton Reservoir | 34°03'57"/109°31'27" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Nutriosio Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Paddy Creek | Headwaters to confluence with Nutriosio Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Pierce Seep | 34°23'39"/110°31'17" | | | A&Wc | | | | | PBC | | | |
| LC | Pine Tank | 34°46'49"/111°17'21" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River | | | | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream | | | | | | A&Wedw | | PBC | | | |
| LC | Rainbow Lake | 34°09'00"/109°59'09" | | Shallow Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" | | | | | | | | A&We | | PBC | |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash | | | | | | A&Wedw | | PBC | | | |
| LC | River Reservoir | 34°02'01"/109°26'07" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | Rudd Creek | Headwaters to confluence with Nutriosio Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Russel Reservoir | 33°59'29"/109°20'01" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Scott Reservoir | 34°10'31"/109°57'31" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Show Low Lake | 34°11'36"/110°00'12" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Slade Reservoir | 33°59'41"/109°20'26" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Soldiers Lake | 34°47'47"/111°14'04" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Spaulding Tank | 34°30'17"/111°02'06" | | | | A&Ww | | FBC | | | FC | | AgL |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" | | Igneous | | A&Ww | | FBC | | | FC | AgL | AgL |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Tremaine Lake | 34°46'02"/111°13'51" | | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/110°38'13" to confluence with Black Canyon Creek | | | | | | A&Wedw | | PBC | | | |
| LC | Unnamed Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep | | | | | | A&Wedw | | PBC | | | |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" | | EDW | | | | A&Wedw | | PBC | | | |
| LC | Whipple Lake | 34°16'49"/109°58'29" | | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| LC | White Mountain Lake | 34°21'57"/109°59'21" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Willow Creek | Headwaters to confluence with Clear Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Willow Springs Lake | 34°18'13"/110°52'16" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" | | Igneous | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek | | | A&Wc | | | FBC | | | FC | | AgL |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" | | Sedimentary | A&Wc | | | FBC | | | FC | AgL | AgL |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River | | | A&Wc | | | FBC | | | FC | AgL | AgL |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" | | | | | | | | A&We | | PBC | AgL |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 | | | | | | A&Wedw | | PBC | | | AgL |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

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| | | | | | | | | | | | | |
|----|--|--|-------------|--|------|--------|--------|-----|-----|----|-----|-----|
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" | | | A&We | | PBC | | | | | AgL |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream | | | | A&Wedw | | PBC | | | | |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" | | | A&We | | PBC | | | | | |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River | | | | A&Wedw | | PBC | | | | |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash | | | A&We | | PBC | | | | | |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" | | | | | | | | | | AgL |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Ash Creek | Below confluence with Tex Canyon to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Beehive Tank | 32°52'37"/111°02'20" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Cave Creek | Headwaters to the Cave Creek Dam | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal | | | | A&We | | PBC | | | | |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" | | | | A&We | | PBC | | | | AgL |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" | Urban | | A&Ww | | PBC | | | FC | AgL | |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary | | | A&We | | PBS | | | | | AgL |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | French Gulch | Headwaters to confluence with Hassayampa River | | | A&Ww | | PBC | | | | | AgL |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River | | | | A&We | | PBC | | | | AgL |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek | | | | | A&Wedw | | PBC | | | |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" | | | | A&We | | PBC | | | | AgL |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road | | | | | A&Wedw | | PBC | | | |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary | | | | A&We | | PBC | | | | AgL |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam | | | | | A&Wedw | | PBC | | FC | AgL |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River | | | A&Wc | | FBC | | DWS | FC | | AgL |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" | Igneous | | A&Wc | | FBC | | DWS | FC | | |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" | | | A&Wc | | FBC | | | FC | AgL | AgL |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal | | | | A&We | | PBC | | | | AgL |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Horsethief Lake | 34°09'42"/112°17'57" | Igneous | | A&Wc | | FBC | | DWS | FC | | AgL |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River | | | | A&We | | PBC | | | | |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" | Urban | | | | PBC | | | FC | | |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" | Urban | | A&Ww | | PBC | | | FC | AgL | |
| MG | Lake Pleasant | 33°53'46"/112°16'29" | Deep | | A&Ww | | FBC | | DWS | FC | AgL | AgL |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" | | | A&Wc | | FBC | | | FC | | AgL |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Lynx Lake | 34°31'07"/112°23'07" | Deep | | A&Wc | | FBC | | DWS | FC | AgL | AgL |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" | Urban | | A&Ww | | | PBC | | FC | AgL | |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River | | | | | A&Wedw | | PBC | | | |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" | | | | | PBC | | | | | |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River | | | A&Ww | | FBC | | | FC | | AgL |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" | | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River | | | | A&We | | PBC | | | | AgL |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" | Sedimentary | | A&Ww | | FBC | | | FC | AgL | AgL |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" | Urban | | A&Ww | | PBC | | | FC | | |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" | | | A&Ww | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | |
|----|-----------------------|---|---------|------|------|------|--------|-----|-----|-----|-----|-----|
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes | | | | | | | DWS | | AgI | AgL |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations | | | | | | | | | AgI | AgL |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" | Shallow | | A&Ww | | | FBC | | | FC | AgI |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch | | A&Wc | | | | FBC | | | FC | AgL |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" | | | A&Ww | | | | PBC | | FC | AgL |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon | | | | | A&Wedw | | PBC | | | |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River | | | A&We | | | | PBC | | | |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam | | | A&Ww | | | FBC | | DWS | FC | AgI |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" | | | A&We | | | | PBC | | | |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake | | | | | A&Wedw | | PBC | | | |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge | | | A&We | | | | PBC | | | |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" | | | A&Ww | | | | PBC | | FC | |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River | | | | | A&Wedw | | PBC | | FC | AgI |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream | | | | | A&Wedw | | PBC | | | |
| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon | | | A&Wc | | | FBC | | | FC | AgL |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" | Urban | | A&Ww | | | FBC | | | FC | |
| MG | The Lake Tank | 32°54'14"/111°04'15" | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" | | | A&Wc | | | FBC | | | FC | AgI |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek | | | A&Ww | | | FBC | | | FC | AgI |
| MG | Unnamed Wash (EDW) | Gila Bend WWTP outfall to confluence with the Gila River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River | | | | | A&Wedw | | PBC | | | |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek | | | | | A&Wedw | | PBC | | | |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream | | | | | A&Wedw | | PBC | | | |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | White Canyon Creek | Headwaters to confluence with Walnut Canyon Creek | | | A&Ww | | | FBC | | | FC | AgL |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash | EDW | | | | A&Wedw | | PBC | | | |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" | Urban | | A&Ww | | | | PBC | | FC | |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | AgL |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" | | | | A&We | | | PBC | | | |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek | | | | A&We | | | PBC | | | |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash | | | | A&We | | | PBC | | | |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" | | | | A&We | | | PBC | | | AgL |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek | | | | A&We | | | PBC | | | AgL |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Arivaca Lake | 31°31'52"/111°15'06" | Igneous | | A&Ww | | | FBC | | | FC | AgI |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash | | | | A&We | | | PBC | | | AgL |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro | | | | A&We | | | PBC | | | |
| SC | Black Wash (EDW) | Pima County WWMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash | | | | | A&Wedw | | PBC | | | |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash | | | | A&We | | | PBC | | | |
| SC | California Gulch | Headwaters To U.S./Mexico border | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Cañada del Oro | Headwaters to State Route 77 | | | A&Ww | | | FBC | | | FC | AgI |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | AgL |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" | | | | A&We | | | PBC | | | AgL |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" | | | A&Ww | | | FBC | | | FC | AgL |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" | | | | A&We | | | PBC | | | AgL |

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|----|-------------------------------------|---|---------|------|------|--------|--|-----|-----|-----|----|-----|-----|
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" | | | | A&We | | | PBC | | | | |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" | | | A&Ww | | | FBC | | | FC | | |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" | | | | A&We | | | PBC | | | | AgL |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch | | | | A&We | | | PBC | | | | AgL |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" | | | | A&We | | | PBC | | | | |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at | | | | A&We | | | PBC | | | | AgL |
| SC | Hit Tank | 32°43'57"/111°03'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Huachuca Tank | 31°21'11"/110°30'18" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" | Urban | | A&Ww | | | | PBC | | FC | | |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48'/110°47'49" | | | A&Wc | | | FBC | | | FC | | |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48'/110°47'49" to confluence with Sabino Canyon Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42'/110°52'51" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42'/110°52'51" to confluence with the Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek | | | A&Ww | | | | PBC | | FC | | |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek | | | | A&We | | | PBC | | | | |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33'/110°45'31" | | | A&Wc | | | FBC | | | FC | | |
| SC | Palisade Canyon | Below 32°22'33'/110°45'31" to unnamed tributary of Sabino Canyon | | | A&Ww | | | FBC | | | FC | | |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek | | | | A&We | | | PBC | | | | |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17'/110°28'47" | A&Wc | | | | | FBC | | | FC | | |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border | | | A&Ww | | | FBC | | | FC | | |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" | Deep | A&Wc | | | | FBC | | | FC | AgL | AgL |
| SC | Patagonia Lake | 31°29'56"/110°50'49" | Deep | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Peña Blanca Lake | 31°24'15"/111°05'12" | Igneous | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Potrero Creek | Headwaters to Interstate 19 | | | | A&We | | | PBC | | | | AgL |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash | | | | A&We | | | PBC | | | | |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek | | | A&Ww | | | FBC | | | FC | | |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29'/110°50'39" | | | A&Wc | | | FBC | | | FC | | |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash | | | A&Ww | | | FBC | | | FC | | |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon | | | A&Wc | | | FBC | | | FC | | |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" | Igneous | A&Wc | | | | FBC | | | FC | | AgL |
| SC | Ruby Lakes | 31°26'29"/111°14'22" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Sabino Canyon | Headwaters to 32°23'20"/110°47'06" | | | A&Wc | | | FBC | | DWS | FC | AgL | |
| SC | Sabino Canyon | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" | | | A&Ww | | | FBC | | | FC | | AgL |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge | | | | A&Wedw | | | PBC | | | | AgL |
| SC | Santa Cruz River | Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary | | | | A&We | | | PBC | | | | AgL |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" | | | | A&We | | | PBC | | | | |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream | | | | A&Wedw | | | PBC | | | | |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation | | | | A&We | | | PBC | | | | |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/112°01'47" to the Chin Indian Reservation | | | | A&Wedw | | | PBC | | | | |
| SC | Soldier Tank | 32°25'34"/110°44'43" | | | A&Wc | | | FBC | | | FC | | AgL |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25'/110°45'31" | | | | A&We | | | PBC | | | | AgL |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall | | | | A&Wedw | | | PBC | | | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | |
|----|------------------------------|--|-------------|------|--------|-----|-----|----|-----|-----|
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River | | A&Ww | | FBC | | FC | AgI | AgL |
| SC | Split Tank | 31°28'11"/111°05'12" | | A&Ww | | FBC | | FC | | AgL |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro | | A&Ww | | FBC | | FC | | |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" | | A&Wc | | FBC | | FC | | |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir | | A&Ww | | FBC | | FC | | |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border | | A&Ww | | FBC | | FC | | AgL |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" | | A&Wc | | FBC | | FC | | AgL |
| SC | Tanque Verde Creek | Headwaters to Houghton Road | | A&Ww | | FBC | | FC | | AgL |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek | | | A&We | | PBC | | | AgL |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" | | | A&We | | PBC | | | AgL |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) | | A&Ww | | FBC | | FC | | AgL |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek | | | A&We | | PBC | | | AgL |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River | | | A&We | | PBC | | | AgL |
| SC | Unnamed Wash (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream | | | A&Wedw | | PBC | | | |
| SC | Unnamed Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash | | | A&Wedw | | PBC | | | |
| SC | Unnamed Wash (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro | | | A&Wedw | | PBC | | | |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations | | | A&We | | PBC | | | |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" | | A&Wc | | FBC | | FC | | AgL |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek | | A&Ww | | FBC | | FC | | AgL |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" | | A&Ww | | FBC | | FC | | AgL |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River | | | A&We | | PBC | | | AgL |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | FBC | | FC | | AgL |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch | | A&Ww | | FBC | | FC | | AgL |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area | | A&Ww | | FBC | | FC | | AgL |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River | | A&Ww | | FBC | | FC | | AgL |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" | | A&Ww | | FBC | | FC | AgI | AgL |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River | | A&Ww | | FBC | | FC | | AgL |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" | | A&Wc | | FBC | | FC | | AgL |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek | | A&Ww | | FBC | | FC | | AgL |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" | | A&Ww | | FBC | | FC | | AgL |
| SP | Bear Creek | Headwaters to U.S./Mexico border | | A&Ww | | FBC | | FC | | AgL |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon | | A&Ww | | FBC | | FC | | |
| SP | Black Draw | Headwaters to the U.S./Mexico border | | A&Ww | | FBC | | FC | | AgL |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek | | A&Ww | | FBC | | FC | | AgL |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank | | A&Ww | | FBC | | FC | | AgL |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek | | | A&We | | PBC | | | AgL |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" | | A&Ww | | FBC | | FC | | AgL |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River | | A&Ww | | FBC | | FC | | AgL |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon | | A&Ww | | FBC | | FC | | AgL |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" | | A&Wc | | FBC | | FC | | AgL |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | A&Ww | | FBC | | FC | | AgL |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon | | A&Ww | | FBC | | FC | | AgL |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River | | | A&We | | PBC | | | AgL |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" | | A&Wc | | FBC | | FC | | AgL |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek | | A&Ww | | FBC | | FC | | AgL |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon | | A&Ww | | FBC | | FC | | AgL |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon | | A&Ww | | FBC | | FC | | AgL |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw | | A&Ww | | FBC | | FC | | AgL |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/110°19'44" | Sedimentary | A&Ww | | FBC | | FC | | |
| SP | Espiritu Canyon Creek | Headwaters to confluence with Soza Wash | | A&Ww | | FBC | | FC | | AgL |
| SP | Fourmile Creek | Headwaters to confluence with Aravaipa Creek | | A&Ww | | FBC | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" | | A&Wc | | FBC | | FC | | AgL |
| SP | Fourmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fourmile Canyon Creek | | A&Ww | | FBC | | FC | | AgL |
| SP | Fourmile Canyon, Right Prong | Headwaters to confluence with Fourmile Canyon | | A&Ww | | FBC | | FC | | AgL |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw | | A&Ww | | FBC | | FC | | AgL |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" | | A&Wc | | FBC | DWS | FC | AgI | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | |
|----|--------------------------------------|--|-------------|------|------|--------|-----|--------|-----|----|-----|-----|
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | AgI | |
| SP | Glance Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gold Gulch | Headwaters to U.S./Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/ 110°19'49" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/ 109°22'17" | | | A&Ww | | FBC | | | FC | | |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Hot Springs Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/ 109°43'32" | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Leslie Canyon Creek | Headwaters to confluence with Whitewater Draw | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/ 110°18'34" | | | A&Ww | | FBC | | | FC | | |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" | | A&Wc | | | FBC | | DWS | FC | | AgL |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River | | | A&Ww | | FBC | | DWS | FC | | AgL |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/ 110°18'52" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/ 109°54'02" | | | A&Ww | | | | PBC | FC | | |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" | | | | A&We | | | PBC | | | |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw | | | | A&We | | | PBC | | | AgL |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/ 110°21'37" | Sedimentary | | A&Ww | | | | PBC | FC | | |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Parsons Canyon Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40'/ 110°18'42" | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw | | | A&Wc | | FBC | | | FC | | AgL |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon | | | A&Ww | | FBC | | | FC | AgI | AgL |
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Swamp Springs Canyon | Headwaters to confluence with Redfield Canyon | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/ 110°26'11" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/ 110°26'10" | Sedimentary | | A&Ww | | FBC | | | FC | | |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Unnamed Wash (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream | | | | A&Wedw | | PBC | | | | |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" | | | | A&We | | PBC | | | | |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash | | | | | | A&Wedw | PBC | | | |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River | | | | A&We | | PBC | | | | |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36'/ 109°43'48" | | | | A&We | | PBC | | | | AgL |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border | | | A&Ww | | FBC | | | FC | | AgL |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/ 110°20'12" | | | A&Ww | | FBC | | | FC | | |
| SR | Ackre Lake | 33°37'01"/109°20'40" | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Apache Lake | 33°37'23"/111°12'26" | Deep | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37'/ 111°26'40" | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Basin Lake | 33°55'00"/109°26'09" | | | A&Ww | | FBC | | | FC | | AgL |
| SR | Bear Creek | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with Bear Wallow Creek | | | A&Wc | | FBC | | | FC | | AgL |
| SR | Beaver Creek | Headwaters to confluence with Black River | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Big Lake | 33°52'36"/109°25'33" | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River | Headwaters to confluence with Salt River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Black River, West Fork | Headwaters to confluence with the Black River | | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| SR | Bloody Tanks Wash | Headwaters to Schulze Ranch Road | | | | A&We | | PBC | | | | AgL |
| SR | Bloody Tanks Wash | Schulze Ranch Road to confluence with Miami Wash | | | | A&We | | PBC | | | | |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork | | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek | | | A&Ww | | FBC | | | FC | | |
| SR | Campaign Creek | Headwaters to Roosevelt Lake | | | A&Ww | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|--------------------------|---|---------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Canyon Lake | 33°32'44"/111°26'19" | Deep | | A&Ww | | | FBC | | DWS | FC | AgI | AgL |
| SR | Centerfire Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Conklin Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Corduroy Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Crescent Lake | 33°54'38"/109°25'18" | Shallow | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Deer Creek | Headwaters to confluence with the Black River, East Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" | Igneous | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Fish Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Fish Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Creek | Headwaters to confluence with the Black River, West Fork | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | LaBarge Creek | Headwaters to Canyon Lake | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek | | | | A&We | | | PBC | | | | |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek | | A&Wc | | | | FBC | | DWS | FC | AgI | AgL |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°26'55"/110°49'25" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" | | | | A&We | | | PBC | | | | AgL |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" | | | | | A&Wedw | | PBC | | | | |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" | | | A&Ww | | | FBC | | | | | |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pine Creek | Headwaters to confluence with the Salt River | | | A&Ww | | | FBC | | | FC | | |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" | | A&Wc | | | | FBC | | | FC | AgI | AgL |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" | Igneous | | A&Ww | | | FBC | | | FC | AgI | AgL |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek | | | A&Ww | | | FBC | | | FC | | |
| SR | Reservation Creek | Headwaters to confluence with the Black River | | A&Wc | | | | FBC | | | FC | | AgL |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek | | A&Wc | | | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|----|------------------------|--|-------------|------|------|-----|-----|-----|----|-----|-----|
| SR | Roosevelt Lake | 33°52'17"/111°00'17" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash | | | A&We | | PBC | | | | |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Saguaro Lake | 33°33'44"/111°30'55" | Deep | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Salome Creek | Headwaters to confluence with the Salt River | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Salt House Lake | 33°57'04"/109°20'11" | Igneous | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake | | A&Ww | | FBC | | | FC | | AgL |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek | | A&Ww | | FBC | | | FC | | AgL |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River | | A&Wc | | FBC | | | FC | | AgL |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake | | A&Ww | | FBC | | | FC | AgI | AgL |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek | | A&Wc | | FBC | | | FC | | |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek | | A&Wc | | FBC | | | FC | | AgL |
| SR | Workman Creek | Headwaters to confluence with Reynolds Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Apache Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" | | A&Wc | | FBC | | | FC | | AgL |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Bennett Wash | Headwaters to the Gila River | | | A&We | | PBC | | | | |
| UG | Bitter Creek | Headwaters to confluence with the Gila River | | A&Ww | | FBC | | | FC | | |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | AgI | AgL |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine | | A&Ww | | FBC | | | FC | | AgL |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River | | | A&We | | PBC | | FC | | |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cima Creek | Headwaters to confluence with Cave Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Dankworth Lake | 32°43'13"/109°42'17" | Sedimentary | A&Wc | | FBC | | | FC | | AgL |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash | | A&Ww | | FBC | | DWS | FC | | AgL |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" | | A&Wc | | FBC | | DWS | FC | AgI | AgL |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" | | A&Wc | | FBC | | | FC | | AgL |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | East Whittail | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River | | A&Ww | | FBC | | | FC | | AgL |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" | Sedimentary | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Foote Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir | | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. | | A&Ww | | FBC | | | FC | | AgL |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" | Igneous | A&Wc | | FBC | | DWS | FC | | AgL |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek | | A&Wc | | FBC | | | FC | | AgL |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary | | A&Ww | | FBC | | | FC | AgI | AgL |
| UG | Grant Creek | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |
| UG | Judd Lake | 33°51'15"/109°09'35" | Sedimentary | A&Wc | | FBC | | | FC | | |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River | | A&Wc | | FBC | | | FC | | AgL |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | | | |
|----|-----------------------|---|-------------|------|------|------|--------|-----|-----|-----|----|-----|-----|
| UG | Lanphier Canyon Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Little Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | | |
| UG | Georges Tank | 33°51'24"/109°08'30" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Luna Lake | 33°49'50"/109°05'06" | Sedimentary | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | Markham Creek | Headwaters to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Roper Lake | 32°45'23"/109°42'14" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | San Francisco River | Headwaters to the New Mexico border | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | San Francisco River | New Mexico border to confluence with the Gila River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| UG | San Simon River | Headwaters to confluence with the Gila River | | | | A&We | | | PBC | | | | AgL |
| UG | Sheep Tank | 32°46'14"/109°48'09" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Smith Pond | 32°49'15"/109°50'36" | Sedimentary | | A&Ww | | | FBC | | | FC | | |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River | | A&Wc | | | | FBC | | | FC | | |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River | | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Tinny Pond | 33°47'49"/109°04'27" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek | | | A&Ww | | | FBC | | | FC | | |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Barrata Tank | 35°02'43"/112°24'21" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bartlett Lake | 33°49'52"/111°37'44" | Deep | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Beaver Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" | | | | A&We | | | PBC | | | | AgL |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary | | | | | A&Wedw | | PBC | | | | AgL |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20'/112°05'06" | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Bray Creek | Headwaters to confluence with Webber Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Camp Creek | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Chase Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary | | | | A&We | | | PBC | | | | |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" | Shallow | | A&Ww | | | FBC | | | FC | | |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" | | | | A&We | | | PBC | | | | |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River | | | | | A&Wedw | | PBC | | | | |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" | Sedimentary | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek | | | A&Ww | | | FBC | | | FC | AgL | AgL |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'02'/111°52'17" to 34°48'12"/111°52'48" | | | | | A&Wedw | | PBC | | | | |
| VR | Dude Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | AgL | AgL |
| VR | East Verde River | Headwaters to confluence with Ellison Creek | | A&Wc | | | | FBC | | DWS | FC | AgL | AgL |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River | | | A&Ww | | | FBC | | DWS | FC | AgL | AgL |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" | | | A&Ww | | | FBC | | DWS | FC | | |
| VR | Foxboro Lake | 34°53'42"/111°39'55" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Fry Lake | 35°03'45"/111°48'04" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Headwaters to confluence with Government Spring | | A&Wc | | | | FBC | | | FC | | AgL |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Garrett Tank | 35°18'57"/112°42'20" | | | A&Ww | | | FBC | | | FC | | AgL |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" | Sedimentary | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" | Igneous | A&Wc | | | | FBC | | DWS | FC | | |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" | Igneous | A&Wc | | | | FBC | | | FC | AgL | AgL |

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| | | | | | | | | | | | | |
|----|----------------------------|--|-------------|------|------|--------|-----|-----|-----|----|-----|-----|
| VR | Granite Creek | Headwaters to Watson Lake | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" | Urban | | | A&Wedw | | PBC | | FC | | |
| VR | Heifer Tank | 35°20'27"/112°32'59" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Homestead Tank | 35°21'24"/112°41'36" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horse Park Tank | 34°58'15"/111°36'32" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" | Sedimentary | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Houston Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Huffer Tank | 34°27'46"/111°23'11" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/ 111°45'51" | | | | A&We | | | PBC | | | |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek | | | | A&Wedw | | PBC | | | | |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" | Igneous | | A&Ww | | FBC | | | FC | | AgL |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15'/ 111°44'47" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Oak Creek, West Fork (OAW) | Headwaters to confluence with Oak Creek | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Odell Lake | 34°56'5"/111°37'53" | Igneous | A&Wc | | | FBC | | | FC | | |
| VR | Peck's Lake | 34°46'51"/112°02'01" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Perkins Tank | 35°06'42"/112°04'12" | Shallow | A&Wc | | | FBC | | | FC | | AgL |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51'/ 111°26'49" | | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Red Creek | Headwaters to confluence with the Verde River | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Reservoir #1 | 35°13'5"/111°50'09" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Reservoir #2 | 35°13'17"/111°50'39" | Igneous | | A&Ww | | FBC | | | FC | | |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Scholze Lake | 35°11'53"/112°00'37" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23'/ 111°57'21" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" | Igneous | A&Wc | | | FBC | | | FC | | AgL |
| VR | Stehr Lake | 34°22'01"/111°40'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |
| VR | Stoneman Lake | 34°46'47"/111°31'14" | Shallow | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sullivan Lake | 34°51'42"/112°27'51" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41'/ 111°57'31" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Sycamore Creek | Headwaters to confluence with Fort McDowell Indian Reservation boundary at 33°39'19.8"/-111°37'42.7" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Tangle Creek | Headwaters to confluence with Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Trinity Tank | 35°27'44"/112°48'01" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'59"/ 111°48'35" to Volunteer Wash | | | | A&Wedw | | PBC | | | | |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Verde River | Below Bartlett Lake Dam to Salt River | | | A&Ww | | FBC | | DWS | FC | AgI | AgL |
| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Watson Lake | 34°34'58"/112°25'26" | Igneous | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Webber Creek | Headwaters to confluence with the East Verde River | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon | | A&Wc | | | FBC | | | FC | | AgL |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/ 111°34'34" | | A&Wc | | | FBC | | | FC | AgI | AgL |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek | | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" | Igneous | A&Wc | | | FBC | | DWS | FC | AgI | AgL |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash | | | | A&We | | | PBC | | | AgL |
| VR | Williscraft Tank | 35°11'22"/112°35'40" | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek | Above Willow Creek Reservoir | | A&Wc | | | FBC | | | FC | | AgL |
| VR | Willow Creek | Below Willow Creek Reservoir to confluence with Granite Creek | | | A&Ww | | FBC | | | FC | | AgL |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" | Shallow | | A&Ww | | FBC | | | FC | AgI | AgL |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" | Sedimentary | | A&Ww | | FBC | | | FC | | AgL |

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Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix B repealed, new Appendix B adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix B amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix B amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix C. Site-Specific Standards

| Watershed | Surface Water | Surface Water Description & Location | Parameter | Site-Specific Criterion |
|-----------|--------------------|--|-------------------------|---|
| LC | Rio de Flag (EDW) | Flagstaff WWTP outfall to the confluence with San Francisco Wash | Copper (D) | 36 µg/L (A&Wedw) |
| CL | Yuma East Wetlands | From inlet culvert from Colorado River into restored channel to Ocean Bridge | Selenium (T) | 2.2 µg/L (A&Ww chronic) |
| | | | Total residual chlorine | 33 µg/L (A&Ww acute) |
| | | | | 20 µg/L (A&Ww chronic) |
| SR | Pinto Creek | From confluence of Ellis Ranch tributary at 33°19'26.7"/110°54'57.5" to the confluence of West Fork of Pinto Creek at 33°27'32.3"/111°00'19.7" | Copper (D) | 34 µg/L (A&Ww acute for hardness values below 268 mg/L) |
| | | | | 34 µg/L (A&Ww chronic) |

Historical Note

Adopted effective February 18, 1992 (Supp. 92-1). Appendix C repealed effective April 24, 1996 (Supp. 96-2). New Appendix C made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix C amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

ARTICLE 2. WATER QUALITY STANDARDS FOR NON-WOTUS PROTECTED SURFACE WATERS

R18-11-201. Definitions

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation AZ (AgI AZ)" means the use of a non-WOTUS protected surface water for crop irrigation.
3. "Agricultural livestock watering AZ (AgL AZ)" means the use of a non-WOTUS protected surface water as a water supply for consumption by livestock.
4. "Aquatic and wildlife AZ (cold water) (A&Wc AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
5. "Aquatic and wildlife AZ (warm water) (A&Ww AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
6. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
7. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
8. "Criteria" means elements of water quality standards expressed as pollutant concentrations, levels, or narrative

statements representing a water quality that supports a designated use.

9. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
 - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
 - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
 - c. For human health-based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
10. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
 - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
 - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
 - c. For human health-based water quality standard criteria, in order to simulate long-term exposure, the

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receiving water critical flow condition is the harmonic mean flow.

11. "Designated use" means a use specified on the Protected Surface Waters List for a non-WOTUS protected surface water.
12. "Domestic water source AZ (DWS AZ)" means the use of a non-WOTUS protected surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
13. "Fish consumption AZ (FC AZ)" means the use of a non-WOTUS protected surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
14. "Full-body contact AZ (FBC AZ)" means the use of a non-WOTUS protected surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely, and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
15. "Geometric mean" means the nth root of the product of n items or values. The geometric mean is calculated using the following formula:

$$GM_y = \sqrt[n]{(Y_1)(Y_2)(Y_3)(Y_n)}$$

16. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO₃) in milligrams per liter.
17. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
18. "Non-WOTUS protected surface water" means a protected surface water designated in Table A of R18-11-216 or added to the PSWL by an emergency action authorized by A.R.S. § 49-221(G)(7) that is not a WOTUS.
19. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
20. "Partial-body contact AZ (PBC AZ)" means the recreational use of a non-WOTUS protected surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and, sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
21. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance.
22. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
23. "Recharge Project" means a facility necessary or convenient to obtain, divert, withdraw, transport, exchange,

deliver, treat, or store water to infiltrate or reintroduce that water into the ground.

24. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
25. "Urban lake" means a manmade lake within an urban landscape.
26. "Wastewater" does not mean:
 - a. Stormwater,
 - b. Discharges authorized under the De Minimus General Permit,
 - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
 - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
27. "Wetland" means, for the purposes of non-WOTUS protected surface waters, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
28. "WOTUS" means waters of the state that are also navigable waters as defined by Section 502(7) of the Clean Water Act.
29. "WOTUS protected surface water" means a protected surface water that is a WOTUS.
30. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1).
Amended subsection A. effective April 17, 1984 (Supp. 84-2). Former Section R9-21-201 repealed, former Section R9-21-203 renumbered as Section R9-21-201 and amended effective January 7, 1985 (Supp. 85-1).
Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-201 renumbered without change as Section R18-11-201 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-202. Applicability

- A. The water quality standards prescribed in this Article apply to non-WOTUS protected surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
 1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is part of the waste treatment system;
 2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores including:
 - a. A pit,
 - b. Pregnant leach solution pond

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- c. Raffinate pond,
 - d. Tailing impoundment,
 - e. Decant pond,
 - f. Pond of sump in a mine put associated with dewatering activity,
 - g. Pond holding water that has come into contact with a process or product that is being held for recycling,
 - h. Spill or catchment pond, or
 - i. A pond used for onsite remediation
3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
 4. A surface water located on tribal lands.
 5. WOTUS Protected Surface Waters.

Historical Note

Former Section R9-21-202 repealed, former Section R9-21-102 renumbered as Section R9-21-202 and amended effective January 7, 1985 (Supp. 85-1). Amended subsections (B), (D), and (E) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-202 renumbered without change as Section R18-11-202 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-203. Designated Uses for Non-WOTUS Protected Surface Waters

- A. The designated uses for specific non-WOTUS protected surface waters are listed in the Protected Surface Waters List in this article. The designated uses that may be assigned to a non-WOTUS protected surface water are:
 1. Full-body contact AZ,
 2. Partial-body contact AZ,
 3. Domestic water source AZ,
 4. Fish consumption AZ,
 5. Aquatic and wildlife AZ (cold water),
 6. Aquatic and wildlife AZ (warm water),
 7. Agricultural irrigation AZ, and
 8. Agricultural livestock watering AZ.
- B. Numeric water quality criteria to maintain and protect water quality for the designated uses assigned to non-WOTUS protected surface waters are prescribed in R18-11-215. Narrative water quality standards to protect non-WOTUS protected surface waters are prescribed in R18-11-214.
- C. If a non-WOTUS protected surface water has more than one designated use listed in the Protected Surface Waters List, the most stringent water quality criterion applies.
- D. The Director shall revise the designated uses of a non-WOTUS protected surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in the Protected Surface Waters List.
- E. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria through a rulemaking action for any of the following reasons:
 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
 2. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

3. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the non-WOTUS protected surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
4. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use.

Historical Note

Amended effective January 29, 1980 (Supp. 80-1). Amended subsection (B) by adding paragraphs (27) and (28) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-203 renumbered as Section R9-21-201, former Section R9-21-204 renumbered as Section R9-21-203 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-203 renumbered and amended as Section R9-21-204, new Section R9-21-203 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-203 renumbered without change as Section R18-11-203 (Supp. 87-3). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-204. Interim, Presumptive Designated Uses

The following water quality standards apply to a non-WOTUS protected surface water that is not listed on the Protected Surface Waters List but is added on an emergency basis pursuant to A.R.S. § 49-221(G)(7):

1. The aquatic and wildlife AZ (cold water use applies to a non-WOTUS protected surface water above 5000 feet in elevation);
2. The aquatic and wildlife AZ (warm water) applies to a non-WOTUS protected surface water below 5000 feet in elevation;
3. The full-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
4. The partial-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans in a way that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
5. The fish consumption AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for harvesting aquatic organisms for con-

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sumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.

6. The domestic water source AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans as a source of potable water.
7. The agricultural irrigation AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used for crop irrigation.
8. The agricultural livestock watering AZ use applies to any non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used as a water supply for consumption by livestock.

Historical Note

Former Section R9-21-204 renumbered and amended as Section R9-21-207, former Section R9-21-206 renumbered and amended as Section R9-21-204 effective January 29, 1980 (Supp. 80-1). Former Section

R9-21-204 renumbered as Section R9-21-203, former Section R9-21-205 renumbered as Section R9-21-204 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-204 renumbered and amended as Section R9-21-205, former Section R9-21-203 renumbered and amended as Section R9-21-204 effective August 12, 1986 (Supp. 86-4). Former Section

R9-21-204 renumbered without change as Section R18-11-204 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-205. Analytical Methods

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610 or an alternative method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

Historical Note

Former Section R9-21-205 repealed, new Section R9-21-205 adopted effective January 29, 1980 (Supp. 80-1).

Former Section R9-21-205 renumbered as Section R9-21-204, former Section R9-21-206 renumbered as Section R9-21-205 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-205 renumbered and amended as Section R9-21-206, former Section R9-21-204 renumbered and amended as Section R9-21-205 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-205 renumbered without change as Section R18-11-205 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992

(Supp. 92-1). Section repealed April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-206. Mixing Zones

- A. The Director may establish a mixing zone for a point source discharge to a non-WOTUS protected surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B. The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director for a mixing zone as part of an application for an AZPDES permit. The request shall include:
 1. An identification of the pollutant for which the mixing zone is requested;
 2. A proposed outfall design;
 3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
 4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C. The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
 1. The assimilative capacity of the receiving water;
 2. The likelihood of adverse human health effects;
 3. The location of drinking water plant intakes and public swimming areas;
 4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
 5. Bioaccumulation;
 6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
 7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
 8. The size of the mixing zone;
 9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
 10. The concentration gradient of the pollutant within the mixing zone;
 11. Sediment deposition;
 12. The potential for attracting aquatic life to the mixing zone; and
 13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D. Director determination.
 1. The Director shall deny a request to establish a mixing zone if an applicable water quality standard will be violated outside the boundaries of the proposed mixing zone.
 2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E. Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F. The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.

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G. Mixing zone requirements.

1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.

H. The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:

1. Chlordane,
2. DDT and its metabolites (DDD and DDE),
3. Dieldrin,
4. Dioxin,
5. Endrin,
6. Endrin aldehyde,
7. Heptachlor,
8. Heptachlor epoxide,
9. Lindane,
10. Mercury,
11. Polychlorinated biphenyls (PCBs), and
12. Toxaphene.

Historical Note

Former Section R9-21-206 renumbered and amended as Section R9-21-204, new Section R9-21-206 adopted effective January 29, 1980 (Supp. 80-1). Amended by adding subsection (B) effective October 14, 1981 (Supp. 81-5). Amended subsection (B) and Table 1 effective January 29, 1982 (Supp. 82-1). Amended subsection (B) and Table 1 effective August 13, 1982 (Supp. 82-4). Former Section R9-21-206 renumbered as Section R9-21-205, former Section R9-21-207 renumbered as Section R9-21-206 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-206 renumbered and amended as Section R9-21-207, former Section R9-21-205 renumbered and amended as R9-21-206 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-206 renumbered without change as Section R18-11-206 (Supp. 87-3). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-207. Natural Background

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is caused solely by naturally occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

Historical Note

Former Section R9-21-207 repealed, former Section R9-21-204 renumbered and amended as Section R9-21-207 effective January 29, 1980 (Supp. 80-1). Former Section R9-21-207 renumbered as Section R9-21-206, former Section R9-21-208 renumbered as Section R9-21-207

and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-207 renumbered without change as Section R9-21-208, former Section R9-21-206 renumbered and amended as Section R9-21-207 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-207 renumbered without change as Section R18-11-207 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-208. Schedules of Compliance

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve compliance. The permittee shall demonstrate that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

Historical Note

Former Section R9-21-208 repealed, new Section R9-21-208 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-208 renumbered as Section R9-21-207, Appendices 1 through 9 amended as Appendix A (now shown following R9-21-213), former Section R9-21-209 renumbered as R9-21-208 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-208 renumbered and amended as Section R9-21-209, former Section R9-21-207 renumbered without change as Section R9-21-208 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-208 renumbered without change as Section R18-11-208 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-209. Variances

- A.** Upon request, the Director may establish, by rule, a discharger-specific or water segment-specific or water segments-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B.** A person who requests a variance must demonstrate all of the following information:
 1. Identification of the specific pollutant and water quality standard for which a variance is sought.
 2. Identification of the receiving surface water segment or segments to which the variance would apply.
 3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality

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standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.

4. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
 5. Documentation that the proposed term is only as long as necessary to achieve compliance with applicable water quality standards.
 6. Documentation that is appropriate to the type of designated use to which the variance would apply as follows. For a water quality standard variance documentation must include a demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
 - a. Naturally occurring pollutant concentrations prevent attainment of the use;
 - b. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
 - c. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
 - d. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - f. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
 7. For a waterbody segment-specific or segments-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
 - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or pollutants or water quality parameter or parameters and water body or waterbody segment or segments specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - b. If any variance pursuant to subsection (B)(7)(a) previously applied to the water body or waterbody segment or segments, documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant or pollutants or water quality parameter or parameters subject to the water quality variance and the water quality progress achieved.
 8. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section: Identification of the permittee subject to the variance.
- C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
 1. Bioaccumulation,
 2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
 3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
 4. The likelihood of adverse human health effects.
 - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
 - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(6)(a)(vi). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 1. The highest attainable interim criterion,
 2. The interim effluent condition that reflects the greatest pollutant reduction achievable.
 - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
 - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
 - H. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E).
 - I. The Director shall periodically, but not more than every five years, reevaluate whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition during each rulemaking for this Article. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance during the rulemaking.
 - J. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
 - K. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.

Historical Note

Former Section R9-21-209 renumbered and amended as Section R9-21-210, new Section R9-21-209 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-209 renumbered as Section R9-21-208, Tables I and II amended as Appendix B (now shown following R9-21-213 and Appendix A), former Section R9-21-210 renumbered as Section R9-21-209 and amended effective

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January 7, 1985 (Supp. 85-1). Former Section R9-21-209 renumbered and amended as Section R9-21-210, former Section R9-21-208 renumbered and amended as Section R9-21-209 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-209 renumbered without change as Section R18-11-209 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-210. Site Specific Standards

- A. The Director shall adopt a site-specific standard by rule.
- B. The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
 1. Local physical, chemical, or hydrological conditions of a non-WOTUS protected surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
 2. The sensitivity of resident aquatic organisms that occur in a non-WOTUS protected surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in R18-11-215;
 3. Resident aquatic organisms that occur in a non-WOTUS protected surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in R18-11-215;
 4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in R18-11-215. "Natural background" means the concentration of a pollutant in a non-WOTUS protected surface water due only to non-anthropogenic sources; or
 5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a non-WOTUS protected surface water.
- C. Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically defensible procedure. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
 1. Identifies the pollutant;
 2. Describes the reach's boundaries;
 3. Describes the hydrologic regime of the waterbody;
 4. Describes the scientifically defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
 5. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
 6. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
 7. Demonstrates that all designated uses are protected; and
 8. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective January 29, 1980 (Supp. 80-1). Amended subsection (A) effective April 17, 1984 (Supp. 84-2). Former Section R9-21-210 renumbered as Section R9-21-209, former Section R9-21-211 renumbered as Section R9-21-210 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-210 renumbered without change as Section R18-11-210 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-211. Enforcement of Non-permitted Discharges to Non-WOTUS Protected Surface Waters

- A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

Historical Note

Former Section R9-21-210 renumbered and amended as Section R9-21-211 effective January 29, 1980 (Supp. 80-1). Amended subsections (D), (G) three (I), and added (J) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-211 renumbered as Section R9-21-210, former Section R9-21-212 renumbered as Section R9-21-211 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-211 renumbered and amended as Section R9-21-212, former Section R9-21-210 renumbered and amended as Section R9-21-211 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-211 renumbered without change as Section R18-11-211 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-212. Statements of Intent and Limitations on the Reach of Article 2

- A. Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.
- B. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified as non-WOTUS protected surface waters on the Protected Surface Waters List. Physical or mechanical maintenance includes dewatering, lining, dredging, and the physical,

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biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified on the Protected Surface Waters List.

- C. Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article.
- D. Nothing in this Article requires the release of water from a dam or a flood control structure.

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-212 renumbered as Section R9-21-211, former Section R9-21-213 renumbered as Section R9-21-212 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-212 repealed, former Section R9-21-211 renumbered and amended as Section R9-21-212 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-212 renumbered without change as Section R18-11-212 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-213. Procedures for Determining Economic, Social, and Environmental Cost and Benefits

- A. The Director shall perform an economic, social, and environmental cost and benefits analysis that shows the benefits outweigh the costs before conducting any of the following rulemaking actions:
 1. Adopting a water quality standard that applies to non-WOTUS protected surface waters at a particular level or for a particular water category of non-WOTUS protected surface waters;
 2. Adding a non-WOTUS protected surface water to the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(4) apply; or
 3. Removing a non-WOTUS protected surface water from the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(6) apply.
- B. The economic, social, and environmental cost and benefit analysis must include:
 1. A justification of the valuation methodology used to quantify the costs or benefits of the rulemaking action;
 2. A reference to any study relevant to the economic, social, and environmental cost and benefit analysis that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of the costs and benefits of the rulemaking action;
 3. A description of any data on which an economic, social, and environmental cost and benefits analysis is based and an explanation of how the data was obtained and why the data is acceptable data.
 4. A description of the probable impact of the rulemaking on any existing AZPDES permits that are impacted by the rulemaking action;
 5. A description of the probable amount of additional AZPDES permits that will be required for known and ongoing point-source discharges after the rulemaking is completed that otherwise would not have been required if the Director did not undertake the rulemaking action; and
 6. The administrative and other costs to ADEQ associated with the proposed rulemaking.
- C. The Director shall publish a copy of the economic, social, and environmental cost and benefits analysis to the agency website

prior to filing any rulemaking materials during any of the rulemaking actions listed in subsection (A) of this rule.

- D. If for any reason enough data is not reasonably available to comply with the requirements of subsection (B) of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms.
- E. The Director is not required to prepare the economic, social, and environmental cost and benefits analysis required by this rule when:
 1. Adding or removing a WOTUS-protected surface water from the Protected Surface Waters List; or
 2. Adding a water to the Protected Surface Waters List on an emergency basis pursuant to A.R.S. § 49-221(G)(7).

Historical Note

Adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Former Section R9-21-213 renumbered as Section R9-21-212, former Section R9-21-103 renumbered as Section R9-21-213 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-213 renumbered without change as Section R9-21-214, new Section R9-21-213 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-213 renumbered without change as Section R18-11-213 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-214. Narrative Water Quality Standards for Non-WOTUS Protected Surface Waters

- A. A non-WOTUS protected surface water shall not contain pollutants in amounts or combinations that:
 1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
 2. Cause objectionable odor in the area in which the non-WOTUS protected surface water is located;
 3. Cause off-taste or odor in drinking water;
 4. Cause off-flavor in aquatic organisms;
 5. Are toxic to humans, animals, plants, or other organisms;
 6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
 7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or
 8. Change the color of the non-WOTUS protected surface water from natural background levels of color.
- B. A non-WOTUS protected surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard
- C. A non-WOTUS protected surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.

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Historical Note

Former Section R9-21-213 renumbered without change as Section R9-21-214 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-214 renumbered without change as Section R18-11-214 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-215. Numeric Water Quality Standards for Non-WOTUS Protected Surface Waters

A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony-forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

| <i>E. coli</i> | FBC AZ | PBC AZ |
|---|--------|--------|
| Geometric mean (minimum of four samples in 30 days) | 126 | 126 |
| Statistical threshold value | 410 | 576 |

B. pH. The following water quality standards for non-WOTUS protected surface waters pH are expressed in standard units:

| pH | DWS AZ | FBC AZ, PBC AZ, A&Ww AZ, A&Wc AZ | AgI AZ | AgL AZ |
|---------|--------|----------------------------------|--------|--------|
| Maximum | 9.0 | 9.0 | 9.0 | 9.0 |
| Minimum | 5.0 | 6.5 | 4.5 | 6.5 |

C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

| A&Ww AZ | A&Wc AZ |
|---------|---------|
| 3.0° C | 1.0° C |

D. Suspended sediment concentration.

- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

| A&Wc AZ | A&Ww AZ |
|---------|---------|
| 25 | 80 |

E. Dissolved oxygen. A non-WOTUS protected surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

| Designated Use | Single sample minimum concentration in mg/L |
|----------------|---|
| A&Ww AZ | 6.0 |
| A&Wc AZ | 7.0 |

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

F. Tables 1 through 17 prescribe water quality criteria for individual pollutants by designated use.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 1. Water Quality Criteria by Designated Use (see footnote)

| Parameter | CAS NUMBER | DWS AZ (µg/L) | FC AZ (µg/L) | FBC AZ (µg/L) | PBC AZ (µg/L) | A&Wc AZ Acute (µg/L) | A&Wc AZ Chronic (µg/L) | A&Ww AZ Acute (µg/L) | A&Ww AZ Chronic (µg/L) | AgI AZ (µg/L) | AgL AZ (µg/L) |
|---------------------------------------|------------|----------------------------|--------------|---------------|---------------|---|---|---|---|---------------|---------------|
| Acenaphthene | 83329 | 420 | 198 | 56,000 | 56,000 | 850 | 550 | 850 | 550 | | |
| Acrolein | 107028 | 3.5 | 1.9 | 467 | 467 | 3 | 3 | 3 | 3 | | |
| Acrylonitrile | 107131 | 0.06 | 0.2 | 3 | 37,333 | 3,800 | 250 | 3,800 | 250 | | |
| Alachlor | 15972608 | 2 | | 9,333 | 9,333 | 2,500 | 170 | 2,500 | 170 | | |
| Aldrin | 309002 | 0.002 | 0.00005 | 0.08 | 28 | 3 | | 3 | | 0.003 | See (b) |
| Alpha Particles (Gross) Radioactivity | | 15 pCi/L See (h) | | | | | | | | | |
| Ammonia | 7664417 | | | | | See (e) & Tables 11 (present) & 14 (absent) | See (e) & Tables 13 (present) & 17 (absent) | See (e) & Tables 12 (present) & 15 (absent) | See (e) & Tables 13 (present) & 16 (absent) | | |
| Anthracene | 120127 | 2,100 | 74 | 280,000 | 280,000 | | | | | | |
| Antimony | 7440360 | 6 T | 640 T | 747 T | 747 T | 88 D | 30 D | 88 D | 30 D | | |
| Arsenic | 7440382 | 10 T | 80 T | 30 T | 280 T | 340 D | 150 D | 340 D | 150 D | 2,000 T | 200 T |
| Asbestos | 1332214 | See (a) | | | | | | | | | |
| Atrazine | 1912249 | 3 | | 32,667 | 32,667 | | | | | | |
| Barium | 7440393 | 2,000 T | | 98,000 T | 98,000 T | | | | | | |
| Benz(a)anthracene | 56553 | 0.005 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzene | 71432 | 5 | 140 | 93 | 3,733 | 2,700 | 180 | 2,700 | 180 | | |
| Benzo[b]fluoranthene Benzfluoranthene | 205992 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Benzidine | 92875 | 0.0002 | 0.0002 | 0.01 | 2,800 | 1,300 | 89 | 1,300 | 89 | 0.01 | 0.01 |
| Benzo(a)pyrene | 50328 | 0.2 | 0.02 | 0.2 | 0.2 | | | | | | |
| Benzo(k)fluoranthene | 207089 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Beryllium | 7440417 | 4 T | 84 T | 1,867 T | 1,867 T | 65 D | 5.3 D | 65 D | 5.3 D | | |
| Beta particles and photon emitters | | 4 millirems / year See (i) | | | | | | | | | |
| Bis(2-chloroethyl) ether | 111444 | 0.03 | 0.5 | 1 | 1 | 120,000 | 6,700 | 120,000 | 6,700 | | |
| Bis(2-chloroisopropyl) ether | 108601 | 280 | 3,441 | 37,333 | 37,333 | | | | | | |
| Boron | 7440428 | 1,400 T | | 186,667 T | 186,667 T | | | | | 1,000 T | |
| Bromodichloromethane | 75274 | TTHM See (g) | 17 | TTHM | 18,667 | | | | | | |
| 4-Bromophenyl phenyl ether | 101553 | | | | | 180 | 14 | 180 | 14 | | |
| Bromoform | 75252 | TTHM See (g) | 133 | 180 | 18,667 | 15,000 | 10,000 | 15,000 | 10,000 | | |
| Bromomethane | 74839 | 9.8 | 299 | 1,307 | 1,307 | 5,500 | 360 | 5,500 | 360 | | |
| Butyl benzyl phthalate | 85687 | 1,400 | 386 | 186,667 | 186,667 | 1,700 | 130 | 1,700 | 130 | | |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

| | | | | | | | | | | | |
|--|----------|--------------|----------|-------------|-------------|-------------------|-------------------|-------------------|-------------------|---------|---------|
| Cadmium | 7440439 | 5 T | 84 T | 700 T | 700 T | See (d) & Table 2 | See (d) & Table 3 | See (d) & Table 2 | See (d) & Table 3 | 50 | 50 |
| Carbaryl | 63252 | | | | | 2.1 | 2.1 | 2.1 | 2.1 | | |
| Carbofuran | 1563662 | 40 | | 4,667 | 4,667 | 650 | 50 | 650 | 50 | | |
| Carbon tetrachloride | 56235 | 5 | 2 | 11 | 980 | 18,000 | 1,100 | 18,000 | 1,100 | | |
| Chlordane | 57749 | 2 | 0.0008 | 4 | 467 | 2.4 | 0.004 | 2.4 | 0.2 | | |
| Chlorine (total residual) | 7782505 | 4,000 | | 4000 | 4000 | 19 | 11 | 19 | 11 | | |
| Chlorobenzene | 108907 | 100 | 1,553 | 18,667 | 18,667 | 3,800 | 260 | 3,800 | 260 | | |
| 2-Chloroethyl vinyl ether | 110758 | | | | | 180,000 | 9,800 | 180,000 | 9,800 | | |
| Chloroform | 67663 | TTHM See (g) | 470 | 230 | 9,333 | 14,000 | 900 | 14,000 | 900 | | |
| p-Chloro-m-cresol | 59507 | | | | | 15 | 4.7 | 15 | 4.7 | | |
| Chloromethane | 74873 | | | | | 270,000 | 15,000 | 270,000 | 15,000 | | |
| beta-Chloronaphthalene | 91587 | 560 | 317 | 74,667 | 74,667 | | | | | | |
| 2-Chlorophenol | 95578 | 35 | 30 | 4,667 | 4,667 | 2,200 | 150 | 2,200 | 150 | | |
| Chloropyrifos | 2921882 | 21 | | 2,800 | 2,800 | 0.08 | 0.04 | 0.08 | 0.04 | | |
| Chromium III | 16065831 | | 75,000 T | 1,400,000 T | 1,400,000 T | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | See (d) & Table 4 | | |
| Chromium VI | 18540299 | 21 T | 150 T | 2,800 T | 2,800 T | 16 D | 11 D | 16 D | 11 D | | |
| Chromium (Total) | 7440473 | 100 T | | | | | | | | 1,000 | 1,000 |
| Chrysene | 218019 | 0.005 | 0.02 | 19 | 19 | | | | | | |
| Copper | 7440508 | 1,300 T | | 1,300 T | 1,300 T | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | See (d) & Table 5 | 5,000 T | 500 T |
| Cyanide (as free cyanide) | 57125 | 200 T | 16,000 T | 18,667 T | 18,667 T | 22 T | 5.2 T | 41 T | 9.7 T | | 200 T |
| Dalapon | 75990 | 200 | 8,000 | 28,000 | 28,000 | | | | | | |
| DDT and its breakdown products | 50293 | 0.1 | 0.0002 | 14 | 467 | 1.1 | 0.001 | 1.1 | 0.001 | 0.001 | 0.001 |
| Demeton | 8065483 | | | | | | 0.1 | | 0.1 | | |
| Diazinon | 333415 | | | | | 0.17 | 0.17 | 0.17 | 0.17 | | |
| Dibenz (ah) anthracene | 53703 | 0.005 | 0.02 | 1.9 | 1.9 | | | | | | |
| Dibromochloromethane | 124481 | TTHM See (g) | 13 | TTHM | 18,667 | | | | | | |
| 1,2-Dibromo-3-chloropropane | 96128 | 0.2 | | 2,800 | 2,800 | | | | | | |
| 1,2-Dibromoethane | 106934 | 0.05 | | 8,400 | 8,400 | | | | | | |
| Dibutyl phthalate | 84742 | 700 | 899 | 93,333 | 93,333 | 470 | 35 | 470 | 35 | | |
| 1,2-Dichlorobenzene | 95501 | 600 | 205 | 84,000 | 84,000 | 790 | 300 | 1,200 | 470 | | |
| 1,3-Dichlorobenzene | 541731 | | | | | 2,500 | 970 | 2,500 | 970 | | |
| 1,4-Dichlorobenzene | 106467 | 75 | 5755 | 373,333 | 373,333 | 560 | 210 | 2,000 | 780 | | |
| 3,3'-Dichlorobenzidine | 91941 | 0.08 | 0.03 | 3 | 3 | | | | | | |
| 1,2-Dichloroethane | 107062 | 5 | 37 | 15 | 186,667 | 59,000 | 41,000 | 59,000 | 41,000 | | |
| 1,1-Dichloroethylene | 75354 | 7 | 7,143 | 46,667 | 46,667 | 15,000 | 950 | 15,000 | 950 | | |
| 1,2-cis-Dichloroethylene | 156592 | 70 | | 70 | 70 | | | | | | |
| 1,2-trans-Dichloroethylene | 156605 | 100 | 10,127 | 18,667 | 18,667 | 68,000 | 3,900 | 68,000 | 3,900 | | |
| Dichloromethane | 75092 | 5 | 593 | 190 | 56,000 | 97,000 | 5,500 | 97,000 | 5,500 | | |
| 2,4-Dichlorophenol | 120832 | 21 | 59 | 2,800 | 2,800 | 1,000 | 88 | 1,000 | 88 | | |
| 2,4-Dichlorophenoxyacetic acid (2,4-D) | 94757 | 70 | | 9,333 | 9,333 | | | | | | |
| 1,2-Dichloropropane | 78875 | 5 | 17,518 | 84,000 | 84,000 | 26,000 | 9,200 | 26,000 | 9,200 | | |
| 1,3-Dichloropropene | 542756 | 0.7 | 42 | 420 | 28,000 | 3,000 | 1,100 | 3,000 | 1,100 | | |
| Dieldrin | 60571 | 0.002 | 0.00005 | 0.09 | 47 | 0.2 | 0.06 | 0.2 | 0.06 | 0.003 | See (b) |
| Diethyl phthalate | 84662 | 5,600 | 8,767 | 746,667 | 746,667 | 26,000 | 1,600 | 26,000 | 1,600 | | |
| Di (2-ethylhexyl) adipate | 103231 | 400 | | 560,000 | 560,000 | | | | | | |
| Di (2-ethylhexyl) phthalate | 117817 | 6 | 3 | 100 | 18,667 | 400 | 360 | 400 | 360 | | |
| 2,4-Dimethylphenol | 105679 | 140 | 171 | 18,667 | 18,667 | 1,000 | 310 | 1,000 | 310 | | |
| Dimethyl phthalate | 131113 | | | | | 17,000 | 1,000 | 17,000 | 1,000 | | |
| 4,6-Dinitro-o-cresol | 534521 | 28 | 582 | 3,733 | 3,733 | 310 | 24 | 310 | 24 | | |
| 2,4-Dinitrophenol | 51285 | 14 | 1,067 | 1,867 | 1,867 | 110 | 9.2 | 110 | 9.2 | | |
| 2,4-Dinitrotoluene | 121142 | 14 | 421 | 1,867 | 1,867 | 14,000 | 860 | 14,000 | 860 | | |
| 2,6-Dinitrotoluene | 606202 | 0.05 | | 2 | 3,733 | | | | | | |
| Di-n-octyl phthalate | 117840 | 2,800 | | 373,333 | 373,333 | | | | | | |
| Dinoseb | 88857 | 7 | | 933 | 933 | | | | | | |
| 1,2-Diphenylhydrazine | 122667 | 0.04 | 0.2 | 1.8 | 1.8 | 130 | 11 | 130 | 11 | | |
| Diquat | 85007 | 20 | | 2,053 | 2,053 | | | | | | |
| Endosulfan sulfate | 1031078 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endosulfan (Total) | 115297 | 42 | 18 | 5,600 | 5,600 | 0.2 | 0.06 | 0.2 | 0.06 | | |
| Endothall | 145733 | 100 | | 18,667 | 18,667 | | | | | | |
| Endrin | 72208 | 2 | 0.06 | 280 | 280 | 0.09 | 0.04 | 0.09 | 0.04 | 0.004 | 0.004 |
| Endrin aldehyde | 7421934 | 2 | | | | 0.09 | 0.04 | 0.09 | 0.04 | | |
| Ethylbenzene | 100414 | 700 | 2,133 | 93,333 | 93,333 | 23,000 | 1,400 | 23,000 | 1,400 | | |
| Fluoranthene | 206440 | 280 | 28 | 37,333 | 37,333 | 2,000 | 1,600 | 2,000 | 1,600 | | |
| Fluorene | 86737 | 280 | 1,067 | 37,333 | 37,333 | | | | | | |
| Fluoride | 7782414 | 4,000 | | 140,000 | 140,000 | | | | | | |
| Glyphosate | 1071836 | 700 | 266,667 | 93,333 | 93,333 | | | | | | |
| Guthion | 86500 | | | | | | 0.01 | | 0.01 | | |
| Heptachlor | 76448 | 0.4 | 0.00008 | 0.4 | 467 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Heptachlor epoxide | 1024573 | 0.2 | 0.00004 | 0.2 | 12 | 0.5 | 0.004 | 0.5 | 0.004 | | |
| Hexachlorobenzene | 118741 | 1 | 0.0003 | 1 | 747 | 6 | 3.7 | 6 | 3.7 | | |
| Hexachlorobutadiene | 87683 | 0.4 | 18 | 18 | 187 | 45 | 8.2 | 45 | 8.2 | | |
| Hexachlorocyclohexane alpha | 319846 | 0.006 | 0.005 | 0.22 | 7,467 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane beta | 319857 | 0.02 | 0.02 | 0.78 | 560 | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane delta | 319868 | | | | | 1,600 | 130 | 1,600 | 130 | | |
| Hexachlorocyclohexane gamma (lindane) | 58899 | 0.2 | 1.8 | 280 | 280 | 1 | 0.08 | 1 | 0.28 | | |
| Hexachlorocyclopentadiene | 77474 | 50 | 580 | 9,800 | 9,800 | 3.5 | 0.3 | 3.5 | 0.3 | | |

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| | | | | | | | | | | | |
|---|----------|--------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|----------|----------|
| Hexachloroethane | 67721 | 2.5 | 3.3 | 100 | 933 | 490 | 350 | 490 | 350 | | |
| Hydrogen sulfide | 7783064 | | | | | | 2 See (c) | | 2 See (c) | | |
| Indeno (1,2,3-cd) pyrene | 193395 | 0.05 | 0.49 | 1.9 | 1.9 | | | | | | |
| Iron | 7439896 | | | | | | 1,000 D | | 1,000 D | | |
| Isophorone | 78591 | 37 | 961 | 1,500 | 186,667 | 59,000 | 43,000 | 59,000 | 43,000 | | |
| Lead | 7439921 | 15 T | | 15 T | 15 T | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | See (d) & Table 6 | 10,000 T | 100 T |
| Malathion | 121755 | 140 | | 18,667 | 18,667 | | 0.1 | | 0.1 | | |
| Manganese | 7439965 | 980 | | 130,667 | 130,667 | | | | | 10,000 | |
| Mercury | 7439976 | 2 T | | 280 T | 280 T | 2.4 D | 0.01 D | 2.4 D | 0.01 D | | 10 T |
| Methoxychlor | 72435 | 40 | | 4,667 | 4,667 | | 0.03 | | 0.03 | | |
| Methylmercury | 22967926 | | 0.3 mg/kg | | | | | | | | |
| Mirex | 2385855 | 1 | | 187 | 187 | | 0.001 | | 0.001 | | |
| Naphthalene | 91203 | 140 | 1,524 | 18,667 | 18,667 | 1,100 | 210 | 3,200 | 580 | | |
| Nickel | 7440020 | 140 T | 4,600 T | 28,000 T | 28,000 T | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | See (d) & Table 7 | | |
| Nitrate | 14797558 | 10,000 | | 3,733,333 | 3,733,333 | | | | | | |
| Nitrite | 14797650 | 1,000 | | 233,333 | 233,333 | | | | | | |
| Nitrate + Nitrite | | 10,000 | | | | | | | | | |
| Nitrobenzene | 98953 | 3.5 | 138 | 467 | 467 | 1,300 | 850 | 1,300 | 850 | | |
| p-Nitrophenol | 100027 | | | | | 4,100 | 3,000 | 4,100 | 3,000 | | |
| N-nitrosodimethylamine | 62759 | 0.001 | 3 | 0.03 | 0.03 | | | | | | |
| N-Nitrosodiphenylamine | 86306 | 7.1 | 6 | 290 | 290 | 2,900 | 200 | 2,900 | 200 | | |
| N-nitrosodi-n-propylamine | 621647 | 0.005 | 0.5 | 0.2 | 88,667 | | | | | | |
| Nonylphenol | 104405 | | | | | 28 | 6.6 | 28 | 6.6 | | |
| Oxamyl | 23135220 | 200 | | 23,333 | 23,333 | | | | | | |
| Parathion | 56382 | | | | | 0.07 | 0.01 | 0.07 | 0.01 | | |
| Paraquat | 1910425 | 32 | | 4,200 | 4,200 | 100 | 54 | 100 | 54 | | |
| Pentachlorophenol | 87865 | 1 | 1,000 | 12 | 28,000 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | See (e), (j) & Table 10 | | |
| Permethrin | 52645531 | 350 | | 46,667 | 46,667 | 0.3 | 0.2 | 0.3 | 0.2 | | |
| Phenanthrene | 85018 | | | | | 30 | 6.3 | 30 | 6.3 | | |
| Phenol | 108952 | 2,100 | 37 | 280,000 | 280,000 | 5,100 | 730 | 7,000 | 1,000 | | |
| Picloram | 1918021 | 500 | 2,710 | 65,333 | 65,333 | | | | | | |
| Polychlorinatedbiphenyls (PCBs) | 1336363 | 0.5 | 0.00006 | 2 19 | 19 | 2 | 0.01 | 2 | 0.02 | 0.001 | 0.001 |
| Pyrene | 129000 | 210 | 800 | 28,000 | 28,000 | | | | | | |
| Radium 226 + Radium 228 | | 5 pCi/L | | | | | | | | | |
| Selenium | 7782492 | 50 T | 667 T | 4,667 T | 4,667 T | | 2 T | | 2 T | 20 T | 50 T |
| Silver | 7440224 | 35 T | 8,000 T | 4,667 T | 4,667 T | See (d) & Table 8 | | See (d) & Table 8 | | | |
| Simazine | 112349 | 4 | | 4,667 | 4,667 | | | | | | |
| Strontium | 7440246 | 8 pCi/L | | | | | | | | | |
| Styrene | 100425 | 100 | | 186,667 | 186,667 | 5,600 | 370 | 5,600 | 370 | | |
| Sulfides | | | | | | | | | | | |
| 2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD) | 1746016 | 0.00003 | 5x10-9 | 0.00003 | 0.0009 | 0.01 | 0.005 | 0.01 | 0.005 | | |
| 1,1,2,2-Tetrachloroethane | 79345 | 0.2 | 4 | 7 | 56,000 | 4,700 | 3,200 | 4,700 | 3,200 | | |
| Tetrachloroethylene | 127184 | 5 | 261 | 9,333 | 9,333 | 2,600 | 280 | 6,500 | 680 | | |
| Thallium | 7440280 | 2 T | 7.2 T | 75 T | 75 T | 700 D | 150 D | 700 D | 150 D | | |
| Toluene | 108883 | 1,000 | 201,000 | 280,000 | 280,000 | 8,700 | 180 | 8,700 | 180 | | |
| Toxaphene | 8001352 | 3 | 0.0003 | 1.3 | 933 | 0.7 | 0.0002 | 0.7 | 0.0002 | 0.005 | 0.005 |
| Tributyltin | | | | | | 0.5 | 0.07 | 0.5 | 0.07 | | |
| 1,2,4-Trichlorobenzene | 120821 | 70 | 70 | 9,333 | 9,333 | 750 | 130 | 1,700 | 300 | | |
| 1,1,1-Trichloroethane | 71556 | 200 | 428,571 | 1,866,667 | 1,866,667 | 2,600 | 1,600 | 2,600 | 1,600 | 1,000 | |
| 1,1,2-Trichloroethane | 79005 | 5 | 16 | 25 | 3,733 | 18,000 | 12,000 | 18,000 | 12,000 | | |
| Trichloroethylene | 79016 | 5 | 29 | 280,000 | 280 | 20,000 | 1,300 | 20,000 | 1,300 | | |
| 2,4,6-Trichlorophenol | 88062 | 3.2 | 2 | 130 | 130 | 160 | 25 | 160 | 25 | | |
| 2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP) | 93721 | 50 | | 7,467 | 7,467 | | | | | | |
| Trihalomethanes (T) | | 80 | | | | | | | | | |
| Tritium | 10028178 | 20,000 pCi/L | | | | | | | | | |
| Uranium | 7440611 | 30 D | | 2,800 | 2,800 | | | | | | |
| Vinyl chloride | 75014 | 2 | 5 | 2 | 2,800 | | | | | | |
| Xylenes (T) | 1330207 | 10,000 | | 186,667 | 186,667 | | | | | | |
| Zinc | 7440666 | 2,100 T | 5,106 T | 280,000 T | 280,000 T | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | See (d) & Table 9 | 10,000 T | 25,000 T |

Historical Note

Table 1 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 2. Acute Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ | | Aquatic and Wildlife Warm Water AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 0.40 | 20 | 2.1 |
| 100 | 1.8 | 100 | 9.4 |
| 400 | 6.5 | 400 | 34 |
| c(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness))*0.041838) | | c(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness))*0.041838) | |

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Historical Note

Table 2 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 3. Chronic Water Quality Standards for Dissolved Cadmium

| Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 0.21 |
| 100 | 0.72 |
| 400 | 2.0 |
| $e^{(0.7977 \cdot \text{LN}(\text{Hardness}) - 3.909)} \cdot (1.101672 - \text{LN}(\text{Hardness})) \cdot 0.041838$ | |

Historical Note

Table 3 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 4. Water Quality Standards for Dissolved Chromium III

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 152 | 20 | 19.8 |
| 100 | 570 | 100 | 74.1 |
| 400 | 1,773 | 400 | 231 |
| $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 3.7256)} \cdot (0.316)$ | | $e^{(0.819 \cdot \text{LN}(\text{Hardness}) + 0.6848)} \cdot (0.86)$ | |

Historical Note

Table 4 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 5. Water Quality Standards for Dissolved Copper

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 2.9 | 20 | 2.3 |
| 100 | 13 | 100 | 9.0 |
| 400 | 50 | 400 | 29 |
| $e^{(0.9422 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | | $e^{(0.8545 \cdot \text{LN}(\text{Hardness}) - 1.702)} \cdot (0.96)$ | |

Historical Note

Table 5 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 6. Water Quality Standards for Dissolved Lead

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|---|-----------|--|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 10.8 | 20 | 0.42 |
| 100 | 64.6 | 100 | 2.5 |
| 400 | 281 | 400 | 10.9 |
| $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 1.46)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | | $e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 4.705)} \cdot (1.46203 - (\text{LN}(\text{Hardness})) \cdot (0.145712))$ | |

Historical Note

Table 6 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 7. Water Quality Standards for Dissolved Nickel

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|---|-----------|
| Hard. mg/L | Std. µg/L | Hard. mg/L | Std. µg/L |
| 20 | 120.0 | 20 | 13.3 |
| 100 | 468 | 100 | 52.0 |
| 400 | 1513 | 400 | 168 |
| $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 2.255)} \cdot (0.998)$ | | $e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 0.0584)} \cdot (0.997)$ | |

Historical Note

Table 7 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 8. Water Quality Standards for Dissolved Silver

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |

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| | |
|------------------------------------|------|
| 20 | 0.20 |
| 100 | 3.2 |
| 400 | 34.9 |
| $e(1.72*LN(Hardness)-6.59)*(0.85)$ | |

Historical Note

Table 8 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 9. Water Quality Standards for Dissolved Zinc

| Acute and Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|-----------|
| Hard. mg/L | Std. µg/L |
| 20 | 30.0 |
| 100 | 117 |
| 400 | 379 |
| $e(0.8473*LN(Hardness)+0.884)*(0.978)$ | |

Historical Note

Table 9 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 10. Water Quality Standards for Pentachlorophenol

| Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ | | Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ | |
|--|------|--|------|
| pH | µg/L | pH | µg/L |
| 3 | 0.16 | 3 | 0.1 |
| 6 | 3.3 | 6 | 2.1 |
| 9 | 67.7 | 9 | 42.7 |
| $e(1.005*(pH)-4.83)$ | | $e(1.005*(pH)-5.29)$ | |

Historical Note

Table 10 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Present
 For the Aquatic and Wildlife Coldwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 31 | 31 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 30 | 30 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 28 | 28 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 26 | 26 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 24 | 24 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 8 | 7.3 |
| 7.1 | 22 | 22 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 20 | 20 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 18 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 11 | 11 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 |
| 7.8 | 8.1 | 8.1 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 6.8 | 6.8 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 5.6 | 5.6 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 3.8 | 3.8 | 3.7 | 3.5 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 3.1 | 3.1 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 1.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.59 | 0.54 |
| 8.7 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |

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| | | | | | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 8.9 | 1 | 1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 0.88 | 0.88 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |
| $MIN\left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}, \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}}\right) \times (23.12 \times 10^{0.026 \times (20-T)})\right)\right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 11 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 48 | 44 | 41 | 37 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.9 |
| 6.6 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 |
| 6.7 | 46 | 44 | 40 | 37 | 34 | 31 | 29 | 27 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 |
| 6.8 | 44 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 |
| 6.9 | 41 | 38 | 35 | 32 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 |
| 7 | 38 | 35 | 33 | 30 | 28 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.4 | 8.6 | 7.9 | 7.3 |
| 7.1 | 34 | 32 | 30 | 27 | 25 | 23 | 21 | 20 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 |
| 7.2 | 31 | 29 | 27 | 25 | 23 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9.1 | 8.3 | 7.7 | 7.1 | 6.5 | 6 |
| 7.3 | 27 | 26 | 24 | 22 | 20 | 18 | 17 | 16 | 14 | 13 | 12 | 11 | 10 | 9.5 | 8.7 | 8 | 7.4 | 6.8 | 6.3 | 5.8 | 5.3 |
| 7.4 | 24 | 22 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 | 9.8 | 9 | 8.3 | 7.7 | 7 | 6.5 | 6 | 5.5 | 5.1 | 4.7 |
| 7.5 | 21 | 19 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 |
| 7.6 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 |
| 7.7 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 | 7.3 | 6.7 | 6.2 | 5.7 | 5.2 | 4.8 | 4.4 | 4.1 | 3.8 | 3.5 | 3.2 | 2.9 |
| 7.8 | 13 | 12 | 11 | 10 | 9.3 | 8.5 | 7.9 | 7.2 | 6.7 | 6.1 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.2 | 2.9 | 2.7 | 2.5 |
| 7.9 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.6 | 6 | 5.6 | 5.1 | 4.7 | 4.3 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 |
| 8 | 8.8 | 8.2 | 7.6 | 7 | 6.4 | 5.9 | 5.4 | 5 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 |
| 8.1 | 7.2 | 6.8 | 6.3 | 5.8 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 |
| 8.2 | 6 | 5.6 | 5.2 | 4.8 | 4.4 | 4 | 3.7 | 3.4 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.3 | 4.9 | 4.6 | 4.3 | 3.9 | 3.6 | 3.3 | 3.1 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 4.1 | 3.8 | 3.5 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 |
| 8.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.4 | 2.3 | 2.1 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 0.98 | 0.9 | 0.83 | 0.77 | 0.71 | 0.65 |
| 8.6 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.88 | 0.81 | 0.75 | 0.69 | 0.63 | 0.58 | 0.54 |
| 8.7 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.94 | 0.87 | 0.8 | 0.74 | 0.68 | 0.62 | 0.57 | 0.53 | 0.49 | 0.45 |
| 8.8 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.79 | 0.72 | 0.67 | 0.61 | 0.56 | 0.52 | 0.48 | 0.44 | 0.4 | 0.37 | 0.34 | 0.32 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.86 | 0.79 | 0.73 | 0.67 | 0.62 | 0.57 | 0.52 | 0.48 | 0.44 | 0.41 | 0.37 | 0.34 | 0.32 | 0.29 | 0.27 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

Historical Note

Table 12 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ and Warmwater AZ, Unionid Mussels Present

For the Aquatic and Wildlife Coldwater and Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|--|--|--|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| 6.5 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.6 | 4.8 | 4.5 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | | | | | | |
| 6.7 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | | | | | | |
| 6.8 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | | | | | | |
| 6.9 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | | | | | | |
| 7 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | | | | | | |
| 7.1 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | | | | | | |
| 7.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | | | | | | |
| 7.3 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | | | | | | |
| 7.4 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | | | | | | |
| 7.5 | 3.2 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | | | | | | |
| 7.6 | 2.9 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.6 | 1.5 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.67 | | | | | | |
| 7.7 | 2.6 | 2.4 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | | | | | | |
| 7.8 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | | | | | | |
| 7.9 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | | | | | | |
| 8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.83 | 0.78 | 0.73 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.5 | 0.44 | 0.44 | 0.41 | | | | | | |
| 8.1 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 | 0.76 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | | | | | | |
| 8.2 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.84 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.57 | 0.54 | 0.5 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | | | | | | |
| 8.3 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.82 | 0.76 | 0.72 | 0.67 | 0.63 | 0.59 | 0.55 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | | | | | | |
| 8.4 | 0.95 | 0.89 | 0.84 | 0.79 | 0.74 | 0.69 | 0.65 | 0.61 | 0.57 | 0.53 | 0.5 | 0.47 | 0.44 | 0.41 | 0.39 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.25 | 0.23 | 0.22 | | | | | | |
| 8.5 | 0.8 | 0.75 | 0.71 | 0.67 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.25 | 0.24 | 0.22 | 0.21 | 0.2 | 0.18 | | | | | | |
| 8.6 | 0.68 | 0.64 | 0.6 | 0.56 | 0.53 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 | 0.33 | 0.31 | 0.29 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.16 | 0.15 | | | | | | |
| 8.7 | 0.57 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | | | | | | |
| 8.8 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.35 | 0.33 | 0.31 | 0.29 | 0.27 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.13 | 0.12 | 0.11 | | | | | | |
| 8.9 | 0.42 | 0.39 | 0.37 | 0.34 | 0.32 | 0.3 | 0.28 | 0.27 | 0.25 | 0.23 | 0.22 | 0.21 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.1 | 0.09 | | | | | | |
| 9 | 0.36 | 0.34 | 0.32 | 0.3 | 0.28 | 0.26 | 0.24 | 0.23 | 0.21 | 0.2 | 0.19 | 0.18 | 0.17 | 0.16 | 0.15 | 0.14 | 0.13 | 0.12 | 0.11 | 0.11 | 0.1 | 0.09 | 0.09 | 0.08 | | | | | | |

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T,7))})$$

Historical Note

Table 13 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 31 | 29 | 27 |
| 6.6 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 30 | 28 | 26 |
| 6.7 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 29 | 26 | 24 |
| 6.8 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 27 | 25 | 23 |
| 6.9 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 25 | 23 | 21 |
| 7 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 23 | 21 | 20 |
| 7.1 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 21 | 19 | 18 |
| 7.2 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 19 | 17 | 16 |
| 7.3 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 16 | 14 |
| 7.4 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 |
| 7.5 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 |
| 7.6 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 10 | 9.3 |
| 7.7 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.3 | 8.6 | 7.9 |
| 7.8 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 7.8 | 7.2 | 6.6 |
| 7.9 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.5 | 6 | 5.5 |
| 8 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.6 |
| 8.1 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 | 4.5 | 4.1 | 3.8 |
| 8.2 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.7 | 3.4 | 3.1 |
| 8.3 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3 | 2.8 | 2.6 |
| 8.4 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.5 | 2.3 | 2.1 |
| 8.5 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 1.9 | 1.8 |
| 8.6 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.7 | 1.6 | 1.4 |
| 8.7 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 |
| 8.9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.92 | 0.85 |
| 9 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.88 | 0.85 | 0.78 | 0.72 |

$$MIN\left(\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)\right)$$

Historical Note

Table 14 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ Uses, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 51 | 48 | 44 | 40 | 37 | 34 | 31 | 29 | 27 |
| 6.6 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 49 | 46 | 42 | 39 | 36 | 33 | 30 | 28 | 26 |
| 6.7 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 46 | 43 | 40 | 37 | 34 | 31 | 29 | 26 | 24 |
| 6.8 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 41 | 38 | 35 | 32 | 29 | 27 | 25 | 23 |
| 6.9 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 41 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 |
| 7 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 35 | 32 | 30 | 27 | 25 | 23 | 21 | 20 |
| 7.1 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 32 | 29 | 27 | 25 | 23 | 21 | 19 | 18 |
| 7.2 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 29 | 26 | 24 | 22 | 21 | 19 | 17 | 16 |
| 7.3 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 26 | 23 | 22 | 20 | 18 | 17 | 16 | 14 |
| 7.4 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 22 | 21 | 19 | 17 | 16 | 15 | 14 | 13 |
| 7.5 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 16 | 15 | 14 | 13 | 12 | 11 |
| 7.6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 17 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 |
| 7.7 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 14 | 13 | 12 | 11 | 10 | 9.3 | 8.6 | 7.9 |
| 7.8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 12 | 11 | 10 | 9.2 | 8.5 | 7.8 | 7.2 | 6.6 |
| 7.9 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 9.9 | 9.1 | 8.4 | 7.7 | 7.1 | 6.5 | 6 | 5.5 |
| 8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.8 | 8.2 | 7.5 | 6.9 | 6.4 | 5.9 | 5.4 | 5 | 4.6 |
| 8.1 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 6.8 | 6.2 | 5.7 | 5.3 | 4.9 | 4.5 | 4.1 | 3.8 |
| 8.2 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5.6 | 5.1 | 4.7 | 4.4 | 4 | 3.7 | 3.4 | 3.1 |
| 8.3 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.6 | 4.2 | 3.9 | 3.6 | 3.3 | 3 | 2.8 | 2.6 |
| 8.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 3.8 | 3.4 | 3.2 | 3 | 2.7 | 2.5 | 2.3 | 2.1 |
| 8.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.1 | 2.9 | 2.6 | 2.4 | 2.2 | 2.1 | 1.9 | 1.8 |
| 8.6 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.6 | 2.4 | 2.2 | 2 | 1.9 | 1.7 | 1.6 | 1.4 |
| 8.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 |
| 8.8 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.8 | 1.7 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 |
| 8.9 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.92 | 0.85 |
| 9 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.93 | 0.85 | 0.78 | 0.72 |

$$0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times \text{MIN} \left(51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$$

Historical Note

Table 15 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Absent

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 19 | 17 | 16 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9.7 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 17 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 17 | 16 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 8.9 | 8.4 | 7.8 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 16 | 15 | 14 | 14 | 13 | 12 | 11 | 10 | 9.8 | 9.2 | 8.6 | 8.1 | 7.6 | 7.1 | 6.7 | 6.2 | 5.9 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 16 | 15 | 14 | 13 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.3 | 7.7 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 15 | 14 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 14 | 13 | 12 | 12 | 11 | 10 | 9.6 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 13 | 12 | 12 | 11 | 10 | 9.5 | 9 | 8.4 | 7.9 | 7.4 | 6.9 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 12 | 11 | 11 | 10 | 9.4 | 8.8 | 8.2 | 7.7 | 7.2 | 6.8 | 6.4 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 11 | 10 | 10 | 9.1 | 8.5 | 8 | 7.5 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 9.9 | 9.3 | 8.7 | 8.1 | 7.7 | 7.2 | 6.8 | 6.3 | 5.9 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 8.8 | 8.3 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 7.8 | 7.3 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 5 | 4.6 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 6.8 | 6.3 | 6 | 5.6 | 5.2 | 4.9 | 4.6 | 4.3 | 4 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.5 | 2.3 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 4.2 | 4 | 3.7 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.5 | 2.4 | 2.2 | 2.1 | 2 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 3.6 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.92 | 0.87 | 0.81 |
| 8.5 | 3 | 2.8 | 2.7 | 2.5 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 2.6 | 2.4 | 2.2 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 2.2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.93 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.63 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.3 | 1.2 | 1.1 | 1 | 0.96 | 0.9 | 0.85 | 0.79 | 0.74 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 1 | 0.94 | 0.88 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.4 | 0.38 | 0.36 |
| 9 | 1.4 | 1.3 | 1.2 | 1.1 | 1 | 0.98 | 0.92 | 0.86 | 0.81 | 0.76 | 0.71 | 0.66 | 0.62 | 0.58 | 0.55 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7))})$ | | | | | | | | | | | | | | | | | | | | | | | | |

Historical Note

Table 16 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent
 For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

| pH | Temperature (°C) | | | | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 0-14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 6.5 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7 | 6.6 | 6.2 | 5.8 | 5.4 | 5.1 | 4.8 | 4.5 | 4.2 |
| 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 6.9 | 6.5 | 6.1 | 5.7 | 5.4 | 5 | 4.7 | 4.4 | 4.1 |
| 6.7 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 7.1 | 6.8 | 6.4 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 |
| 6.8 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.6 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 |
| 6.9 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.7 | 6.5 | 6.1 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 |
| 7 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.2 | 5.8 | 5.5 | 5.1 | 4.8 | 4.5 | 4.2 | 4 | 3.7 |
| 7.1 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6 | 5.6 | 5.3 | 4.9 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 |
| 7.2 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.9 | 5.7 | 5.3 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 |
| 7.3 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.4 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 |
| 7.4 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5 | 4.7 | 4.4 | 4.1 | 3.9 | 3.6 | 3.4 | 3.2 | 3 |
| 7.5 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.6 | 4.3 | 4.1 | 3.8 | 3.6 | 3.3 | 3.1 | 2.9 | 2.8 |
| 7.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.2 | 3.9 | 3.7 | 3.5 | 3.2 | 3 | 2.9 | 2.7 | 2.5 |
| 7.7 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.8 | 3.5 | 3.3 | 3.1 | 2.9 | 2.7 | 2.6 | 2.4 | 2.3 |
| 7.8 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.4 | 3.2 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 |
| 7.9 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3 | 2.8 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.8 |
| 8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.6 | 2.4 | 2.3 | 2.1 | 2 | 1.9 | 1.7 | 1.6 | 1.5 |
| 8.1 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.2 | 2.1 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 |
| 8.2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1.9 | 1.8 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.1 |
| 8.3 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.6 | 1.5 | 1.4 | 1.3 | 1.2 | 1.2 | 1.1 | 1 | 0.96 |
| 8.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.4 | 1.3 | 1.2 | 1.1 | 1.1 | 0.99 | 0.93 | 0.87 | 0.81 |
| 8.5 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.1 | 1 | 0.95 | 0.89 | 0.83 | 0.78 | 0.73 | 0.69 |
| 8.6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0.97 | 0.91 | 0.85 | 0.8 | 0.75 | 0.7 | 0.66 | 0.62 | 0.58 |
| 8.7 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.86 | 0.82 | 0.77 | 0.72 | 0.68 | 0.64 | 0.6 | 0.56 | 0.52 | 0.49 |
| 8.8 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.7 | 0.65 | 0.61 | 0.58 | 0.54 | 0.51 | 0.47 | 0.44 | 0.42 |
| 8.9 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.62 | 0.6 | 0.56 | 0.52 | 0.49 | 0.46 | 0.43 | 0.41 | 0.38 | 0.36 |
| 9 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.54 | 0.51 | 0.48 | 0.45 | 0.42 | 0.4 | 0.37 | 0.35 | 0.33 | 0.31 |
| $0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$ | | | | | | | | | | | | | | | | | |

Historical Note

Table 17 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-216. The Protected Surface Waters List

Tables A through C prescribe the protected surface waters list.

Historical Note

Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table A. Non-WOTUS Protected Surface Waters and Designated Uses

| Watershed | Surface Waters | Segment Description and Location (Latitude and Longitudes are in NAD 83) | Aquatic and Wildlife | | Human Health | | | | Agricultural | |
|-----------|------------------------|--|----------------------|---------|--------------|--------|--------|-------|--------------|--------|
| | | | A&Wc AZ | A&Ww AZ | FBC AZ | PBC AZ | DWS AZ | FC AZ | Agl AZ | AgL AZ |
| CG | Cottonwood Creek | Headwaters to confluence with unnamed tributary at 35°20'46"/113°35'31" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| CG | Cottonwood Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | AgL AZ |
| CG | Wright Canyon Creek | Headwaters to confluence with unnamed tributary at 35°20'48"/113°30'40" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| CG | Wright Canyon Creek | Below confluence with unnamed tributary to confluence with Truxton Wash | | A&Ww AZ | FBC AZ | | | FC AZ | | AgL AZ |
| LC | Boot Lake | 34°58'54"/111°20'11" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| LC | Little Ortega Lake | 34°22'47"/109°40'06" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Mormon Lake | 34°56'38"/111°27'25" | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | Agl AZ | AgL AZ |
| LC | Potato Lake | 35°03'15"/111°24'13" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| LC | Pratt Lake | 34°01'32"/109°04'18" | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| LC | Sponseller Lake | 34°14'09"/109°50'45" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| LC | Vail Lake | 35°05'23"/111°30'46" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| LC | Water Canyon Reservoir | 34°03'38"/109°26'20" | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| MG | Bonsall Park Lake | 59th Avenue & Bethany Home Road at 33°31'24'/112°11'08" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| MG | Canal Park Lake | College Avenue & Curry Road, Tempe at 33°26'54'/111°56'19" | | A&Ww AZ | | PBC AZ | | FC AZ | | |
| SP | Big Creek | Headwaters to confluence with Pitchfork Canyon Wash | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| SP | Goudy Canyon Wash | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | |
| SP | Grant Creek | Headwaters to confluence with unnamed tributary at 32°38'10"/109°56'37" | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | |
| SP | Grant Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | | |
| SP | High Creek | Headwaters to confluence with unnamed tributary at 32°33'08"/110°14'42" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| SP | High Creek | Below confluence with unnamed tributary to terminus near Willcox Playa | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| SP | Pinery Creek | Headwaters to State Highway 181 | A&Wc AZ | | FBC AZ | | DWS AZ | FC AZ | | AgL AZ |
| SP | Pinery Creek | Below State Highway 181 to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | DWS AZ | FC AZ | | AgL AZ |
| SP | Post Creek | Headwaters to confluence with Grant Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| SP | Riggs Flat Lake | 32°42'28"/109°57'53" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| SP | Rock Creek | Headwaters to confluence with Turkey Creek | | | FBC AZ | | | FC AZ | | AgL AZ |
| SP | Soldier Creek | Headwaters to confluence with Post Creek at 32°40'50'/109°54'41" | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| SP | Snow Flat Lake | 32°39'10"/109°51'54" | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| SP | Stronghold Canyon East | Headwaters to 31°55'9.28"/109°57'53.24" | A&Wc AZ | | | PBC AZ | | | | |
| SP | Stronghold Canyon East | 31°55'9.28"/109°57'53.24" to confluence with Carlink Canyon | | A&Ww AZ | | PBC AZ | | | | |
| SP | Turkey Creek | Headwaters to confluence with Rock Creek | A&Wc AZ | | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| SP | Turkey Creek | Below confluence with Rock Creek to terminus near Willcox Playa | | A&Ww AZ | FBC AZ | | | FC AZ | Agl AZ | AgL AZ |
| UG | Ward Canyon | Headwaters to confluence with Turkey Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |
| VR | Moonshine Creek | Headwaters to confluence with Post Creek | A&Wc AZ | | FBC AZ | | | FC AZ | | AgL AZ |

Historical Note

Table A made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Table B. WOTUS Protected Surface Waters

The waters listed in this table have been tentatively identified by ADEQ as WOTUS, under the law governing on 8/26/2022. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table B will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the WOTUS Protected Surface Waters Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|--|
| BW | Big Sandy River | Headwaters to Alamo Lake |
| BW | Boulder Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Francis Creek (OAW) | Headwaters to confluence with Burro Creek |
| BW | Kirkland Creek | Headwaters to confluence with Santa Maria River |
| BW | Trout Creek | Below confluence with unnamed tributary to confluence with Knight Creek |
| CG | Beaver Dam Wash | Headwaters to confluence with the Virgin River |
| CG | Bright Angel Creek | Headwaters to confluence with Roaring Springs Creek |
| CG | Bright Angel Creek | Below Roaring Spring Springs Creek to confluence with Colorado River |
| CG | Colorado River | Lake Powell to Lake Mead |
| CG | Crystal Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Deer Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Garden Creek | Headwaters to confluence with Pipe Creek |
| CG | Havasus Creek | From the Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Hermit Creek | Below Hermit Pack Trail crossing to confluence with the Colorado River |
| CG | Kanab Creek | Headwaters to confluence with the Colorado River |
| CG | Lake Mead | 36°06'18"/114°26'33" |
| CG | Lake Powell | 36°59'53"/111°08'17" |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Paria River | Utah border to confluence with the Colorado River |
| CG | Phantom Creek | Below confluence with unnamed tributary to confluence with Bright Angel Creek |
| CG | Pipe Creek | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Short Creek | Headwaters to confluence with Fort Pearce Wash |
| CG | Tapeats Creek | Headwaters to confluence with the Colorado River |
| CG | Thunder River | Headwaters to confluence with Tapeats Creek |
| CG | Vasey's Paradise | A spring at 36°29'52"/111°51'26" |
| CG | Virgin River | Headwaters to confluence with the Colorado River |
| CG | White Creek | Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03" |
| CG | White Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CL | A10 Backwater | 33°31'45"/114°33'19" |
| CL | A7 Backwater | 33°34'27"/114°32'04" |
| CL | Adobe Lake | 33°02'36"/114°39'26" |
| CL | Cibola Lake | 33°14'01"/114°40'31" |
| CL | Clear Lake | 33°01'59"/114°31'19" |
| CL | Colorado River | Lake Mead to Topock Marsh |
| CL | Colorado River | Topock Marsh to Morelos Dam |
| CL | Gila River | Painted Rock Dam to confluence with the Colorado River |
| CL | Hunter's Hole Backwater | 32°31'13"/114°48'07" |
| CL | Imperial Reservoir | 32°53'02"/114°27'54" |
| CL | Island Lake | 33°01'44"/114°36'42" |
| CL | Laguna Reservoir | 32°51'35"/114°28'29" |
| CL | Lake Havasu | 34°35'18"/114°25'47" |
| CL | Lake Mohave | 35°26'58"/114°38'30" |
| CL | Martinez Lake | 32°58'49"/114°28'09" |
| CL | Mittry Lake | 32°49'17"/114°27'54" |
| CL | Nortons Lake | 33°02'30"/114°37'59" |
| CL | Pretty Water Lake | 33°19'51"/114°42'19" |
| CL | Topock Marsh | 34°43'27"/114°28'59" |

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| | | |
|----|--|---|
| LC | Auger Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Chevelon Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Chevelon Canyon Lake | 34°29'18"/110°49'30" |
| LC | Clear Creek | Headwaters to confluence with the Little Colorado River |
| LC | Clear Creek Reservoir | 34°57'09"/110°39'14" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Colter Reservoir | 33°56'39"/109°28'53" |
| LC | Coyote Creek | Headwaters to confluence with the Little Colorado River |
| LC | Cragin Reservoir (formerly Blue Ridge Reservoir) | 34°32'40"/111°11'33" |
| LC | East Clear Creek | Headwaters to confluence with Clear Creek |
| LC | Ellis Wiltbank Reservoir | 34°05'25"/109°28'25" |
| LC | Fool's Hollow Lake | 34°16'30"/110°03'43" |
| LC | Lee Valley Creek | From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River |
| LC | Lily Creek | Headwaters to confluence with Coyote Creek |
| LC | Little Colorado River | Headwaters to Lyman Reservoir |
| LC | Little Colorado River | Below Lyman Reservoir to confluence with the Puerco River |
| LC | Little Colorado River | Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands |
| LC | Little Colorado River, East Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, South Fork | Headwaters to confluence with the Little Colorado River |
| LC | Little Colorado River, West Fork | Below Government Springs to confluence with the Little Colorado River |
| LC | Lyman Reservoir | 34°21'21"/109°21'35" |
| LC | Mamie Creek | Headwaters to confluence with Coyote Creek |
| LC | Morrison Creek | Headwaters to Mamie Creek @ 33°59'24.45"/109°03'51.94 |
| LC | Nutrioso Creek | Headwaters to confluence with the Little Colorado River |
| LC | Porter Creek | Headwaters to confluence with Show Low Creek |
| LC | Riggs Creek | Headwaters to Nutrioso Creek |
| LC | Rio de Flag | Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17" |
| LC | Rudd Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Rosey Creek | Headwaters to 34°02'28.72"/109°27'24.3" |
| LC | Scott Reservoir | 34°10'31"/109°57'31" |
| LC | Show Low Creek | Headwaters to confluence with Silver Creek |
| LC | Show Low Lake | 34°11'36"/110°00'12" |
| LC | Silver Creek | Headwaters to confluence with the Little Colorado River |
| LC | White Mountain Lake | 34°21'57"/109°59'21" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Zuni River | Headwaters to confluence with the Little Colorado River |
| MG | Agua Fria River | From State Route 169 to Lake Pleasant |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | East Maricopa Floodway | From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary |
| MG | Fain Lake | Town of Prescott Valley Park Lake 34°34'29"/112°21'06" |
| MG | Gila River | San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam |
| MG | Gila River (EDW) | From the confluence with the Salt River to Gillespie Dam |
| MG | Hassayampa Lake | 34°25'45"/112°25'33" |
| MG | Hassayampa River | Below unnamed tributary to the Buckeye Irrigation Company Canal |
| MG | Hassayampa River | Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32" |
| MG | Lake Pleasant | 33°53'46"/112°16'29" |
| MG | Little Ash Creek | Headwaters to confluence with Ash Creek at 34°20'45.74"/112°4'17.26" |
| MG | Little Sycamore Creek | Headwaters to Sycamore Creek @ 34°21'39.13"/111°58'49.98" |
| MG | Mineral Creek (diversion tunnel and lined channel) | 33°12'24"/110°59'58" to 33°07'56"/110°58'34" |
| MG | Papago Park South Pond | Curry Road, Tempe 33°26'22"/111°55'55" |
| MG | Salt River | Verde River to 2 km below Granite Reef Dam |
| MG | Seven Springs Wash | Headwaters to Unnamed trib @ 33°57'58.66"/111°51'52.07" |
| MG | Tempe Town Lake | At Mill Avenue Bridge at 33°26'00"/111°56'26" |
| MG | Turkey Creek | Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33" |
| SC | Alum Gulch | Below 31°29'17"/110°44'25" to confluence with Sonoita Creek |
| SC | California Gulch | Headwaters To U.S./Mexico border |
| SC | Cienega Creek (OAW) | From confluence with Gardner Canyon to USGS gaging station (#09484600) |
| SC | Cox Gulch | Headwaters to Three R Canyons @ 31°28'28.03"/110°47'14.65" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Nogales Wash | Headwaters to confluence with Potrero Creek |
| SC | Parker Canyon Creek | Below unnamed tributary to U.S./Mexico border |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Below unnamed tributary to confluence with Sutherland Wash |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04" |
| SC | Santa Cruz River | Tabac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45" |
| SC | Santa Cruz River (EDW) | Agua Nueva WRF outfall to Baumgartner Road |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek (EDW) | Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall |
| SC | Sycamore Canyon | Headwaters to the U.S./Mexico border |
| SP | Aravaipa Creek | Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River |
| SP | Aravaipa Creek (OAW) | Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area |
| SP | Bass Canyon Creek | Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek |
| SP | Bear Creek | Headwaters to U.S./Mexico border |
| SP | Black Draw | Headwaters to the U.S./Mexico border |
| SP | Carr Canyon Creek | Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48" |
| SP | Gold Gulch | Headwaters to U.S./Mexico border |
| SP | Ramsey Canyon Creek | Below Forest Service Road #110 to confluence with Carr Wash |
| SP | San Pedro River | U.S./ Mexico Border to Buehman Canyon |

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| | | |
|----|--------------------------------------|---|
| SP | San Pedro River | From Buehman canyon to confluence with the Gila River |
| SP | Whitewater Draw | Headwaters to confluence with unnamed tributary at 31°20'36"/109°43'48" |
| SP | Whitewater Draw | Below confluence with unnamed tributary to U.S./ Mexico border |
| SR | Ackre Lake | 33°37'01"/109°20'40" |
| SR | Apache Lake | 33°37'23"/111°12'26" |
| SR | Bear Wallow Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Beaver Creek | Headwaters to confluence with Black River |
| SR | Black River | Headwaters to confluence with Salt River |
| SR | Black River, East Fork | From 33°51'19"/109°18'54" to confluence with the Black River |
| SR | Black River, North Fork of East Fork | Headwaters to confluence with Boneyard Creek |
| SR | Black River, West Fork | Headwaters to confluence with the Black River |
| SR | Boggy Creek | Headwaters to confluence with Centerfire Creek |
| SR | Boneyard Creek | Headwaters to confluence with Black River, East Fork |
| SR | Canyon Lake | 33°32'44"/111°26'19" |
| SR | Cherry Creek | Below unnamed tributary to confluence with the Salt River |
| SR | Conklin Creek | Headwaters to confluence with the Black River |
| SR | Corduoy Creek | Headwaters to confluence with Fish Creek |
| SR | Devils Chasm Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Fish Creek | Headwaters to confluence with the Black River |
| SR | Haigler Creek | Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15" |
| SR | Haigler Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Hannagan Creek | Headwaters to confluence with Beaver Creek |
| SR | Hay Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Horton Creek | Headwaters to confluence with Tonto Creek |
| SR | P B Creek | Below Forest Service Road #203 to Cherry Creek |
| SR | Pinal Creek | From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28" |
| SR | Pinal Creek | From unnamed tributary to confluence with Salt River |
| SR | Pinto Creek | Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58" |
| SR | Roosevelt Lake | 33°52'17"/111°00'17" |
| SR | Rye Creek | Headwaters to confluence with Tonto Creek |
| SR | Saguaro Lake | 33°33'44"/111°30'55" |
| SR | Salt River | White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake |
| SR | Salt River | Theodore Roosevelt Dam to 2 km below Granite Reef Dam |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Tonto Creek | Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18" |
| SR | Tonto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Willow Creek | Headwaters to confluence with Beaver Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Apache Creek | Headwaters to confluence with the Gila River |
| UG | Bitter Creek | Headwaters to confluence with the Gila River |
| UG | Blue River | Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14" |
| UG | Blue River | Below confluence with Strayhorse Creek to confluence with San Francisco River |
| UG | Bob Thomas Creek | Headwaters to Stone Creek 33°51'93"/109°42'52" |
| UG | Bonita Creek (OAW) | San Carlos Indian Reservation boundary to confluence with the Gila River |
| UG | Campbell Blue Creek | Headwaters to confluence with the Blue River |
| UG | Cave Creek (OAW) | Headwaters to confluence with South Fork Cave Creek |
| UG | Cave Creek (OAW) | Below confluence with South Fork Cave Creek to Coronado National Forest boundary |
| UG | Cave Creek, South Fork | Headwaters to confluence with Cave Creek |
| UG | Deadman Canyon Creek | Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03" |
| UG | Eagle Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Gila River | New Mexico border to the San Carlos Indian Reservation boundary |
| UG | Grant Creek | Headwaters to confluence with the Blue River |
| UG | Judd Lake | 33°51'15"/109°09'35" |
| UG | K P Creek (OAW) | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Below confluence with Dutch Blue Creek to confluence with Blue Creek |
| UG | Luna Lake | 33°49'50"/109°05'06" |
| UG | North Fork Cave Creek | Headwaters to Cave Creek @ 31°52'56.63"/109°12'19.75" |
| UG | Raspberry Creek | Headwaters to confluence with the Blue River |
| UG | San Francisco River | Headwaters to the New Mexico border |
| UG | San Francisco River | New Mexico border to confluence with the Gila River |
| UG | San Simon River | Headwaters to confluence with the Gila River |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Thomas Creek | Below confluence with Rousensock Creek to confluence with Blue River |
| UG | Turkey Creek | Headwaters to confluence with Campbell Blue Creek |
| VR | Bartlett Lake | 33°49'52"/111°37'44" |
| VR | Beaver Creek | Headwaters to confluence with the Verde River |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek | Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River |
| VR | Dead Horse Lake | 34°45'08"/112°00'42" |
| VR | East Verde River | Headwaters to confluence with Ellison Creek |
| VR | East Verde River | Below confluence with Ellison Creek to confluence with the Verde River |
| VR | Fossil Creek (OAW) | Headwaters to confluence with the Verde River |
| VR | Fossil Springs (OAW) | 34°25'24"/111°34'27" |
| VR | Horseshoe Reservoir | 34°00'25"/111°43'36" |
| VR | Oak Creek (OAW) | Headwaters to confluence with unnamed tributary at 34°59'15"/111°44'47" |
| VR | Oak Creek (OAW) | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Spring Creek | Below confluence with unnamed tributary to confluence with Oak Creek |
| VR | Sullivan Lake | 34°51'42"/112°27'51" |
| VR | Sycamore Creek | Headwaters to confluence with unnamed tributary at 35°03'41"/111°57'31" |

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| | | |
|----|------------------------|--|
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 33°37'55"/111°39'58" |
| VR | Verde River | From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam |
| VR | Verde River | Below Bartlett Lake Dam to Salt River |
| VR | West Clear Creek | Headwaters to confluence with Meadow Canyon |
| VR | West Clear Creek | Below confluence with Meadow Canyon to confluence with the Verde River |
| VR | Wet Beaver Creek | Below unnamed springs to confluence with Dry Beaver Creek |
| VR | Willow Creek Reservoir | 34°36'17"/112°26'19" |

Historical Note

Table B made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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Table C. Historically Regulated as WOTUS and in Need of Confirmation

The waters listed in this table have historically been and will continue to be regulated as WOTUS unless ADEQ makes a determination that they are non-WOTUS. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table C will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Historically Regulated as WOTUS and in Need of Confirmation Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

Watersheds:

- BW = Bill Williams
- CG = Colorado – Grand Canyon
- CL = Colorado – Lower Gila
- LC = Little Colorado
- MG = Middle Gila
- SC = Santa Cruz – Rio Magdalena – Rio Sonoyta
- SP = San Pedro – Willcox Playa – Rio Yaqui
- SR = Salt River
- UG = Upper Gila
- VR = Verde River

Other Abbreviations:

- WWTP = Wastewater Treatment Plant
- Km = kilometers

| Watershed | Surface Water | Segment Description and Location (Latitude and Longitudes are in NAD 83) |
|-----------|-------------------------|---|
| BW | Alamo Lake | 34°14'06"/113°35'00" |
| BW | Bill Williams River | Alamo Lake to confluence with Colorado River |
| BW | Blue Tank | 34°40'14"/112°58'17" |
| BW | Boulder Creek | Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37" |
| BW | Burro Creek | Below confluence with Boulder Creek to confluence with Big Sandy River |
| BW | Burro Creek (OAW) | Headwaters to confluence with Boulder Creek |
| BW | Carter Tank | 34°52'27"/112°57'31" |
| BW | Conger Creek | Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46" |
| BW | Conger Creek | Below confluence with unnamed tributary to confluence with Burro Creek |
| BW | Copper Basin Wash | Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33" |
| BW | Copper Basin Wash | Below confluence with unnamed tributary to confluence with Skull Valley Wash |
| BW | Cottonwood Canyon | Headwaters to Bear Trap Spring |
| BW | Cottonwood Canyon | Below Bear Trap Spring to confluence at Sycamore Creek |
| BW | Date Creek | Headwaters to confluence with Santa Maria River |
| BW | Knight Creek | Headwaters to confluence with Big Sandy River |
| BW | Peoples Canyon (OAW) | Headwaters to confluence with Santa Maria River |
| BW | Red Lake | 35°12'18"/113°03'57" |
| BW | Santa Maria River | Headwaters to Alamo Lake |
| BW | Trout Creek | Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01" |
| CG | Agate Canyon | Headwaters to confluence with the Colorado River |
| CG | Big Springs Tank | 36°36'08"/112°21'01" |
| CG | Boucher Creek | Headwaters to confluence with the Colorado River |
| CG | Bright Angel Wash | Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02" |
| CG | Bright Angel Wash (EDW) | Grand Canyon National Park South Rim WWTP outfall to Coconino Wash |
| CG | Bulrush Canyon Wash | Headwaters to confluence with Kanab Creek |
| CG | Cataract Creek | Headwaters to Santa Fe Reservoir |
| CG | Cataract Creek | Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18" |
| CG | Cataract Creek | Red Lake Wash to Havasupai Indian Reservation boundary |
| CG | Cataract Creek (EDW) | City of Williams WWTP outfall to 1 km downstream |
| CG | Cataract Lake | 35°15'04"/112°12'58" |
| CG | Chuar Creek | Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20" |
| CG | Chuar Creek | Below unnamed tributary to confluence with the Colorado River |
| CG | City Reservoir | 35°13'57"/112°11'25" |
| CG | Clear Creek | Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03" |
| CG | Clear Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Coconino Wash (EDW) | South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream |
| CG | Crystal Creek | Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49" |
| CG | Deer Creek | Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20" |
| CG | Detrital Wash | Headwaters to Lake Mead |
| CG | Dogtown Reservoir | 35°12'40"/112°07'54" |
| CG | Dragon Creek | Headwaters to confluence with Milk Creek |
| CG | Dragon Creek | Below confluence with Milk Creek to confluence with Crystal Creek |
| CG | Gonzalez Lake | 35°15'26"/112°12'09" |
| CG | Grand Wash | Headwaters to Colorado River |
| CG | Grapevine Creek | Headwaters to confluence with the Colorado River |
| CG | Grapevine Wash | Headwaters to Colorado River |
| CG | Hakatai Canyon | Headwaters to confluence with the Colorado River |
| CG | Hance Creek | Headwaters to confluence with the Colorado River |
| CG | Hermit Creek | Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00" |
| CG | Horn Creek | Headwaters to confluence with the Colorado River |

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| | | |
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| CG | Hualapai Wash | Headwaters to Lake Mead |
| CG | Jacob Lake | 36°42'27"/112°13'50" |
| CG | Kaibab Lake | 35°17'04"/112°09'32" |
| CG | Kwagunt Creek | Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50" |
| CG | Kwagunt Creek | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Lonetree Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Matkatamiba Creek | Below Havasupai Indian Reservation boundary to confluence with the Colorado River |
| CG | Monument Creek | Headwaters to confluence with the Colorado River |
| CG | Nankoweap Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | National Canyon Creek | Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34" |
| CG | North Canyon Creek | Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41" |
| CG | North Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Olo Canyon | Headwaters to confluence with the Colorado River |
| CG | Parashant Canyon | Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56" |
| CG | Parashant Canyon | Below confluence with unnamed tributary to confluence with the Colorado River |
| CG | Phantom Creek | Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13" |
| CG | Red Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Roaring Springs | 36°11'45"/112°02'06" |
| CG | Roaring Springs Creek | Headwaters to confluence with Bright Angel Creek |
| CG | Royal Arch Creek | Headwaters to confluence with the Colorado River |
| CG | Ruby Canyon | Headwaters to confluence with the Colorado River |
| CG | Russell Tank | 35°52'21"/111°52'45" |
| CG | Saddle Canyon Creek | Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43" |
| CG | Saddle Canyon Creek | Below confluence with unnamed tributary to confluence with Colorado River |
| CG | Santa Fe Reservoir | 35°14'31"/112°11'10" |
| CG | Sapphire Canyon | Headwaters to confluence with the Colorado River |
| CG | Serpentine Canyon | Headwaters to confluence with the Colorado River |
| CG | Shinumo Creek | Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07" |
| CG | Slate Creek | Headwaters to confluence with the Colorado River |
| CG | Spring Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Trail Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Transept Canyon | Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35" |
| CG | Transept Canyon | From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek |
| CG | Transept Canyon (EDW) | Grand Canyon National Park North Rim WWTP outfall to 1 km downstream |
| CG | Travertine Canyon Creek | Headwaters to confluence with the Colorado River |
| CG | Turquoise Canyon | Headwaters to confluence with the Colorado River |
| CG | Unkar Creek | Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River |
| CG | Unnamed Wash to Cedar Canyon (EDW) | Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon |
| CG | Unnamed Wash to Spring Valley Wash (EDW) | Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash |
| CG | Vishnu Creek | Headwaters to confluence with the Colorado River |
| CG | Warm Springs Creek | Headwaters to confluence with the Colorado River |
| CG | West Cataract Creek | Headwaters to confluence with Cataract Creek |
| CL | Columbus Wash | Headwaters to confluence with the Gila River |
| CL | Holy Moses Wash | Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46" |
| CL | Holy Moses Wash | From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash |
| CL | Holy Moses Wash (EDW) | City of Kingman Downtown WWTP outfall to 3 km downstream |
| CL | Mohave Wash | Headwaters to Lower Colorado River |
| CL | Painted Rock (Borrow Pit) Lake | 33°04'55"/113°01'17" |
| CL | Quigley Pond | 32°43'40"/113°57'44" |
| CL | Redondo Lake | 32°44'32"/114°29'03" |
| CL | Sacramento Wash | Headwaters to Topock Marsh |
| CL | Sawmill Canyon | Headwaters to abandoned gaging station at 35°09'45"/113°57'56" |
| CL | Sawmill Canyon | Below abandoned gaging station to confluence with Holy Moses Wash |
| CL | Tyson Wash (EDW) | Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream |
| CL | Wellton Canal | Wellton-Mohawk Irrigation District |
| CL | Yuma Area Canals | Above municipal water treatment plant intakes |
| CL | Yuma Area Canals | Below municipal water treatment plant intakes and all drains |
| LC | Als Lake | 35°02'10"/111°25'17" |
| LC | Ashurst Lake | 35°01'06"/111°24'18" |
| LC | Atcheson Reservoir | 33°59'59"/109°20'43" |
| LC | Barbershop Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Bear Canyon Creek | Headwaters to confluence with General Springs Canyon |
| LC | Bear Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Bear Canyon Lake | 34°24'00"/111°00'06" |
| LC | Becker Lake | 34°09'11"/109°18'23" |
| LC | Billy Creek | Headwaters to confluence with Show Low Creek |
| LC | Black Canyon | Headwaters to confluence with Chevelon Creek |
| LC | Bow and Arrow Wash | Headwaters to confluence with Rio de Flag |
| LC | Buck Springs Canyon Creek | Headwaters to confluence with Leonard Canyon Creek |
| LC | Bunch Reservoir | 34°02'20"/109°26'48" |
| LC | Carrero Lake | 34°06'57"/109°31'42" |
| LC | Chevelon Creek, West Fork | Headwaters to confluence with Chevelon Creek |
| LC | Chilson Tank | 34°51'43"/111°22'54" |
| LC | Coconino Reservoir | 35°00'05"/111°24'10" |
| LC | Colter Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Concho Creek | Headwaters to confluence with Carrizo Wash |
| LC | Concho Lake | 34°26'37"/109°37'40" |
| LC | Cow Lake | 34°53'14"/111°18'51" |
| LC | Crisis Lake (Snake Tank #2) | 34°47'51"/111°17'32" |
| LC | Dane Canyon Creek | Headwaters to confluence with Barbershop Canyon Creek |

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| LC | Daves Tank | 34°44'22"/111°17'15" |
| LC | Deep Lake | 35°03'34"/111°25'00" |
| LC | Ducksnest Lake | 34°59'14"/111°23'57" |
| LC | Estates at Pine Canyon lakes (EDW) | 35°09'32"/111°38'26" |
| LC | Fish Creek | Headwaters to confluence with the Little Colorado River |
| LC | General Springs Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Geneva Reservoir | 34°01'45"/109°31'46" |
| LC | Hall Creek | Headwaters to confluence with the Little Colorado River |
| LC | Hart Canyon Creek | Headwaters to confluence with Willow Creek |
| LC | Hay Lake | 34°00'11"/109°25'57" |
| LC | Hog Wallow Lake | 33°58'57"/109°25'39" |
| LC | Horse Lake | 35°03'55"/111°27'50" |
| LC | Hulsey Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Hulsey Lake | 33°55'58"/109°09'40" |
| LC | Humphrey Lake (EDW) | 35°11'51"/111°35'19" |
| LC | Indian Lake | 35°00'39"/111°22'41" |
| LC | Jacks Canyon | Headwaters to confluence with the Little Colorado River |
| LC | Jarvis Lake | 33°58'59"/109°12'36" |
| LC | Kinnikinick Lake | 34°53'53"/111°18'18" |
| LC | Knoll Lake | 34°25'38"/111°05'13" |
| LC | Lake Mary, Lower | 35°06'21"/111°34'38" |
| LC | Lake Mary, Upper | 35°03'23"/111°28'34" |
| LC | Lake of the Woods | 34°09'40"/109°58'47" |
| LC | Lee Valley Creek (OAW) | Headwaters to Lee Valley Reservoir |
| LC | Lee Valley Reservoir | 33°56'29"/109°30'04" |
| LC | Leonard Canyon Creek | Headwaters to confluence with Clear Creek |
| LC | Leonard Canyon Creek, East Fork | Headwaters to confluence with Leonard Canyon Creek |
| LC | Leonard Canyon Creek, Middle Fork | Headwaters to confluence with Leonard Canyon, West Fork |
| LC | Leonard Canyon Creek, West Fork | Headwaters to confluence with Leonard Canyon, East Fork |
| LC | Leroux Wash, tributary to Little Colorado River | From City of Holbrook-Painted Mesa WRF outfall at 34° 54' 30", -110° 11' 36" to Little Colorado River. The outfall discharges into Leroux Wash. All reaches of the Little Colorado River between the outfall to the Colorado River are perennial or intermittent. |
| LC | Little Colorado River, West Fork (OAW) | Headwaters to Government Springs |
| LC | Little George Reservoir | 34°00'37"/109°19'15" |
| LC | Little Mormon Lake | 34°17'00"/109°58'06" |
| LC | Long Lake, Lower | 34°47'16"/111°12'40" |
| LC | Long Lake, Upper | 35°00'08"/111°21'23" |
| LC | Long Tom Tank | 34°20'35"/110°49'22" |
| LC | Lower Walnut Canyon Lake (EDW) | 35°12'04"/111°34'07" |
| LC | Marshall Lake | 35°07'18"/111°32'07" |
| LC | McKay Reservoir | 34°01'27"/109°13'48" |
| LC | Merritt Draw Creek | Headwaters to confluence with Barbershop Canyon Creek |
| LC | Mexican Hay Lake | 34°01'58"/109°21'25" |
| LC | Milk Creek | Headwaters to confluence with Hulsey Creek |
| LC | Miller Canyon Creek | Headwaters to confluence with East Clear Creek |
| LC | Miller Canyon Creek, East Fork | Headwaters to confluence with Miller Canyon Creek |
| LC | Morton Lake | 34°53'37"/111°17'41" |
| LC | Mud Lake | 34°55'19"/111°21'29" |
| LC | Ned Lake (EDW) | 34°17'17"/110°03'22" |
| LC | Norton Reservoir | 34°03'57"/109°31'27" |
| LC | Paddy Creek | Headwaters to confluence with Nutrioso Creek |
| LC | Pierce Seep | 34°23'39"/110°31'17" |
| LC | Pine Tank | 34°46'49"/111°17'21" |
| LC | Pintail Lake (EDW) | 34°18'05"/110°01'21" |
| LC | Puerco River | Headwaters to confluence with the Little Colorado River |
| LC | Puerco River (EDW) | Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream |
| LC | Rainbow Lake | 34°09'00"/109°59'09" |
| LC | Reagan Reservoir | 34°02'09"/109°08'41" |
| LC | Rio de Flag (EDW) | From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash |
| LC | River Reservoir | 34°02'01"/109°26'07" |
| LC | Rogers Reservoir | 33°56'30"/109°16'20" |
| LC | Russel Reservoir | 33°59'29"/109°20'01" |
| LC | San Salvador Reservoir | 33°58'51"/109°19'55" |
| LC | Slade Reservoir | 33°59'41"/109°20'26" |
| LC | Soldiers Annex Lake | 34°47'15"/111°13'51" |
| LC | Soldiers Lake | 34°47'47"/111°14'04" |
| LC | Spaulding Tank | 34°30'17"/111°02'06" |
| LC | St Johns Reservoir (Little Reservoir) | 34°29'10"/109°22'06" |
| LC | Telephone Lake (EDW) | 34°17'35"/110°02'42" |
| LC | Tremaine Lake | 34°46'02"/111°13'51" |
| LC | Tunnel Reservoir | 34°01'53"/109°26'34" |
| LC | Turkey Draw (EDW) | High Country Pines II WWTP outfall at 33°25'35"/ 110°38'13" to confluence with Black Canyon Creek |
| LC | Unnamed Wash to Pierce Wash (EDW) | Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep |
| LC | Unnamed wash, tributary to Rio de Flag River (Bow and Arrow Wash) | Treated municipal wastewater is piped from the Rio de Flag WWTP through a city-wide reuse system to the main effluent storage pond that is in an unnamed wash. |
| LC | Walnut Creek | Headwaters to confluence with Billy Creek |
| LC | Water Canyon Creek | Headwaters to confluence with the Little Colorado River |
| LC | Whale Lake (EDW) | 35°11'13"/111°35'21" |
| LC | Whipple Lake | 34°16'49"/109°58'29" |
| LC | White Mountain Reservoir | 34°00'12"/109°30'39" |
| LC | Willow Creek | Headwaters to confluence with Clear Creek |
| LC | Willow Springs Canyon Creek | Headwaters to confluence with Chevelon Creek |

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| LC | Willow Springs Lake | 34°18'13"/110°52'16" |
| LC | Woodland Reservoir | 34°07'35"/109°57'01" |
| LC | Woods Canyon Creek | Headwaters to confluence with Chevelon Creek |
| LC | Woods Canyon Lake | 34°20'09"/110°56'45" |
| MG | Agua Fria River | Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18" |
| MG | Agua Fria River | Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32" |
| MG | Agua Fria River | Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16" |
| MG | Agua Fria River | From City of Avondale WWTP outfall to confluence with Gila River |
| MG | Agua Fria River (EDW) | Below confluence with unnamed tributary to State Route 169 |
| MG | Agua Fria River (EDW) | From City of El Mirage WWTP outfall to 2 km downstream |
| MG | Andorra Wash | Headwaters to confluence with Cave Creek Wash |
| MG | Antelope Creek | Headwaters to confluence with Martinez Creek |
| MG | Arlington Canal | From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15" |
| MG | Arnett Creek | Headwaters to Queen Creek @ 33°16'43.24"/111°10'12.49" |
| MG | Ash Creek | Headwaters to confluence with Tex Canyon |
| MG | Beehive Tank | 32°52'37"/111°02'20" |
| MG | Big Bug Creek | Headwaters to confluence with Eugene Gulch |
| MG | Big Bug Creek | Below confluence with Eugene Gulch to confluence with Agua Fria River |
| MG | Black Canyon Creek | Headwaters to confluence with the Agua Fria River |
| MG | Blind Indian Creek | Headwaters to confluence with the Hassayampa River |
| MG | Cash Gulch | Headwaters to Jersey Gulch @ 34°25'31.39"/112°25'30.96" |
| MG | Cave Creek | Headwaters to the Cave Creek Dam |
| MG | Cave Creek | Cave Creek Dam to the Arizona Canal |
| MG | Centennial Wash | Headwaters to confluence with the Gila River at 33°16'32"/112°48'08" |
| MG | Centennial Wash Ponds | 33°54'52"/113°23'47" |
| MG | Chaparral Park Lake | Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27" |
| MG | Corgett Wash | From Corgett Wash WRF outfall at 33°21'42", -112°27'05" to Gila River. The discharge point is 0.5 miles from the ephemeral conveyance Corgett Wash. The Gila River is then 1.5 miles downstream from Corgett Wash. |
| MG | Devils Canyon | Headwaters to confluence with Mineral Creek |
| MG | Eldorado Park Lake | Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53" |
| MG | Eugene Gulch | Headwaters to Big Bug Creek @ 34°27'11.51"/112°18'30.95" |
| MG | French Gulch | Headwaters to confluence with Hassayampa River |
| MG | Galena Gulch | Headwaters to confluence with the Agua Fria River |
| MG | Galloway Wash (EDW) | Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek |
| MG | Gila River | Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19" |
| MG | Gila River | Felix Road to the Gila River Indian Reservation boundary |
| MG | Gila River | Gillespie Dam to confluence with Painted Rock Dam |
| MG | Gila River (EDW) | Town of Florence WWTP outfall to Felix Road |
| MG | Groom Creek | Headwaters to confluence with the Hassayampa River |
| MG | Hassayampa River | Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56". |
| MG | Hassayampa River | Below Buckeye Irrigation Company canal to the Gila River |
| MG | Hassayampa River | From City of Buckeye-Palo Verde Road WWTP outfall at 33° 23' 54.3", -112° 40' 33.7" to Buckeye Canal |
| MG | Horsethief Lake | 34°09'42"/112°17'57" |
| MG | Indian Bend Wash | Headwaters to confluence with the Salt River |
| MG | Indian Bend Wash Lakes | Scottsdale at 33°30'32"/111°54'24" |
| MG | Indian School Park Lake | Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37" |
| MG | Jersey Gulch | Headwaters to Hassayampa River @ 34°25'40.16"/112°25'45.64" |
| MG | Kiwanis Park Lake | 6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22" |
| MG | Lake Pleasant, Lower | 33°50'32"/112°16'03" |
| MG | Lion Canyon | Headwaters to confluence with Weaver Creek |
| MG | Lynx Creek | Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07" |
| MG | Lynx Creek | Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River |
| MG | Lynx Lake | 34°31'07"/112°23'07" |
| MG | Martinez Canyon | Headwaters to confluence with Box Canyon |
| MG | Martinez Creek | Headwaters to confluence with the Hassayampa River |
| MG | McKellips Park Lake | Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49" |
| MG | McMicken Wash (EDW) | City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River |
| MG | Mineral Creek | Headwaters to 33°12'34"/110°59'58" |
| MG | Mineral Creek | End of diversion channel to confluence with Gila River |
| MG | Minnehaha Creek | Headwaters to confluence with the Hassayampa River |
| MG | Money Metals Trib | Headwaters to Unnamed Trib (UB1) |
| MG | New River | Headwaters to Interstate 17 at 33°54'19.5"/112°08'46" |
| MG | New River | Below Interstate 17 to confluence with Agua Fria River |
| MG | Painted Rock Reservoir | 33°04'23"/113°00'38" |
| MG | Papago Park Ponds | Galvin Parkway, Phoenix at 33°27'15"/111°56'45" |
| MG | Perry Mesa Tank | 34°11'03"/112°02'01" |
| MG | Phoenix Area Canals | Granite Reef Dam to all municipal WTP intakes |
| MG | Phoenix Area Canals | Below municipal WTP intakes and all other locations |
| MG | Picacho Reservoir | 32°51'10"/111°28'25" |
| MG | Poland Creek | Headwaters to confluence with Lorena Gulch |
| MG | Poland Creek | Below confluence with Lorena Gulch to confluence with Black Canyon Creek |
| MG | Queen Creek | Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44" |
| MG | Queen Creek | Below Potts Canyon to Whitlow Dam |
| MG | Queen Creek | Below Whitlow Dam to confluence with Gila River |
| MG | Queen Creek (EDW) | Below Town of Superior WWTP outfall to confluence with Potts Canyon |
| MG | Salt River | 2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14" |
| MG | Salt River | Below Tempe Town Lake to Interstate 10 bridge |
| MG | Salt River | Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59" |
| MG | Salt River (EDW) | City of Mesa NW WRF outfall to Tempe Town Lake |
| MG | Salt River (EDW) | From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River |
| MG | Siphon Draw (EDW) | Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| MG | Sycamore Creek | Headwaters to confluence with Tank Canyon |
| MG | Sycamore Creek | Below confluence with Tank Canyon to confluence with Agua Fria River |
| MG | The Lake Tank | 32°54'14"/111°04'15" |
| MG | Tule Creek | Headwaters to confluence with the Agua Fria River |
| MG | Turkey Creek | Below confluence with unnamed tributary to confluence with Poland Creek |
| MG | Unnamed Trib (UQ2) to Queen Creek | Headwaters to Queen Creek @ 33°18'26.15"/111°04'19.3" |
| MG | Unnamed Trib (UQ3) to Queen Creek | Headwaters to Queen Creek @ 33°18'33.75"/111°04'02.61" |
| MG | Unnamed Trib to Big Bug Creek (UB1) | Headwaters to Big Bug Creek @ 34°25'38.86"/112°22'29.32" |
| MG | Unnamed Trib to Eugene Gulch | Headwaters to Eugene Gulch @ 34°27'34.6"/112°20'24.53" |
| MG | Unnamed Trib to Lynx Creek | Headwaters to Superior Mining Div. Outfall @ Lynx Creek @ 34°27'10.57"/112°23'14.22" |
| MG | Unnamed tributary to Deadman's Wash | From EPCOR Water Anthem Water Campus WWTP outfall at 33° 50' 47.9", -112° 08' 25.6" to Deadman's Wash |
| MG | Unnamed tributary to Gila River (EDW) | Gila Bend WWTP outfall to confluence with the Gila River |
| MG | Unnamed tributary to Gila River (EDW) | North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River |
| MG | Unnamed tributary to the Agua Fria River | From Softwinds WWTP outfall at 34° 32' 43", -112° 14' 21" to the Agua Fria River. Discharges to Agua Fria which is a jurisdictional tributary to Lake Pleasant (TNW) |
| MG | Unnamed tributary to Winters Wash | From Balterra WWTP outfall at 33° 29' 45", -112° 55' 10" to Winters Wash |
| MG | Unnamed Wash (EDW) | Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River |
| MG | Unnamed Wash (EDW) | Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek |
| MG | Unnamed wash, tributary to Black Canyon Creek | From Black Canyon Ranch RV Resort WWTP outfall to Agua Fria River. |
| MG | Unnamed wash, tributary to Queen Creek | Queen Creek, AZ15050100-013B is closest WBID to outfall coordinates |
| MG | Unnamed wash, tributary to Waterman Wash | The Rainbow Valley outfall discharges to an unnamed wash to Waterman wash to the Gila River. |
| MG | Wagner Wash (EDW) | City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream |
| MG | Walnut Canyon Creek | Headwaters to confluence with the Gila River |
| MG | Weaver Creek | Headwaters to confluence with Antelope Creek, tributary to Martinez Creek |
| MG | White Canyon | Headwaters to confluence with Walnut Canyon Creek |
| MG | Yavapai Lake (EDW) | Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash |
| SC | Agua Caliente Lake | 12325 East Roger Road, Tucson 32°16'51"/110°43'52" |
| SC | Agua Caliente Wash | Headwaters to confluence with Soldier Trail |
| SC | Agua Caliente Wash | Below Soldier Trail to confluence with Tanque Verde Creek |
| SC | Aguirre Wash | From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51" |
| SC | Alambre Wash | Headwaters to confluence with Brawley Wash |
| SC | Alamo Wash | Headwaters to confluence with Rillito Creek |
| SC | Altar Wash | Headwaters to confluence with Brawley Wash |
| SC | Alum Gulch | Headwaters to 31°28'20"/110°43'51" |
| SC | Alum Gulch | From 31°28'20"/110°43'51" to 31°29'17"/110°44'25" |
| SC | Arivaca Creek | Headwaters to confluence with Altar Wash |
| SC | Arivaca Lake | 31°31'52"/111°15'06" |
| SC | Atterbury Wash | Headwaters to confluence with Pantano Wash |
| SC | Bear Grass Tank | 31°33'01"/111°11'03" |
| SC | Big Wash | Headwaters to confluence with Cañada del Oro |
| SC | Black Wash (EDW) | Pima County WWMMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash |
| SC | Bog Hole Tank | 31°28'36"/110°37'09" |
| SC | Brawley Wash | Headwaters to confluence with Los Robles Wash |
| SC | Cañada del Oro | Headwaters to State Route 77 |
| SC | Cañada del Oro | Below State Route 77 to confluence with the Santa Cruz River |
| SC | Cienega Creek | Headwaters to confluence with Gardner Canyon |
| SC | Davidson Canyon | Headwaters to unnamed spring at 31°59'00"/110°38'49" |
| SC | Davidson Canyon (OAW) | From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44" |
| SC | Davidson Canyon (OAW) | Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36" |
| SC | Davidson Canyon (OAW) | From unnamed spring to confluence with Cienega Creek |
| SC | Empire Gulch | Headwaters to unnamed spring at 31°47'18"/110°38'17" |
| SC | Empire Gulch | From 31°47'18"/110°38'17" to 31°47'03"/110°37'35" |
| SC | Empire Gulch | From 31°47'03"/110°37'35" to 31°47'05"/110°36'58" |
| SC | Empire Gulch | From 31°47'05"/110°36'58" to confluence with Cienega Creek |
| SC | Flux Canyon | Headwaters to confluence with Alum Gulch |
| SC | Gardner Canyon Creek | Headwaters to confluence with Sawmill Canyon |
| SC | Gardner Canyon Creek | Below Sawmill Canyon to confluence with Cienega Creek |
| SC | Greene Wash | Santa Cruz River to the Tohono O'odham Indian Reservation boundary |
| SC | Greene Wash | Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48" |
| SC | Harshaw Creek | Headwaters to confluence with Sonoita Creek at |
| SC | Hit Tank | 32°43'57"/111°03'18" |
| SC | Holden Canyon Creek | Headwaters to U.S./Mexico border |
| SC | Huachuca Tank | 31°21'11"/110°30'18" |
| SC | Humboldt Canyon | Headwaters to Alum Gulch @ 31°28'25.84"/110°44'01.57" |
| SC | Julian Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Kennedy Lake | Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27" |
| SC | Lakeside Lake | 8300 East Stella Road, Tucson at 32°11'11"/110°49'00" |
| SC | Lemmon Canyon Creek | Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49" |
| SC | Lemmon Canyon Creek | Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek |
| SC | Los Robles Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Madera Canyon Creek | Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51" |
| SC | Madera Canyon Creek | Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River |
| SC | Mattie Canyon | Headwaters to confluence with Cienega Creek |
| SC | Oak Tree Canyon | Headwaters to confluence with Cienega Creek |
| SC | Palisade Canyon | Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31" |
| SC | Palisade Canyon | Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon |
| SC | Pantano Wash | Headwaters to confluence with Tanque Verde Creek |
| SC | Parker Canyon Creek | Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47" |
| SC | Parker Canyon Lake | 31°25'35"/110°27'15" |
| SC | Patagonia Lake | 31°29'56"/110°50'49" |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SC | Peña Blanca Lake | 31°24'15"/111°05'12" |
| SC | Potrero Creek | Headwaters to Interstate 19 |
| SC | Potrero Creek | Below Interstate 19 to confluence with Santa Cruz River |
| SC | Puertocito Wash | Headwaters to confluence with Altar Wash |
| SC | Quitobaquito Spring | (Pond and Springs) 31°56'39"/113°01'06" |
| SC | Redrock Canyon Creek | Headwaters to confluence with Harshaw Creek |
| SC | Rillito Creek | Headwaters to confluence with the Santa Cruz River |
| SC | Romero Canyon Creek | Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39" |
| SC | Rose Canyon Creek | Headwaters to confluence with Sycamore Canyon |
| SC | Rose Canyon Lake | 32°23'13"/110°42'38" |
| SC | Ruby Lakes | 31°26'29"/111°14'22" |
| SC | Sabino Creek | Headwaters to 32°23'20"/110°47'06" |
| SC | Sabino Creek | Below 32°23'20"/110°47'06" to confluence with Tanque Verde River |
| SC | Salero Ranch Tank | 31°35'43"/110°53'25" |
| SC | Santa Cruz River | Headwaters to the at U.S./Mexico border |
| SC | Santa Cruz River | Baumgartner Road to the Ak Chin Indian Reservation boundary |
| SC | Santa Cruz River (EDW) | Nogales International WWTP outfall to the Tubac Bridge |
| SC | Santa Cruz River, West Branch | Headwaters to the confluence with Santa Cruz River |
| SC | Santa Cruz Wash, North Branch | Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13" |
| SC | Santa Cruz Wash, North Branch (EDW) | City of Casa Grande WRF outfall to 1 km downstream |
| SC | Santa Rosa Wash | Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation |
| SC | Santa Rosa Wash (EDW) | Palo Verde Utilities CO-WRF outfall at 33°04'20"/ 112°01'47" to the Chin Indian Reservation |
| SC | Soldier Tank | 32°25'34"/110°44'43" |
| SC | Sonoita Creek | Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31" |
| SC | Sonoita Creek | Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River |
| SC | Split Tank | 31°28'11"/111°05'12" |
| SC | Sutherland Wash | Headwaters to confluence with Cañada del Oro |
| SC | Sycamore Canyon | Headwaters to 32°21'60" / 110°44'48" |
| SC | Sycamore Canyon | From 32°21'60" / 110°44'48" to Sycamore Reservoir |
| SC | Sycamore Reservoir | 32°20'57"/110°47'38" |
| SC | Tanque Verde Creek | Headwaters to Houghton Road |
| SC | Tanque Verde Creek | Below Houghton Road to confluence with Rillito Creek |
| SC | Three R Canyon | Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04" |
| SC | Three R Canyon | From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch) |
| SC | Three R Canyon | From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek |
| SC | Tinaja Wash | Headwaters to confluence with the Santa Cruz River |
| SC | Unnamed Trib (Endless Mine Tributary) to Harshaw Creek | Headwaters to Harshaw Creek @ 31°26'12.3"/110°43'27.26" |
| SC | Unnamed Trib (UA2) to Alum Gulch | Headwaters to Alum Gulch @ 31°28'49.67"/110°44'12.86" |
| SC | Unnamed Trib to Cox Gulch | Headwaters to Cox Gulch @ 31°27'53.86"/110°46'51.29" |
| SC | Unnamed Trib to Three R Canyon | Headwaters to Three R Canyon @ 31°28'25.82"/110°46'04.11" |
| SC | Unnamed Wash to Canada Del Oro (EDW) | Oracle Sanitary District WWTP outfall at 32°36'54"/ 110°48'02" to 5 km downstream |
| SC | Unnamed Wash to Canada del Oro (EDW) | Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro |
| SC | Unnamed Wash to Santa Cruz Wash (EDW) | Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash |
| SC | Vekol Wash | Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations |
| SC | Wakefield Canyon | Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27" |
| SC | Wakefield Canyon | Below confluence with unnamed tributary to confluence with Cienega Creek |
| SC | Wild Burro Canyon | Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47" |
| SC | Wild Burro Canyon | Below confluence with unnamed tributary to confluence with Santa Cruz River |
| SP | Abbot Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Aravaipa Creek | Headwaters to confluence with Stowe Gulch |
| SP | Ash Creek | Headwaters to 31°50'28"/109°40'04" |
| SP | Babocomari River | Headwaters to confluence with the San Pedro River |
| SP | Bass Canyon Creek | Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22" |
| SP | Bass Canyon Tank | 32°24'00"/110°13'00" |
| SP | Blacktail Pond | Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon |
| SP | Booger Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Brewery Gulch | Headwaters to Mule Gulch @ 31°26'27.88"/109°54'48.1" |
| SP | Buck Canyon | Headwaters to confluence with Buck Creek Tank |
| SP | Buck Canyon | Below Buck Creek Tank to confluence with Dry Creek |
| SP | Buehman Canyon Creek | Below confluence with unnamed tributary to confluence with San Pedro River |
| SP | Buehman Canyon Creek (OAW) | Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10" |
| SP | Bullock Canyon | Headwaters to confluence with Buehman Canyon |
| SP | Carr Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Copper Creek | Headwaters to confluence with Prospect Canyon |
| SP | Copper Creek | Below confluence with Prospect Canyon to confluence with the San Pedro River |
| SP | Curry Draw | Headwaters to San Pedro River |
| SP | Deer Creek | Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11" |
| SP | Deer Creek | Below confluence with unnamed tributary to confluence with Aravaipa Creek |
| SP | Dixie Canyon | Headwaters to confluence with Mexican Canyon |
| SP | Double R Canyon Creek | Headwaters to confluence with Bass Canyon |
| SP | Dry Canyon | Headwaters to confluence with Whitewater draw |
| SP | East Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'54"/ 110°19'44" |
| SP | Espirito Canyon Creek | Headwaters to confluence with Soza Wash |
| SP | Fournmile Canyon Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Fournmile Canyon, Left Prong | Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46" |
| SP | Fournmile Canyon, Left Prong | Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek |
| SP | Fournmile Canyon, Right Prong | Headwaters to confluence with Fournmile Canyon |
| SP | Gadwell Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Garden Canyon Creek | Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44" |
| SP | Garden Canyon Creek | Below confluence with unnamed tributary to confluence with the San Pedro River |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SP | Glance Creek | Headwaters to confluence with Whitewater Draw |
| SP | Gravel Pit Pond | Fort Huachuca Military Reservation at 31°30'52"/110°19'49" |
| SP | Greenbush Draw | From U.S./Mexico border to confluence with San Pedro River |
| SP | Greenbush Draw | From City of Bisbee San Jose WWTP outfall at 31°20'35.4", -109°56'10.2" to San Pedro River. The City of Bisbee San Jose WWTP outfall discharges to Greenbush Draw. |
| SP | Hidden Pond | Fort Huachuca Military Reservation at 32°30'30"/109°22'17" |
| SP | Horse Camp Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Hot Springs Canyon | Headwaters to confluence with the San Pedro River |
| SP | Johnson Canyon | Headwaters to Whitewater Draw at 31°32'46"/109°43'32" |
| SP | Leslie Creek | Headwaters to confluence with Whitewater Draw |
| SP | Lower Garden Canyon Pond | Fort Huachuca Military Reservation at 31°29'39"/110°18'34" |
| SP | Mexican Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Miller Canyon | Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04" |
| SP | Miller Canyon | Below Broken Arrow Ranch Road to confluence with the San Pedro River |
| SP | Montezuma Creek | Headwaters to Mexico Border @ 31°20'01.87"/110°13'40.97" |
| SP | Mountain View Golf Course Pond | Fort Huachuca Military Reservation at 31°32'14"/110°18'52" |
| SP | Mule Gulch | Headwaters to the Lavender Pit at 31°26'11"/109°54'02" |
| SP | Mule Gulch | The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28" |
| SP | Mule Gulch | Below the Highway 80 bridge to confluence with Whitewater Draw |
| SP | Oak Grove Canyon | Headwaters to confluence with Turkey Creek |
| SP | Officers Club Pond | Fort Huachuca Military Reservation at 31°32'51"/110°21'37" |
| SP | Paige Canyon Creek | Headwaters to confluence with the San Pedro River |
| SP | Parsons Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Ramsey Canyon Creek | Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30" |
| SP | Rattlesnake Creek | Headwaters to confluence with Brush Canyon |
| SP | Rattlesnake Creek | Below confluence with Brush Canyon to confluence with Aravaipa Creek |
| SP | Redfield Canyon | Headwaters to confluence with unnamed tributary at 32°33'40"/110°18'42" |
| SP | Redfield Canyon | Below confluence with unnamed tributary to confluence with the San Pedro River |
| SP | Rucker Canyon | Headwaters to confluence with Whitewater Draw |
| SP | Rucker Canyon Lake | 31°46'46"/109°18'30" |
| SP | Soto Canyon | Headwaters to confluence with Dixie Canyon |
| SP | Swamp Springs Canyon Creek | Headwaters to confluence with Redfield Canyon |
| SP | Sycamore Pond I | Fort Huachuca Military Reservation at 31°35'12"/110°26'11" |
| SP | Sycamore Pond II | Fort Huachuca Military Reservation at 31°34'39"/110°26'10" |
| SP | Turkey Creek | Headwaters to confluence with Aravaipa Creek |
| SP | Unnamed Wash Mt. Lemmon (EDW) | Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream |
| SP | Virgus Canyon | Headwaters to confluence with Aravaipa Creek |
| SP | Walnut Gulch | Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06" |
| SP | Walnut Gulch | Tombstone Wash to confluence with San Pedro River |
| SP | Walnut Gulch (EDW) | Tombstone WWTP outfall to the confluence with Tombstone Wash |
| SP | Woodcutters Pond | Fort Huachuca Military Reservation at 31°30'09"/110°20'12" |
| SR | Barnhard Creek | Headwaters to confluence with unnamed tributary at 34°05'37"/111°26'40" |
| SR | Barnhardt Creek | Below confluence with unnamed tributary to confluence with Rye Creek |
| SR | Basin Lake | 33°55'00"/109°26'09" |
| SR | Bear Creek | Headwaters to confluence with the Black River |
| SR | Bear Wallow Creek, North Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Bear Wallow Creek, South Fork (OAW) | Headwaters to confluence with the Bear Wallow Creek |
| SR | Big Lake | 33°52'36"/109°25'33" |
| SR | Bloody Tanks Wash | Headwaters to Schultze Ranch Road |
| SR | Bloody Tanks Wash | Schultze Ranch Road to confluence with Miami Wash |
| SR | Boulder Creek | Headwaters to confluence with LaBarge Creek |
| SR | Campaign Creek | Headwaters to Roosevelt Lake |
| SR | Canyon Creek | Headwaters to the White Mountain Apache Reservation boundary |
| SR | Centerfire Creek | Headwaters to confluence with the Black River |
| SR | Chambers Draw Creek | Headwaters to confluence with the North Fork of the East Fork of Black River |
| SR | Cherry Creek | Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07" |
| SR | Christopher Creek | Headwaters to confluence with Tonto Creek |
| SR | Cold Spring Canyon Creek | Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58" |
| SR | Cold Spring Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Coon Creek | Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26" |
| SR | Coon Creek | Below confluence with unnamed tributary to confluence with Salt River |
| SR | Coyote Creek | Headwaters to confluence with the Black River, East Fork |
| SR | Deer Creek (D2E) | Headwaters to confluence with the Black River, East Fork |
| SR | Del Shay Creek | Headwaters to confluence with Gun Creek |
| SR | Devils Chasm Creek | Headwaters to confluence with unnamed tributary at 33°48'46" /110°52'35" |
| SR | Dipping Vat Reservoir | 33°55'47"/109°25'31" |
| SR | Double Cienega Creek | Headwaters to confluence with Fish Creek |
| SR | Fish Creek | Headwaters to confluence with the Salt River |
| SR | Five Point Mountain Tributary | Headwaters to Pinto Creek @ 33°22'25.93"/110°58'14" |
| SR | Gibson Mine Tributary | Headwaters to Pinto Creek @ 33°20'48.99"/110°56'42.31" |
| SR | Gold Creek | Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10" |
| SR | Gold Creek | Below confluence with unnamed tributary to confluence with Tonto Creek |
| SR | Gordon Canyon Creek | Headwaters to confluence with Hog Canyon |
| SR | Gordon Canyon Creek | Below confluence with Hog Canyon to confluence with Haigler Creek |
| SR | Greenback Creek | Headwaters to confluence with Tonto Creek |
| SR | Home Creek | Headwaters to confluence with the Black River, West Fork |
| SR | Horse Camp Creek | Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07" |
| SR | Horse Camp Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Houston Creek | Headwaters to confluence with Tonto Creek |
| SR | Hunter Creek | Headwaters to confluence with Christopher Creek |
| SR | LaBarge Creek | Headwaters to Canyon Lake |

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

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| SR | Lake Sierra Blanca | 33°52'25"/109°16'05" |
| SR | Miami Wash | Headwaters to confluence with Pinal Creek |
| SR | Mule Creek | Headwaters to confluence with Canyon Creek |
| SR | Open Draw Creek | Headwaters to confluence with the East Fork of Black River |
| SR | P B Creek | Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12" |
| SR | Pinal Creek | Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20" |
| SR | Pinal Creek | From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55" |
| SR | Pinal Creek | From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31" |
| SR | Pinal Creek (EDW) | Confluence with unnamed EDW wash (Globe WWTP) to 33°25'29"/110°48'20" |
| SR | Pine Creek | Headwaters to confluence with the Salt River |
| SR | Pinto Creek | Below confluence with unnamed tributary to Roosevelt Lake |
| SR | Pole Corral Lake | 33°30'38"/110°00'15" |
| SR | Pueblo Canyon Creek | Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37" |
| SR | Pueblo Canyon Creek | Below confluence with unnamed tributary to confluence with Cherry Creek |
| SR | Reevis Creek | Headwaters to confluence with Pine Creek |
| SR | Reservation Creek | Headwaters to confluence with the Black River |
| SR | Reynolds Creek | Headwaters to confluence with Workman Creek |
| SR | Russell Gulch | From Headwaters to confluence with Miami Wash |
| SR | Salome Creek | Headwaters to confluence with the Salt River |
| SR | Salt House Lake | 33°57'04"/109°20'11" |
| SR | Slate Creek | Headwaters to confluence with Tonto Creek |
| SR | Snake Creek (OAW) | Headwaters to confluence with the Black River |
| SR | Spring Creek | Headwaters to confluence with Tonto Creek |
| SR | Stinky Creek (OAW) | Headwaters to confluence with the Black River, West Fork |
| SR | Thomas Creek | Headwaters to confluence with Beaver Creek |
| SR | Thompson Creek | Headwaters to confluence with the West Fork of the Black River |
| SR | Turkey Creek | Headwaters to confluence with Rock Creek |
| SR | Unnamed trib to Black River North Fork East Fork | Headwaters to Black River NF of EF |
| SR | Wildcat Creek | Headwaters to confluence with Centerfire Creek |
| SR | Workman Creek | Below confluence with Reynolds Creek to confluence with Salome Creek |
| UG | Ash Creek | Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45" |
| UG | Ash Creek | Below confluence with unnamed tributary to confluence with the Gila River |
| UG | Bennett Wash | Headwaters to the Gila River |
| UG | Buckelew Creek | Headwaters to confluence with Castle Creek |
| UG | Castle Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Cave Creek | Below Coronado National Forest boundary to New Mexico border |
| UG | Chase Creek | Headwaters to the Phelps-Dodge Morenci Mine |
| UG | Chase Creek | Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River |
| UG | Chitty Canyon Creek | Headwaters to confluence with Salt House Creek |
| UG | Cima Creek | Headwaters to confluence with Cave Creek |
| UG | Cluff Reservoir #1 | 32°48'55"/109°50'46" |
| UG | Cluff Reservoir #3 | 32°48'21"/109°51'46" |
| UG | Coleman Creek | Headwaters to confluence with Campbell Blue Creek |
| UG | Dankworth Lake | 32°43'13"/109°42'17" |
| UG | Deadman Canyon Creek | Below confluence with unnamed tributary to confluence with Graveyard Wash |
| UG | Eagle Creek | Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43" |
| UG | East Eagle Creek | Headwaters to confluence with Eagle Creek |
| UG | East Turkey Creek | Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20" |
| UG | East Turkey Creek | Below confluence with unnamed tributary to terminus near San Simon River |
| UG | East Whitetail | Headwaters to terminus near San Simon River |
| UG | Emigrant Canyon | Headwaters to terminus near San Simon River |
| UG | Evans Pond #1 | 32°49'19"/109°51'12" |
| UG | Evans Pond #2 | 32°49'14"/109°51'09" |
| UG | Fishhook Creek | Headwaters to confluence with the Blue River |
| UG | Foote Creek | Headwaters to confluence with the Blue River |
| UG | Frye Canyon Creek | Headwaters to Frye Mesa Reservoir |
| UG | Frye Canyon Creek | Frye Mesa reservoir to terminus at Highline Canal. |
| UG | Frye Mesa Reservoir | 32°45'14"/109°50'02" |
| UG | Georges Tank | 33°51'24"/109°08'30" |
| UG | Gibson Creek | Headwaters to confluence with Marjilda Creek |
| UG | Lanphier Canyon | Headwaters to confluence with the Blue River |
| UG | Little Blue Creek | Headwaters to confluence with Dutch Blue Creek |
| UG | Little Creek | Headwaters to confluence with the San Francisco River |
| UG | Marjilda Creek | Headwaters to confluence with Gibson Creek |
| UG | Marjilda Creek | Below confluence with Gibson Creek to confluence with Stockton Wash |
| UG | Markham Creek | Headwaters to confluence with the Gila River |
| UG | Pigeon Creek | Headwaters to confluence with the Blue River |
| UG | Roper Lake | 32°45'23"/109°42'14" |
| UG | Sheep Tank | 32°46'14"/109°48'09" |
| UG | Smith Pond | 32°49'15"/109°50'36" |
| UG | Squaw Creek | Headwaters to confluence with Thomas Creek |
| UG | Stone Creek | Headwaters to confluence with the San Francisco River |
| UG | Strayhorse Creek | Headwaters to confluence with the Blue River |
| UG | Thomas Creek | Headwaters to confluence with Rousensock Creek |
| UG | Tinny Pond | 33°47'49"/109°04'27" |
| VR | American Gulch | Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14" |
| VR | American Gulch (EDW) | Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River |
| VR | Apache Creek | Headwaters to confluence with Walnut Creek |
| VR | Ashbrook Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Aspen Creek | Headwaters to confluence with Granite Creek |

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| VR | Banning Creek | Headwaters to Granite Creek @ 34°31'01.02"/112°28'37.63" |
| VR | Bar Cross Tank | 35°00'41"/112°05'39" |
| VR | Barrata Tank | 35°02'43"/112°24'21" |
| VR | Big Chino Wash | Headwaters to confluence with Sullivan Lake |
| VR | Bitter Creek | Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24" |
| VR | Bitter Creek (EDW) | Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary |
| VR | Black Canyon Creek | Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06" |
| VR | Black Canyon Creek | Below confluence with unnamed tributary to confluence with the Verde River |
| VR | Bonita Creek | Headwaters to confluence with Ellison Creek |
| VR | Bray Creek | Headwaters to confluence with Webber Creek |
| VR | Butte Creek | Headwaters to Miller Creek @ 34°32'49.03"/112°28'29.3" |
| VR | Camp Creek | Headwaters to confluence with Verde River |
| VR | Cereus Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Chase Creek | Headwaters to confluence with the East Verde River |
| VR | Clover Creek | Headwaters to confluence with Headwaters of West Clear Creek |
| VR | Coffee Creek | Headwaters to confluence with Spring Creek |
| VR | Colony Wash | Headwaters to the Fort McDowell Indian Reservation boundary |
| VR | Deadman Creek | Headwaters to Horseshoe Reservoir |
| VR | Del Monte Gulch | Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" |
| VR | Del Monte Gulch (EDW) | City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River |
| VR | Del Rio Dam Lake | 34°48'55"/112°28'03" |
| VR | Dry Beaver Creek | Headwaters to confluence with Beaver Creek |
| VR | Dry Creek (EDW) | Sedona Ventures WWTP outfall at 34°50'42"/111°52'26" to 34°50'02"/111°52'17" |
| VR | Dude Creek | Headwaters to confluence with the East Verde River |
| VR | Ellison Creek | Headwaters to confluence with the East Verde River |
| VR | Foxboro Lake | 34°53'42"/111°39'55" |
| VR | Fry Lake | 35°03'45"/111°48'04" |
| VR | Gap Creek | Headwaters to confluence with Government Spring |
| VR | Gap Creek | Below Government Spring to confluence with the Verde River |
| VR | Garrett Tank | 35°18'57"/112°42'20" |
| VR | Goldwater Lake, Lower | 34°29'56"/112°27'17" |
| VR | Goldwater Lake, Upper | 34°29'52"/112°26'59" |
| VR | Government Canyon | Headwaters to Granite Creek @ 34°33'29.49"/112°26'53.18" |
| VR | Granite Basin Lake | 34°37'01"/112°32'58" |
| VR | Granite Creek | Headwaters to Watson Lake |
| VR | Granite Creek | Below Watson Lake to confluence with the Verde River |
| VR | Green Valley Lake (EDW) | 34°13'54"/111°20'45" |
| VR | Heifer Tank | 35°20'27"/112°32'59" |
| VR | Hells Canyon Tank | 35°04'59"/112°24'07" |
| VR | Homestead Tank | 35°21'24"/112°41'36" |
| VR | Horse Park Tank | 34°58'15"/111°36'32" |
| VR | Houston Creek | Headwaters to confluence with the Verde River |
| VR | Huffer Tank | 34°27'46"/111°23'11" |
| VR | J.D. Dam Lake | 35°04'02"/112°01'48" |
| VR | Jacks Canyon | Headwaters to Big Park WWTP outfall at 34°45'46"/111°45'51" |
| VR | Jacks Canyon (EDW) | Below Big Park WWTP outfall to confluence with Dry Beaver Creek |
| VR | Lime Creek | Headwaters to Horseshoe Reservoir |
| VR | Mail Creek | Headwaters to East Verde River @ 34°25'03.88"/111°15'49.6" |
| VR | Manzanita Creek | Headwaters to Granite Creek @ 34°31'31.19"/112°28'44.34" |
| VR | Masonry Number 2 Reservoir | 35°13'32"/112°24'10" |
| VR | McLellan Reservoir | 35°13'09"/112°17'06" |
| VR | Meath Dam Tank | 35°07'52"/112°27'35" |
| VR | Miller Creek | Headwaters to Granite Creek @ 34°32'48.55"/112°28'12.96" |
| VR | Mullican Place Tank | 34°44'16"/111°36'10" |
| VR | Munds Creek (EDW), Tributary to Oak Creek | From Pinewood Sanitary District Kay S. Blackman WWTP outfall at 34°56'09", -111°38'35" to Oak Creek. |
| VR | North Fork Miller | Headwaters to Miller Creek |
| VR | North Granite Creek | Headwaters to Granite Creek @ 34°33'04.33"/112°27'50.45" |
| VR | Oak Creek, West Fork (QAW) | Headwaters to confluence with Oak Creek |
| VR | Odell Lake | 34°56'5"/111°37'53" |
| VR | Peck's Lake | 34°46'51"/112°02'01" |
| VR | Perkins Tank | 35°06'42"/112°04'12" |
| VR | Pine Creek | Headwaters to confluence with unnamed tributary at 34°21'51"/111°26'49" |
| VR | Pine Creek | Below confluence with unnamed tributary to confluence with East Verde River |
| VR | Red Creek | Headwaters to confluence with the Verde River |
| VR | Reservoir #1 | 35°13'5"/111°50'09" |
| VR | Reservoir #2 | 35°13'17"/111°50'39" |
| VR | Roundtree Canyon Creek | Headwaters to confluence with Tangle Creek |
| VR | Scholze Lake | 35°11'53"/112°00'37" |
| VR | Slaughterhouse Gulch | Headwaters to Yavapai Res. Boundary |
| VR | Spring Creek | Headwaters to confluence with unnamed tributary at 34°57'23"/111°57'21" |
| VR | Steel Dam Lake | 35°13'36"/112°24'54" |
| VR | Stehr Lake | 34°22'01"/111°40'02" |
| VR | Stoneman Lake | 34°46'47"/111°31'14" |
| VR | Sycamore Creek | Below confluence with unnamed tributary to confluence with Verde River |
| VR | Sycamore Creek | Headwaters to confluence with Verde River at 34°04'42"/111°42'14" |
| VR | Tangle Creek | Headwaters to confluence with Verde River |
| VR | Trinity Tank | 35°27'44"/112°48'01" |
| VR | Unnamed Trib to Granite Creek (UGC) | Headwaters to Yavapai Prescott Reservation Boundary |
| VR | Unnamed Trib to UGC (UUG) | Headwaters to Unnamed Trib to Granite Creek (UGC) |
| VR | Unnamed Wash | Flagstaff Meadows WWTP outfall at 35°13'53.54"/111°48'40.32" to Volunteer Wash |

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| VR | Walnut Creek | Headwaters to confluence with Big Chino Wash |
| VR | Watson Lake | 34°34'58"/112°25'26" |
| VR | Webber Creek | Headwaters to confluence with the East Verde River |
| VR | Wet Beaver Creek | Headwaters to unnamed springs at 34°41'17"/111°34'34" |
| VR | Whitehorse Lake | 35°06'59"/112°00'48" |
| VR | Williamson Valley Wash | Headwaters to confluence with Mint Wash |
| VR | Williamson Valley Wash | From confluence of Mint Wash to 10.5 km downstream |
| VR | Williamson Valley Wash | From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash |
| VR | Williscraft Tank | 35°11'22"/112°35'40" |
| VR | Willow Creek | Above Willow Creek Reservoir |
| VR | Willow Valley Lake | 34°41'08"/111°20'02" |

Historical Note

Table C made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

R18-11-217. Best Management Practices for non-WOTUS Protected Surface Waters

- A.** The BMPs described in this rule are intended to ensure that activities within the ordinary high-water mark of perennial or intermittent non-WOTUS protected surface waters, or within the bed and bank of other waters that materially impact (i.e., are within 1/4 mile upstream of) non-WOTUS protected surface waters, do not violate applicable surface water quality standards in the non-WOTUS protected surface waters. For purposes of this Section, the activities described in the prior sentence will be referred to as “regulated activities.” Depending on the regulated activities conducted, not all of the BMPs described below may be applicable to a particular project. The owner or operator is responsible to consider the BMPs outlined below and to implement those necessary to ensure that the regulated activities will not violate applicable surface water quality standards in the non-WOTUS protected surface water.
- B.** The BMPs described below are not applicable to any activities that are addressed under an individual or general AZPDES permit that are otherwise regulated under A.R.S. Title 49.
- C.** Erosion and sedimentation control BMPs:
 - 1. When flow is present in any non-WOTUS protected surface waters within a project area, flow shall not be altered except to prevent erosion or pollution of any non-WOTUS protected surface waters.
 - 2. Any disturbance within the ordinary high-water mark of non-WOTUS protected surface waters or within the bed and banks of other waters, that is not intended to be permanently altered, shall be stabilized as soon as practicable to prevent erosion and sedimentation.
 - 3. When flow in any non-WOTUS protected surface water is sufficient to erode, carry, or deposit material, regulated activities shall cease until:
 - a. The flow decreases below the point where sediment movement ceases; or
 - b. Control measures have been undertaken, i.e., equipment and material easily transported by flow are protected within non-erodible barriers or moved outside the flow area.
 - 4. Silt laden or turbid water resulting from regulated activities should be managed in a manner to reduce sediment load prior to discharging.
 - 5. No washing or dewatering of fill material should occur within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters. Other than the replacement of native fill or material used to support vegetation rooting or growth, fill placed within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.

D. Pollutant management BMPs:

- 1. If regulated activities are likely to violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water, operations shall cease until the problem is resolved or until control measures have been implemented.
- 2. Construction material and/or fill (other than native fill or that necessary to support revegetation) placed within surface waters as a result of regulated activities shall not include pollutants in concentrations that will violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water.

E. Construction phase BMPs:

- 1. Equipment staging and storage areas or fuel, oil, and other petroleum products storage and solid waste containment should not be located within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water.
- 2. Any equipment maintenance, washing, or fueling shall not be done within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters with the following exception: Equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in non-WOTUS protected surface waters (but outside of standing or flowing water) provided material specifically manufactured and sold as spill containment is in place during fueling/servicing.
- 3. All equipment shall be inspected for leaks, all leaks shall be repaired, and all repaired equipment shall be cleaned to remove any fuel or other fluid residue prior to use within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
- 4. Washout of concrete handling equipment shall not take place within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.

F. Post-construction BMPs:

- 1. Upon completion of regulated activities, areas within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters shall be promptly cleared of all forms, piling, construction residues, equipment, debris, or other obstructions.
- 2. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, steps will be taken using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
- 3. Any permanent water crossings within the ordinary high-water mark of any perennial or intermittent in a non-WOTUS protected surface water (other than fords) shall

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not be equipped with gutters, drains, scuppers, or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a non-WOTUS protected surface water if such runoff can be directed to a local stormwater drainage, containment, and/or treatment system.

4. Debris shall be cleared as needed from culverts, ditches, dips, and other drainage structures within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water to prevent clogging or conditions that may lead to a washout.
 5. Temporary structures constructed or imported materials shall be removed no later than upon completion of the regulated activities.
 6. Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause erosion, or cause changes in sediment load, shall be removed no later than upon completion of the regulated activities.
- G. Design consideration BMPs:**
1. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways, culvert crossings, staging areas, material stockpiles, berms, dikes, and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
 2. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks. Examples of unacceptable materials include clay, silt, sand, and gravel finer than cobble (roughly fist-sized). The armoring shall, via mass, anchoring systems, or a combination of the two, resist washout.
- H. Notification.** The owner or operator of any regulated activities shall, five days prior to initiation of the regulated activities, submit a notice to ADEQ on a form that includes basic information including the GPS location, the waterbody ID of the nearest non-WOTUS protected surface water, general description of planned activities, types of BMPs to be employed during the project, and phone number and email for a contact person. Work may proceed after five calendar days have passed since the owner/operator provided notification to ADEQ unless ADEQ responds in writing to the contact person for the owner/operator.
- I. Exclusions:** The BMPs and notification requirements in this Section shall not apply to:
1. Activities that are already regulated under A.R.S. Title 49.
 2. Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 3. Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 4. Maintenance but not construction of drainage ditches.
 5. Construction and maintenance of irrigation ditches.
 6. Maintenance of structures as dams, dikes, and levees.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

Appendix A. Repealed**Historical Note**

Former Section R9-21-208, Appendices 1 through 9 renumbered and amended as new Appendix A adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

Appendix B. Repealed**Historical Note**

Former R9-21-209, Table 1 and Table 2 renumbered and amended as Appendix B adopted effective January 7, 1985 (Supp.85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS**R18-11-301. Definitions**

The terms in this Article have the following meanings:

“Direct reuse” has the meaning prescribed in R18-9-701(1).

“Disinfection” means a treatment process that uses oxidants, ultraviolet light, or other agents to kill or inactivate pathogenic organisms in wastewater.

“Filtration” means a treatment process that removes particulate matter from wastewater by passage through porous media.

“Gray water” means wastewater, collected separately from a sewage flow, that originates from a clothes washer, bathtub, shower, or sink, but it does not include wastewater from a kitchen sink, dishwasher, or a toilet.

“Industrial wastewater” means wastewater generated from an industrial process.

“Landscape impoundment” means a manmade lake, pond, or impoundment of reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage, landscaping, or for aesthetic purposes only.

“NTU” means nephelometric turbidity unit.

“On-site wastewater treatment facility” has the meaning prescribed in A.R.S. § 49-201(24).

“Open access” means that access to reclaimed water by the general public is uncontrolled.

“Reclaimed water” has the meaning prescribed in A.R.S. § 49-201(31).

“Recreational impoundment” means a manmade lake, pond, or impoundment of reclaimed water where boating or fishing is an intended use of the impoundment. Swimming and other full-body recreation activities (for example, water-skiing) are prohibited in a recreational impoundment.

“Restricted access” means that access to reclaimed water by the general public is controlled.

“Secondary treatment” means a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR § 133.102.

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“Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in places of human habitation, employment, or recreation.

Historical Note

Adopted effective July 9, 1981 (Supp. 81-4). Former Section R9-21-301 renumbered without change as Section R18-11-301 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-302. Applicability

This Article applies to the direct reuse of reclaimed water, except for:

1. The direct reuse of gray water, or
2. The direct reuse of reclaimed water from an onsite wastewater treatment facility regulated by a general Aquifer Protection Permit under 18 A.A.C. 9, Article 3.

Historical Note

Adopted effective June 8, 1981 (Supp. 81-3). Amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-302 renumbered without change as Section R18-11-302 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-303. Class A+ Reclaimed Water

- A. Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A+ reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A+ reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
 3. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.

- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A+ reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.
- D. Class A+ reclaimed water is not required for any type of direct reuse. A person may use Class A+ reclaimed water for any type of direct reuse listed in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-303 renumbered without change as Section R18-11-303 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-304. Class A Reclaimed Water

- A. Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in subsection (B)(1) is achieved without chemical addition.
- B. An owner of a facility shall ensure that:
 1. The turbidity of Class A reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
 - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
 - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
 2. Class A reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
 - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
- C. An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.

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tion (B)(2) before discharge to a reclaimed water distribution system.

- D. A person shall use Class A reclaimed water for a type of direct reuse listed as Class A in Table A. A person may use Class A reclaimed water for a type of direct reuse listed as Class B or Class C in Table A.

Historical Note

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-304 renumbered without change as Section R18-11-304 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-305. Class B+ Reclaimed Water

- A. Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- B. An owner of a facility shall ensure that:
1. Class B+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
 2. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.
- C. Class B+ reclaimed water is not required for a type of direct reuse. A person may use Class B+ reclaimed water for a type of direct reuse listed as Class B or Class C in Table A. A person shall not use Class B+ reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-306. Class B Reclaimed Water

- A. Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- B. An owner of a facility shall ensure that Class B reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
1. The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
- C. A person shall use a minimum of Class B reclaimed water for a type of direct reuse listed as Class B in Table A. A person may use Class B reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class B reclaimed water for a type of direct reuse listed as Class A in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-307. Class C Reclaimed Water

- A. Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.
- B. The owner of a facility shall ensure that:
1. The total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days.
 2. Class C reclaimed water meets the following criteria after treatment and before discharge to a reclaimed water distribution system:
 - a. The concentration of fecal coliform organisms in four of the last seven reclaimed water samples taken is less than 1000 / 100 ml.
 - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 4000 / 100 ml.
- C. A person shall use a minimum of Class C reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class C reclaimed water for a type of direct reuse listed as Class A or Class B in Table A.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-308. Industrial Reuse

- A. The reclaimed water quality requirements for the following direct reuse applications are industry-specific and shall be determined by the Department on a case-by-case basis in a reclaimed water permit issued by the Department under 18 A.A.C. 9, Article 7:
1. Direct reuse of industrial wastewater containing sewage.
 2. Direct reuse of industrial wastewater for the production or processing of any crop used as human or animal food.
- B. The Department shall use best professional judgment to determine the reclaimed water quality requirements needed to protect public health and the environment for a type of direct reuse specified in subsection (A).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

R18-11-309. Reclaimed Water Quality Standards for an Unlisted Type of Direct Reuse

- A. The Department may prescribe in an individual reclaimed water permit issued under 18 A.A.C. 9, Article 7, reclaimed water quality requirements for a type of direct reuse not listed in Table A. Before permitting a direct reuse of reclaimed water not listed in Table A, the Department shall, using its best professional judgment, determine and require compliance with reclaimed water quality requirements needed to protect public health and the environment.
- B. Department may determine that Class A+, A, B+, B, or C reclaimed water is appropriate for a new type of direct reuse.
- C. The Department shall consider the following factors when prescribing reclaimed water quality requirements for a new type of direct reuse:
1. The risk to public health;
 2. The degree of public access to the site where the reclaimed water is reused and human exposure to the reclaimed water;
 3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
 4. The level of treatment necessary to prevent nuisance conditions;

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5. Specific water quality requirements for the intended type of direct reuse;
6. The means of application of the reclaimed water;
7. The degree of treatment necessary to avoid a violation of surface water quality standards or aquifer water quality standards;
8. The potential for improper or unintended use of the reclaimed water;
9. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that apply to the new type of direct reuse; and
10. Similar wastewater reclamation experience of reclaimed water providers in the United States.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

Table A. Minimum Reclaimed Water Quality Requirements for Direct Reuse

| Type of Direct Reuse | Minimum Class of Reclaimed Water Required |
|--|---|
| Irrigation of food crops | A |
| Recreational impoundments | A |
| Residential landscape irrigation | A |
| Schoolground landscape irrigation | A |
| Open access landscape irrigation | A |
| Toilet and urinal flushing | A |
| Fire protection systems | A |
| Spray irrigation of an orchard or vineyard | A |
| Commercial closed loop air conditioning systems | A |
| Vehicle and equipment washing (does not include self-service vehicle washes) | A |
| Snowmaking | A |
| Surface irrigation of an orchard or vineyard | B |
| Golf course irrigation | B |
| Restricted access landscape irrigation | B |
| Landscape impoundment | B |
| Dust control | B |
| Soil compaction and similar construction activities | B |
| Pasture for milking animals | B |
| Livestock watering (dairy animals) | B |
| Concrete and cement mixing | B |
| Materials washing and sieving | B |
| Street cleaning | B |
| Pasture for non-dairy animals | C |
| Livestock watering (non-dairy animals) | C |
| Irrigation of sod farms | C |
| Irrigation of fiber, seed, forage, and similar crops | C |
| Silviculture | C |

Note: Nothing in this Article prevents a wastewater treatment plant from using a higher quality reclaimed water for a type of direct reuse than the minimum class of reclaimed water listed in Table A. For example, a wastewater treatment plant may provide Class A reclaimed water for a type of direct reuse where Class B or Class C reclaimed water is acceptable.

Historical Note

New Table adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

ARTICLE 4. AQUIFER WATER QUALITY STANDARDS

R18-11-401. Definitions

In addition to the definitions contained in A.R.S. §§ 49-101 and 49-201, the terms of this Article shall have the following meanings:

1. "Beta particle and photon radioactivity from man-made radionuclides" means all radionuclides emitting beta particles or photons, except Thorium-232, Uranium-235, Uranium-238 and their progeny.
2. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements.
3. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
4. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
5. "Mg/l" means milligrams per liter.
6. "Millirem" means 1/1000 of a rem. A rem means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.
7. "Non-drinking water protected use" means the protection and maintenance of aquifer water quality for a use other than for human consumption.
8. "pCi" means picocurie, or the quantity of radioactive material producing 2.22 nuclear transformations per minute.
9. "Total trihalomethanes" means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromo-chloromethane, bromodichloromethane and tribromo-methane (bromoform).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3).

R18-11-402. Repealed

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Repealed effective August 14, 1992 (Supp. 92-3).

R18-11-403. Analytical Methods

Analysis of a sample to determine compliance with an aquifer water quality standard shall be in accordance with an analytical method specified in A.A.C. Title 9, Chapter 14, Article 6 or an alternative analytical method that is approved by the Director of the Arizona Department of Health Services pursuant to A.A.C. R9-14-610(C).

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). Amended effective August 14, 1992 (Supp. 92-3). Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-404. Laboratories

A test result from a sample taken to determine compliance with an aquifer water quality standard shall be valid only if the sample has

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been analyzed by a laboratory that is licensed by the Arizona Department of Health Services for the analysis performed.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-405. Narrative Aquifer Water Quality Standards

- A. A discharge shall not cause a pollutant to be present in an aquifer classified for a drinking water protected use in a concentration which endangers human health.
- B. A discharge shall not cause or contribute to a violation of a water quality standard established for a navigable water of the state.
- C. A discharge shall not cause a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in an aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).

R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use

- A. The aquifer water quality standards in this Section apply to aquifers that are classified for drinking water protected use.
- B. The following are the aquifer water quality standards for inorganic chemicals:

| Pollutant | mg/L |
|----------------------------|--|
| Antimony | 0.006 |
| Arsenic | 0.05 |
| Asbestos | 7 million fibers/liter (longer than 10 mm) |
| Barium | 2 |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.1 |
| Cyanide (As Free Cyanide) | 0.2 |
| Fluoride | 4.0 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as N) | 10 |
| Nitrite (as N) | 1 |
| Nitrate and nitrite (as N) | 10 |
| Selenium | 0.05 |
| Thallium | 0.002 |

- C. The following are the aquifer water quality standards for organic chemicals:

| Pollutant | (mg/L) |
|----------------------------|--------|
| Benzene | 0.005 |
| Benzo (a) pyrene | 0.0002 |
| Carbon Tetrachloride | 0.005 |
| o-Dichlorobenzene | 0.6 |
| para-Dichlorobenzene | 0.075 |
| 1,2-Dichloroethane | 0.005 |
| 1,1-Dichloroethylene | 0.007 |
| cis-1,2-Dichloroethylene | 0.07 |
| trans-1,2-Dichloroethylene | 0.1 |
| 1,2-Dichloropropane | 0.005 |
| Dichloromethane | 0.005 |
| Di (2-ethylhexyl) adipate | 0.4 |
| Di (2-ethylhexyl) pthalate | 0.006 |

| | |
|---------------------------|------------|
| Ethylbenzene | 0.7 |
| Hexachlorobenzene | 0.001 |
| Hexachlorocyclopentadiene | 0.05 |
| Monochlorobenzene | 0.1 |
| Pentachlorophenol | 0.001 |
| Styrene | 0.1 |
| 2,3,7,8-TCDD (Dioxin) | 0.00000003 |
| Tetrachloroethylene | 0.005 |
| Toluene | 1 |
| Trihalomethanes (Total) | 0.10 |
| 1,2,4-Trichlorobenzene | 0.07 |
| 1,1,1-Trichloroethane | 0.20 |
| 1,1,2-Trichloroethane | 0.005 |
| Trichloroethylene | 0.005 |
| Vinyl Chloride | 0.002 |
| Xylenes (Total) | 10 |

- D. The following are the aquifer water quality standards for pesticides and polychlorinated biphenyls (PCBs):

| Pollutant | (mg/L) |
|---|---------|
| Alachlor | 0.002 |
| Atrazine | 0.003 |
| Carbofuran | 0.04 |
| Chlordane | 0.002 |
| Dalapon | 0.2 |
| 1,2-Dibromo-3-Chloropropane (DBCP) | 0.0002 |
| 2,4,-Dichlorophenoxyacetic Acid(2,4-D) | 0.07 |
| Dinoseb | 0.007 |
| Diquat | 0.02 |
| Endothall | 0.1 |
| Endrin | 0.002 |
| Ethylene Dibromide (EDB) | 0.00005 |
| Glyphosate | 0.7 |
| Heptachlor | 0.0004 |
| Heptachlor Epoxide | 0.0002 |
| Lindane | 0.0002 |
| Methoxychlor | 0.04 |
| Oxamyl | 0.2 |
| Picloram | 0.5 |
| Polychlorinated Biphenols (PCBs) | 0.0005 |
| Simazine | 0.004 |
| Toxaphene | 0.003 |
| 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex) | 0.05 |

- E. The following are the aquifer water quality standards for radionuclides:

1. The maximum concentration for gross alpha particle activity, including Radium-226 but excluding radon and uranium, shall not exceed 15 pCi/l.
2. The maximum concentration for combined Radium-226 and Radium-228 shall not exceed 5 pCi/l.
3. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
4. Except for the radionuclides listed in this subsection, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2-liter-per-day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Con-

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centration of Radionuclides in Air or Water for Occupational Exposure,” National Bureau of Standards Handbook 69, National Bureau of Commerce, as amended August 1963 (and no future editions), incorporated herein by reference and on file with the Office of the Secretary of State and with the Department. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year. The following average annual concentrations are assumed to produce a total body or organ dose of 4 millirem/year:

| Radionuclide | Critical Organ | pCi/l |
|--------------|----------------|--------|
| Tritium | Total body | 20,000 |
| Strontium-90 | Bone Marrow | 8 |

- F. The aquifer water quality standard for microbiological contaminants is based upon the presence or absence of total coliforms in a 100-milliliter sample. If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological contaminants.
- G. The following are the aquifer water quality standards for turbidity:
- One nephelometric turbidity unit as determined by a monthly average except that five or fewer nephelometric turbidity units may be allowed if it can be determined that the higher turbidity does not interfere with disinfection, prevent maintenance of effective disinfectant agents in water supply distribution systems, or interfere with microbiological determinations.
 - Five nephelometric turbidity units based on an average of two consecutive days.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended effective May 26, 1994 (Supp. 94-2).

R18-11-407. Aquifer Water Quality Standards in Reclassified Aquifers

- A. All aquifers in the state are classified for drinking water protected use except for aquifers which are reclassified to a non-drinking water protected use pursuant to A.R.S. § 49-224 and A.A.C. R18-11-503.
- B. Aquifer water quality standards for drinking water protected use apply to reclassified aquifers except where expressly superseded by aquifer water quality standards adopted pursuant to subsection (C).
- C. The Director shall adopt, by rule, aquifer water quality standards for reclassified aquifers within one year of the date of the order reclassifying the aquifer to a nondrinking water protected use. The Director shall adopt aquifer water quality standards for reclassified aquifers only for pollutants that are specifically identified in a petition for reclassification as prescribed by A.R.S. § 49-223(E) and A.A.C. R18-11-503(B). Aquifer water quality standards for reclassified aquifers shall be sufficient to protect the use of the reclassified aquifer.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).
Amended effective August 14, 1992 (Supp. 92-3).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-408. Petition for Adoption of a Numeric Aquifer Water Quality Standard

- A. Any person may petition the Director to adopt, by rule, a numeric aquifer water quality standard for a pollutant for which no numeric aquifer water quality standard exists.
- B. Petitions for adoption of a numeric aquifer water quality standard shall be filed with the Department and shall comply with the requirements applicable to petitions for rule adoption as provided by A.R.S. § 41-1033 and A.A.C. R18-1-302, except as otherwise provided by A.R.S. § 49-223 or this Section.
- C. In addition to the requirements of A.A.C. R18-1-302, a petition for rule adoption to establish a numeric aquifer water quality standard shall include specific reference to:
- Technical information that the pollutant is a toxic pollutant.
 - Technical information upon which the Director reasonably may base the establishment of a numeric aquifer water quality standard.
 - Evidence that the pollutant that is the subject of the petition is or may in the future be present in an aquifer or part of an aquifer that is classified for drinking water protected use. Evidence may include, but is not limited to, any of the following:
 - A laboratory analysis of a water sample by a laboratory licensed by the Arizona Department of Health Services which indicates the presence of the pollutant in the aquifer.
 - A hydrogeological study which demonstrates that the pollutant that is the subject of the petition may be present in an aquifer in the future. The hydrogeological study shall include the following:
 - A description of the use that results in a discharge of the pollutant that is the subject of the petition.
 - A description of the mobility of the pollutant in the vadose zone and in the aquifer.
 - A description of the persistence of the pollutant in the vadose zone and in the aquifer.
- D. Within 180 calendar days of the receipt of a complete petition for rule adoption to establish a numeric aquifer water quality standard, the Director shall make a written determination of whether the petition should be granted or denied. The Director shall give written notice by regular mail of the determination to the petitioner.
- E. If the petition for rule adoption is granted, the Director shall initiate rulemaking proceedings to adopt a numeric aquifer water quality standard. The Director shall, within one year of the date that the petition for adoption of a numeric aquifer water quality standard is granted, either adopt a rule establishing a numeric aquifer water quality standard or publish a notice of termination of rulemaking in the Arizona Administrative Register.
- F. If the petition for rule adoption is denied, the Director shall issue a denial letter to the petitioner which explains the reasons for the denial. The denial of a petition for rule adoption to establish a numeric aquifer water quality standard is not subject to judicial review.

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).

Appendix 1. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

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Appendix 2. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 3. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 4. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 5. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 6. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

Appendix 7. Repealed**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).
Repealed effective August 14, 1992 (Supp. 92-3).

ARTICLE 5. AQUIFER BOUNDARY AND PROTECTED USE CLASSIFICATION**R18-11-501. Definitions**

In addition to the definitions contained in A.R.S. § 49-201, the words and phrases of this Article shall have the following meaning:

1. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
2. "Hardrock areas containing little or no water" means areas of igneous or metamorphic rock which do not yield usable quantities of water.
3. "Nondrinking water protected use" means the protection and maintenance of aquifer water quality for a use other than human consumption.
4. "Usable quantities" means five gallons of water per day.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-502. Aquifer Boundaries

- A. Except as provided in subsection (B), aquifer boundaries for the aquifers in this state are identified and defined as being identical to the hydrologic basin and subbasin boundaries, as found by the Director of the Department of Water Resources, Findings and Order In the Matter of The Designation of Groundwater Basins and Subbasins In The State of Arizona (dated June 21, 1984), pursuant to A.R.S. §§ 45-403 and 45-404, which is incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.
- B. Excluded from the boundaries of the aquifers are hard rock areas which contain little or no water, as identified in Plate 1 of the Department of Water Resources, Water Resource Hydro-

logic Map Series Report Number 2 (dated January 1981) and as further identified in the Bureau of Mines, University of Arizona County Geologic Map Series (individual county maps dated 1957 through 1960), which are incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.

- C. The Director may, by rule, modify or add an aquifer boundary provided that one or more of the following applies:
 1. The Department of Water Resources modifies the boundaries of its basins or subbasins.
 2. The Director is made aware of new technical information or data which supports refinement of an aquifer boundary.
- D. Facilities located outside of the boundaries defined in these rules shall be subject to A.R.S. § 49-241 except as provided therein.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-503. Petition for reclassification

- A. Any person may petition the Director to reclassify an aquifer from a drinking water protected use to a nondrinking water protected use pursuant to A.R.S. § 49-224(C).
- B. A written petition for reclassification pursuant to A.R.S. § 49-224(C) or A.R.S. § 49-224(D) shall be filed with the Department and shall include the following categories of information:
 1. The proposed protected use for which the reclassification is being requested.
 2. The pollutant and affected aquifer water quality standards for which the reclassification is being requested.
 3. A hydrogeologic report which demonstrates that the aquifer proposed for reclassification is or will be hydrologically isolated, to the extent described in A.R.S. § 49-224(C)(1). This report and demonstration of hydrologic isolation for the area containing such aquifer, and immediate adjacent geologic units, shall include at least the following:
 - a. Hydrogeologic area maps and cross sections.
 - b. An analysis of subsurface geology, including geologic and hydrologic separation.
 - c. Water level elevation or piezometric level contour maps.
 - d. Analysis of hydrologic characteristics of the aquifer and the immediate adjacent geologic units.
 - e. Description of existing water quality and analysis of water chemistry.
 - f. Projected annual quantity of water to be withdrawn.
 - g. Identification of pumping centers, cones of depression and areas of recharge.
 - h. A water balance.
 - i. Existing flow direction and evaluation of the effects of seasonal and future pumping on flow.
 - j. An evaluation as to whether the reclassification will contribute to or cause a violation of aquifer water quality standards in other aquifers, or in parts of the aquifer not being proposed for reclassification.
 4. Documentation demonstrating that water from the aquifer or part of the aquifer for which reclassification is pro-

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posed is not being used as drinking water. This documentation shall include at least the following:

- a. A list of all wells or springs including their location, ownership and use within the aquifer or part of the aquifer being proposed for reclassification.
 - b. Identification of groundwater withdrawal rights, on file with the Department of Water Resources, within the aquifer or part of the aquifer being proposed for reclassification.
 - c. A comprehensive list of agencies, persons and other information sources consulted for aquifer use documentation.
5. A cost-benefit analysis developed pursuant to the requirements of A.R.S. § 49-224(C)(3), except for petitions submitted pursuant to A.R.S. § 49-224(D). This analysis shall identify potential future uses of the aquifer being proposed for reclassification, as well as other opportunity costs associated with reclassification, and shall contain a description of the cost-benefit methodology used, including all assumptions, data, data sources and criteria considered and all supporting statistical analyses.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

R18-11-504. Agency Action on Petition

- A. Upon receipt of a petition for reclassification, the Director shall review the petition for compliance with the requirements of R18-11-503. If additional information is necessary, the petitioner shall be notified of specific deficiencies in writing within 30 calendar days of receipt of the petition.
- B. Within 120 calendar days after receipt of a complete petition, and after consultation with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C), the Director shall make a final decision to grant or deny the petition and shall notify the petitioner of such decision and the reason for such determination in writing.
- C. Upon a decision to grant a petition for aquifer reclassification, the Director shall initiate proceedings for promulgation of aquifer water quality standards and, if applicable, for aquifer boundary designation for the reclassified aquifers.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

R18-11-505. Public participation

- A. Within 30 days of receipt of a complete petition for reclassification filed pursuant to A.R.S. § 49-224(D), or if the Director deems it necessary to consider a reclassification under A.R.S. § 49-224(C), the Director shall give public notice of the proposed reclassification pursuant to A.A.C. R18-1-401.
- B. The Director shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification. The Director shall give notice of each public hearing and conduct the public hearing in accordance with the provisions of A.A.C. R18-1-402.

Historical Note

Adopted effective June 29, 1989 (Supp. 89-2).

R18-11-506. Rescission of Reclassification

The Director may, by rule, rescind an aquifer reclassification and return an aquifer to a drinking water protected use if he determines that any of the conditions under which the reclassification was

granted are no longer valid. If the Director initiates a change under this Section, he shall consult with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C).

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

ARTICLE 6. IMPAIRED WATER IDENTIFICATION

Article 6, consisting of Sections R18-11-601 through R18-11-606, made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-601. Definitions

In addition to the definitions established in A.R.S. §§ 49-201 and 49-231, and A.A.C. R18-11-101, the following terms apply to this Article:

1. "303(d) List" means the list of surface waters or segments required under section 303(d) of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 2.1, for which TMDLs are developed and submitted to EPA for approval.
2. "Attaining" means there is sufficient, credible, and scientifically defensible data to assess a surface water or segment and the surface water or segment does not meet the definition of impaired or not attaining.
3. "AZPDES" means the Arizona Pollutant Elimination Discharge System.
4. "Credible and scientifically defensible data" means data submitted, collected, or analyzed using:
 - a. Quality assurance and quality control procedures under A.A.C. R18-11-602;
 - b. Samples or analyses representative of water quality conditions at the time the data were collected;
 - c. Data consisting of an adequate number of samples based on the nature of the water in question and the parameters being analyzed; and
 - d. Methods of sampling and analysis, including analytical, statistical, and modeling methods that are generally accepted and validated by the scientific community as appropriate for use in assessing the condition of the water.
5. "Designated use" means those uses specified in 18 A.A.C. 11, Article 1 for each surface water or segment whether or not they are facing.
6. "EPA" means the U.S. Environmental Protection Agency.
7. "Impaired water" means a Navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 United States Code § 1313(d) and the regulations implementing that statute. A.R.S. § 49-231(1).
8. "Laboratory detection limit" means a "Method Reporting Limit" (MRL) or "Reporting Limit" (RL). These analogous terms describe the laboratory reported value, which is the lowest concentration level included on the calibration curve from the analysis of a pollutant that can be quantified in terms of precision and accuracy.
9. "Monitoring entity" means the Department or any person who collects physical, chemical, or biological data used for an impaired water identification or a TMDL decision.
10. "Naturally occurring condition" means the condition of a surface water or segment that would have occurred in the

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- absence of pollutant loadings as a result of human activity.
11. "Not attaining" means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
 - a. A TMDL is prepared and implemented for the surface water;
 - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
 - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
 12. "NPDES" means National Pollutant Discharge Elimination System.
 13. "Planning List" means a list of surface waters and segments that the Department will review and evaluate to determine if the surface water or segment is impaired and whether a TMDL is necessary.
 14. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. 1362(6). Characteristics of water, such as dissolved oxygen, pH, temperature, turbidity, and suspended sediment are considered pollutants if they result or may result in the non-attainment of a water quality standard.
 15. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." 33 U.S.C. 1362(19).
 16. "QAP" means a quality assurance plan detailing how environmental data operations are planned, implemented, and assessed for quality during the duration of a project.
 17. "Sampling event" means one or more samples taken under consistent conditions on one or more days at a distinct station or location.
 18. "SAP" means a site specific sampling and analysis plan that describes the specifics of sample collection to ensure that data quality objectives are met and that samples collected and analyzed are representative of surface water conditions at the time of sampling.
 19. "Spatially independent sample" means a sample that is collected at a distinct station or location. The sample is independent if the sample was collected:
 - a. More than 200 meters apart from other samples, or
 - b. Less than 200 meters apart, and collected to characterize the effect of an intervening tributary, outfall or other pollution source, or significant hydrographic or hydrologic change.
 20. "Temporally independent sample" means a sample that is collected at the same station or location more than seven days apart from other samples.
 21. "Threatened" means that a surface water or segment is currently attaining its designated use, however, trend analysis, based on credible and scientifically defensible data, indicates that the surface water or segment is likely to be impaired before the next listing cycle.
 22. "TMDL" means total maximum daily load.
 23. "TMDL decision" means a decision by the Department to:
 - a. Prioritize an impaired water for TMDL development,
 - b. Develop a TMDL for an impaired water, or
 - c. Develop a TMDL implementation plan.
 24. "Total maximum daily load" means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. A.R.S. § 49-231(4).
 25. "Water quality standard" means a standard composed of designated uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the antidegradation policy, and moderating provisions, for example, mixing zones, site-specific alternative criteria, and exemptions, in A.A.C. Title 18, Chapter 11, Article 1.
 26. "WQARF" means the water quality assurance revolving fund established under A.R.S. § 49-282.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-602. Credible Data

- A. Data are credible and relevant to an impaired water identification or a TMDL decision when:
 1. Quality Assurance Plan. A monitoring entity, which contribute data for an impaired water identification or a TMDL decision, provides the Department with a QAP that contains, at a minimum, the elements listed in subsections (A)(1)(a) through (A)(1)(f). The Department may accept a QAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
 - a. An approval page that includes the date of approval and the signatures of the approving officials, including the project manager and project quality assurance manager;
 - b. A project organization outline that identifies all key personnel, organizations, and laboratories involved in monitoring, including the specific roles and responsibilities of key personnel in carrying out the procedures identified in the QAP and SAP, if applicable;
 - c. Sampling design and monitoring data quality objectives or a SAP that meets the requirements of subsection (A)(2) to ensure that:
 - i. Samples are spatially and temporally representative of the surface water,
 - ii. Samples are representative of water quality conditions at the time of sampling, and
 - iii. The monitoring is reproducible;
 - d. The following field sampling information to assure that samples meet data quality objectives:
 - i. Sampling and field protocols for each parameter or parametric group, including the sampling methods, equipment and containers, sample preservation, holding times, and any analysis

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- proposed for completion in the field or outside of a laboratory;
- ii. Field and laboratory methods approved under subsection (A)(5);
 - iii. Handling procedures to identify samples and custody protocols used when samples are brought from the field to the laboratory for analysis;
 - iv. Quality control protocols that describe the number and type of field quality control samples for the project that includes, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - v. Procedures for testing, inspecting, and maintaining field equipment;
 - vi. Field instrument calibration procedures that describe how and when field sampling and analytical instruments will be calibrated;
 - vii. Field notes and records that describe the conditions that require documentation in the field, such as weather, stream flow, transect information, distance from water edge, water and sample depth, equipment calibration measurements, field observations of watershed activities, and bank conditions. Indicate the procedures implemented for maintaining field notes and records and the process used for attaching pertinent information to monitoring results to assist in data interpretation;
 - viii. Minimum training and any specialized training necessary to do the monitoring, that includes the proper use and calibration of field equipment used to collect data, sampling protocols, quality assurance/quality control procedures, and how training will be achieved;
- e. Laboratory analysis methods and quality assurance/quality control procedures that assure that samples meet data quality objectives, including:
 - i. Analytical methods and equipment necessary for analysis of each parameter, including identification of approved laboratory methods described in subsection (A)(5), and laboratory detection limits for each parameter;
 - ii. The name of the designated laboratory, its license number, if licensed by the Arizona Department of Health Services, and the name of a laboratory contact person to assist the Department with quality assurance questions;
 - iii. Quality controls that describe the number and type of laboratory quality control samples for the project, including, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
 - iv. Procedures for testing, inspecting, and maintaining laboratory equipment and facilities;
 - v. A schedule for calibrating laboratory instruments, a description of calibration methods, and a description of how calibration records are maintained; and
 - vi. Sample equipment decontamination procedures that outline specific methods for sample collection and preparation of equipment, identify the frequency of decontamination, and describe the procedures used to verify decontamination;
 - f. Data review, management, and use that includes the following:
 - i. A description of the data handling process from field to laboratory, from laboratory to data review and validation, and from validation to data storage and use. Include the role and responsibility of each person for each step of the process, type of database or other storage used, and how laboratory and field data qualifiers are related to the laboratory result;
 - ii. Reports that describe the intended frequency, content, and distribution of final analysis reports and project status reports;
 - iii. Data review, validation, and verification that describes the procedure used to validate and verify data, the procedures used if errors are detected, and how data are accepted, rejected, or qualified; and
 - iv. Reconciliation with data quality objectives that describes the process used to determine whether the data collected meets the project objectives, which may include discarding data, setting limits on data use, or revising data quality objectives.
2. Sampling and analysis plan.
 - a. A monitoring entity shall develop a SAP that contains, at a minimum, the following elements:
 - i. The experimental design of the project, the project goals and objectives, and evaluation criteria for data results;
 - ii. The background or historical perspective of the project;
 - iii. Identification of target conditions, including a discussion of whether any weather, seasonal variations, stream flow, lake level, or site access may affect the project and the consideration of these factors;
 - iv. The data quality objectives for measurement of data that describe in quantitative and qualitative terms how the data meet the project objectives of precision, accuracy, completeness, comparability, and representativeness;
 - v. The types of samples scheduled for collection;
 - vi. The sampling frequency;
 - vii. The sampling periods;
 - viii. The sampling locations and rationale for the site selection, how site locations are benchmarked, including scaled maps indicating approximate location of sites; and
 - ix. A list of the field equipment, including tolerance range and any other manufacturer's specifications relating to accuracy and precision.
 - b. The Department may accept a SAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be samples, the type of surface water, and the purpose of the sampling.
 3. The monitoring entity may include any of the following in the QAP or SAP:

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- a. The name, title, and role of each person and organization involved in the project, identifying specific roles and responsibilities for carrying out the procedures identified in the QAP and SAP;
 - b. A distribution list of each individual and organization receiving a copy of the approved QAP and SAP;
 - c. A table of contents;
 - d. A health and safety plan;
 - e. The inspection and acceptance requirements for supplies;
 - f. The data acquisition that describes types of data not obtained through this monitoring activity, but used in the project;
 - g. The audits and response actions that describe how field, laboratory, and data management activities and sampling personnel are evaluated to ensure data quality, including a description of how the project will correct any problems identified during these assessments; and
 - h. The waste disposal methods that identify wastes generated in sampling and methods for disposal of those wastes.
4. Exceptions. The Department may determine that the following data are also credible and relevant to an impaired water identification or TMDL decision when data were collected, provided the conditions in subsections (A)(5), (A)(6), and (B) are met, and where the data were collected in the surface water or segment being evaluated for impairment:
 - a. The data were collected before July 12, 2002 and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2);
 - b. The data were collected after July 12, 2002 as part of an ongoing monitoring effort by a governmental agency and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2); or
 - c. The instream water quality data were or are collected under the terms of a NPDES or AZPDES permit or a compliance order issued by the Department or EPA, a consent decree signed by the Department or EPA, or a sampling program approved by the Department or EPA under WQARF or CERCLA, and the Department determines that the data yield results of comparable reliability to data collected under subsections (A)(1) and (A)(2).
 5. Data collection, preservation, and analytical procedures. The monitoring entity shall collect, preserve, and analyze data using methods of sample collection, preservation, and analysis established under A.A.C. R9-14-610.
 6. Laboratory. The monitoring entity shall ensure that chemical and toxicological samples are analyzed in a state-licensed laboratory, a laboratory exempted by the Arizona Department of Health Services for specific analyses, or a federal or academic laboratory that can demonstrate proper quality assurance/quality control procedures substantially equal to those required by the Arizona Department of Health Services, and shall ensure that the laboratory uses approved methods identified in A.A.C. R9-14-610.
- B. Documentation for data submission. The monitoring entity shall provide the Department with the following information either before or with data submission:
 1. A copy of the QAP or SAP, or both, revisions to a previously submitted QAP or SAP, and any other information necessary for the Department to evaluate the data under subsection (A)(4);
 2. The applicable dates of the QAP and SAP, including any revisions;
 3. Written assurance that the methods and procedures specified in the QAP and SAP were followed;
 4. The name of the laboratory used for sample analyses and its certification number, if the laboratory is licensed by the Arizona Department of Health Services;
 5. The quality assurance/quality control documentation, including the analytical methods used by the laboratory, method number, detection limits, and any blank, duplicate, and spike sample information necessary to properly interpret the data, if different from that stated in the QAP or SAP;
 6. The data reporting unit of measure;
 7. Any field notes, laboratory comments, or laboratory notations concerning a deviation from standard procedures, quality control, or quality assurance that affects data reliability, data interpretation, or data validity; and
 8. Any other information, such as complete field notes, photographs, climate, or other information related to flow, field conditions, or documented sources of pollutants in the watershed, if requested by the Department for interpreting or validating data.
 - C. Recordkeeping. The monitoring entity shall maintain all records, including sample results, for the duration of the listing cycle. If a surface water or segment is added to the Planning List or to the 303(d) List, the Department shall coordinate with the monitoring entity to ensure that records are kept for the duration of the listing.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-603. General Data Interpretation Requirements

- A. The Department shall use the following data conventions to interpret data for impaired water identifications and TMDL decisions:
 1. Data reported below laboratory detection limits.
 - a. When the analytical result is reported as $<X$, where X is the laboratory detection limit for the analyte and the laboratory detection limit is less than or equal to the surface water quality standard, consider the result as meeting the water quality standard:
 - i. Use these statistically derived values in trend analysis, descriptive statistics or modeling if there is sufficient data to support the statistical estimation of values reported as less than the laboratory detection limit; or
 - ii. Use one-half of the value of the laboratory detection limit in trend analysis, descriptive statistics, or modeling, if there is insufficient data to support the statistical estimation of values reported as less than the laboratory detection limit.
 - b. When the sample value is less than or equal to the laboratory detection limit but the laboratory detection limit is greater than the surface water quality standard, shall not use the result for impaired water identifications or TMDL decisions;

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2. Identify the field equipment specifications used for each listing cycle or TMDL developed. A field sample measurement within the manufacturer's specification for accuracy meets surface water quality standards;
 3. Resolve a data conflict by considering the factors identified under the weight-of-evidence determination in R18-11-605(B);
 4. When multiple samples from a surface water or segment are not spatially or temporally independent, or when lake samples are from multiple depths, use the following resultant value to represent the specific dataset:
 - a. The appropriate measure of central tendency for the dataset for:
 - i. A pollutant listed in the surface water quality standards 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - ii. A chronic water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2;
 - iii. A surface water quality standard for a pollutant that is expressed as an annual or geometric mean;
 - iv. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - v. The surface water quality standard for radiocarbon in R18-11-109(G); or
 - vi. Except for chromium, all single sample maximum water quality standards in R18-11-112.
 - b. The maximum value of the dataset for:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and acute water quality standard in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1;
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A); or
 - iv. The 90th percentile water quality standard for nitrogen and phosphorus in R18-11-109(F) and R18-11-112.
 - c. The worst case measurement of the dataset for:
 - i. Surface water quality standard for dissolved oxygen under R18-11-109(E). For purposes of this subsection, worst case measurement means the minimum value for dissolved oxygen;
 - ii. Surface water quality standard for pH under R18-11-109(B). For purposes of this subsection, "worst case measurement" means both the minimum and maximum value for pH.
- B.** The Department shall not use the following data for placing a surface water or segment on the Planning List, the 303(d) List, or in making a TMDL decision.
1. Any measurement outside the range of possible physical or chemical measurements for the pollutant or measurement equipment,
 2. Uncorrected data transcription errors or laboratory errors, and
 3. An outlier identified through statistical procedures, where further evaluation determines that the outlier represents a valid measure of water quality but should be excluded from the dataset.
- C.** The Department may employ fundamental statistical tests if appropriate for the collected data and type of surface water when evaluating a surface water or segment for impairment or in making a TMDL decision. The statistical tests include descriptive statistics, frequency distribution, analysis of variance, correlation analysis, regression analysis, significance testing, and time series analysis.
- D.** The Department may employ modeling when evaluating a surface water or segment for impairment or in making a TMDL decision, if the method is appropriate for the type of waterbody and the quantity and quality of available data meet the requirements of R18-11-602. Modeling methods include:
1. Better Assessment Science Integrating Source and Non-point Sources (BASINS),
 2. Fundamental statistics, including regression analysis,
 3. Hydrologic Simulation Program-Fortran (HSPF),
 4. Spreadsheet modeling, and
 5. Hydrologic Engineering Center (HEC) programs developed by the Army Corps of Engineers.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-604. Types of Surface Waters Placed on the Planning List and 303(d) List

- A.** The Department shall evaluate, at least every five years, Arizona's surface waters by considering all readily available data.
1. The Department shall place a surface water or segment on:
 - a. The Planning List if it meets any of the criteria described in subsection (D), or
 - b. The 303(d) List if it meets the criteria for listing described in subsection (E).
 2. The Department shall remove a surface water or segment from the Planning List based on the requirements in R18-11-605(E)(1) or from the 303(d) List, based on the requirements in R18-11-605(E)(2).
 3. The Department may move surface waters or segments between the Planning List and the 303(d) List based on the criteria established in R18-11-604 and R18-11-605.
- B.** When placing a surface water or segment on the Planning List or the 303(d) List, the Department shall list the stream reach, derived from EPA's Reach File System or National Hydrography Dataset, or the entire lake, unless the data indicate that only a segment of the stream reach or lake is impaired or not attaining its designated use, in which case, the Department shall describe only that segment for listing.
- C.** Exceptions. The Department shall not place a surface water or segment on either the Planning List or the 303(d) List if the non-attainment of a surface water quality standard is due to one of the following:
1. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 2. The data were collected within a mixing zone or under a variance or nutrient waiver established in a NPDES or AZPDES permit for the specific parameter and the result does not exceed the alternate discharge limitation established in the permit. The Department may use data collected within these areas for modeling or allocating loads in a TMDL decision; or

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3. An activity exempted under R18-11-117, R18-11-118, or a condition exempted under R18-11-119.
- D. Planning List.**
1. The Department shall:
 - a. Use the Planning List to prioritize surface waters for monitoring and evaluation as part of the Department's watershed management approach;
 - b. Provide the Planning List to EPA; and
 - c. Evaluate each surface water and segment on the Planning List for impairment based on the criteria in R18-11-605(D) to determine the source of the impairment.
 2. The Department shall place a surface water or segment on the Planning List based the criteria in R18-11-605(C). The Department may also include a surface water or segment on the Planning List when:
 - a. A TMDL is completed for the pollutant and approved by EPA;
 - b. The surface water or segment is on the 1998 303(d) List but the dataset used for the listing:
 - i. Does not meet the credible data requirements of R18-11-602, or
 - ii. Contains insufficient samples to meet the data requirements under R18-11-605(D);
 - c. Some monitoring data exist but there are insufficient data to determine whether the surface water or segment is impaired or not attaining, including:
 - i. A numeric surface water quality standard is exceeded, but there are not enough samples or sampling events to fulfill the requirements of R18-11-605(D);
 - ii. Evidence exists of a narrative standard violation, but the amount of evidence is insufficient, based on narrative implementation procedures and the requirements of R18-11-605(D)(3);
 - iii. Existing monitoring data do not meet credible data requirements in R18-11-602; or
 - iv. A numeric surface water quality standard is exceeded, but there are not enough sample results above the laboratory detection limit to support statistical analysis as established in R18-11-603(A)(1).
 - d. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act, but insufficient current or original monitoring data exist to determine whether the surface water or segment will meet current surface water quality standards;
 - e. Trend analysis using credible and scientifically defensible data indicate that surface water quality standards may be exceeded by the next assessment cycle;
 - f. The exceedance of surface water quality standards is due to pollution, but not a pollutant;
 - g. Existing data were analyzed using methods with laboratory detection limits above the numeric surface water quality standard but analytical methods with lower laboratory detection limits are available;
 - h. The surface water or segment is expected to attain its designated use by the next assessment as a result of existing or proposed technology-based effluent limitations or other pollution control requirements under local, state, or federal authority. The appropriate entity shall provide the Department with the following documentation to support placement on the Planning List:
 - i. Verification that discharge controls are required and enforceable;
 - ii. Controls are specific to the surface water or segment, and pollutant of concern;
 - iii. Controls are in place or scheduled for implementation; and
 - iv. There are assurances that the controls are sufficient to bring about attainment of water quality standards by the next 303(d) List submission; or
- E. 303(d) List.** The Department shall:
1. Place a surface water or segment on the 303(d) List if the Department determines:
 - a. Based on R18-11-605(D), that the surface water or segment is impaired due to a pollutant and that a TMDL decision is necessary; or
 - b. That the surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.
 2. Provide public notice of the 303(d) List according to the requirements of A.R.S. § 49-232 and submit the 303(d) List according to section 303(d) of the Clean Water Act.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-605. Evaluating A Surface Water or Segment For Listing and Delisting

- A.** The Department shall compile and evaluate all reasonably current, credible, and scientifically defensible data to determine whether a surface water or segment is impaired or not attaining.
- B. Weight-of-evidence approach.**
1. The Department shall consider the following concepts when evaluating data:
 - a. Data or information collected during critical conditions may be considered separately from the complete dataset, when the data show that the surface water or segment is impaired or not attaining its designated use during those critical conditions, but attaining its uses during other periods. Critical conditions may include stream flow, seasonal periods, weather conditions, or anthropogenic activities;
 - b. Whether the data indicate that the impairment is due to persistent, seasonal, or recurring conditions. If the data do not represent persistent, recurring, or seasonal conditions, the Department may place the surface water or segment on the Planning List;
 - c. Higher quality data over lower quality data when making a listing decision. Data quality is established by the reliability, precision, accuracy, and represen-

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tativeness of the data, based on factors identified in R18-11-602(A) and (B), including monitoring methods, analytical methods, quality control procedures, and the documented field and laboratory quality control information submitted with the data. The Department shall consider the following factors when determining higher quality data:

- i. The age of the measurements. Newer measurements are weighted heavier than older measurements, unless the older measurements are more representative of critical flow conditions;
 - ii. Whether the data provide a direct measure of an impact on a designated use. Direct measurements are weighted heavier than measurements of an indicator or surrogate parameter; or
 - iii. The amount or frequency of the measurements. More frequent data collection are weighted heavier than nominal datasets.
2. The Department shall evaluate the following factors to determine if the water quality evidence supports a finding that the surface water or segment is impaired or not attaining:
- a. An exceedance of a numeric surface water quality standard based on the criteria in subsections (C)(1), (C)(2), (D)(1), and (D)(2);
 - b. An exceedance of a narrative surface water quality standard based on the criteria in subsections (C)(3) and (D)(3);
 - c. Additional information that determines whether a water quality standard is exceeded due to a pollutant, suspected pollutant, or naturally occurring condition:
 - i. Soil type, geology, hydrology, flow regime, biological community, geomorphology, climate, natural process, and anthropogenic influence in the watershed;
 - ii. The characteristics of the pollutant, such as its solubility in water, bioaccumulation potential, sediment sorption potential, or degradation characteristics, to assist in determining which data more accurately indicate the pollutant's presence and potential for causing impairment; and
 - iii. Available evidence of direct or toxic impacts on aquatic life, wildlife, or human health, such as fish kills and beach closures, where there is sufficient evidence that these impacts occurred due to water quality conditions in the surface water.
 - d. Other available water quality information, such as NPDES or AZPDES water quality discharge data, as applicable.
 - e. If the Department determines that a surface water or segment does not merit listing under numeric water

quality standards based on criteria in subsections (C)(1), (C)(2), (D)(1), or (D)(2) for a pollutant, but there is evidence of a narrative standard exceedance in that surface water or segment under subsection (D)(3) as a result of the presence of the same pollutant, the Department shall list the surface water or segment as impaired only when the evidence indicates that the numeric water quality standard is insufficient to protect the designated use of the surface water or segment and the Department justifies the listing based on any of the following:

- i. The narrative standard data provide a more direct indication of impairment as supported by professionally prepared and peer-reviewed publications;
 - ii. Sufficient evidence of impairment exists due to synergistic effects of pollutant combinations or site-specific environmental factors; or
 - iii. The pollutant is bioaccumulative, relatively insoluble in water, or has other characteristics that indicate it is occurring in the specific surface water or segment at levels below the laboratory detection limits, but at levels sufficient to result in an impairment.
3. The Department may consider a single line of water quality evidence when the evidence is sufficient to demonstrate that the surface water or segment is impaired or not attaining.

C. Planning List.

- 1. When evaluating a surface water or segment for placement on the Planning List.
 - a. Consider at least ten spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the Planning List following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 1, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 80 percent confidence level using a binomial distribution for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 1, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 80 percent.

Table 1. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 10 | 15 | 3 | 173 | 181 | 22 | 349 | 357 | 41 |
| 16 | 23 | 4 | 182 | 190 | 23 | 358 | 367 | 42 |
| 24 | 31 | 5 | 191 | 199 | 24 | 368 | 376 | 43 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 32 | 39 | 6 | 200 | 208 | 25 | 377 | 385 | 44 |
| 40 | 47 | 7 | 209 | 218 | 26 | 386 | 395 | 45 |
| 48 | 56 | 8 | 219 | 227 | 27 | 396 | 404 | 46 |
| 57 | 65 | 9 | 228 | 236 | 28 | 405 | 414 | 47 |
| 66 | 73 | 10 | 237 | 245 | 29 | 415 | 423 | 48 |
| 74 | 82 | 11 | 246 | 255 | 30 | 424 | 432 | 49 |
| 83 | 91 | 12 | 256 | 264 | 31 | 433 | 442 | 50 |
| 92 | 100 | 13 | 265 | 273 | 32 | 443 | 451 | 51 |
| 101 | 109 | 14 | 274 | 282 | 33 | 452 | 461 | 52 |
| 110 | 118 | 15 | 283 | 292 | 34 | 462 | 470 | 53 |
| 119 | 126 | 16 | 293 | 301 | 35 | 471 | 480 | 54 |
| 127 | 136 | 17 | 302 | 310 | 36 | 481 | 489 | 55 |
| 137 | 145 | 18 | 311 | 320 | 37 | 490 | 499 | 56 |
| 146 | 154 | 19 | 321 | 329 | 38 | 500 | | 57 |
| 155 | 163 | 20 | 330 | 338 | 39 | | | |
| 164 | 172 | 21 | 339 | 348 | 40 | | | |

2. When there are less than ten samples, the Department shall place a surface water or segment on the Planning List following subsection (B), if three or more temporally independent samples exceed the following surface water quality standards:
 - a. The surface water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
 - b. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
 - c. The surface water quality standard for radiochemicals in R18-11-109(G);
 - d. The surface water quality standard for dissolved oxygen under R18-11-109(E);
 - e. The surface water quality standard for pH under R18-11-109(B); or
 - f. The following surface water quality standards in R18-11-112:
 - i. Single sample maximum standards for nitrogen and phosphorus,
 - ii. All metals except chromium, or
 - iii. Turbidity.
3. The Department shall place a surface water or segment on the Planning List if information in subsections (B)(2)(c), (B)(2)(d), and (B)(2)(e) indicates that a narrative water

quality standard violation exists, but no narrative implementation procedure required under A.R.S. § 49-232(F) exists to support use of the information for listing.

- D. 303(d) List.
 1. When evaluating a surface water or segment for placement on the 303(d) List.
 - a. Consider at least 20 spatially or temporally independent samples collected over three or more temporally independent sampling events; and
 - b. Determine numeric water quality standards exceedances. The Department shall:
 - i. Place a surface water or segment on the 303(d) List, following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 2, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 90 percent confidence level using a binomial distribution, for a given sample size; or
 - ii. For sample datasets exceeding those shown in Table 2, calculate the number of exceedances using the following equation: $(X \geq x | n, p)$ where n = number of samples; p = exceedance probability of 0.1; x = smallest number of exceedances required for listing with “ n ” samples; and confidence level \geq 90 percent.

Table 2. Minimum Number of Samples Exceeding the Numeric Standard

| MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD | | | | | | | | |
|--|----|--------------------------------------|-------------------|-----|--------------------------------------|-------------------|-----|--------------------------------------|
| Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard | Number of Samples | | Number of Samples Exceeding Standard |
| From | To | | From | To | | From | To | |
| 20 | 25 | 5 | 174 | 182 | 24 | 344 | 352 | 43 |
| 26 | 32 | 6 | 183 | 191 | 25 | 353 | 361 | 44 |
| 33 | 40 | 7 | 192 | 199 | 26 | 362 | 370 | 45 |
| 41 | 47 | 8 | 200 | 208 | 27 | 371 | 379 | 46 |
| 48 | 55 | 9 | 209 | 217 | 28 | 380 | 388 | 47 |
| 56 | 63 | 10 | 218 | 226 | 29 | 389 | 397 | 48 |
| 64 | 71 | 11 | 227 | 235 | 30 | 398 | 406 | 49 |
| 72 | 79 | 12 | 236 | 244 | 31 | 407 | 415 | 50 |

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| | | | | | | | | |
|-----|-----|----|-----|-----|----|-----|-----|----|
| 80 | 88 | 13 | 245 | 253 | 32 | 416 | 424 | 51 |
| 89 | 96 | 14 | 254 | 262 | 33 | 425 | 434 | 52 |
| 97 | 104 | 15 | 263 | 270 | 34 | 435 | 443 | 53 |
| 105 | 113 | 16 | 271 | 279 | 35 | 444 | 452 | 54 |
| 114 | 121 | 17 | 280 | 288 | 36 | 453 | 461 | 55 |
| 122 | 130 | 18 | 289 | 297 | 37 | 462 | 470 | 56 |
| 131 | 138 | 19 | 298 | 306 | 38 | 471 | 479 | 57 |
| 139 | 147 | 20 | 307 | 315 | 39 | 480 | 489 | 58 |
| 148 | 156 | 21 | 316 | 324 | 40 | 490 | 498 | 59 |
| 157 | 164 | 22 | 325 | 333 | 41 | 499 | 500 | 60 |
| 165 | 173 | 23 | 334 | 343 | 42 | | | |

2. The Department shall place a surface water or segment on the 303(d) List, following subsection (B) without the required number of samples or numeric water quality standard exceedances under subsection (D)(1), if either the following conditions occur:
 - a. More than one temporally independent sample in any consecutive three-year period exceeds the surface water quality standard in:
 - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and the acute water quality standards in R18-11-112;
 - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1; or
 - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A).
 - b. More than one exceedance of an annual mean, 90th percentile, aquatic and wildlife chronic water quality standard, or a bacteria 30-day geometric mean water quality standard occurs, as specified in R18-11-109, R18-11-110, R18-11-112, or 18 A.A.C. 11, Article 1, Appendix A, Table 2.
 3. Narrative water quality standards exceedances. The Department shall place a surface water or segment on the Planning List if the listing requirements are met under A.R.S. § 49-232(F).
- E. Removing a surface water, segment, or pollutant from the Planning List or the 303(d) List.**
1. Planning List. The Department shall remove a surface water, segment, or pollutant from the Planning List when:
 - a. Monitoring activities indicate that:
 - i. There is sufficient credible data to determine that the surface water or segment is impaired under subsection (D), in which case the Department shall place the surface water or segment on the 303(d) List. This includes surface waters with an EPA approved TMDL when the Department determines that the TMDL strategy is insufficient for the surface water or segment to attain water quality standards; or
 - ii. There is sufficient credible data to determine that the surface water or segment is attaining all designated uses and standards.
 - b. All pollutants for the surface water or segment are delisted.
 2. 303(d) List. The Department shall:
 - a. Remove a pollutant from a surface water or segment from the 303(d) List based on one or more of the following criteria:
 - i. The Department developed, and EPA approved, a TMDL for the pollutant;
 - ii. The data used for previously listing the surface water or segment under R18-11-605(D) is superseded by more recent credible and scientifically defensible data meeting the requirements of R18-11-602, showing that the surface water or segment meets the applicable numeric or narrative surface water quality standard. When evaluating data to remove a pollutant from the 303(d) List, the monitoring entity shall collect the more recent data under similar hydrologic or climatic conditions as occurred when the samples were taken that indicated impairment, if those conditions still exist;
 - iii. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act;
 - iv. The surface water or segment no longer meets the criteria for impairment for the specific narrative water quality standard based on a change in narrative water quality standard implementation procedures;
 - v. A re-evaluation of the data indicate that the surface water or segment does not meet the criteria for impairment because of a deficiency in the original analysis; or
 - vi. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
 - b. Remove a surface water, segment, or pollutant from the 303(d) List, based on criteria that are no more stringent than the listing criteria under subsection (D);
 - c. Remove a surface water or segment from the 303(d) List if all pollutants for the surface water or segment are removed from the list;
 - d. Remove a surface water, segment, or pollutant, from the 303(d) List and place it on the Planning List, if:
 - i. The surface water, segment or pollutant was on the 1998 303(d) List and the dataset used in the original listing does not meet the credible data requirements under R18-11-602, or contains insufficient samples to meet the data requirements under subsection (D); or

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- ii. The monitoring data indicate that the impairment is due to pollution, but not a pollutant.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

R18-11-606. TMDL Priority Criteria for 303(d) Listed Surface Waters or Segments

- A. In addition to the factors specified in A.R.S. § 49-233(C), the Department shall consider the following when prioritizing an impaired water for development of TMDLs:
 - 1. A change in a water quality standard;
 - 2. The date the surface water or segment was added to the 303(d) List;
 - 3. The presence in a surface water or segment of species listed as threatened or endangered under section 4 of the Endangered Species Act;
 - 4. The complexity of the TMDL;
 - 5. State, federal, and tribal policies and priorities; and
 - 6. The efficiencies of coordinating TMDL development with the Department's surface water monitoring program, the watershed monitoring rotation, or with remedial programs.
- B. The Department shall prioritize an impaired surface water or segment for TMDL development based on the factors specified in A.R.S. § 49-233(C) and subsection (A) as follows:
 - 1. Consider an impaired surface water or segment a high priority if:
 - a. The listed pollutant poses a substantial threat to the health and safety of humans, aquatic life, or wildlife based on:
 - i. The number and type of designated uses impaired;
 - ii. The type and extent of risk from the impairment to human health, aquatic life, or wildlife;
 - iii. The pollutant causing the impairment, or
 - iv. The severity, magnitude, and duration the surface water quality standard was exceeded;
 - b. A new or modified individual NPDES or AZPDES permit is sought for a new or modified discharge to the impaired water;
 - c. The listed surface water or segment is listed as a unique water in A.A.C. R18-11-112 or is part of an area classified as a "wilderness area," "wild and scenic river," or other federal or state special protection of the water resource;
 - d. The listed surface water or segment contains a species listed as threatened or endangered under the federal Endangered Species Act and the presence of the pollutant in the surface water or segment is likely to jeopardize the listed species;
 - e. A delay in conducting the TMDL could jeopardize the Department's ability to gather sufficient credible data necessary to develop the TMDL;
 - f. There is significant public interest and support for the development of a TMDL;
 - g. The surface water or segment has important recreational and economic significance to the public; or
 - h. The pollutant is listed for eight years or more.
 - 2. Consider an impaired surface water or segment a medium priority if:
 - a. The surface water or segment fails to meet more than one designated use;
 - b. The pollutant exceeds more than one surface water quality standard;
 - c. A surface water quality standard exceedance is correlated to seasonal conditions caused by natural events, such as storms, weather patterns, or lake turnover;
 - d. It will take more than two years for proposed actions in the watershed to result in the surface water attaining applicable water quality standards;
 - e. The type of pollutant and other factors relating to the surface water or segment make the TMDL complex; or
 - f. The administrative needs of the Department, including TMDL schedule commitments with EPA, permitting requirements, or basin priorities that require completion of the TMDL.
 - 3. Consider an impaired surface water or segment a low priority if:
 - a. The Department has formally submitted a proposal to delist the surface water, segment, or pollutant to EPA based on R18-11-605(E)(2). If the Department makes the submission outside the listing process cycle, the change in priority ranking will not be effective until EPA approves the submittal;
 - b. The Department has modified, or formally proposed for modification, the designated use or applicable surface water quality standard, resulting in an impaired water no longer being impaired, but the modification has not been approved by EPA;
 - c. The surface water or segment is expected to attain surface water quality standards due to any of the following:
 - i. Recently instituted treatment levels or best management practices in the drainage area,
 - ii. Discharges or activities related to the impairment have ceased, or
 - iii. Actions have been taken and controls are in place or scheduled for implementation that will likely to bring the surface water back into compliance;
 - d. The surface water or segment is ephemeral or intermittent. The Department shall re-prioritize the surface water or segment if the presence of the pollutant in the listed water poses a threat to the health and safety of humans, aquatic life, or wildlife using the water, or the pollutant is contributing to the impairment of a downstream perennial surface water or segment;
 - e. The pollutant poses a low ecological and human health risk;
 - f. Insufficient data exist to determine the source of the pollutant load;
 - g. The uncertainty of timely coordination with national and international entities concerning international waters;
 - h. Naturally occurring conditions are a major contributor to the impairment; and
 - i. No documentation or effective analytical tools exist to develop a TMDL for the surface water or segment with reasonable accuracy.
- C. The Department will target surface waters with high priority factors in subsections (B)(1)(a) through (B)(1)(d) for initiation of TMDLs within two years following EPA approval of the 303(d) List.

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- D. The Department may shift priority ranking of a surface water or segment for any of the following reasons:
1. A change in federal, state, or tribal policies or priorities that affect resources to complete a TMDL;
 2. Resource efficiencies for coordinating TMDL development with other monitoring activities, including the Department's ambient monitoring program that monitors watersheds on a five-year rotational basis;
 3. Resource efficiencies for coordinating TMDL development with Department remedial or compliance programs;
 4. New information is obtained that will revise whether the surface water or segment is a high priority based on factors in subsection (B); and
 5. Reduction or increase in staff or budget involved in the TMDL development.
- E. The Department may complete a TMDL initiated before July 12, 2002 for a surface water or segment that was listed as impaired on the 1998 303(d) List but does not qualify for listing under the criteria in R18-11-605, if:
1. The TMDL investigation establishes that the water quality standard is not being met and the allocation of loads is expected to bring the surface water into compliance with standards,
 2. The Department estimates that more than 50 percent of the cost of completing the TMDL has been spent,
 3. There is community involvement and interest in completing the TMDL, or
 4. The TMDL is included within an EPA-approved state workplan initiated before July 12, 2002.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through regulating the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and not more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.
17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Use any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department shall establish by rule a fee as a condition of licensure, including a maximum fee. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, articles 8 and 9 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203 except that state agencies are exempt from paying the fees.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-203. Powers and duties of the director and department

A. The director shall:

1. Adopt, by rule, water quality standards in the form and subject to the considerations prescribed by article 2 of this chapter.
2. Adopt, by rule, a permit program for WOTUS that is consistent with but not more stringent than the requirements of the clean water act for the point source discharge of any pollutant or combination of pollutants into WOTUS. The program and the rules shall be sufficient to enable this state to administer the permit program identified in section 402(b) of the clean water act, including the sewage sludge requirements of section 405 of the clean water act and as prescribed by article 3.1 of this chapter.
3. Apply the program and rules authorized under paragraph 2 of this subsection to point source discharges to non-WOTUS protected surface waters, consistent with section 49-255.04, which establishes the program components and rules that do not apply to non-WOTUS protected surface waters. The following are exempt from the non-WOTUS protected surface waters point source discharge program:
 - (a) Discharges to a non-WOTUS protected surface water incidental to a recharge project.
 - (b) Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
 - (c) Maintenance but not construction of drainage ditches.
 - (d) Construction and maintenance of irrigation ditches.
 - (e) Maintenance of structures such as dams, dikes and levees.
4. Adopt, by rule, a program to control nonpoint source discharges of any pollutant or combination of pollutants into WOTUS.
5. Adopt, by rule, an aquifer protection permit program to control discharges of any pollutant or combination of pollutants that are reaching or may with a reasonable probability reach an aquifer. The permit program shall be as prescribed by article 3 of this chapter.
6. Adopt, by rule, the permit program for underground injection control described in the safe drinking water act.
7. Adopt, by rule, technical standards for conveyances of reclaimed water and a permit program for the direct reuse of reclaimed water.
8. Adopt, by rule or as permit conditions, discharge limitations, best management practice standards, new source performance standards, toxic and pretreatment standards and other standards and conditions as reasonable and necessary to carry out the permit programs and regulatory duties described in paragraphs 2 through 6 of this subsection.
9. Assess and collect fees to revoke, issue, deny, modify or suspend permits issued pursuant to this chapter and to process permit applications. The director may also assess and collect costs reasonably necessary if the director must conduct sampling or monitoring relating to a facility because the owner or operator of the facility has refused or failed to do so on order by the director. The director shall set fees that are reasonably related to the department's costs of providing the service for which the fee is charged. Monies collected from aquifer protection permit fees and from Arizona pollutant discharge elimination system permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. Monies from other permit fees shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund unless otherwise provided by law. Monies paid by an applicant for review by consultants for the department pursuant to section 49-241.02, subsection B shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. State agencies are exempt from all fees imposed pursuant to this chapter.
10. Adopt, modify, repeal and enforce other rules that are reasonably necessary to carry out the director's functions under this chapter.
11. Require monitoring at an appropriate point of compliance for any organic or inorganic pollutant listed under section 49-243, subsection I if the director has reason to suspect the presence of the pollutant in a discharge.
12. Adopt rules establishing what constitutes a significant increase or adverse alteration in the characteristics or volume of pollutants discharged for purposes of determining what constitutes a major modification to an existing facility under the definition of new facility pursuant to section 49-201. Before adopting these rules, the director shall determine whether a change at a particular facility results in a significant increase or adverse alteration in the characteristics or volume of pollutants discharged on a case-by-case basis, taking into account site conditions and operational factors.
13. Consider evidence gathered by the Arizona navigable stream adjudication commission established by section 37-1121 when deciding whether a permit is required to discharge pursuant to article 3.1 of this chapter.

B. The director may:

1. On presentation of credentials, enter into, on or through any public or private property from which a discharge has occurred, is occurring or may occur or on which any disposal, land application of sludge or treatment regulated by this chapter has occurred, is occurring or may be occurring and any public or private property where records relating to a discharge or records that are otherwise required to be maintained as prescribed by this chapter are kept, as reasonably necessary to ensure compliance with this chapter. The director or a department employee may take samples, inspect and copy records required to be maintained pursuant to this chapter, inspect equipment, activities, facilities and monitoring equipment or methods of monitoring, take photographs and take other action reasonably necessary to determine the application of, or compliance with, this chapter. The owner or managing agent of the property shall be afforded the opportunity to accompany the director or department employee during inspections and investigations, but prior notice of entry to the owner or managing agent is not required if reasonable grounds exist to believe that notice would frustrate the enforcement of this chapter. If the director or department employee obtains any samples before leaving the premises, the director or department employee shall give the owner or managing agent a receipt describing the samples obtained and a portion of each sample equal in volume or weight to the portion retained. If an analysis is made of samples, or monitoring and testing are performed, a copy of the results shall be furnished promptly to the owner or managing agent.
2. Require any person who has discharged, is discharging or may discharge into the waters of the state under article 3, 3.1 or 3.3 of this chapter and any person who is subject to pretreatment standards and requirements or sewage sludge use or disposal requirements under article 3.1 of this chapter to collect samples, to establish and maintain records, including photographs, and to install, use and maintain sampling and monitoring equipment to determine the absence or presence and nature of the discharge or indirect discharge or sewage sludge use or disposal.

3. Administer state or federal grants, including grants to political subdivisions of this state, for the construction and installation of publicly and privately owned pollutant treatment works and pollutant control devices and establish grant application priorities.

4. Develop, implement and administer a water quality planning process, including a ranking system for applicant eligibility, wherein appropriated state monies and available federal monies are awarded to political subdivisions of this state to support or assist regional water quality planning programs and activities.

5. Enter into contracts and agreements with the federal government to implement federal environmental statutes and programs.

6. Enter into intergovernmental agreements pursuant to title 11, chapter 7, article 3 if the agreement is necessary to more effectively administer the powers and duties described in this chapter.

7. Participate in, conduct and contract for studies, investigations, research and demonstrations relating to the causes, minimization, prevention, correction, abatement, mitigation, elimination, control and remedy of discharges and collect and disseminate information relating to discharges.

8. File bonds or other security as required by a court in any enforcement actions under article 4 of this chapter.

C. Subject to section 38-503 and other applicable statutes and rules, the department may contract with a private consultant to assist the department in reviewing aquifer protection permit applications and on-site wastewater treatment facilities to determine whether a facility meets the criteria and requirements of this chapter and the rules adopted by the director. Except as provided in section 49-241.02, subsection B, the department shall not use a private consultant if the fee charged for that service would be greater than the fee the department would charge to provide that service. The department shall pay the consultant for the services rendered by the consultant from fees paid by the applicant or facility to the department pursuant to subsection A, paragraph 9 of this section.

D. The director shall integrate all of the programs authorized in this section and other programs affording water quality protection that are administered by the department for purposes of administration and enforcement and shall avoid duplication and dual permitting to the maximum extent practicable.

[49-221. Water quality standards in general: protected surface waters list](#)

A. The director shall:

1. Adopt, by rule, water quality standards for all WOTUS and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses. For non-WOTUS protected surface waters, the director shall apply surface water quality standards established as of January 1, 2021, until specifically changed by the director pursuant to paragraph 2 of this subsection. Rules regarding the following shall not be adopted or applied as water quality standards for non-WOTUS protected surface waters:

- (a) Antidegradation.
- (b) Antidegradation criteria.
- (c) Outstanding Arizona waters.

2. Adopt, by rule, water quality standards for non-WOTUS protected surface waters, by December 31, 2022, consistent with paragraph 1 of this subsection and as determined necessary in the rulemaking process. In adopting those standards, the director shall consider the unique characteristics of this state's surface waters and the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

B. The director may adopt, by rule, water quality standards for waters of the state other than those described in subsection A of this section, including standards for the use of water pumped from an aquifer that does not meet the standards adopted pursuant to section 49-223, subsections A and B and that is put to a beneficial use other than drinking water. These standards may include standards for the use of water pumped as part of a remedial action. In adopting such standards, the director shall consider the economic, social and environmental costs and benefits that would result from the adoption of a water quality standard at a particular level or for a particular water category.

C. In setting standards pursuant to subsection A or B of this section, the director shall consider the following:

- 1. The protection of the public health and the environment.
- 2. The uses that have been made, are being made or with reasonable probability may be made of these waters.
- 3. The provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts.
- 4. The degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories.
- 5. Guidelines, action levels or numerical criteria adopted or recommended by the United States environmental protection agency or any other federal agency.
- 6. Any unique physical, biological or chemical properties of the waters.

D. Water quality standards shall be expressed in terms of the uses to be protected and, if adequate information exists to do so, numerical limitations or parameters, in addition to any narrative standards that the director deems appropriate.

E. The director may adopt by rule water quality standards for the direct reuse of reclaimed water. In establishing these standards, the director shall consider the following:

- 1. The protection of public health and the environment.
- 2. The uses that are being made or may be made of the reclaimed water.
- 3. The degree to which standards for the direct reuse of reclaimed water may cause violations of water quality standards for other hydrologically connected water categories.

F. If the director proposes to adopt water quality standards for agricultural water, the director shall consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture relating to its administration pursuant to title 3, chapter 3, article 4.1 of this state's authority relating to agricultural water under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112, subpart E) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252). For the purposes of this subsection:

1. "Agricultural water":

(a) Means water that is used in a covered activity on produce where water is intended to, or is likely to, contact produce or food contact surfaces.

(b) Includes all of the following:

- (i) Water used in growing activities, including irrigation water, water used for preparing crop sprays and water used for growing sprouts.
- (ii) Water used in harvesting, packing and holding activities, including water used for washing or cooling harvested produce and water used for preventing dehydration of produce.

2. "Covered activity" means growing, harvesting, packing or holding produce. Covered activity includes processing produce to the extent that the activity is within the meaning of farm as defined in section 3-525.

3. "Harvesting" has the same meaning prescribed in section 3-525.

4. "Holding" has the same meaning prescribed in section 3-525.

5. "Packing" has the same meaning prescribed in section 3-525.

6. "Produce" has the same meaning prescribed in section 3-525.

G. The director shall maintain and publish a protected surface waters list. The department shall publish the initial list on the department's website and in the Arizona administrative register within thirty days after September 29, 2021. Not later than December 31, 2022, the department shall adopt by rule the protected surface waters list, including procedures for determining economic, social and environmental costs and benefits. Publication of the list in the Arizona administrative register is an appealable agency action pursuant to title 41, chapter 6, article 10 and may be appealed by any party that provides evidence of an actual adverse effect that the party appealing the decision would suffer as a result of the director's decision. All of the following apply to the protected surface water list:

1. The protected surface waters list shall include:

(a) All WOTUS.

(b) Any perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States:

(i) The Bill Williams river, from the confluence of the Big Sandy and Santa Maria rivers at 113°31'38.617"w, 34°18'22.373"n, to its confluence with the Colorado river at 114°8'9.854"w, 34°18'9.33"n.

(ii) The Colorado river, from the Arizona-Utah border at 111°32'35.741"w, 36°58'51.698"n, to the Arizona-Mexico border at 114°43'12.564"w, 32°43'6.218"n.

(iii) The Gila river, from the Arizona-New Mexico border at 109°2'52.8"w, 32°41'11.2015"n, to the confluence with the Colorado river at 114°33'28.145"w, 32°43'14.408"n.

(iv) The Little Colorado river, from the confluence of the east and west forks of the Little Colorado river at 109°28'7.131"w, 33°59'39.852"n, to its confluence with the Colorado river at 111°49'4.693"w, 36°12'10.243"n.

(v) The Salt river, from the confluence of the Black and White rivers at 110°13'39.5"w, 33°44'6.082"n, to the confluence with the Gila river at 112°18'5.704"w, 33°22'42.978"n.

(vi) The San Pedro river, from the Arizona-Mexico border at 110°9'1.704"w, 31°20'2.387"n, to the confluence with the Gila river at 110°47'0.905"w, 32°59'5.671"n.

(vii) The Santa Cruz river, from its origins in the Canelo Hills of southeastern Arizona at 110°37'3.968"w, 31°27'39.21"n, to its confluence with the Gila river at 111°33'26.02"w, 32°41'39.058"n.

(viii) The Verde river, from Sullivan lake at 112°28'10.588"w, 34°52'11.136"n, to its confluence with the Salt river at 111°39'48.32"w, 33°33'20.538"n.

(c) Any non-WOTUS waters of the state that are added under paragraphs 3 and 4 of this subsection.

2. Notwithstanding paragraph 1 of this subsection, the protected surface waters list shall not contain any of the following non-WOTUS waters:

(a) Canals in the Yuma project and ditches, canals, pipes, impoundments and other facilities that are operated by districts organized under title 48, chapters 18, 19, 20, 21 and 22 and that are not used to directly deliver water for human consumption, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner and operator of the ditch or canal until the owner and operator withdraws its request.

(b) Irrigated areas, including fields flooded for agricultural production.

(c) Ornamental and urban ponds and lakes such as those owned by homeowners' associations and golf courses, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the ornamental or urban pond or lake until the owner withdraws its request.

(d) Swimming pools and other bodies of water that are regulated pursuant to section 49-104, subsection B.

(e) Livestock and wildlife water tanks and aquaculture tanks that are not constructed within a protected surface water.

(f) Stormwater control features.

(g) Groundwater recharge, water reuse and wastewater recycling structures, including underground storage facilities and groundwater savings facilities permitted under title 45, chapter 3.1 and detention and infiltration basins, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the owner of the groundwater recharge, water reuse or wastewater recycling structure until the owner withdraws its request.

(h) Water-filled depressions created as part of mining or construction activities or pits excavated to obtain fill, sand or gravel.

(i) All waste treatment systems components, including constructed wetlands, lagoons and treatment ponds, such as settling or cooling ponds, designed to either convey or retain, concentrate, settle, reduce or remove pollutants, either actively or passively, from wastewater before discharge or to eliminate discharge.

(j) Groundwater.

(k) Ephemeral waters except for those prescribed in paragraph 1, subdivision (b) of this subsection.

(l) Lakes and ponds owned and managed by the United States department of defense and other surface waters located on and that do not leave United States department of defense property, except when added pursuant to paragraph 4 of this subsection and in response to a written request from the United States department of defense until it withdraws its request.

3. Unless listed in paragraph 2 of this subsection, the director shall add the following non-WOTUS surface waters to the protected surface waters list:

(a) All lakes, ponds and reservoirs that are public waters used as a drinking source, for recreational or commercial fish consumption or for water-based recreation such as swimming, wading and boating and other types of recreation in and on the water.

(b) Perennial waters or intermittent waters of the state that are used as a drinking water source, including ditches and canals.

(c) Perennial or intermittent tributaries to the Bill Williams river, the Colorado river, the Gila river, the Little Colorado river, the Salt river, the San Pedro river, the Santa Cruz river and the Verde river.

- (d) Perennial or intermittent public waters used for recreational or commercial fish consumption.
 - (e) Perennial or intermittent public waters used for water-based recreation such as swimming, wading, boating and other types of recreation in and on the water.
 - (f) Perennial or intermittent wetlands adjacent to waters on the protected surface waters list.
 - (g) Perennial or intermittent waters of the state that cross into another state, the Republic of Mexico or the reservation of a federally recognized tribe.
4. The director may add additional non-WOTUS surface waters to the protected surface waters list if all of the following apply:
- (a) The water is not required to be listed under paragraph 1 or 3 of this subsection.
 - (b) The water is not excluded under paragraph 2 of this subsection.
 - (c) The economic, environmental and social benefits of adding the water outweigh the economic, environmental and social costs of excluding the water from the list.
5. The director shall remove any erroneously listed, non-WOTUS waters from the protected surface waters list when the water is excluded under paragraph 2 of this subsection and shall not regulate discharges to those waters in the interim.
6. The director shall remove non-WOTUS waters from the protected surface waters list when the water is not required to be listed under paragraph 3 of this subsection and the economic, environmental and social benefits of removing the water outweigh the economic, environmental and social costs of retaining the water on the list.
7. The director, on an emergency basis, may add a water to the protected surface waters list if the director discovers an imminent and substantial danger to public health or welfare or the environment, if the water would otherwise qualify to be added under paragraph 3 of this subsection. Notwithstanding any other law, the emergency addition shall take effect immediately on the director's determination that describes the imminent and substantial danger in writing. Within thirty days after the director's determination, the department shall publish a notice of that determination in the Arizona administrative register and on the department's website. Waters added under this subsection shall be incorporated into the protected surface waters list during the next rulemaking that follows the addition.

[49-223. Aquifer water quality standards](#)

- A. Primary drinking water maximum contaminant levels established by the administrator before August 13, 1986 are adopted as drinking water aquifer water quality standards. The director may only adopt additional aquifer water quality standards by rule. Within one year after the administrator establishes additional primary drinking water maximum contaminant levels, the director shall open a rule making docket pursuant to section 41-1021 for adoption of those maximum contaminant levels as drinking water aquifer water quality standards. If substantial opposition is demonstrated in the rule making docket regarding a particular constituent, the director may adopt for that constituent the maximum contaminant level as a drinking water aquifer water quality standard upon making a finding that this level is appropriate for adoption in Arizona as an aquifer water quality standard. In making this finding, the director shall consider whether the assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction used by the administrator in developing and implementing the maximum contaminant level are appropriate for establishing a drinking water aquifer water quality standard. For purposes of this subsection "substantial opposition" means information submitted to the director that explains with reasonable specificity why the maximum contaminant level is not appropriate as an aquifer water quality standard.
- B. The director may adopt by rule numeric drinking water aquifer water quality standards for pollutants for which the administrator has not established primary drinking water maximum contaminant levels or for which a maximum contaminant level has been established but the director has determined it to be inappropriate as an aquifer water quality standard pursuant to subsection A of this section. These standards shall be based on the protection of human health. In establishing numeric drinking water aquifer water quality standards, the director shall rely on technical protocols appropriate for the development of aquifer water quality standards and shall base the standards on credible medical and toxicological evidence that has been subjected to peer review.
- C. Any person may petition the director to adopt a numeric drinking water aquifer quality standard for any pollutant for which no drinking water aquifer quality standard exists. The director shall grant the petition and institute rule making proceedings adopting a numeric standard as provided under subsection B of this section within one hundred eighty days if the petition shows that the pollutant is a toxic pollutant, that the pollutant has been, or may in the future be, detected in any of the state's drinking water aquifers, and that there exists technical information on which a numeric standard might reasonably be based. Within one year of the commencement of the rule making proceeding, the director shall either adopt a numeric standard or make and publish a finding that, pursuant to subsection B of this section, the development of a numeric standard is not possible. The decision to not adopt a numeric standard shall, for purposes of judicial review, be treated in the same manner as a rule adopted pursuant to title 41, chapter 6.
- D. For purposes of assessing compliance with each aquifer water quality standard adopted pursuant to this section, the director shall for purposes of articles 3 and 4 of this chapter, and may for purposes of other provisions of this title, identify sampling and analytical protocols appropriate for detecting and measuring the pollutant in the aquifers in the state.
- E. Within one year from the reclassification of an aquifer to a non-drinking water status, pursuant to section 49-224, the director shall adopt water quality standards for that aquifer. For any pollutants which were not the basis for the reclassification, the applicable standard shall be identical with the standard for those pollutants adopted pursuant to subsections A and B of this section. For any pollutants which were the basis for reclassification, the standard shall be sufficient to achieve the purpose for which the aquifer was reclassified but shall minimize unnecessary degradation of the aquifer by taking into consideration the potential long-term uses of the aquifer and the short-term and long-term benefits of the activities resulting in discharges into the aquifer.
- F. The director shall adopt water quality standards for an aquifer for which a petition has been submitted pursuant to section 49-224, subsection D sufficient to achieve the non-drinking water use for which that aquifer was classified, taking into consideration the potential long-term uses of that aquifer and the short-term and long-term benefits of the discharging activities creating that aquifer.
- G. In any action pursuant to this title, aquifer water quality protection provisions, including monitoring requirements, may be imposed only for pollutants for which aquifer water quality standards have been established that are likely to be present in a discharge. Indicator parameters and quality assurance parameters appropriate for such pollutants also may be specified.

49-224. Aquifer identification, classification and reclassification

A. Not later than June 30, 1987 the director shall, by rule, identify and define the boundaries of all aquifers in this state utilizing, to the maximum extent possible, data available from the department of water resources.

B. All aquifers in this state identified and defined under subsection A of this section and any other aquifers subsequently discovered, identified and defined shall be classified for drinking water protected use unless the classification is changed in the manner provided in subsection C of this section.

C. The director, after consulting with the appropriate groundwater users advisory council established pursuant to title 45, chapter 2, article 2 if the aquifer is in an active management area, and a public hearing held pursuant to section 49-208, may change the classification of an aquifer or part of an aquifer for a protected use other than drinking water on making all of the following findings:

1. The identified aquifer or part of an aquifer is or will be so hydrologically isolated from other aquifers or other parts of the same aquifer that there is no reasonable probability that poorer quality water from the identified aquifer or part of an aquifer will cause or contribute to a violation of aquifer water quality standards in other aquifers or parts of the same aquifer.

2. Water from the identified aquifer or part of an aquifer is not being used as drinking water.

3. The short-term and long-term benefits to the public that would result from the degradation of the quality of the water in the identified aquifer or part of an aquifer below standards established pursuant to section 49-223, subsections A and B would significantly outweigh the short-term and long-term costs to the public of such degradation. Benefits and costs to be considered include economic, social and environmental.

D. Owners or operators of facilities whose discharges are solely responsible for creating an aquifer may petition the director for a classification of the aquifer for a non-drinking water use. The director may, by rule, classify that aquifer for a non-drinking water use upon making the findings prescribed in subsection C, paragraphs 1 and 2 of this section.

E. The director shall provide for public participation in proceedings under this section pursuant to section 49-208 and shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification.

E-1.

DEPARTMENT OF CHILD SAFETY
Title 21, Chapter 8, Article 1



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - FIVE-YEAR REVIEW REPORT

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: March 12, 2025

SUBJECT: DEPARTMENT OF CHILD SAFETY
Title 21, Chapter 8, Article 1

Summary

This Five-Year Review Report (5YRR) from the Department of Child Safety (Department) relates to fourteen (14) rules in Title 21, Chapter 8, Article 1 regarding Life Safety Inspections for Foster Homes and Child Welfare Agency Facilities. Specifically, A.R.S. § 8-504 requires the Department to inspect child welfare agencies and foster homes for sanitation, fire, and other actual and potential hazards. The Life Safety Inspection Unit is a unit within the Department's Office of Licensing and Regulation (OLR) which schedules and conducts these inspections.

In the prior 5YRR for these rules, which was approved by the Council in March 2020, the Department proposed to amend four (4) rules to improve clarity, conciseness, understandability, effectiveness, enforcement and consistency with other rules and statutes. The Department indicates it completed the prior proposed course of action indicated in the agency's previous 5YRR and the rules were amended by final rulemaking which became effective June 6, 2022.

Proposed Action

In the current report, the Department does not propose to take any action regarding the rules.

1. **Has the agency analyzed whether the rules are authorized by statute?**

The Department cites both general and specific statutory authority for these rules.

2. **Summary of the agency's economic impact comparison and identification of stakeholders:**

The Department's OLR is authorized by Arizona Revised Statutes to license foster home and child welfare agencies. The Department indicates the purpose of regulating Department foster homes and child welfare agencies is to protect vulnerable children receiving services through the establishment and enforcement of safe standards of care. The Department states that A.R.S. § 8-504 requires the Department to inspect child welfare agencies and foster homes for sanitation, fire, and other potential hazards.

The Department states that persons directly affected by, bearing the costs of, or directly benefiting from the rules include the following: child welfare agencies (group homes, emergency shelters); foster home licensing agencies; foster care providers (foster homes); children in out-of-home care; and the Department OLR. The Department states that the Life Safety Inspection Unit completed 2,203 Life Safety Inspections between 07/01/2023 and 06/30/2024. The Department says this number includes inspections for initial and renewal applications, provider or agency relocations, consultations, new construction and pool fence inspections.

3. **Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. It is the Department's belief that any cost associated with the rules are offset by the greater benefit of ensuring the safety and protection of Arizona children. The Department states it does not charge a fee for conducting the inspections.

4. **Has the agency received any written criticisms of the rules over the last five years?**

The Department indicates it has not received any written criticisms of the rules in the last five years.

5. **Has the agency analyzed the rules' clarity, conciseness, and understandability?**

The Department indicates the rules are clear, concise, and understandable.

6. **Has the agency analyzed the rules' consistency with other rules and statutes?**

The Department indicates the rules are consistent with other rules and statutes.

7. **Has the agency analyzed the rules' effectiveness in achieving its objectives?**

The Department indicates the rules are effective in achieving their objectives.

8. **Has the agency analyzed the current enforcement status of the rules?**

The Department indicates the rules are currently enforced as written.

9. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Department indicates the rules are not more stringent than corresponding federal law, which includes 42 U.S.C. 671.

10. **For rules adopted after July 29, 2010, do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

The Department indicates these rules do not require the issuance of a regulatory permit, license, or agency authorization.

11. **Conclusion**

This 5YRR from the Department relates to fourteen (14) rules in Title 21, Chapter 8, Article 1 regarding Life Safety Inspections for Foster Homes and Child Welfare Agency Facilities. Specifically, A.R.S. § 8-504 requires the Department to inspect child welfare agencies and foster homes for sanitation, fire, and other actual and potential hazards. The Life Safety Inspection Unit is a unit within the Department's Office of Licensing and Regulation (OLR) which schedules and conducts these inspections.

The Department does not propose to take any action regarding these rules. Council staff recommends approval of this report.

November 29, 2024

VIA EMAIL: grrc@azdoa.gov
Jessica Klein, Chair
Governor's Regulatory Review Council
100 North 15th Avenue, Suite 305
Phoenix, Arizona 85007

RE: Arizona Department of Child Safety, A.A.C. Title 21, Chapter 8, Article 1 Five-Year-Review Report

Dear Chairperson Klein:

Please find enclosed the Five-Year-Review Report of the Arizona Department of Child Safety (DCS) for A.A.C. Title 21, Chapter 8, Articles 1 which is due on November 29, 2024.

DCS hereby certifies compliance with A.R.S. § 41-1091.

For questions about this report, please contact Melissa Compian at Melissa.Compian@azdcs.gov.

Sincerely,

Kathryn Blades Ptak

Kathryn Blades Ptak
General Counsel

Enclosure

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

21 A.A.C. 08

Title 21. Child Safety

Chapter 8. Department of Child Safety - Foster Home and Child Welfare Agency Facility Safety

Article 1. Life Safety Inspections

November 2024

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. §§ 8-504, 8-505, and 8-509

2. The objective of each rule:

| Rule | Objective |
|---|---|
| R21-8-101. Definitions | The objective of this rule is to promote and facilitate uniform understanding of terminology used in this Article. |
| R21-8-102. Application | The objective of this rule is to identify the entities regulated as they apply to this Article. |
| R21-8-103. Frequency of Inspection and Inspection Area | The objective of this rule is to clarify when an inspection is conducted and identify areas inspected. |
| R21-8-104. General Condition and Cleanliness of the Premises | The objective of this rule is to establish the minimum standards for cleanliness and the general condition of a setting used to provide regulated care. |
| R21-8-105. Safeguarding of Hazards | The objective of this rule is to identify the safeguards providers are required to implement to reduce the risk of hazards. |
| R21-8-106. Weapons and Firearms | The objective of this rule is to establish the standards foster parents are required to follow pertaining to weapons and firearms. |
| R21-8-107. Animals | The objective of this rule is to identify the requirements a care provider must follow when there is an animal in the home or premises. |

| | |
|--|---|
| R21-8-108. Storage of Medication | The objective of this rule is to establish the requirement for the storage and safeguarding of all medication. |
| R21-8-109. Safe Appliances | The objective of this rule is to inform the care provider of their requirement to ensure the availability of specific appliances within a regulated setting, and to ensure such appliances are in safe working order. |
| R21-8-110. Electrical Safety | The objective of this rule is to inform the care provider of their responsibility to ensure electrical systems are appropriately used and are in safe working order. |
| R21-8-111. Water and Plumbing Requirements | The objective of this rule is to ensure the availability of specific plumbing systems within a regulated setting, and to ensure such systems are in safe working order. |
| R21-8-112. Fire Safety | The objective of this rule is to identify the care provider's responsibility to establish fire safety precautions and equipment. |
| R-21-8-113 Emergency and Disaster Plan | The objective of this rule is to identify the care provider's responsibility to develop and maintain a written emergency and disaster plan, including an evacuation plan for the home. |
| R21-8-114. Pool Safety | The objective of this rule is to establish the required safeguards when there is a pool. |

3. **Are the rules effective in achieving their objectives?** Yes No

| Rule | Explanation |
|------|-------------|
| | |
| | |

4. **Are the rules consistent with other rules and statutes?** Yes No

| Rule | Explanation |
|------|-------------|
| | |
| | |

5. **Are the rules enforced as written?** Yes No

| Rule | Explanation |
|------|-------------|
| | |
| | |

6. **Are the rules clear, concise, and understandable?** Yes No

| Rule | Explanation |
|------|-------------|
| | |
| | |

7. **Has the agency received written criticisms of the rules within the last five years?** Yes ___ No X___

8. **Economic, small business, and consumer impact comparison:**

DCS Office of Licensing and Regulation (OLR) is authorized by Arizona Revised Statutes to license foster home and child welfare agencies. The purpose of regulating DCS foster homes and child welfare agencies is to protect vulnerable children receiving services through the establishment and enforcement of safe standards for care.

A.R.S. § 8-504 requires the Department to inspect child welfare agencies and foster homes for sanitation, fire, and other actual and potential hazards. A component of licensing is the inspection of foster homes and the facilities under a child welfare agency which are used for the provision of services. The Life Safety Inspection Unit is a unit within DCS OLR which schedules and conducts these inspections. In addition to initial licensing, the Arizona Administrative Code also requires periodic inspections of the foster home and child welfare agency for renewal licensure, relocation of licensed settings, and for significant new construction. Inspections directly impact the health and well-being of clients.

The persons directly affected by, bear the costs of, or directly benefit from the rules includes the following: child welfare agencies (group homes, emergency Shelters); foster home licensing agencies; foster care providers (foster homes); children in out-of-home care; and DCS OLR. DCS contracts with foster home licensing agencies to manage the licensing process for Arizona's licensed foster care providers. The agencies, as contractors, are expected to ensure the foster care provider complies with this Chapter in between OLR inspections of the foster homes and to verify foster care providers correct deficiencies OLR identified. Foster care providers and child welfare agencies as a residential group care facility must comply with this Chapter.

DCS OLR

DCS OLR consists of the Program Administrator, one (1) Policy Specialist, one (1) Management Analyst, four (4) administrative support staff, and nine (9) specialized units. One (1) of these units is the Life Safety Inspection Unit, which enforces and monitors the rules in Chapter 8. The Life Safety Inspection Unit consists of seven (7) full-time employees: one (1) Manager, one (1) Scheduler, and five (5) Life Safety Inspectors. This unit is responsible for the following functions:

- Schedules initial, renewal, amendment, and new construction Life-Safety Inspections for foster homes.
- Schedules initial, renewal, amendment, and new construction Life Safety Inspections for residential group care facilities.
- Provides technical assistance to foster parents, foster home licensing agencies, and residential group care facilities.
- Provides trainings to foster home licensing agencies at least once per quarter.
- Provides consultations upon request.
- Conducts Life-Safety inspections of foster homes and residential group care facilities.

- Schedules and conducts follow up inspections of foster homes and residential group care facilities, as needed.
- Works with foster home licensing agencies, foster homes, and residential group care facilities when deficiencies are discovered.

The Life Safety Inspection Unit completed 2,203 Life Safety Inspections between 07/01/2023 and 06/30/2024. This number includes inspections for initial and renewal applications, provider or agency relocations, consultations, new construction and pool fence inspections.

Funding

The following funding information applies to OLR as a whole and is not specific to the functions of the Life-Safety Inspection Unit. In FY 24, DCS budget \$5.4M to OLR operations. This included 59 FTE, supplies, fingerprinting, overhead, etc. In comparison, DCS budgeted \$3.2M to OLR operations in FY 19. This included 34 FTE, supplies, fingerprinting, overhead, etc. The funding source is both state General Fund and Federal funds. DCS OLR does not charge a fee for conducting inspections per this Chapter.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**
DCS completed the course of action indicated in the agency’s previous five-year-review report and the rules were amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. It is the Department's belief that any cost associated with the rules are offset by the greater benefit of ensuring the safety and protection of Arizona children. The Department does not charge a fee for conducting the inspections referenced in this Article.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

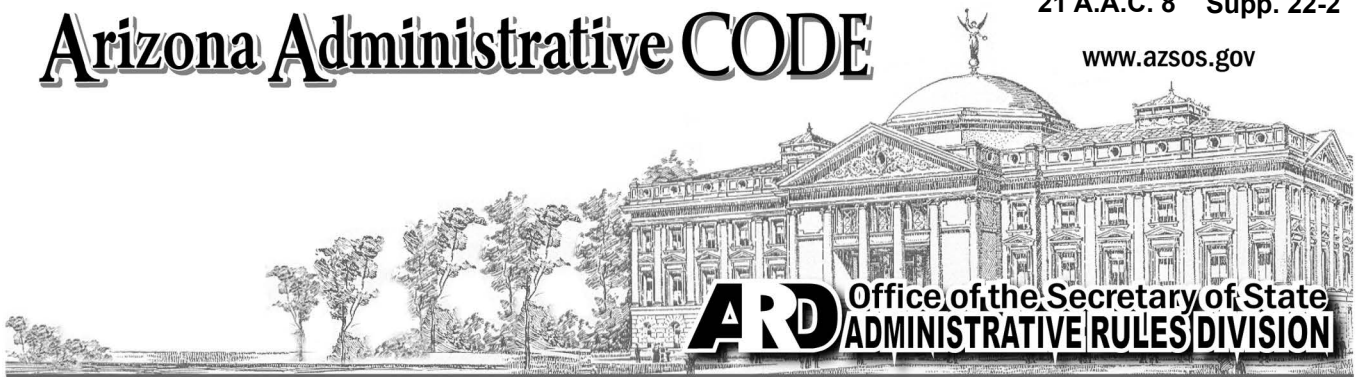
Corresponding federal laws are: 42 U.S.C. 671. The rules are not more stringent than federal law.

13. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Department has determined that A.R.S. § 41-1037 does not apply to these rules, because these rules do not require the issuance of a regulatory permit, license, or agency authorization.

14. Proposed course of action

The Department does not intend to take any action at this time.



TITLE 21. CHILD SAFETY

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

The table of contents on page one contains links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of April 1, 2022 through June 30, 2022

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The release of this Chapter in Supp. 22-2 replaces Supp. 17-4, 1-7 pages

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

PREFACE

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

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

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

THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

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

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

HOW TO USE THE CODE

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

ARIZONA REVISED STATUTE REFERENCES

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

SESSION LAW REFERENCES

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

EXEMPTIONS FROM THE APA

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

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

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

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

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

PERSONAL USE/COMMERCIAL USE

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

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division
 The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 21. CHILD SAFETY

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

Authority: A.R.S. § 8-453(A)(5)

Supp. 22-2

Editor's Note: Chapter 8 contains rules which were exempt from the regular rulemaking process under Laws 2014, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).

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CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

ARTICLE 1. LIFE SAFETY INSPECTIONS**R21-8-101. Definitions**

The definitions in R21-6-101 apply to this Article, except the following terms are defined as:

1. "Animal or doggie door" means a small portal in a wall, window, or human door to allow pets to enter and exit a house on their own without a person to open the door.
2. "Home" means a foster home or Child Welfare Agency residential group care facility where the provider is licensed to provide care to a foster or privately placed child in a residential group care facility.
3. "Pool" means any natural or man-made body of water located at a home or on its premises that:
 - a. Could be used for swimming, recreational, therapeutic, or decorative purposes;
 - b. Is greater than 18 inches in depth; and
 - c. Includes swimming pools, spas, hot tubs, fountains, and fishponds.
4. "Pool enclosure" means a fence or barrier surrounding a pool and meets the requirements of R21-8-114(B)(2).
5. "Premises" means:
 - a. The home; and
 - b. The property surrounding the home that is owned, leased, or controlled by the provider.
6. "Provider" means a licensed foster parent or Child Welfare Agency residential group care facility, and applicants for these licenses.
7. "Structural modification" means:
 - a. Adding or removing walls, windows or doors; or
 - b. Converting a garage, attic, basement, or other similar space into a bedroom.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 3548, effective December 12, 2017 (Supp. 17-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-102. Application

This Article applies to:

1. All foster homes regulated under A.A.C. Title 21, Chapter 6; and
2. A Child Welfare Agency operating a residential group care facility licensed by the Department of Child Safety.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-103. Frequency of Inspection and Inspection Area

- A. Each provider shall have a Life Safety Inspection of the premises completed by OLR.
- B. OLR shall conduct an inspection to verify compliance with Life Safety Inspection rules:
 1. Before an initial license is issued;
 2. Before an amended license is issued for a new location;
 3. Before an amended license is issued for structural modifications;
 4. Before an amended license is issued for an addition of a pool; and
 5. Before a renewal license is issued.
- C. The Life Safety Inspection shall include all rooms and dwellings on the premises including mobile homes and trailers.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-104. General Condition and Cleanliness of the Premises

The provider shall ensure:

1. The interior is clean, sanitary, and disinfected to prevent, minimize, and control illness, infection, or injury.
2. The premises is maintained in good repair and does not constitute a hazard. Damage that constitutes a hazard includes:
 - a. Broken glass;
 - b. Surfaces that are rusted, have sharp or jagged edges, or have nails protruding;
 - c. Holes in walls, ceilings, or floors; or
 - d. Broken furniture, fixtures, appliances, or equipment.
3. Play areas and therapy equipment are stable, in good repair, and do not constitute a hazard.
4. Swing sets are securely anchored to the ground.
5. The premises are clean to the degree that the condition does not constitute a hazard. Conditions that constitute a hazard include:
 - a. Rotting food,
 - b. Stale or accumulated urine or feces, or
 - c. An accumulation of mold.
6. Garbage is removed from the premises at least once each week.
7. The premises and outside play areas are free of insect and rodent infestation, or the premises have an effective ongoing system to eliminate insects or rodents.
8. Water in a pool on the premises is maintained, is not stagnant, and is clear enough to see through the water to the bottom surface of the pool.
9. Excessive weeds and brush that pose a fire hazard are trimmed or removed.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-105. Safeguarding of Hazards

A. The provider shall ensure:

1. Highly toxic substances and materials are safeguarded in locked storage. Highly toxic substances include gasoline, lighter fluid, pesticides, radiator fluid, drain cleaner, ammonia, bleach, spray paint, turpentine, and other substances that can cause serious bodily harm or death if improperly used.
2. Household cleaning supplies are safeguarded to prevent unsafe or improper use. Household cleaning supplies are substances that are not intended for ingestion, but generally will not cause serious bodily harm or death if improperly used. Examples of household cleaning supplies include spray cleaners, laundry detergent, furniture polish, and dishwasher detergent.
3. Access to personal grooming supplies is not restricted unless the case plan or service plan for a foster child or child in a residential group care facility specifically restricts such access. Personal grooming supplies include toothpaste, hand-soap, shampoo, menstrual products, and deodorant.
4. Ramps, bathtubs, and showers have slip-resistant surfaces.
5. Handrails and grab-bars are securely attached and stationary.

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6. Skirting is intact around the base of the setting, if the setting is a mobile home.
 7. The child's access is prevented as appropriate, for his or her age and development, from all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
 8. That the home maintains first aid supplies.
- B.** OLR may require removal, repair, or safeguarding of physical and other hazards that are determined to be unsafe for a foster child or child in a residential group care facility, including a drained swimming pool and trampoline.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-106. Weapons and Firearms

- A.** The provider shall meet the following standards concerning weapons:
1. The provider shall store the following weapons in an inoperable condition in a locked area inaccessible to children:
 - a. Air guns, including BB guns;
 - b. Bows and cross-bows;
 - c. Stun guns;
 - d. Hunting slingshots;
 - e. Any other projectile weapon; and
 - f. Hunting knives.
 2. Firearms are safeguarded to prevent unsafe or improper use. In addition:
 - a. Firearms are unloaded and kept in a tamper-proof, locked storage container made of unbreakable material; and
 - b. Ammunition is maintained in locked storage. Locked storage may be in the same container as the firearms.
- B.** OLR may approve a provider who is a foster parent applicant or foster parent who is also a law enforcement official, to maintain an assigned duty weapon when they:
1. Obtain documentation that the jurisdiction requires them to have ready and immediate access to the weapons at all times;
 2. Obtain documentation that the jurisdiction requires them to have their weapon stored in an official law enforcement vehicle, if applicable, which would prevent them from meeting the provisions of subsection (A);
 3. Provide official documentation that they have been trained in the law enforcement protocols for the safe use and carrying of a firearm;
 4. Maintain the weapon according to the provisions of this Section when the weapon is not on their person;
 5. Develop a safety plan with the guidance of the licensing agency; and
 6. Obtain approval from OLR.
- C.** Notwithstanding subsections (A) and (B), weapons are not permitted in a Child Welfare Agency residential group care facility or group foster home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-107. Animals

The premises shall meet the following standards concerning animals:

1. Animals kept on the premises do not pose a hazard due to behavior, venom, or disease.
2. OLR may require an assessment by a veterinarian to determine whether a pet poses a hazard if the animal displays signs of aggressive or abnormal behavior or of disease.
3. The provider shall vaccinate any pets required to be vaccinated by state or tribal law against diseases that can transmit to humans, including rabies.
4. All dogs older than six months have current rabies vaccination or are otherwise in compliance with A.R.S. § 11-1010.
5. Vaccination shall be administered by a veterinarian.
6. Vaccination records shall be maintained in the home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-108. Storage of Medication

- A.** The provider shall ensure:
1. Medication is maintained in a securely fastened and locked storage, with the exception of the following:
 - a. Medication that may be accessed by a foster child, as specified in that individual's case plan or service plan; and
 - b. Medication that must be readily and immediately accessible, such as an asthma inhaler or an autoinjector such as an epinephrine autoinjector, known as an Epi-pen.
 2. Medication that may be unlocked under subsections (A)(1)(a) or (1)(b) is safeguarded to prevent improper use.
 3. Medication that must be refrigerated is safeguarded in locked storage, without preventing access to refrigerated food. This may be accomplished by storing refrigerated medication in a locked box within the refrigerator.
- B.** A Child Welfare Agency provider shall safeguard medications using a double-lock system. A locked box stored inside a locked cabinet is an example of a double-lock system.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-109. Safe Appliances

The provider shall ensure:

1. Safe and functioning appliances are available for food refrigeration and cooking, if applicable.
 - a. Safe and functioning refrigerators shall maintain food at or below a temperature of 41° F.
 - b. An outdoor cooking appliance that uses charcoal or gas shall not be used indoors.
2. Electrical lighting is available in bedrooms, living areas, and rooms used to provide services.
 - a. Lighting is sufficient to perform normal activities, and
 - b. Light sockets are equipped with light bulbs or safely covered to prevent electrical shock.
3. Adequate heating, cooling, and ventilation are available in bedrooms, living areas, and rooms used to provide services. Temperatures outside the range of 65° - 85° F are indicators of inadequate heating or cooling.
4. At least one operable telephone is available on the premises unless OLR has approved an alternative system for

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- communication. Telephone includes cellular phones, digital phones, and phones with traditional land lines.
5. If the premises have a clothes dryer, the dryer is safely vented with a non-flammable vent hose.
 6. If a portable heater is on the premises, it has a protective covering to keep hands and objects away from the heating element and, it is:
 - a. Electric;
 - b. UL approved;
 - c. Equipped with a tip-over shut-off switch;
 - d. Placed at least three feet from curtains, paper, furniture, and any flammable object when in use;
 - e. Not used as the primary source for heat in the setting; and
 - f. Not used in bedrooms.
 7. A carbon monoxide detector-alarm is properly located according to manufacturer's instructions and functioning on each level of the premises that has an appliance or heating device using combustible fuel, including gas, oil, or wood. Such appliances or devices include fireplaces, wood stoves, gas stoves, and gas hot water heaters.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-110. Electrical Safety

The provider shall ensure:

1. Electrical cords are in good condition; no broken or frayed cords are in use.
2. Electrical panels and outlets are in good condition; no wiring is exposed, and covers are in place.
3. Extension cords are not used on a permanent basis.
4. Electrical outlets are not overloaded.
5. Major appliances are plugged directly into grounded outlets. Major appliances include refrigerators, freezers, dishwashers, stoves, ovens, washers, and dryers.
6. Mid-sized appliances, which include computers, televisions, and stereo equipment, are plugged into:
 - a. Grounded outlets, or
 - b. Power strips or surge protectors that are plugged into grounded outlets.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-111. Water and Plumbing Requirements

- A. The provider shall ensure that a continuous source of safe drinking water is available to a foster child or child in a residential group care facility receiving care.
- B. The provider shall obtain a written water analysis report if the home uses a non-municipal water source that shall meet the following standards:
 1. The analysis report shall be from a laboratory certified by the Arizona Department of Health Services;
 2. The analysis report shall be completed no more than 12 months prior to the date of the Life Safety Inspection completed by OLR;
 3. The analysis report shall be available in the home at all times and presented at the time of inspection; and
 4. If the analysis report details contaminants are found to exceed acceptable state and federal standards for drinking water the provider shall prepare a plan with the guidance of the licensing agency or OLR to include:
 - a. How the provider will ensure safe drinking water will be available in the home;

- b. Efforts to reduce identified contaminants to meet state and federal standards for drinking water; and
 - c. Approval by OLR.
- C. The provider shall ensure that the sewage disposal for the setting is functioning. If the setting has a septic tank, it shall be in good working order, with no visible signs of leakage on the ground.
 - D. The provider shall ensure that at least one working toilet, wash basin, and shower or tub is available for every seven persons living or receiving care in the home at the same time.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-112. Fire Safety

The provider shall ensure:

1. The premises is free of obvious fire hazards, such as defective heating equipment, or improperly stored flammable materials. Household heating equipment must be equipped with appropriate safeguards, maintained as recommended by the manufacturer.
2. Flammables and combustibles are stored more than three feet from water heaters, furnaces, portable heaters, fireplaces, and wood-burning stoves.
3. If the premises has a working fireplace or wood-burning stove, it is protected by a fire screen sufficient to shield the room from open flames and flying embers.
4. A functioning fire extinguisher with a rating of "2A 10BC" or greater is available near the kitchen area. If the home has multiple levels at least one functioning fire extinguisher with a rating of "2A 10BC" or greater is available on each level.
5. At least one UL approved and working smoke detector is installed:
 - a. In the main living or program area of the setting;
 - b. In each bedroom, if overnight care is provided; and
 - c. On each level of a multiple-level setting.
6. The exit routes for the home are clear of obstruction that could prevent safe and rapid evacuation.
7. The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a quick release mechanism. A quick release mechanism is a lock that can be opened from inside the setting without special knowledge (such as a combination) or equipment (such as a key). The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
 - a. There is breakable glass within 40 inches of the interior locking mechanism;
 - b. There is another exit with a quick release mechanism on the same level of the premises; and
 - c. The key for the deadbolt is permanently maintained in a location that is:
 - i. Within six feet of the locking mechanism;
 - ii. Accessible to all household members;
 - iii. Reviewed with persons residing in or receiving care in the home; and
 - iv. Identified on the emergency evacuation plan.
8. The address for the home is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the home in writing, with a copy of this notification maintained in the home.

Historical Note

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New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by emergency rulemaking at 23 A.A.R. 1040, effective April 14, 2017, for 180 days (Supp. 17-2). Emergency renewed at 23 A.A.R. 2946, effective October 2, 2017, for 180 days (Supp. 17-4). Emergency expired. Section amended by final rulemaking at 23 A.A.R. 3548, with an immediate effective date of December 12, 2017 (Supp. 17-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-113. Emergency and Disaster Plan

- A. A provider shall develop and maintain in the home a written emergency and disaster plan on a form provided by the Department that includes:
1. Contact information for each foster child, including the name and telephone number of the primary care physician and legal guardian;
 2. A comprehensive list of emergency telephone numbers;
 3. An evacuation plan for the home, as detailed in this Section; and
 4. A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
- B. A provider shall ensure:
1. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
 - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
 - b. Identify multiple exits from the home;
 - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.
 - i. If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or
 - ii. If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(7), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.
 - d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
 - e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
 - f. Be maintained in the home to review with individuals residing in or receiving care in the home; and
 - g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals resid-

- ing in each upstairs bedroom that have been identified with fire exits.
 2. All windows identified as fire exits, must have enough space for an adult to move through.
 3. Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.
 - a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
 - b. Another exit shall be a window or door within the bedroom that opens directly to the outside.
 4. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.
 - a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.
 - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. All persons in the home shall participate in the drill.
 - d. Records shall be maintained for each emergency drill and shall include:
 - i. Date and time of drill;
 - ii. Total evacuation time;
 - iii. Exits used;
 - iv. Problems noted; and
 - v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.
- C. A provider shall submit a copy of the emergency and disaster plan to the licensing agency or placing entity, as applicable.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by emergency rulemaking at 23 A.A.R. 1040, effective April 14, 2017, for 180 days (Supp. 17-2). Emergency renewed at 23 A.A.R. 2946, effective October 2, 2017, for 180 days (Supp. 17-4). Emergency expired. Section amended by final rulemaking at 23 A.A.R. 3548, with an immediate effective date of December 12, 2017 (Supp. 17-4). R21-8-113 renumbered to R21-8-114; new Section R21-8-113 made by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-114. Pool Safety

- A. The provisions of this Section apply to:
1. Each Child Welfare Agency residential group care facility; and
 2. A foster home licensed to provide care to a child six years of age or less, or an individual with a developmental disability.
- B. If a provider listed in subsection (A) has a pool the provider shall ensure the following:
1. That the pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section.
 2. A fence or barrier meeting the following requirements is maintained between the pool and the home, or any building used to provide care and supervision.
 - a. The exterior side of the fence or barrier is at least five feet high;

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

- b. All openings shall measure less than four inches;
- c. If the barrier is a chain link fence or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally. Chicken wire and other light gauge wire are prohibited as a primary fencing material for the pool;
- d. The exterior side of the barrier is free of hand holds, or foot holds, or other means that could be used to climb over it and if it has a horizontal component spaced at least 45 inches, measured vertically;
- e. The gate to the enclosure is locked, except when in use and there is an adult within the enclosure to supervise the pool and spa area;
- f. The connection between the panels of the fence cannot be separated without a key or a tool;
- g. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
- h. If the home or building to provide care or supervision constitutes part of the enclosure:
 - i. The enclosure does not interfere with safe egress from the home;
 - ii. A door from the home does not open within the pool enclosure, unless it is a bedroom door in a bedroom not occupied by an individual six years of age or less receiving care and such a door cannot be opened by a foster child six years of age or less or child in a residential group care facility because it is either locked as required in R21-8-113(B)(1)(c)(ii) or inoperable. Any key shall not be accessible to a foster child six years of age or less or child in a residential group care facility;
 - iii. A window located in a room that is designated as a bedroom for a foster child six years of age or less or child in a residential group care facility shall not open into the pool enclosure or shall be permanently locked and not used for egress; and
 - iv. Other windows that open into the pool enclosure are permanently secured to open no more than four inches; or as required in R21-8-113(B)(1)(c)(i).
 - v. Animal or doggie doors shall not open directly into the pool enclosure.
- C. The Department shall not approve a locked cover in lieu of the fence required under subsection (B).
- D. After a fence has been inspected and approved by OLR as meeting the standards required under subsection (B), the provider shall ensure the fence is not dismantled or moved for as long as the provider is licensed by OLR.
- E. Regardless of the age of the foster child or child in a residential group care facility living in the home, if the pool is deeper than six feet, the care provider shall ensure the following rescue equipment is available in the pool area:
 1. A shepherd's crook attached to a pole; and
 2. A ring buoy attached to a rope that measures at least half of the distance across the pool plus 10 feet.
- F. A drained pool is a safety hazard. The provider shall comply with this Section or R21-8-105, if applicable.

Historical Note

New Section R21-8-114 renumbered from R21-8-113 and amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

8-453. Powers and duties

A. The director shall:

1. Carry out the purposes of the department prescribed in section 8-451.
2. Provide transparency by being open and accountable to the public for the actions of the department.
3. Develop a data system that enables persons and entities that are charged with a responsibility relating to child safety to access all relevant information relating to an abused, neglected or abandoned child as provided by law.
4. Subject to title 41, chapter 4, article 4 and, as applicable, articles 5 and 6, employ deputy directors and other key personnel based on qualifications that are prescribed by the director.
5. Adopt rules to implement the purposes of the department and the duties and powers of the director.
6. Petition, as necessary to implement the case plan established under section 8-824 or 8-845, for the appointment of a guardian or a temporary guardian under title 14, chapter 5 for children who are in the custody of the department pursuant to court order. Persons applying to be guardians or temporary guardians under this section shall be fingerprinted. A foster parent or certified adoptive parent already fingerprinted is not required to be fingerprinted again, if the foster parent or certified adoptive parent is the person applying to be the guardian or temporary guardian.
7. Cooperate with other agencies of this state, county and municipal agencies, faith-based organizations and community social services agencies, if available, to achieve the purposes of this chapter.
8. Exchange information, including case specific information, and cooperate with the department of economic security for the administration of the department of economic security's programs.
9. Administer child welfare activities, including:
 - (a) Cross-jurisdictional placements pursuant to section 8-548.
 - (b) Providing the cost of care of:
 - (i) Children who are in temporary custody, are the subject of a dependency petition or are adjudicated by the court as dependent and who are in out-of-home placement, except state institutions.
 - (ii) Children who are voluntarily placed in out-of-home placement pursuant to section 8-806.
 - (iii) Children who are the subject of a dependency petition or are adjudicated dependent and who are in the custody of the department and ordered by the court pursuant to section 8-845 to reside in an independent living program pursuant to section 8-521.
 - (c) Providing services for children placed in adoption.
10. Formulate policies, plans and programs to effectuate the missions and purposes of the department.
11. Make contracts and incur obligations within the general scope of the department's activities and operations subject to the availability of funds.
12. Coordinate with, contract with or assist other departments, agencies and institutions of this state and local and federal governments in the furtherance of the department's purposes, objectives and programs.
13. Accept and disburse grants, matching funds and direct payments from public or private agencies for the conduct of programs that are consistent with the overall purposes and objectives of the department.

14. Collect monies owed to the department.
15. Act as an agent of the federal government in furtherance of any functions of the department.
16. Carry on research and compile statistics relating to the child welfare program throughout this state, including all phases of dependency.
17. Cooperate with the superior court in all matters related to this title and title 13.
18. Provide the cost of care and transitional independent living services for a person under twenty-one years of age pursuant to section 8-521.01.
19. Ensure that all criminal conduct allegations and reports of imminent risk of harm are investigated.
20. Ensure the department's compliance with the Indian child welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections 1901 through 1963).
21. Strengthen relationships with tribal child protection agencies or programs.

B. The director may:

1. Take administrative action to improve the efficiency of the department.
2. Contract with a private entity to provide any functions or services pursuant to this title.
3. Apply for, accept, receive and expend public and private gifts or grants of money or property on the terms and conditions as may be imposed by the donor and for any purpose provided for by this title.
4. Reimburse department volunteers, designated by the director, for expenses in transporting clients of the department on official business. Volunteers reimbursed for expenses are not eligible for workers' compensation under title 23, chapter 6.

C. The department shall administer individual and family services, including sections on services to children and youth and other related functions in furtherance of social service programs under the social security act, as amended, title IV, parts B and E, grants to states for aid and services to needy families with children and for child-welfare services, title XX, grants to states for services and other related federal acts and titles.

D. Notwithstanding any other law, a state or local governmental agency or a private entity is not subject to civil liability for the disclosure of information that is made in good faith to the department pursuant to this section.

E. Notwithstanding section 41-192, the department may employ legal counsel to provide legal advice to the director. The attorney general shall represent the department in any administrative or judicial proceeding pursuant to title 41, chapter 1, article 5.

F. The total amount of state monies that may be spent in any fiscal year by the department for foster care as provided in subsection A, paragraph 9, subdivision (b) of this section may not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section does not impose a duty on an officer, agent or employee of this state to discharge a responsibility or create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.

8-504. Sanitation, fire and hazard inspection

A. The division shall visit each child welfare agency and foster home and inspect the premises used for care of children for sanitation, fire and other actual and potential hazards. The division shall take action it deems necessary to carry out the duties imposed by this section including the denial of the application for licensure and the suspension or revocation of a license.

B. The division may delegate any additional inspection, examination or study provided for by this article, including inspection of premises for fire hazards, to an agency, department, political subdivision or governmental entity deemed appropriate by the division.

8-505. Issuance of licenses; application; investigation; renewal

- A. The issuance of initial and renewal licenses for child welfare agencies shall be made by the division.
- B. A child welfare agency shall not receive any child for care or maintenance or for placement in a foster home unless the agency is licensed by the division. Application for a license shall be made on a form prescribed by the division.
- C. The division shall, before issuing a license to an agency, investigate the activities and standards of care of the agency, its financial stability, the character and training of the applicant, the need for such agency, and the adequacy of its intended services to insure the welfare of children. A provisional license may be issued to any agency whose services are needed but which is temporarily unable to conform to the established standards of care. If the applicant meets the standards as established by the division a regular license shall be issued for a period of one year.
- D. Each license shall state in general terms the kind of child welfare service the licensee is authorized to undertake, the number of children that can be received if the licensee is a private agency, their ages and sex, and, if authorized to place and supervise children in foster homes, the geographical area the agency is equipped to serve.
- E. Every license shall expire one year from the date of issuance, and may be renewed annually on application of the agency, except that provisional licenses may be issued for not more than six months from the date of issuance and may not be renewed.

8-509. Licensing of foster homes; fingerprint waiver; restricted license; renewal of license; provisional license; exemption from licensure; immunization requirements

- A. The department shall license and certify foster homes. Licenses are valid for a period of two years.
- B. The department shall not issue a license without satisfactory proof that the foster parent or parents have completed six actual hours of approved initial foster parent training as set forth in section 8-503 and that each foster parent and each other adult member of the household has a valid fingerprint clearance card issued pursuant to section 41-1758.07. The foster parent and each other adult member of the household must certify on forms that are provided by the department and that are notarized whether the foster parent or other adult member of the household is awaiting trial on or has ever been convicted of any of the criminal offenses listed in section 41-1758.07, subsections B and C in this state or similar offenses in another state or jurisdiction.
- C. A kinship foster care parent shall apply for a fingerprint clearance card pursuant to section 41-1758.07. In its discretion and for good cause, the department may waive the requirement for a kinship foster care parent to obtain a fingerprint clearance card. In evaluating whether good cause exists, the department shall apply the criteria prescribed in section 41-1758.07, subsections B and C. If the department waives the requirement, the department shall issue to the kinship foster care parent a restricted license that applies only to the children placed with the kinship foster care parent for kinship foster care.
- D. The department shall not renew a license without satisfactory proof that the foster parent or parents have completed twelve actual hours of approved ongoing foster parent training during the two-year period of licensure as set forth in section 8-503.
- E. If the department determines that completing the training required in subsections B and D of this section would be a hardship to the foster parent or parents, the department may issue a provisional license for a period not to exceed six months. A provisional license may not be renewed.
- F. Child welfare agencies that submit foster homes for licensing shall conduct an investigation of the foster home pursuant to licensing rules of the department. The department shall conduct investigations of all other foster homes. If the foster home meets all requirements set by the department, the agency shall submit an application stating the foster home's qualifications to the department. The agency may also recommend the types of licensing and certification to be granted to the foster home.
- G. The department shall accept an adoptive home certification study as a licensing home study if the study has been updated within the past three months to include the information necessary to determine whether the home meets foster care licensing standards.
- H. This section does not apply if the child is placed in a home by a means other than by court order and if the home does not receive compensation from this state or any political subdivision of this state.
- I. The department may not prohibit a person operating a licensed foster home from applying for or receiving compensation as a foster home parent due to employment with this state.
- J. The department shall not require a foster parent to immunize the foster parent's natural or adoptive children as a condition of foster home licensure.
- K. A licensee may modify the renewal date of a license issued pursuant to this section by submitting an application for modification of renewal date with the department on a form prescribed by the department. The licensee must specify the new month of renewal on the application. The modified renewal date must be before, but not more than six months earlier than, the existing renewal date.
- L. The foster care review board shall review the cases of children placed by the department in foster homes licensed pursuant to this section as required by section 8-515.03.

E-2.

DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 7, Article 2



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - FIVE-YEAR REVIEW REPORT

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: March 12, 2025

SUBJECT: DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 7, Article 2

Summary

This Five-Year Review Report (5YRR) from the Department of Health Services (Department) relates to nine (9) rules and one (1) Appendix in Title 9, Chapter 7, Article 2 regarding Radiation Control, Specifically, these rules cover Registration, Installation, and Service of Ionizing Radiation-Producing Machines; and Certification of Mammography Facilities.

In the prior report, which was approved by the Council in January 2020, the Department stated that it planned to review the rules in the entire Chapter after completing the 5YRRs on all Articles in the Chapter. During this review, the Department determined that extensive changes were required throughout the entire Chapter and planned a rulemaking to be completed in stages. Pursuant to A.R.S. § 41-1039(A), the Department was granted approval to conduct rulemaking in the Chapter in May 2023.

Proposed Action

The Department has reviewed the current rules and proposes to amend the rules to address the issues identified in this report. The Department proposes to submit a Notice of Final Rulemaking to the Council by July 2026.

The Department is actively working on amending the rules in this Article, along with the other Articles found in Title 9, Chapter 7 and as reported in other 5YRRs related to this Chapter. The Department is complying with the rulemaking plan for the Chapter that was approved by Council on March 2022. This plan stated that the Department does not expect to be able to submit a Notice of Final Rulemaking to the Council before December 2025. The Department is implementing the plan in an iterative fashion. Rules related to Nonionizing Radiation are expected to be completed by December 2025, while rules related to X-ray Radiation are expected to be completed by July 2026. The Department has been told that the NRC is planning to require rules for decommissioning financial assurance for sealed and unsealed radioactive materials, advanced reactor export licensing considerations, low-level radioactive waste disposal, items containing byproduct material incidental to production, release criteria of veterinary animals, reporting nuclear medicine injection extravasations as medical events, revisions to the exempt quantity thresholds for licensing, rubidium-82 generators and emerging medical technologies, and the regulatory framework for fusion machines, which will need to be added to the rules for Radiation Control. Because it would be inefficient and confusing to stakeholders/regulated entities for the Department to make changes to the current rules, then add the new requirements from the NRC, the Department wants to make all changes/additions as part of a single iteration of rulemaking for the rules in Chapter 7.

1. Has the agency analyzed whether the rules are authorized by statute?

The Department cites both general and specific statutory authority for these rules.

2. Summary of the agency's economic impact comparison and identification of stakeholders:

The Department states that pursuant to Laws 2017, Ch. 313, and Laws 2018, Ch. 234, the Department succeeded to the authority, powers, and duties, and responsibilities of the Arizona Radiation Regulatory Agency for the regulation of radioactive materials, devices emitting ionizing or monitoring radiation, and those persons using them. The Department indicates that the rules in Article 2 were recodified in 2018 from 12 A.A.C. 1 to 9 A.A.C. 7.

The Department says the rules in Article 2 were variously last revised in 1997, 2003, 2005 and 2009. The Department states that except for 2009 there is no EIS available. The Department goes on to say the rules in Article 2 are currently used by approximately 5,651 persons, including x-ray registration and mammography.

The Department continues to believe that for the rulemakings with no EIS available, the rulemakings provided a minimal benefit to some stakeholders through improved clarity but had no other economic impact on any stakeholders. The Department states that for the 2009 rulemaking the changes were made to improve clarity and were not expected to have an economic impact on any business. The Department believes the economic impact continues as estimated.

Stakeholders include the Department; mammography facilities; facilities that use radiation-producing machines or particle accelerators; persons who assemble, install, sell or service radiation-producing machines; and the general public.

3. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department believes that the substantive content of the rules is the minimum necessary to protect health and safety and comply with statutory requirements and that the probable benefits of the rules in the Article outweigh the probable costs of the rules.

4. Has the agency received any written criticisms of the rules over the last five years?

The Department indicates it has not received any written criticisms of the rules in the last five years.

5. Has the agency analyzed the rules' clarity, conciseness, and understandability?

The Department indicates the rules are mostly clear, concise, and understandable except for the following:

- **R9-7-201**
 - This Section would be clearer and more concise if subsections (A), (C), and (D) were combined into one “exemptions” subsection.
 - This Section could be improved if it were clearer that radiation machines that are not in operation and are in the possession of financial institutions that have taken possession of these machines as a result of foreclosure, bankruptcy, or other default of payment are exempt from registration.
 - This Section may also benefit from defining “incidental x-ray device or system” and how it differs from “intentional device or system.”
 - This Section may also benefit from clarifying that providers of radiation machines for mobile services are not exempt from the rules in this Article.
- **R9-7-202**
 - Subsection (B) could be made clearer if the word “it” was replaced with the term to which it refers and if the cross-reference to the information in Appendix A were clarified.
 - This Section would also benefit from clarifying at what point of the application process a unit specified in the application may be used.
- **R9-7-204**
 - This Section would benefit from including information that clarified what happens if an application does not meet the specified requirements.
 - Subsection (B) could be clearer if passive voice language was changed to an active voice. This subsection may also benefit from defining “facility” and clarifying the requirements when registering a unit.
- **R9-7-205**

- Subsection (A) would benefit from clearer language and clearly specify when a Notice of Registration or Certification expires.
- Subsection (B) would benefit from including a reference to A.R.S. § 41-1092.11.
- **R9-7-205 and R9-7-209**
 - These Sections could be made clearer if the term “notice of registration” were either consistently capitalized, as in R9-7-205, or not capitalized, as in R9-7-209.
- **R9-7-206**
 - Subsection (A) could be made clearer if the rule elaborated what is meant by “within 15 days” and include the initial reference point to this statement.
 - This Section would be more concise if the requirements in subsection (C) were combined into subsection (A).
 - Subsection (D) is unclear what the phrase “of these rules” refers to.
- **R9-7-206 and R9-7-209**
 - R9-7-206(B) and R9-7-209(B) appear to be duplicative. The rules would be more effective if they were combined.
- **R9-7-207**
 - Subsection (C) could be clearer if passive voice language was changed to an active voice.
- **R9-7-208**
 - Subsections (1), (2), and (3) could be clearer if they referred to the application in R9-7-202.
 - Subsections (2) and (3) could be more concise if the requirements in these subsections were replaced with a requirement to comply with A.R.S. § 32-2842.
- **R9-7-209**
 - Subsection (A) could be made clearer if the difference between a “notice of registration” and a “certificate issued according to R9-7-208” were clarified.
- **Appendix A**
 - Appendix A could be clearer if renamed as “Appendix 2A” since there are several other Appendices A in the Chapter.

6. Has the agency analyzed the rules’ consistency with other rules and statutes?

The Department indicates the rules are mostly clear, concise, and understandable except for the following:

- **R9-7-208**
 - Subsection (3) references statute A.R.S. § 32-2842(C). Reference to this statute is outdated as this statute was removed through Laws 2011, Ch. 97.

7. Has the agency analyzed the rules’ effectiveness in achieving its objectives?

The Department indicates the rules are effective in achieving their objectives except for the following:

- **R9-7-205**

- This Section does not specify how often a certification must be renewed. This Section would be more effective if it specified or provided a reference to the time period(s) for certification.
- **R9-7-206**
 - Subsection (C) refers to the "assembler's report (FDA Report No. 2579)"; this reference is outdated as the FDA no longer uses the FDA Report No. 2579.
- **Appendix A**
 - This appendix would be more effective if updated to include current practice.

8. Has the agency analyzed the current enforcement status of the rules?

The Department indicates the rules are currently enforced as written.

9. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Department indicates the rules are based on state statutes, rather than federal regulations.

10. For rules adopted after July 29, 2010, do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

Pursuant to A.R.S. § 41-1037(A), if an agency proposes an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization, the agency shall use a general permit, as defined by A.R.S. § 41-1001(12), if the facilities, activities or practices in the class are substantially similar in nature unless certain exceptions apply.

A.R.S. § 41-1001(12) defines "general permit" to mean "a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing."

The Department indicates the rules in Article 2 were adopted before July 29, 2010. However, the Department believes the rules fall under exception A.R.S. § 41-1037(A)(2) as the issuance of an alternative type of permit is authorized under A.R.S. §§ 30-672 and 30-672.01. Council staff believes the Department is in compliance with A.R.S. § 41-1037.

11. Conclusion

This 5YRR from the Department relates to nine (9) rules and one (1) Appendix in Title 9, Chapter 7, Article 2 regarding Radiation Control, Specifically, these rules cover Registration, Installation, and Service of Ionizing Radiation-Producing Machines; and Certification of Mammography Facilities.

The Department has reviewed the current rules and proposes to amend the rules to address the issues identified in this report. The Department proposes to submit a Notice of Final Rulemaking to the Council by July 2026.

The Department is actively working on amending the rules in this Article, along with the other Articles found in Title 9, Chapter 7 and as reported in other 5YRRs related to this Chapter. The Department is complying with the rulemaking plan for the Chapter that was approved by Council on March 2022. This plan stated that the Department does not expect to be able to submit a Notice of Final Rulemaking to the Council before December 2025. The Department is implementing the plan in an iterative fashion. Rules related to Nonionizing Radiation are expected to be completed by December 2025, while rules related to X-ray Radiation are expected to be completed by July 2026. The Department has been told that the NRC is planning to require rules for decommissioning financial assurance for sealed and unsealed radioactive materials, advanced reactor export licensing considerations, low-level radioactive waste disposal, items containing byproduct material incidental to production, release criteria of veterinary animals, reporting nuclear medicine injection extravasations as medical events, revisions to the exempt quantity thresholds for licensing, rubidium-82 generators and emerging medical technologies, and the regulatory framework for fusion machines, which will need to be added to the rules for Radiation Control. Because it would be inefficient and confusing to stakeholders/regulated entities for the Department to make changes to the current rules, then add the new requirements from the NRC, the Department wants to make all changes/additions as part of a single iteration of rulemaking for the rules in Chapter 7.

Council staff recommends approval of this report.

ARIZONA
— DEPARTMENT OF —
HEALTH SERVICES

December 3, 2024

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Esq., Chair
Governor's Regulatory Review Council
Arizona Department of Administration
100 N. 15th Avenue, Suite 305
Phoenix, AZ 85007

RE: Department of Health Services, 9 A.A.C. 7, Article 2, Five-Year-Review Report

Dear Ms. Klein:

Please find enclosed the Five-Year-Review Report from the Arizona Department of Health Services (Department) for 9 A.A.C. 7, Article 2, which is due on or before December 31, 2024.

The Department hereby certifies compliance with A.R.S. § 41-1091.

For questions about this Report, please contact Angie Trevino at angelica.trevino@azdhs.gov or (480) 589-0298.

Sincerely,



Stacie Gravito
Director's Designee

SG:at

Enclosures

Katie Hobbs | Governor

Jennifer Cunico, MC | Director



Arizona Department of Health Services

Five-Year-Review Report

Title 9. Health Services

Chapter 7. Department of Health Services

Radiation Control

**Article 2. Registration, Installation, and Service of Ionizing Radiation-Producing Machines;
and Certification of Mammography Facilities**

Due: December 31, 2024

Submitted: December 3, 2024¹

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. §§ 30-654(B)(5) and 36-136(G)

Specific Statutory Authority: A.R.S. §§ 30-654, 30-657, 30-671(B), 30-672, 30-672.01, and 30-673

2. The objective of each rule:

| Rule | Objective |
|-------------|---|
| R9-7-201 | To provide exemptions to requirements in the Article for certain sources of radiation for which there is no measured impact to the health and safety of the public. To specify that the production, testing, or factory servicing of certain exempt electronic equipment is not exempt from the requirements of this Article. |
| R9-7-202 | To specify requirements for registration of machines producing ionizing radiation, including fees and diagrams of the areas of the facility that may be affected by the radiation. To include requirements specific to mammography facilities and to particle accelerators used for medical purposes. |
| R9-7-203 | To specify requirements for registration of persons who install, sell, or service machines producing ionizing radiation, including X-ray machines, in compliance with A.R.S. § 30-672.01. |
| R9-7-204 | To specify that the Department shall issue a Notice of Registration to an applicant complying with applicable requirements, including that one Notice may be issued for all radiation machines located at the same facility. |
| R9-7-205 | To provide information about expiration of registration, including that registration does not expire if a timely application for renewal has been submitted. |
| R9-7-206 | To require a person assembling or installing a machine producing ionizing radiation or taking such a machine out of service to notify the Department of the event and provide specific information about the machine or assembly. To specify that radiation machines, when properly placed in operation and used, must meet the requirements of these rules. |
| R9-7-207 | To specify conditions of use for a radiation machine brought into Arizona for use on a temporary basis, including notification of the Department, adherence with Arizona requirements for safe operation and documentation, and duration of use. |

¹ Revised 3/14/25

| | |
|------------|---|
| R9-7-208 | To specify additional documentation required to be submitted with an application in R9-7-202 for certification of mammography facilities. |
| R9-7-209 | To specify situations requiring a registrant or other person possessing a registered radiation machine to notify the Department. |
| Appendix A | To specify the information required to be included on an application submitted according to R9-7-202. |

3. **Are the rules effective in achieving their objectives?** Yes No

| Rule | Explanation |
|------------|--|
| R9-7-205 | This Section does not specify how often a certification must be renewed. This Section would be more effective if it specified or provided a reference to the time period(s) for certification. |
| R9-7-206 | Subsection (C) refers to the "assembler's report (FDA Report No. 2579)"; this reference is outdated as the FDA no longer uses the FDA Report No. 2579. |
| Appendix A | This appendix would be more effective if updated to include current practice. |

4. **Are the rules consistent with other rules and statutes?** Yes No

| Rule | Explanation |
|----------|---|
| R9-7-208 | Subsection (3) references statute A.R.S. § 32-2842(C). Reference to this statute is outdated as this statute was removed through Laws 2011, Ch. 97. |

5. **Are the rules enforced as written?** Yes No

| Rule | Explanation |
|------|-------------|
| | |

6. **Are the rules clear, concise, and understandable?** Yes No

| Rule | Explanation |
|----------|---|
| R9-7-201 | <p>This Section would be clearer and more concise if subsections (A), (C), and (D) were combined into one "exemptions" subsection.</p> <p>This Section could be improved if it were clearer that radiation machines that are not in operation and are in the possession of financial institutions that have taken possession of these machines as a result of foreclosure, bankruptcy, or other default of payment are exempt from registration.</p> <p>This Section may also benefit from defining "incidental x-ray device or system" and how it differs from "intentional device or system."</p> |

| | |
|-----------------------|---|
| | This Section may also benefit from clarifying that providers of radiation machines for mobile services are not exempt from the rules in this Article. |
| R9-7-202 | Subsection (B) could be made clearer if the word “it” was replaced with the term to which it refers and if the cross-reference to the information in Appendix A were clarified. This Section would also benefit from clarifying at what point of the application process a unit specified in the application may be used. |
| R9-7-204 | This Section would benefit from including information that clarified what happens if an application does not meet the specified requirements. Subsection (B) could be clearer if passive voice language was changed to an active voice. This subsection may also benefit from defining "facility" and clarifying the requirements when registering a unit. |
| R9-7-205 | Subsection (A) would benefit from clearer language and clearly specify when a Notice of Registration or Certification expires. Subsection (B) would benefit from including a reference to A.R.S. § 41-1092.11. |
| R9-7-205 and R9-7-209 | These Sections could be made clearer if the term “notice of registration” were either consistently capitalized, as in R9-7-205, or not capitalized, as in R9-7-209. |
| R9-7-206 | Subsection (A) could be made clearer if the rule elaborated what is meant by “within 15 days” and include the initial reference point to this statement. This Section would be more concise if the requirements in subsection (C) were combined into subsection (A). Subsection (D) is unclear what the phrase “of these rules” refers to. |
| R9-7-206 and R9-7-209 | R9-7-206(B) and R9-7-209(B) appear to be duplicative. The rules would be more effective if they were combined. |
| R9-7-207 | Subsection (C) could be clearer if passive voice language was changed to an active voice. |
| R9-7-208 | Subsections (1), (2), and (3) could be clearer if they referred to the application in R9-7-202. Subsections (2) and (3) could be more concise if the requirements in these subsections were replaced with a requirement to comply with A.R.S. § 32-2842. |
| R9-7-209 | Subsection (A) could be made clearer if the difference between a “notice of registration” and a “certificate issued according to R9-7-208” were clarified. |
| Appendix A | Appendix A could be clearer if renamed as “Appendix 2A” since there are several other Appendices A in the Chapter. |

7. **Has the agency received written criticisms of the rules within the last five years?** Yes ___ No X

8. **Economic, small business, and consumer impact comparison:**

Pursuant to Laws 2017, Ch. 313, and Laws 2018, Ch. 234, the Department succeeded to the authority, powers, duties, and responsibilities of the Arizona Radiation Regulatory Agency for the regulation of radioactive

materials, devices emitting ionizing or nonionizing radiation, and those persons using them. The rules in Article 2 were recodified in 2018 from 12 A.A.C. 1 to 9 A.A.C. 7, and the current codification is used when describing the economic impact of the rules, even though the rulemakings were in 12 A.A.C. 1.

The rules in Article 2 were variously last revised in 1997, 2003, 2005, and 2009. If a rule included in a rulemaking was further revised in a subsequent rulemaking, the impact of the rule is considered in the description of the subsequent rulemaking. An economic, small business, and consumer impact statement (EIS) is available to the Department for only the 2009 rulemaking, but the Department is estimating the economic effect of the other rulemakings from available records and information. The rules in Article 2 are currently used by approximately 5,651 persons, including x-ray registration and mammography.

The information from the previous report remains the same. Only small changes were made to modernize the wording of the rule in R9-7-204 when it was amended in 1997. Sections R9-7-202 and R9-7-208 were last revised in 2003 with minor changes. Section R9-7-209 was last revised in 2005, moving licensing requirements for devices or equipment producing nonionizing radiation into Article 14, which provides requirements for these devices, and clarifying remaining requirements. Although no EIS is available for any of these rulemakings, the Department continues to believe the rulemakings may have provided a minimal benefit to some stakeholders through improved clarity, but had no other economic impact on any stakeholders.

In the 2009 rulemaking, the remaining six rules in the Article were revised. In R9-7-201, typographical errors and unit designations were corrected, and a rule change clarified that the “production, testing, or factory servicing” of specified electronic equipment is not exempt from the requirements of the Article. The changes to R9-7-203 included clarifying application requirements and what “install” means. R9-7-205 was revised to clarify information about certification, renewal, and certificate expiration. An incorporation by reference was updated in R9-7-206, and a grammatical error was corrected in R9-7-207. In Appendix A, a cross-reference to Article 11 was added to clarify that this Article contains other registration requirements. According to the EIS, these changes were made to improve clarity and were not expected to have an economic effect on any businesses. The Department believes the economic impact continues as estimated.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**

In the 2019 five-year-review report, the Department stated that the Department planned to review the rules in the entire Chapter after completing the five-year-review reports on all Articles in the Chapter. During this review, the Department determined that extensive changes were required throughout the entire Chapter and planned a rulemaking to be completed in stages. Pursuant to A.R.S. § 41-1039(A), the Department was granted approval to conduct rulemaking in the Chapter in May 2023.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the substantive content of the rules is the minimum necessary to protect health and safety and comply with statutory requirements and that the probable benefits of the rules in the Article outweigh the probable costs of the rules. Other issues identified in this report may impose a minimally increased regulatory burden.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

The requirements in this Article are based on state statutes, rather than federal regulations.

13. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The rules in Article 2 were adopted before July 29, 2010. However, the Department believes the rules are exempt from A.R.S. § 41-1037 due to paragraph (A)(2) as the issuance of an alternative type of permit is authorized under A.R.S. §§ 30-672 and 30-672.01.

14. **Proposed course of action**

The Department of Health Services has reviewed the current rules and proposes to amend the rules to address the issues identified in this report. The Department proposes to submit a Notice of Final Rulemaking to the Council by July 2026.

The Department is actively working on amending the rules in this Article, along with the other Articles found in Title 9, Chapter 7 and as reported in other Five-Year-Review Reports related to this Chapter. The Department is complying with the rulemaking plan for the Chapter that was approved by Council on March 2022. This plan stated that the Department does not expect to be able to submit a Notice of Final Rulemaking to the Council before December 2025. The Department is implementing the plan in an iterative fashion. Rules related to Nonionizing Radiation are expected to be completed by December 2025, while rules related to X-ray Radiation are expected to be completed by July 2026. The Department has been told that the NRC is planning to require rules for decommissioning financial assurance for sealed and unsealed radioactive materials, advanced reactor export licensing considerations, low-level radioactive waste disposal, items containing byproduct material incidental to production, release criteria of veterinary animals, reporting nuclear medicine injection extravasations as medical events, revisions to the exempt quantity thresholds for licensing, rubidium-82 generators and emerging medical technologies, and the regulatory framework for fusion machines, which will need to be added to the rules for Radiation Control. Because it would be inefficient and confusing to stakeholders/regulated entities for the

Department to make changes to the current rules, then add the new requirements from the NRC, the Department wants to make all changes/additions as part of a single iteration of rulemaking for the rules in Chapter 7.

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vices that relate to a licensee's, registrant's, or applicant's activities in this Chapter, shall not:

1. Knowingly engage in conduct that violates or will result in a violation by a licensee, registrant, or applicant, of any statute, rule, regulation, or order; or any term, condition, or limitation of any license or registration issued by the Department; or
 2. Knowingly submit to the Department, or a licensee, registrant, or applicant, or a licensee's, registrant's, or applicant's contractor or subcontractor, information that is incomplete or inaccurate.
- B.** The Board shall impose the applicable civil penalty listed in R9-7-1216 on a person who violates subsection (A)(1) or (A)(2). For this purpose the person is classified as a Division II licensee and the violation is classified as a Severity II violation.
- C.** For the purposes of this Section, "misconduct" means conduct prohibited under subsection (A).
- D.** A person who is not a licensee, registrant, or applicant and knowingly violates a rule for the safe use of radiation sources in 9 A.A.C. 7 is subject to the enforcement actions in 9 A.A.C. 7, Article 12.

Historical Note

New Section R9-7-107 recodified from R12-1-107, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

ARTICLE 2. REGISTRATION, INSTALLATION, AND SERVICE OF IONIZING RADIATION-PRODUCING MACHINES; AND CERTIFICATION OF MAMMOGRAPHY FACILITIES

R9-7-201. Exemptions

- A.** Electronic equipment that produces X-radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this Article, provided that an exposure rate, from any accessible surface, averaged over an area of 10 centimeters squared (1.55 inches squared) does not exceed 5 microsieverts (0.5 milliroentgen) per hour at 5 centimeters (2.0 inches).
- B.** The production, testing, or factory servicing of the electronic equipment in subsection (A) is not exempt from the requirements of this Article.
- C.** Radiation machines in storage or in transit to or from storage are exempt from the requirements of this Article.
- D.** Radiation machines rendered incapable of producing radiation are exempt from the requirements of this Article.

Historical Note

New Section R9-7-201 recodified from R12-1-201, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-202. Application for Registration of Ionizing Radiation Producing Machines

- A.** A person shall not use a radiation machine except as authorized in this Article.
- B.** A person possessing a nonexempt radiation machine shall apply for registration of the machine with the Department within 30 days after its installation. The person applying for registration of a radiation-producing machine shall use the application forms provided by the Department. The applicant shall provide the information identified in Appendix A of this Article.
- C.** In addition to the application form or forms, the applicant shall remit the appropriate registration or licensing fee in R9-7-1306 and provide other information required by R9-7-208.
- D.** Each applicant that applies for registration of a stationary x-ray system, with the exception of applicants from bone densi-

tometry, cabinet radiography, podiatry, dental, bone mineral analyzer and mammography facilities, shall provide a scale drawing of the room in which the x-ray system is located, or provide measurements from the radiation source to the surrounding barrier surfaces. The drawing shall denote the type of materials and the thickness (or lead equivalence) of each barrier of the room (walls, ceilings, floors, doors, windows). The drawing shall also denote the type and frequency of occupancy in adjacent areas, including those above and below the x-ray room of concern (e.g., hallways, offices, parking lots, and lavatories). Estimates of workload shall also be provided with the drawing.

- E.** An applicant proposing to use a particle accelerator for medical purposes shall not use the particle accelerator until the Department inspection required in R9-7-914 has been completed.

Historical Note

New Section R9-7-202 recodified from R12-1-202, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-203. Application for Registration of Servicing and Installation

- A.** Each person who is engaged in the business of installing or offering to install radiation machines shall apply for registration. For purposes of this Chapter, install includes selling and servicing, or offering to sell or service, x-ray machines in Arizona.
- B.** The applicant shall complete the application for registration on forms that request information required by A.R.S. § 30-672.01, provided by the Department.

Historical Note

New Section R9-7-203 recodified from R12-1-203, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-204. Issuance of Notice of Registration

- A.** Upon determining that the application meets the requirements of the Act and this Article, the Department shall issue a Notice of Registration.
- B.** All radiation machines located at the same facility may be registered using one Notice of Registration.

Historical Note

New Section R9-7-204 recodified from R12-1-204, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-205. Expiration of Notice of Registration or Certification

- A.** Except as provided in subsection (B), a Notice of Registration, issued according to R9-7-204, or a certificate issued according to R9-7-208, expires at the end of the day on the expiration date stated in the Notice of Registration or certificate.
- B.** If an application for renewal is filed by the registrant or certificate holder not less than 30 days prior to the expiration of the Notice of Registration or certificate, the Notice of Registration or certificate does not expire until a final determination is made by the Department on the renewal application.

Historical Note

New Section R9-7-205 recodified from R12-1-205, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-206. Assembly, Installation, Removal from Service, and Transfer

- A.** A person who assembles, or installs ionizing radiation machines in this state shall notify the Department in writing within 15 days of:

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1. The name and address of the person possessing the machine that was assembled or installed;
 2. The manufacturer, model, and serial number of each radiation machine with the tube housing model number and serial number, maximum kVp, and maximum mA, assembled or installed; and
 3. The date each machine was assembled or installed, or the first clinical procedure is performed.
- B.** Any person who possesses a radiation machine registered by the Department shall notify the Department within 15 days of the machine being taken out of service. The written notification shall contain the name and address of the person receiving the machine, if it is sold, leased, or transferred to another person; the manufacturer, model, and serial number of the machine; and the date the machine was taken out of service.
- C.** In the case of diagnostic x-ray systems that contain certified components, an assembler shall, within 15 days following completion of the assembly, submit to the Department a copy of the assembler's report (FDA Report No. 2579) prepared in compliance with requirements in 21 CFR 1020.30(d), revised April 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. The report shall suffice in lieu of any other report by the assembler, if it contains the information required in subsection (A).
- D.** A person shall not make, sell, lease, transfer, lend, assemble, service, or install radiation machines or the supplies used in connection with radiation machines unless the supplies and equipment when properly placed in operation and used, meet the requirements of these rules.

Historical Note

New Section R9-7-206 recodified from R12-1-206, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-207. Reciprocal Recognition of Out-of-state Radiation Machines

- A.** If any radiation machine is to be brought into the state for temporary use, the person proposing to bring the radiation machine into the state shall provide written notice to the Department at least three working days before the radiation machine is to be used in the state. The notice shall include the type of radiation machine; the nature, duration, and scope of use; and the exact location where the radiation machine is to be used. If, for a specific case, the three working-day period would impose an undue hardship, the person may upon application to the Department, obtain permission to proceed sooner.
- B.** In addition, the owner of the radiation machine and the person possessing the machine while in the state shall:
1. Comply with all applicable rules of the Department;
 2. Upon request, supply the Department with a copy of the machine's registration and other information regarding the safe operation of the machine while it is in the state; and
 3. Upon request, supply the Department with the work authorization from the Department, machine registration, operating and emergency procedures, utilization log, survey instrument and associated calibration record, and training records for all users.
- C.** A radiation machine shall not be operated within the state on a temporary basis in excess of 180 calendar days per year.

Historical Note

New Section R9-7-207 recodified from R12-1-207, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-208. Certification of Mammography Facilities

An applicant seeking certification of a facility according to A.R.S. § 30-672(J) shall:

1. Provide evidence with the application that a quality assurance program has been established and is in use under R9-7-614(B)(1) and (2),
2. Provide evidence with the application that physicians reading mammographic images have the training and experience required in A.R.S. § 32-2842, and
3. Provide evidence with the application that physicians reading mammographic images have met the minimum criteria established by their respective licensing boards, as required in A.R.S. § 32-2842(C).

Historical Note

New Section R9-7-208 recodified from R12-1-208, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-209. Notifications

- A.** A registrant shall notify the Department within 30 days of any change to the information contained in the notice of registration or a certificate issued according to R9-7-208.
- B.** A person who possesses a radiation machine registered by the Department shall notify the Department within 15 days if the machine is discarded or transferred to another person. In the notice, the person shall provide the name and address of the person who receives the machine, if it is sold, leased, or transferred to another person; the manufacturer, model, and serial number of the machine; and the date the machine was taken out of service.

Historical Note

New Section R9-7-209 recodified from R12-1-209, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

Appendix A. Application Information

An application shall contain the following information as required in R9-7-202(B), before a registration will be issued. The Department shall provide an application form to an applicant with a guide, if available, or shall assist the applicant to ensure that only correct information is provided on the application.

| | |
|---|---|
| Name and mailing address of applicant | Use location |
| Person responsible for radiation safety program | Telephone number |
| Type of facility | Facility subtype |
| Legal structure and ownership | Signature of certifying agent |
| Radiation machine information | Equipment identifiers |
| Shielding information | Scale drawing, if applicable |
| Equipment operator instructions and restrictions | Physicist name and training, if applicable |
| Classification of professional in charge | |
| Record of calibration for therapy units | Type of request: amendment, new, or renewal |
| Protection survey results, if applicable | |
| Type of industrial radiography program, if applicable | |
| Radiation Safety Officer name, if applicable | Contact person |
| Other registration requirements listed in Articles 2, 6, 8, 9, and 11 | Appropriate fee listed in Article 13 schedule |

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Historical Note

New Article 2, Appendix A recodified from 12 A.A.C. 1, Article 2, Appendix A, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

ARTICLE 3. RADIOACTIVE MATERIAL LICENSING**R9-7-301. Ownership, Control, or Transfer of Radioactive Material**

- A.** In addition to the requirements of this Article, all licensees are subject to the requirements of 9 A.A.C. 7, Article 1, Article 4, and Article 10. Licensees engaged in industrial radiographic operations are subject to the requirements of 9 A.A.C. 7, Article 5; licensees using radioactive material in the practice of medicine are subject to the requirements of 9 A.A.C. 7, Article 7; licensees transporting radioactive material are subject to the requirements contained in 9 A.A.C. 7, Article 15; and licensees using radioactive material in well logging operations are subject to the requirements in 9 A.A.C. 7, Article 17.
- B.** Notwithstanding any other provisions of this Article, any person may own radioactive material, provided that the ownership does not include the actual possession, custody, use, or physical transfer of radioactive material or the manufacture or production of any article that contains radioactive material without the applicable certification, license, or registration.
- C.** A manufacturer, processor, or producer of any equipment, device, commodity, or other product that contains source material or radioactive material whose subsequent possession, use, transfer, or disposal by all other persons is exempt from regulatory requirements may only obtain authority to transfer possession or control of the material from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Historical Note

New Section R9-7-301 recodified from R12-1-301, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

R9-7-302. Source Material; Exemptions

- A.** Any person is exempt from this Article to the extent the person receives, possesses, uses, delivers or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20th of 1 percent (0.0005) of the mixture, compound, solution, or alloy.
- B.** Any person is exempt from this Article to the extent the person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material, provided that, the person does not refine or process the ore except as authorized in a specific license.
- C.** Any person is exempt from the requirements for a license set forth in this Article if the person receives, possesses, uses, or transfers:
1. Any quantities of thorium contained in:
 - a. Incandescent gas mantles;
 - b. Vacuum tubes;
 - c. Welding rods;
 - d. Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium;
 - e. Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting, provided that each lamp does not contain more than 2 grams of thorium;
 - f. Rare earth metals, compounds, mixtures, or products containing not more than 0.25 percent by weight thorium, uranium, or any combination of thorium and uranium; or
 - g. Individual neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium;
 2. Source material contained in the following products:
 - a. Glazed ceramic tableware manufactured before August 27, 2013, provided that the glaze contains not more than 20 percent by weight source material;
 - b. Glassware containing not more than 2 percent by weight source material or, for glassware manufactured before August 27, 2013, 10 percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass or ceramic used in construction; or
 - c. Piezoelectric ceramic containing not more than 2 percent by weight source material;
 3. Photographic film, negatives, and prints containing uranium or thorium;
 4. Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subsection does not authorize the chemical, physical, or metallurgical treatment or processing of the finished product or part;
 5. Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of counterweights, provided that:
 - a. Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";
 - b. Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED";
 - c. The exemption contained in subsection (C)(5) does not authorize the chemical, physical, or metallurgical treatment or processing of any counterweight other than repair or restoration of any plating or other covering; and
 - d. The requirements specified in subsections (C)(5)(a) and (b) need not be met by counterweights manufactured prior to December 31, 1969; provided, that these counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "UNAUTHORIZED ALTERATIONS PROHIBITED";
 6. Natural or depleted uranium metal used as shielding and constituting part of any shipping container; provided that:
 - a. The shipping container is conspicuously and legibly impressed with the legend "CAUTION – RADIOACTIVE SHIELDING – URANIUM," and
 - b. The uranium metal is encased in mild steel or equally fire resistant metal with minimum wall thickness of 1/8 inch (3.2 mm);
 7. Thorium or uranium contained in or on finished optical lenses or mirrors, provided that each lens or mirror does not contain more than 10 percent by weight thorium or uranium or, for lenses manufactured before August 27, 2013, 30 percent by weight of thorium; and that the exemption contained in this Section does not authorize either:
 - a. The shaping, grinding, or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without any alteration of the lens or mirror; or

36-136. Powers and duties of director; compensation of personnel; rules; definitions

A. The director shall:

1. Be the executive officer of the department of health services and the state registrar of vital statistics but shall not receive compensation for services as registrar.
2. Perform all duties necessary to carry out the functions and responsibilities of the department.
3. Prescribe the organization of the department. The director shall appoint or remove personnel as necessary for the efficient work of the department and shall prescribe the duties of all personnel. The director may abolish any office or position in the department that the director believes is unnecessary.
4. Administer and enforce the laws relating to health and sanitation and the rules of the department.
5. Provide for the examination of any premises if the director has reasonable cause to believe that on the premises there exists a violation of any health law or rule of this state.
6. Exercise general supervision over all matters relating to sanitation and health throughout this state. When in the opinion of the director it is necessary or advisable, a sanitary survey of the whole or of any part of this state shall be made. The director may enter, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop, tenement, public washroom, public restroom, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and any premises in which the director has reason to believe there exists a violation of any health law or rule of this state that the director has the duty to administer.
7. Prepare sanitary and public health rules.
8. Perform other duties prescribed by law.

B. If the director has reasonable cause to believe that there exists a violation of any health law or rule of this state, the director may inspect any person or property in transportation through this state, and any car, boat, train, trailer, airplane or other vehicle in which that person or property is transported, and may enforce detention or disinfection as reasonably necessary for the public health if there exists a violation of any health law or rule.

C. The director, after consultation with the department of administration, may take all necessary steps to enhance the highest and best use of the state hospital property, including contracting with third parties to provide services, entering into short-term

lease agreements with third parties to occupy or renovate existing buildings and entering into long-term lease agreements to develop the land and buildings. The director shall deposit any monies collected from contracts and lease agreements entered into pursuant to this subsection in the Arizona state hospital charitable trust fund established by section 36-218. At least thirty days before issuing a request for proposals pursuant to this subsection, the department of health services shall hold a public hearing to receive community and provider input regarding the highest and best use of the state hospital property related to the request for proposals. The department shall report to the joint committee on capital review on the terms, conditions and purpose of any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, and the fiscal impact on the department and any revenues generated by the agreement. Any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, must be reviewed by the joint committee on capital review.

D. The director may deputize, in writing, any qualified officer or employee in the department to do or perform on the director's behalf any act the director is by law empowered to do or charged with the responsibility of doing.

E. The director may delegate to a local health department, county environmental department or public health services district any functions, powers or duties that the director believes can be competently, efficiently and properly performed by the local health department, county environmental department or public health services district if:

1. The director or superintendent of the local health department, environmental department or public health services district is willing to accept the delegation and agrees to perform or exercise the functions, powers and duties conferred in accordance with the standards of performance established by the director of the department of health services.

2. Monies appropriated or otherwise made available to the department for distribution to or division among counties or public health services districts for local health work may be allocated or reallocated in a manner designed to ensure the accomplishment of recognized local public health activities and delegated functions, powers and duties in accordance with applicable standards of performance. If in the director's opinion there is cause, the director may terminate all or a part of any delegation and may reallocate all or a part of any monies that may have been conditioned on the further performance of the functions, powers or duties conferred.

F. The compensation of all personnel shall be as determined pursuant to section 38-611.

G. The director may make and amend rules necessary for the proper administration and enforcement of the laws relating to the public health.

H. Notwithstanding subsection I, paragraph 1 of this section, the director may define and prescribe emergency measures for detecting, reporting, preventing and controlling communicable or infectious diseases or conditions if the director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for not longer than eighteen months.

I. The director, by rule, shall:

1. Define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. The rules shall declare certain diseases that are reportable. The rules shall prescribe measures, including isolation or quarantine, that are reasonably required to prevent the occurrence of, or to seek early detection and alleviation of, disability, insofar as possible, from communicable or preventable diseases. The rules shall include reasonably necessary measures to control animal diseases that are transmittable to humans.

2. Define and prescribe reasonably necessary measures, in addition to those prescribed by law, regarding the preparation, embalming, cremation, interment, disinterment and transportation of dead human bodies and the conduct of funerals, relating to and restricted to communicable diseases and regarding the removal, transportation, cremation, interment or disinterment of any dead human body.

3. Define and prescribe reasonably necessary procedures that are not inconsistent with law in regard to the use and accessibility of vital records, delayed birth registration and the completion, change and amendment of vital records.

4. Except as relating to the beneficial use of wildlife meat by public institutions and charitable organizations pursuant to title 17, prescribe reasonably necessary measures to ensure that all food or drink, including meat and meat products and milk and milk products sold at the retail level, provided for human consumption is free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe reasonably necessary measures governing the production, processing, labeling, storing, handling, serving and transportation of these products. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained in any warehouse, restaurant or other premises, except a meatpacking plant, slaughterhouse, wholesale meat processing plant, dairy product manufacturing plant or trade product manufacturing plant. The rules shall prescribe minimum standards for any truck or other vehicle in

which food or drink is produced, processed, stored, handled, served or transported. The rules shall provide for the inspection and licensing of premises and vehicles so used, and for abatement as public nuisances of any premises or vehicles that do not comply with the rules and minimum standards. The rules shall provide an exemption relating to food or drink that is:

- (a) Served at a noncommercial social event such as a potluck.
- (b) Prepared at a cooking school that is conducted in an owner-occupied home.
- (c) Not potentially hazardous and prepared in a kitchen of a private home for sale or distribution for noncommercial purposes.
- (d) Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fundraising or an employee social event.
- (e) Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut on-site for immediate consumption.
- (f) Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous.
- (g) A cottage food product that is prepared in a kitchen of a private home for commercial purposes consistent with chapter 8, article 2 of this title.
- (h) A whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.
- (i) Produce in a packing or holding facility that is subject to the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) as administered by the Arizona department of agriculture pursuant to title 3, chapter 3, article 4.1. For the purposes of this subdivision, "holding", "packing" and "produce" have the same meanings prescribed in section 3-525.
- (j) Spirituous liquor produced on the premises licensed by the department of liquor licenses and control. This exemption includes both of the following:
 - (i) The area in which production and manufacturing of spirituous liquor occurs, as defined in an active basic permit on file with the United States alcohol and tobacco tax and trade bureau.
 - (ii) The area licensed by the department of liquor licenses and control as a microbrewery, farm winery or craft distiller that is open to the public and serves spirituous liquor and commercially prepackaged food, crackers or pretzels for consumption on the premises. A producer of spirituous liquor may not provide, allow

or expose for common use any cup, glass or other receptacle used for drinking purposes. For the purposes of this item, "common use" means the use of a drinking receptacle for drinking purposes by or for more than one person without the receptacle being thoroughly cleansed and sanitized between consecutive uses by methods prescribed by or acceptable to the department.

(k) Spirituous liquor produced by a producer that is licensed by the department of liquor licenses and control or spirituous liquor imported and sold by wholesalers that is licensed by the department of liquor licenses and control. This exemption includes all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair in this state.

5. Prescribe reasonably necessary measures to ensure that all meat and meat products for human consumption handled at the retail level are delivered in a manner and from sources approved by the Arizona department of agriculture and are free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe standards for sanitary facilities to be used in identifying, storing, handling and selling all meat and meat products sold at the retail level.

6. Prescribe reasonably necessary measures regarding production, processing, labeling, handling, serving and transportation of bottled water to ensure that all bottled drinking water distributed for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained at any source of water, bottling plant and truck or vehicle in which bottled water is produced, processed, stored or transported and shall provide for inspection and certification of bottled drinking water sources, plants, processes and transportation and for abatement as a public nuisance of any water supply, label, premises, equipment, process or vehicle that does not comply with the minimum standards. The rules shall prescribe minimum standards for bacteriological, physical and chemical quality for bottled water and for submitting samples at intervals prescribed in the standards.

7. Define and prescribe reasonably necessary measures governing ice production, handling, storing and distribution to ensure that all ice sold or distributed for human consumption or for preserving or storing food for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions and the quality of ice that shall be maintained at any ice plant, storage and truck or vehicle in which ice is produced, stored, handled or transported and shall provide for inspection and licensing of the premises and

vehicles, and for abatement as public nuisances of ice, premises, equipment, processes or vehicles that do not comply with the minimum standards.

8. Define and prescribe reasonably necessary measures concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels. The rules shall prescribe minimum standards for preparing food in community kitchens, adequacy of excreta disposal, garbage and trash collection, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels and shall provide for inspection of these premises and for abatement as public nuisances of any premises or facilities that do not comply with the rules. Primitive camp and picnic grounds offered by this state or a political subdivision of this state are exempt from rules adopted pursuant to this paragraph but are subject to approval by a county health department under sanitary regulations adopted pursuant to section 36-183.02. Rules adopted pursuant to this paragraph do not apply to two or fewer recreational vehicles as defined in section 33-2102 that are not park models or park trailers, that are parked on owner-occupied residential property for less than sixty days and for which no rent or other compensation is paid. For the purposes of this paragraph, "primitive camp and picnic grounds" means camp and picnic grounds that are remote in nature and without accessibility to public infrastructure such as water, electricity and sewer.

9. Define and prescribe reasonably necessary measures concerning the sewage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation of all public schools. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained in any public school and shall provide for inspection of these premises and facilities and for abatement as public nuisances of any premises that do not comply with the minimum standards.

10. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious health conditions at these places. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained at any public or semipublic swimming pool or bathing place and shall provide for inspection of these premises and for abatement as public nuisances of any premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of environmental quality and shall be consistent with the rules adopted by the director of the department of environmental quality pursuant to section 49-104, subsection B, paragraph 12.

11. Prescribe reasonably necessary measures to keep confidential information relating to diagnostic findings and treatment of patients, as well as information relating to

contacts, suspects and associates of communicable disease patients. Confidential information may not be made available for political or commercial purposes.

12. Prescribe reasonably necessary measures regarding human immunodeficiency virus testing as a means to control the transmission of that virus, including the designation of anonymous test sites as dictated by current epidemiologic and scientific evidence.

13. Establish an online registry of food preparers that are authorized to prepare cottage food products for commercial purposes pursuant to paragraph 4 of this subsection and chapter 8, article 2 of this title. A registered food preparer shall renew the registration every three years and shall provide to the department updated registration information within thirty days after any change.

14. Prescribe an exclusion for fetal demise cases from the standardized survey known as "the hospital consumer assessment of healthcare providers and systems".

J. The rules adopted under the authority conferred by this section shall be observed throughout this state and shall be enforced by each local board of health or public health services district, but this section does not limit the right of any local board of health or county board of supervisors to adopt ordinances and rules as authorized by law within its jurisdiction if the ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the director.

K. The powers and duties prescribed by this section do not apply in instances in which regulatory powers and duties relating to public health are vested by the legislature in any other state board, commission, agency or instrumentality, except that with regard to the regulation of meat and meat products, the department of health services and the Arizona department of agriculture within the area delegated to each shall adopt rules that are not in conflict.

L. The director, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

M. After consultation with the state superintendent of public instruction, the director shall prescribe the criteria the department shall use in deciding whether or not to notify a local school district that a pupil in the district has tested positive for the human immunodeficiency virus antibody. The director shall prescribe the procedure by which the department shall notify a school district if, pursuant to these criteria, the department determines that notification is warranted in a particular situation. This procedure shall include a requirement that before notification the department shall determine to its satisfaction that the district has an appropriate policy relating to

nondiscrimination of the infected pupil and confidentiality of test results and that proper educational counseling has been or will be provided to staff and pupils.

N. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (f) of this section, food and drink are exempt from the rules prescribed in subsection I of this section if offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous, without a limitation on its display area.

O. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (h) of this section, a whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption is exempt from the rules prescribed in subsection I of this section.

P. Until the department adopts an exclusion by rule as required by subsection I, paragraph 14 of this section, the standardized survey known as "the hospital consumer assessment of healthcare providers and systems" may not include patients who experience a fetal demise.

Q. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (j) of this section, spirituous liquor and commercially prepackaged food, crackers or pretzels that meet the requirements of subsection I, paragraph 4, subdivision (j) of this section are exempt from the rules prescribed in subsection I of this section.

R. For the purposes of this section:

1. "Cottage food product" has the same meaning prescribed in section 36-931.
2. "Fetal demise" means a fetal death that occurs or is confirmed in a licensed hospital. Fetal demise does not include an abortion as defined in section 36-2151.

30-654. Powers and duties of the department

A. The department may:

1. Accept grants or other contributions from the federal government or other sources, public or private, to be used by the department to carry out any of the purposes of this chapter.
2. Do all things necessary, within the limitations of this chapter, to carry out the powers and duties of the department.
3. Conduct an information program, including:
 - (a) Providing information on the control and regulation of sources of radiation and related health and safety matters, on request, to members of the legislature, the

executive offices, state departments and agencies and county and municipal governments.

(b) Providing such published information, audiovisual presentations, exhibits and speakers on the control and regulation of sources of radiation and related health and safety matters to the state's educational system at all educational levels as may be arranged.

(c) Furnishing to citizen groups, on request, speakers and such audiovisual presentations or published materials on the control and regulation of sources of radiation and related health and safety matters as may be available.

(d) Conducting, sponsoring or cosponsoring and actively participating in the professional meetings, symposia, workshops, forums and other group informational activities concerned with the control and regulation of sources of radiation and related health and safety matters when representation from this state at such meetings is determined to be important by the department.

B. The department shall:

1. Regulate the use, storage and disposal of sources of radiation.
2. Establish procedures for purposes of selecting any proposed permanent disposal site located within this state for low-level radioactive waste.
3. Coordinate with the department of transportation and the corporation commission in regulating the transportation of sources of radiation.
4. Assume primary responsibility for and provide necessary technical assistance to handle any incidents, accidents and emergencies involving radiation or sources of radiation occurring within this state.
5. Adopt rules deemed necessary to administer this chapter in accordance with title 41, chapter 6.
6. Adopt uniform radiation protection and radiation dose standards to be as nearly as possible in conformity with, and in no case inconsistent with, the standards contained in the regulations of the United States nuclear regulatory commission and the standards of the United States public health service. In the adoption of the standards, the department shall consider the total occupational radiation exposure of individuals, including that from sources that are not regulated by the department.
7. Adopt rules for personnel monitoring under the close supervision of technically competent people in order to determine compliance with safety rules adopted under this chapter.

8. Adopt a uniform system of labels, signs and symbols and the posting of the labels, signs and symbols to be affixed to radioactive products, especially those transferred from person to person.
9. By rule, require adequate training and experience of persons using sources of radiation with respect to the hazards of excessive exposure to radiation in order to protect health and safety.
10. Adopt standards for the storage of radioactive material and for security against unauthorized removal.
11. Adopt standards for the disposal of radioactive materials into the air, water and sewers and burial in the soil in accordance with 10 Code of Federal Regulations part 20.
12. Adopt rules that are applicable to the shipment of radioactive materials in conformity with and compatible with those established by the United States nuclear regulatory commission, the department of transportation, the United States department of the treasury and the United States postal service.
13. In individual cases, impose additional requirements to protect health and safety or grant necessary exemptions that will not jeopardize health or safety, or both.
14. Make recommendations to the governor and furnish such technical advice as required on matters relating to the utilization and regulation of sources of radiation.
15. Conduct or cause to be conducted off-site radiological environmental monitoring of the air, water and soil surrounding any fixed nuclear facility, any uranium milling and tailing site and any uranium leaching operation, and maintain and report the data or results obtained by the monitoring as deemed appropriate by the department.
16. Develop and utilize information resources concerning radiation and radioactive sources.
17. Prescribe by rule a schedule of fees to be charged to categories of licensees and registrants of radiation sources, including academic, medical, industrial, waste, distribution and imaging categories. The fees shall cover a significant portion of the reasonable costs associated with processing the application for license or registration, renewal or amendment of the license or registration and the costs of inspecting the licensee or registrant activities and facilities, including the cost to the department of employing clerical help, consultants and persons possessing technical expertise and using analytical instrumentation and information processing systems.
18. Adopt rules establishing radiological standards, personnel standards and quality assurance programs to ensure the accuracy and safety of screening and diagnostic mammography.

C. The department shall deposit, pursuant to sections 35-146 and 35-147, ninety percent of the monies received from fees collected pursuant to subsection B, paragraph 17 of this section and section 32-2805 in the health services licensing fund established by section 36-414 and ten percent of the monies received from fees collected pursuant to subsection B, paragraph 17 of this section and section 32-2805 in the state general fund.

30-657. Records

A. Each person that possesses or uses a source of radiation shall maintain records relating to its receipt, storage, transfer or disposal and such other records as the department requires by rule.

B. The department shall require each person that possesses or uses a source of radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules adopted by the department. Copies of records required by this section shall be submitted to the department on request by the department.

C. Any person that possesses or uses a source of radiation shall furnish to each employee for whom personnel monitoring is required a copy of the employee's personal exposure record at such times as prescribed by rules adopted by the department.

D. Any person that possesses or uses a source of radiation, when requested, shall submit to the department copies of records or reports submitted to the United States nuclear regulatory commission regardless of whether the person is subject to regulation by the department. The department, by rule, shall specify the records or reports required to be submitted to the department under this subsection.

30-671. Radiation protection standards

A. Radiation protection standards in rules adopted by the department under this chapter do not limit the kind or amount of radiation that may be intentionally applied to a person or animal for diagnostic or therapeutic purposes by or under the direction of a licensed practitioner of the healing arts.

B. Radiation sources shall be registered, licensed or exempted at the discretion of the department.

30-672. Licensing and registration of sources of radiation; exemptions

A. The department by rule shall provide for general or specific licensing of by-product, source, special nuclear materials or devices or equipment using those materials. The department shall require from the applicant satisfactory evidence that the applicant is using methods and techniques that are demonstrated to be safe and

that the applicant is familiar with the rules adopted by the department under section 30-654, subsection B, paragraph 5 relative to uniform radiation standards, total occupational radiation exposure norms, labels, signs and symbols, storage, waste disposal and shipment of radioactive materials. The department may require that, before it issues a license, the employees or other personnel of an applicant who may deal with sources of radiation receive a course of instruction approved by the department concerning department rules. The department shall require that the applicant's proposed equipment and facilities be adequate to protect health and safety and that the applicant's proposed administrative controls over the use of the sources of radiation requested be adequate to protect health and safety.

B. The department may require registration or licensing of other sources of radiation if deemed necessary to protect public health or safety.

C. The department may exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements set forth in this section if it finds that exempting such sources of radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

D. The director may suspend or revoke, in whole or in part, any license issued under subsection A of this section if the licensee or an officer, agent or employee of the licensee:

1. Violates this chapter or rules of the department adopted pursuant to this chapter.
2. Has been, is or may continue to be in substantial violation of the requirements for licensure of the radiation source and as a result the health or safety of the general public is in immediate danger.

E. If the licensee, or an officer, agent or employee of the licensee, refuses to allow the department or its employees or agents to inspect the licensee's premises, such an action shall be deemed reasonable cause to believe that a substantial violation under subsection D, paragraph 2 of this section exists.

F. A license may not be suspended or revoked under this chapter without affording the licensee notice and an opportunity for a hearing as provided in title 41, chapter 6, article 10.

G. The department shall not require persons who are licensed in this state to practice as a dentist, physician assistant, chiropodist or veterinarian or licensed in this state to practice medicine, surgery, osteopathic medicine, chiropractic or naturopathic medicine to obtain any other license to use a diagnostic x-ray machine, but these persons are governed by their own licensing acts.

H. Persons who are licensed by the federal communications commission with respect to the activities for which they are licensed by that commission are exempt from this chapter.

I. Rules adopted pursuant to this chapter may provide for recognition of other state or federal licenses as the department deems desirable, subject to such registration requirements as the department prescribes.

J. Any licenses issued by the department shall state the nature, use and extent of use of the source of radiation. If at any time after a license is issued the licensee desires any change in the nature, use or extent, the licensee shall seek an amendment or a new license under this section.

K. The department shall prescribe by rule requirements for financial security as a condition for licensure under this article. The department shall deposit all amounts posted, paid or forfeited as financial security in the radiation regulatory and perpetual care fund established by section 30-694.

L. Persons applying for licensure shall provide notice to the city or town where the applicant proposes to operate as part of the application process.

M. Any facility that provides diagnostic or screening mammography examinations by or under the direction of a person who is exempt from further licensure under subsection G of this section shall obtain certification by the department. The department shall prescribe by rule the requirements of certification in order to ensure the accuracy and safety of diagnostic and screening mammography.

30-672.01. Registration of persons who install or service radiation machines; exception; roster of registrants

A. A person who is in the business of installing or servicing radiation machines that are required to be registered by the department shall register with the department on a form provided by the department.

B. Notwithstanding subsection A of this section, a person who is subject to the jurisdiction of the department and who operates a radiation machine is not required to register with the department.

C. The registration form required pursuant to subsection A of this section shall be limited to the following information:

1. The full business name of the registrant.
2. The names of the owners if the registrant is a corporation or partnership.
3. The names of employees who carry out installation or service work for the registrant.

4. The business address of the registrant.

D. The department shall maintain a roster of all registrants, including the date of initial registration. The roster shall be available for public inspection.

E. A registrant must reregister with the department if there is a change in the information provided under subsection C of this section.

30-673. Unlawful acts

It is unlawful for any person to receive, use, possess, transfer, install or service any source of radiation unless the person is registered, licensed or exempted by the department in accordance with this chapter and rules adopted under this chapter.

E-3.

DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 10, Article 19



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - FIVE-YEAR REVIEW REPORT

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: March 12, 2025

SUBJECT: DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 10, Article 19

Summary

This Five-Year Review Report (5YRR) from the Department of Health Services (Department) relates to ten (10) rules in Title 9, Chapter 10, Article 19 regarding the regulation of Counseling Facilities.

In the prior 5YRR for these rules, which was approved by the Council in February 2020, the Department proposed to amend four (4) rules to improve their clarity, conciseness, and understandability. The Department completed this prior proposed course of action through final expedited rulemaking which became effective on November 3, 2020.

Proposed Action

In the current report, the Department proposes to amend the rules to address issues identified in this report, outlined in more detail below. The Department plans to submit a Notice of Final Expedited Rulemaking to the Council by February 2026.

1. Has the agency analyzed whether the rules are authorized by statute?

The Department cites both general and specific statutory authority for these rules.

2. Summary of the agency's economic impact comparison and identification of stakeholders:

The Department states that A.R.S. § 36-405 requires the Department to establish minimum standards and requirements for the construction; equipment; sanitation; staffing for medical, nursing, and personal care services; and recordkeeping of health care institutions necessary to assure the public's health, safety and welfare. The statute further allows the Department to classify and subclassify health care institutions according to character, size, range of services provided, medical or dental specialty offered, duration of care, and standard of patient care required. The Department states that the rules in 9 A.A.C. 10 were amended to comply with Laws 2014, Ch. 233 which repealed the counseling facility rules in R9-10-117 and established a new Article 19 through exempt rulemaking. The Department indicates the rules in Article 19 include requirements governing supplemental application information; administration; quality management; contracted services; personnel; patient rights; medical records; counseling; physical plant, environmental services, and equipment standards for counseling facilities. The Department says that Article 19 also included requirements for affiliated outpatient treatment centers and affiliated counseling facilities.

The Department says that as of December 2024, there are 369 licensed counseling facilities in the state of Arizona. The Department received 356 renewal applications and 109 initial applications in 2023. In 2024, The Department also conducted 25 complaint surveys and 269 compliance surveys (plus 11 that were compliance/complaint), 39 counseling facilities closed or were licensed under another governing authority in 2024.

The Department believes the rule changes make them more easily understood, complied with, and enforced, and may have provided a significant benefit to the affected persons, including the Department, adult day health care facilities, and participants. The Department estimates that the actual costs and benefits experienced by persons affected by the rules is generally consistent with the costs and benefits considered in developing the rules.

Stakeholders include the Department, licensed counseling facilities and their patients, and persons who contract with licensees to provide counseling services.

3. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Department states the purpose of the counseling facility rules is to ensure the safety, quality, and effectiveness of counseling services provided to patients by licensed facilities. The Department indicates that these rules establish comprehensive regulatory standards for all aspects of facility operation, from governance to service delivery, personnel, patient rights, and facility maintenance. The Department believes that the rules accomplish this purpose while protecting health and safety. The Department says the rules safeguard public health by ensuring counseling services are safe, effective, and respectful, promoting mental well-being and protecting patient rights. The Department states that the rules reflect national standards and

industry norms and are the minimum necessary to protect the health and safety of the public. The Department states that the minor changes made as part of the 2020 expedited rulemaking clarified the rules and, thus, also reduced regulatory burden. The Department indicates that the changes made the rules more consistent with practices and increased consistency with health care institution licensing rules. The Department believes that the rules impose the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

4. Has the agency received any written criticisms of the rules over the last five years?

The Department indicates it has not received any written criticisms of the rules in the last five years.

5. Has the agency analyzed the rules' clarity, conciseness, and understandability?

The Department indicates the rules are mostly clear, concise, and understandable except for the following:

- **R9-10-1902**
 - The rules would be more clear, concise, and understandable if subsection (1) was separated into two subsections, to clarify that the clinical operational hours and administrative operational hours may be different, however, administrative hours may be longer than the clinical hours.
- **R9-10-1902**
 - The rules would be more clear, concise, and understandable if subsection (2) specified that a request to provide DUI screening, DUI education, DUI treatment, or misdemeanor domestic violence offender treatment is for court-ordered programs in accordance with 9 A.A.C. 20.
- **R9-10-1902**
 - The rules would be more clear, concise, and understandable if subsections (3) and (4) were combined, as well as subsections (5), and (6), which would make the rule language less duplicative
- **R9-10-1903**
 - The rules would be more clear, concise, and understandable if subsection (A)(1) was revised to correct a grammatical error and if (A)(6) was revised to be simplified and less duplicative. In addition, subsection (C)(10)(B) would be clearer if the rule clarified that a timeframe should be included in the counseling facility's steps for responding to a complaint.
- **R9-10-1906**
 - The rules would be more clear, concise, and understandable if subsection (6) was amended to clarify that a provider is required to be on the premises of the counseling facility when providing telehealth services.

6. Has the agency analyzed the rules' consistency with other rules and statutes?

The Department indicates the rules are mostly consistent with other rules and statutes except for the following:

- **R9-10-1903**
 - Subsection (C)(9) is inconsistent with the statutory language in A.R.S. § 36-3601 which uses “telehealth” rather than “telemedicine.” In addition, the rule can be amended to be clearer and more consistent with the statute by clarifying that telehealth services are provided according to Title 36, Chapter 36 during clinical operational hours.
- **R9-10-1909**
 - Subsection (B)(7) would be more consistent with the other rules in Chapter 10 by amending “behavioral health issue” to “behavioral health issue condition”.

7. Has the agency analyzed the rules' effectiveness in achieving its objectives?

The Department indicates the rules are mostly effective in achieving their objectives except for the following:

- **R9-10-1902**
 - The rule is effective but would be more effective if it specified that the supplemental application requirements must indicate whether the counseling facility plans to provide services to patients under 18 years of age.

8. Has the agency analyzed the current enforcement status of the rules?

The Department indicates the rules are currently enforced as written.

9. Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?

The Department indicates there are no corresponding federal laws.

10. For rules adopted after July 29, 2010, do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?

Pursuant to A.R.S. § 41-1037(A), if an agency proposes an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization, the agency shall use a general permit, as defined by A.R.S. § 41-1001(12), if the facilities, activities or practices in the class are substantially similar in nature unless certain exceptions apply.

A.R.S. § 41-1001(12) defines “general permit” to mean “a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct

identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing.”

The Department states the rules require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-405, so a general permit is not applicable pursuant to A.R.S. § 41-1037(A)(2). Council staff believes the Department is in compliance with A.R.S. § 41-1037.

11. Conclusion

This Five-Year Review Report (5YRR) from the Department of Health Services (Department) relates to ten (10) rules in Title 9, Chapter 10, Article 19 regarding the regulation of Counseling Facilities. The Department proposes to amend the rules to make them more clear, concise, understandable, consistent, and effective. The Department plans to submit a Notice of Final Expedited Rulemaking to the Council by February 2026.

Council staff recommends approval of this report.

ARIZONA
— DEPARTMENT OF —
HEALTH SERVICES

December 10, 2024

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Esq., Chair
Governor's Regulatory Review Council
Arizona Department of Administration
100 N. 15th Avenue, Suite 305
Phoenix, AZ 85007

RE: Department of Health Services, 9 A.A.C. 10, Article 19, Five-Year-Review Report for Counseling Facilities

Dear Ms. Klein:

Please find enclosed the Five-Year Review Report (Report) from the Arizona Department of Health Services (Department) for 9 A.A.C. 10, Article 19, Counseling Facilities, which is due on December 31, 2024.

The Department hereby certifies compliance with A.R.S. § 41-1091.

For questions about this report, please contact Lucinda Feeley at Lucinda.Feeley@azdhs.gov.

Sincerely,



Stacie Gravito
Director's Designee
SG:lf

Enclosures

Katie Hobbs | Governor

Jennifer Cunico, MC | Director



Arizona Department of Health Services

Five-Year-Review Report

Title 9. Health Services

Chapter 6. Department of Health Services -

Health Care Institutions: Licensing

Article 19. Counseling Facilities

December 2024

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. §§ 36-132(A)(1) and (17) and 36-136(G)

Specific Statutory Authority: A.R.S. §§ 36-405, 36-406, and 36-407

In addition, the following rules have additional specific statutory authority:

| Rule | Statutory Authority |
|------------------------------|----------------------------|
| R9-10-1902 | A.R.S. § 36-422 |
| R9-10-1906 | A.R.S. § 36-405.02 |
| R9-10-1906 and R9-10-1909 | A.R.S. § 36-425.03 |

2. The objective of each rule:

| Rule | Objective |
|-------------|--|
| R9-10-1902 | To specify license application requirements, in addition to those in A.R.S. § 36-422 and R9-10-105 that are specific to counseling facilities. |
| R9-10-1903 | To establish minimum requirements and responsibilities for a counseling facility's governing authority and administrator. |
| R9-10-1904 | To establish minimum requirements for a counseling facility's quality management program. |
| R9-10-1905 | To establish minimum requirements for persons who contract with the licensee to provide counseling services. |
| R9-10-1906 | To establish minimum standards for counseling facility personnel and minimum standards for documentation of personnel member qualifications. |
| R9-10-1907 | To establish minimum standards for patient rights. |
| R9-10-1908 | To establish minimum requirements for patient medical records. |
| R9-10-1909 | To establish minimum requirements for counseling services. |
| R9-10-1910 | To establish minimum standards for physical plant, environmental services, and equipment for a counseling facility. |
| R9-10-1911 | To establish minimum standards for a information and records maintained by an affiliated outpatient treatment center or an affiliated counseling facility. |

3. Are the rules effective in achieving their objectives?

Yes X No

If not, please identify the rule(s) that is not effective and provide an explanation for why the rule(s) is not effective.

| Rule | Explanation |
|------------|---|
| R9-10-1902 | The rule is effective but would be more effective if it specified that the supplemental application requirements must indicate whether the counseling facility plans to provide services to patients under 18 years of age. |

4. Are the rules consistent with other rules and statutes? Yes No

If not, please identify the rule(s) that is not consistent. Also, provide an explanation and identify the provisions that are not consistent with the rule.

| Rule | Explanation |
|------------|--|
| R9-10-1903 | Subsection (C)(9) is inconsistent with the statutory language in A.R.S. § 36-3601 which uses “telehealth” rather than “telemedicine.” In addition, the rule can be amended to be clearer and more consistent with the statute by clarifying that telehealth services are provided according to Title 36, Chapter 36 during clinical operational hours. |
| R9-10-1909 | Subsection (B)(7) would be more consistent with the other rules in Chapter 10 by amending “behavioral health issue” to “behavioral health issue condition”. |

5. Are the rules enforced as written? Yes No

If not, please identify the rule(s) that is not enforced as written and provide an explanation of the issues with enforcement. In addition, include the agency’s proposal for resolving the issue.

| Rule | Explanation |
|------|-------------|
| | |

6. Are the rules clear, concise, and understandable? Yes No

If not, please identify the rule(s) that is not clear, concise, or understandable and provide an explanation as to how the agency plans to amend the rule(s) to improve clarity, conciseness, and understandability.

| Rule | Explanation |
|------------|---|
| R9-10-1902 | The rules would be more clear, concise, and understandable if subsection one was separated into two subsections, to clarify that the clinical operational hours and administrative operational hours may be different, however, administrative hours may be longer than the clinical hours. |
| R9-10-1902 | The rules would be more clear, concise, and understandable if subsection two specified that a request to provide DUI screening, DUI education, DUI treatment, or misdemeanor domestic violence offender treatment is for court-ordered programs in accordance with 9 A.A.C. 20. |

| | |
|------------|---|
| R9-10-1902 | The rules would be more clear, concise, and understandable if subsections (3) and (4) were combined, as well as subsections (5), and (6), which would make the rule language less duplicative |
| R9-10-1903 | The rules would be more clear, concise, and understandable if subsection (A)(1) was revised to correct a grammatical error and if (A)(6) was revised to be simplified and less duplicative. In addition, subsection (C)(10)(B) would be clearer if the rule clarified that a timeframe should be included in the counseling facility’s steps for responding to a complaint. |
| R9-10-1906 | The rules would be more clear, concise, and understandable if subsection (6) was amended to clarify that a provider is required to be on the premises of the counseling facility when providing telehealth services. |

7. **Has the agency received written criticisms of the rules within the last five years?** Yes No

If yes, please fill out the table below:

| Rule | Explanation |
|------|-------------|
| | |

8. **Economic, small business, and consumer impact comparison:**

Arizona Revised Statutes (“A.R.S.”) § 36-405 requires the Arizona Department of Health Services (Department) to establish minimum standards and requirements for the construction; equipment; sanitation; staffing for medical, nursing, and personal care services; and recordkeeping of health care institutions necessary to assure the public’s health, safety and welfare. The statute further allows the Department to classify and subclassify health care institutions according to character, size, range of services provided, medical or dental specialty offered, duration of care, and standard of patient care required. The rules in 9 A.A.C. 10 were amended to comply with Laws 2014, Ch. 233 which repealed the counseling facility rules in R9-10-117 and established a new Article 19 through exempt rulemaking. The rules in Article 19 included requirements governing supplemental application information; administration; quality management; contracted services; personnel; patient rights; medical records; counseling; physical plant, environmental services, and equipment standards for counseling facilities. Article 19 also included requirements for affiliated outpatient treatment centers and affiliated counseling facilities.

As of December 2024, there are 369 licensed counseling facilities in the state of Arizona. The Department received 356 renewal applications and 109 initial applications in 2023. In 2024, the Department also conducted 25 complaint surveys and 269 compliance surveys. (+11 that were compliance/complaint). 39 counseling facilities closed or were licensed under another governing authority in 2024.

Four Sections of the rules, R9-10-1903, R9-10-1909, R9-10-1910, and R9-10-1911, were last revised by final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020. The rules were amended to address issues identified in the 2019 five-year review report which included amending typographical errors, removing duplicative language, and making the rules more clear, concise, and understandable. The

changes also made the rules more consistent with practices and increased consistency within health care institution licensing rules.

The Department believes the rule changes, as described above, that are more easily understood, complied with, and enforced, may have provided a significant benefit to the affected persons, including the Department, adult day health care facilities, and participants. On the basis of the information described above, the Department estimates that the actual costs and benefits experienced by persons affected by the rules are generally consistent with the costs and benefits considered in developing the rules.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency's previous five-year-review report?**

Please state what the previous course of action was and if the agency did not complete the action, please explain why not.

In the 2019 five-year review report, the Department stated that the Department would revise the rules and the Department completed this course of action through final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The purpose of the counseling facility rules is to ensure the safety, quality, and effectiveness of counseling services provided to patients by licensed facilities. These rules establish comprehensive regulatory standards for all aspects of facility operation, from governance to service delivery, personnel, patient rights, and facility maintenance. The Department believes that the rules accomplish this purpose while protecting health and safety. The rules safeguard public health by ensuring counseling services are safe, effective, and respectful, promoting mental well-being and protecting patient rights. The rules reflect national standards and industry norms and are the minimum necessary to protect the health and safety of the public. The minor changes made as part of the 2020 expedited rulemaking clarified the rules and, thus, also reduced the regulatory burden. The changes made the rules more consistent with practices and increased consistency within health care institution licensing rules. The benefits of these changes outweigh any possible costs. The Department believes that the rules impose the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

Please provide a citation for the federal law(s). And if the rule(s) is more stringent, is there statutory authority to exceed the requirements of federal law(s)?

Federal laws do not apply to the rule in 9 A.A.C. 10, Article 19.

13. **For rules adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The rules require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-405, so a general permit is not applicable.

14. **Proposed course of action**

If possible, please identify a month and year by which the agency plans to complete the course of action.

The Department plans to amend the rules in 9 A.A.C. 10, Article 19 to address issues identified in this five-year-review report. The Department plans to submit a Notice of Final Expedited Rulemaking to the Council by February 2026.

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Authority: A.R.S. §§ 36-132(A)(1), 36-136, 36-405, and 36-406

ARTICLE 19. COUNSELING FACILITIES

Article 19, consisting of Sections R9-10-1901 through R9-10-1911, made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

Section

| | |
|-------------|--|
| R9-10-1901. | Repealed |
| R9-10-1902. | Supplemental Application Requirements |
| R9-10-1903. | Administration |
| R9-10-1904. | Quality Management |
| R9-10-1905. | Contracted Services |
| R9-10-1906. | Personnel |
| R9-10-1907. | Patient Rights |
| R9-10-1908. | Medical Records |
| R9-10-1909. | Counseling |
| R9-10-1910. | Physical Plant, Environmental Services, and Safety Standards |
| R9-10-1911. | Integrated Information |

ARTICLE 19. COUNSELING FACILITIES

R9-10-1901. Repealed

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Repealed by final rulemaking at 25 A.A.R. 1583, effective October 1, 2019 (Supp. 19-3).

R9-10-1902. Supplemental Application Requirements

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, a governing authority applying for a license as a counseling facility shall submit, in a format provided by the Department:

1. The days and hours of clinical operation and, if different from the days and hours of clinical operation, the days and hours of administrative operation;
2. If applicable, a request to provide one of more of the following:
 - a. DUI screening,
 - b. DUI education,
 - c. DUI treatment, or
 - d. Misdemeanor domestic violence offender treatment;
3. Whether the counseling facility has an affiliated outpatient treatment center;
4. If the counseling facility has an affiliated outpatient treatment center:
 - a. The affiliated outpatient treatment center's name; and
 - b. Either:
 - i. The license number assigned to the affiliated outpatient treatment center by the Department; or
 - ii. If the affiliated outpatient treatment center is not currently licensed, the:
 - (1) Street address of the affiliated outpatient treatment center, and
 - (2) Date the affiliated outpatient treatment center submitted to the Department an application for a health care institution license;
5. Whether the counseling facility is sharing administrative support with an affiliated counseling facility; and
6. If the counseling facility is sharing administrative support with an affiliated counseling facility, for each affiliated counseling facility sharing administrative support with the counseling facility:
 - a. The affiliated counseling facility's name; and
 - b. Either:
 - i. The license number assigned to the affiliated counseling facility by the Department; or
 - ii. If the affiliated counseling facility is not currently licensed, the:
 - (1) Street address of the affiliated counseling facility, and
 - (2) Date the affiliated counseling facility submitted to the Department an application for a health care institution license.

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Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by final rulemaking at 25 A.A.R. 1583, effective October 1, 2019 (Supp. 19-3).

R9-10-1903. Administration

- A.** A governing authority shall:
1. Consist of one of more individuals accountable for the organization, operation, and administration of a counseling facility;
 2. Establish, in writing:
 - a. A counseling facility's scope of services, and
 - b. Qualifications for an administrator;
 3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
 4. Adopt a quality management program according to R9-10-1904;
 5. Review and evaluate the effectiveness of the quality management program in R9-10-1904 at least once every 12 months;
 6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
 - a. Expected not to be present on the premises for more than 30 calendar days, or
 - b. Not present on the premises for more than 30 calendar days; and
 7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in an administrator and identify the name and qualifications of the new administrator.
- B.** An administrator:
1. Is directly accountable to the governing authority for the daily operation of the counseling facility and all services provided by or at the counseling facility;
 2. Has the authority and responsibility to manage the counseling facility; and
 3. Except as provided in subsection (A)(6), designates in writing, an individual who is present on the counseling facility's premises and accountable for the counseling facility when the administrator is not available.
- C.** An administrator or the administrator of the counseling facility's affiliated outpatient treatment center shall establish policies and procedures to protect the health and safety of a patient that:
1. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience, for personnel members, employees, volunteers, and students;
 2. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
 3. Include how a personnel member may submit a complaint relating to services provided to a patient;
 4. Cover the requirements in Title 36, Chapter 4, Article 11;
 5. Cover patient screening, admission, assessment, discharge planning, and discharge;
 6. Cover medical records;
 7. Cover the provision of counseling and any services listed in the counseling facility's scope of services;
 8. Include when general consent and informed consent are required;
 9. Cover telemedicine, if applicable;
 10. Cover specific steps for:
 - a. A patient or a patient's representative to file a complaint, and
 - b. A counseling facility to respond to a complaint; and
 11. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual.
- D.** An administrator shall ensure that:
1. Policies and procedures established according to subsection (C) are documented and implemented;
 2. Counseling facility policies and procedures are:
 - a. Reviewed at least once every three years and updated as needed, and
 - b. Available to personnel members and employees;
 3. Unless otherwise stated:
 - a. Documentation required by this Article is maintained and provided to the Department within two hours after a Department request; and
 - b. When documentation or information is required by this Chapter to be submitted on behalf of a counseling facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the counseling facility;
 4. The following are conspicuously posted:
 - a. The current license for the counseling facility issued by the Department;
 - b. The name, address, and telephone number of the Department;
 - c. A notice that a patient may file a complaint with the Department about the counseling facility;
 - d. A list of patient rights;
 - e. A map for evacuating the facility; and

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- f. A notice identifying the location on the premises where current license inspection reports required in A.R.S. § 36-425(H), with patient information redacted, are available;
- 5. Patient follow-up instructions are:
 - a. Provided, orally or in written form, to a patient or the patient's representative before the patient leaves the counseling facility unless the patient leaves against a personnel member's advice; and
 - b. Documented in the patient's medical record; and
- 6. Cardiopulmonary resuscitation training includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation.
- E. If abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from a counseling facility's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient as follows:
 - 1. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
 - 2. For a patient under 18 years of age, according to A.R.S. § 13-3620.
- F. If an administrator has a reasonable basis, according to A.R.S. §§ 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a patient is receiving services from a counseling facility's employee or personnel member, an administrator shall:
 - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
 - 2. Report the suspected abuse, neglect, or exploitation of the patient as follows:
 - a. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
 - b. For a patient under 18 years of age, according to A.R.S. § 13-3620;
 - 3. Document:
 - a. The suspected abuse, neglect, or exploitation;
 - b. Any action taken according to subsection (F)(1); and
 - c. The report in subsection (F)(2);
 - 4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
 - 5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
 - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
 - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
 - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
 - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
 - 6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020 (Supp. 20-4).

R9-10-1904. Quality Management

An administrator shall ensure that:

- 1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
 - a. A method to identify, document, and evaluate incidents;
 - b. A method to collect data to evaluate services provided to patients;
 - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
 - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
 - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
- 2. A documented report is submitted to the governing authority that includes:
 - a. An identification of each concern about the delivery of services related to patient care, and
 - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
- 3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

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R9-10-1905. Contracted Services

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

R9-10-1906. Personnel

An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
 - a. Are based on:
 - i. The type of counseling expected to be provided by the personnel member according to the established job description, and
 - ii. The acuity of the patients expected to be receiving the counseling from the personnel member according to the established job description; and
 - b. Include:
 - i. The specific skills and knowledge necessary for the personnel member to provide the counseling listed in the established job description,
 - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the counseling listed in the established job description, and
 - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the counseling listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
 - a. Before the personnel member provides counseling, and
 - b. According to policies and procedures;
3. Sufficient personnel members are present on a counseling facility's premises during hours of clinical operation with the qualifications, skills, and knowledge necessary to:
 - a. Provide the counseling in the counseling facility's scope of services,
 - b. Meet the needs of a patient, and
 - c. Ensure the health and safety of a patient;
4. At least one personnel member with cardiopulmonary resuscitation training is present on a counseling facility's premises during hours of clinical operation;
5. At least one personnel member with first aid training is present on a counseling facility's premises during hours of clinical operation;
6. A personnel member only provides counseling the personnel member is qualified to provide;
7. A plan is developed, documented, and implemented to provide orientation specific to the duties of personnel members, employees, volunteers, and students;
8. A personnel member completes orientation before providing counseling to a patient;
9. An individual's orientation is documented, to include:
 - a. The individual's name,
 - b. The date of the orientation, and
 - c. The subject or topics covered in the orientation;
10. A plan is developed, documented, and implemented to provide in-service education specific to the duties of a personnel member;
11. A personnel member's in-service education is documented, to include:
 - a. The personnel member's name,
 - b. The date of the in-service education, and
 - c. The subject or topics covered in the in-service education;
12. A personnel member who is a behavioral health technician or behavioral health paraprofessional complies with the applicable requirements in R9-10-115;
13. A record for a personnel member, an employee, a volunteer, or a student is maintained that includes:
 - a. The individual's name, date of birth, and contact telephone number;
 - b. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
 - c. Documentation of:
 - i. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
 - ii. The individual's education and experience applicable to the individual's job duties;
 - iii. The individual's completed orientation and in-service education as required by policies and procedures;
 - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
 - v. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;

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- vi. The individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03, if applicable;
 - vii. If applicable, cardiopulmonary resuscitation training; and
 - viii. If applicable, first aid training; and
14. The record in subsection (13) is:
- a. Maintained while an individual provides services for or at the counseling facility and for at least 24 months after the last date the individual provided services for or at the counseling facility; and
 - b. If the ending date of employment or volunteer service was 12 or more months before the date of the Department's request, provided to the Department within 72 hours after the Department's request.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

R9-10-1907. Patient Rights

- A.** An administrator shall ensure that at the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C).
- B.** An administrator shall ensure that:
- 1. A patient is treated with dignity, respect, and consideration;
 - 2. A patient as not subjected to:
 - a. Abuse;
 - b. Neglect;
 - c. Exploitation;
 - d. Coercion;
 - e. Manipulation;
 - f. Sexual abuse;
 - g. Sexual assault;
 - h. Restraint or seclusion;
 - i. Retaliation for submitting a complaint to the Department or another entity; or
 - j. Misappropriation of personal and private property by a counseling facility's personnel member, employee, volunteer, or student; and
 - 3. A patient or the patient's representative:
 - a. Either consents to or refuses counseling;
 - b. May refuse or withdraw consent for receiving counseling before counseling is initiated;
 - c. Is informed of the following:
 - i. The counseling facility's policy on health care directives, and
 - ii. The patient complaint process;
 - d. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a counseling facility for identification and administrative purposes; and
 - e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
 - i. Medical record, or
 - ii. Financial records.
- C.** A patient has the following rights:
- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
 - 2. To receive counseling that supports and respects the patient's individuality, choices, strengths, and abilities;
 - 3. To receive privacy during counseling;
 - 4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
 - 5. To receive a referral to another health care institution if the counseling facility is not authorized or not able to provide the behavioral health services needed by the patient;
 - 6. To participate or have the patient's representative participate in the development of, or decisions concerning, the counseling provided to the patient;
 - 7. To participate or refuse to participate in research or experimental treatment; and
 - 8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

R9-10-1908. Medical Records

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- A.** An administrator shall ensure that:
1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
 2. An entry in a patient's medical record is:
 - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
 - b. Dated, legible, and authenticated; and
 - c. Not changed to make the initial entry illegible;
 3. An order is:
 - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
 - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
 - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
 4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
 5. A patient's medical record is available to an individual:
 - a. Authorized according to policies and procedures to access the patient's medical record;
 - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
 - c. As permitted by law; and
 6. A patient's medical record is protected from loss, damage, or unauthorized use.
- B.** If a counseling facility maintains patients' medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
 2. The date and time of an entry in a medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a patient's medical record contains:
1. Patient information that includes:
 - a. The patient's name and address, and
 - b. The patient's date of birth;
 2. A diagnosis or reason for counseling;
 3. Documentation of general consent and, if applicable, informed consent for counseling by the patient or the patient's representative;
 4. If applicable, the name and contact information of the patient's representative and:
 - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
 - b. If the patient's representative:
 - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
 - ii. Is a legal guardian, a copy of the court order establishing guardianship;
 5. Documentation of medical history;
 6. Orders;
 7. Assessment;
 8. Interval notes;
 9. Progress notes;
 10. Documentation of counseling provided to the patient;
 11. The name of each individual providing counseling;
 12. Disposition of the patient upon discharge;
 13. Documentation of the patient's follow-up instructions provided to the patient;
 14. A discharge summary; and
 15. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

R9-10-1909. Counseling

- A.** An administrator of a counseling facility shall ensure that:
1. Counseling provided at the counseling facility is provided under the direction of a behavioral health professional;
 2. A personnel member who provides counseling is at least 18 years old; and
 3. If a counseling facility provides counseling to a patient who is less than 18 years of age, an employee or a volunteer and the owner comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.
- B.** An administrator of a counseling facility shall ensure that:

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1. Before counseling for a patient is initiated, there is a behavioral health assessment for the patient that complies with the requirements in this Section that is:
 - a. Available:
 - i. In the patient's medical record maintained by the counseling facility;
 - ii. If the counseling facility is an affiliated counseling facility, in the patient's integrated medical record; or
 - iii. If the counseling facility has an affiliated outpatient treatment center, in the patient's integrated medical record maintained by the counseling facility's affiliated outpatient treatment center; and
 - b. Either:
 - i. Completed by a personnel member at the counseling facility; or
 - ii. Obtained from a behavioral health provider other than the counseling facility;
2. A behavioral health assessment, obtained from a behavioral health provider other than the counseling facility or available in a medical record or integrated medical record, was completed within 12 months before the date of the patient's current admission;
3. If a behavioral health assessment is obtained from a behavioral health provider other than the counseling facility or is available as stated in subsection (B)(1)(a), the information in the behavioral health assessment is reviewed and updated if additional information that affects the patient's behavioral health assessment is identified;
4. The review and update of the patient's assessment information in subsection (B)(3) is documented in the patient's medical record within 48 hours after the review is completed;
5. If a behavioral health assessment is conducted by a:
 - a. Behavioral health technician or a registered nurse, within 72 hours after the behavioral health assessment is conducted, a behavioral health professional certified or licensed to provide the counseling needed by the patient reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the counseling needed by the patient; or
 - b. Behavioral health paraprofessional, a behavioral health professional certified or licensed to provide the counseling needed by the patient supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the assessment identifies the counseling needed by the patient;
6. A behavioral health assessment:
 - a. Documents a patient's:
 - i. Presenting issue;
 - ii. Substance use history;
 - iii. Co-occurring disorder;
 - iv. Medical condition and history;
 - v. Legal history, including:
 - (1) Custody,
 - (2) Guardianship, and
 - (3) Pending litigation;
 - vi. Criminal justice record;
 - vii. Family history;
 - viii. Behavioral health treatment history; and
 - ix. Symptoms reported by the patient or the patient's representative and referrals needed by the patient, if any;
 - b. Includes:
 - i. Recommendations for further assessment or examination of the patient's needs;
 - ii. A description of the counseling, including type, frequency, and number of hours, that will be provided to the patient; and
 - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
 - c. Is documented in patient's medical record;
7. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
8. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
9. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
10. Documentation of the request in subsection (B)(8) and the opportunity in subsection (B)(9) is in the patient's medical record;
11. A patient's behavioral health assessment information is documented in the medical record within 48 hours after completing the assessment;
12. If information in subsection (B)(6)(a) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained;
13. Counseling is:

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- a. Offered as described in the counseling facility's scope of services;
 - b. Provided according to the type, frequency, and number of hours identified in the patient's assessment; and
 - c. Provided by a behavioral health professional or a behavioral health technician;
14. A personnel member providing counseling to address a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
15. Each counseling session is documented in the patient's medical record to include:
- a. The date of the counseling session;
 - b. The amount of time spent in the counseling session;
 - c. Whether the counseling was individual counseling, family counseling, or group counseling;
 - d. The treatment goals addressed in the counseling session; and
 - e. The signature of the personnel member who provided the counseling and the date signed.
- C. An administrator may provide any of the following, according to the applicable requirements in 9 A.A.C. 20, to individuals required to attend by a referring court, if approved by the Department to provide the services:
- 1. DUI screening,
 - 2. DUI education,
 - 3. DUI treatment, or
 - 4. Misdemeanor domestic violence offender treatment.
- D. An administrator of a counseling facility authorized to provide the services in subsection (C):
- 1. Shall comply with the requirements for the specific service in 9 A.A.C. 20, and
 - 2. May have a behavioral health technician who has the appropriate skills and knowledge established in policies and procedures provide the services.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020 (Supp. 20-4).

R9-10-1910. Physical Plant, Environmental Services, and Safety Standards

- A. An administrator shall ensure that a counseling facility has either:
- 1. Both of the following:
 - a. A smoke detector installed in each hallway of the counseling facility that is:
 - i. Maintained in an operable condition;
 - ii. Either battery operated or, if hard-wired into the electrical system of the outpatient treatment center, has a back-up battery; and
 - iii. Tested monthly; and
 - b. A portable, operable fire extinguisher, labeled as rated at least 2A-10-BC by the Underwriters Laboratories, that:
 - i. Is available at the counseling facility;
 - ii. Is mounted in a fire extinguisher cabinet or placed on wall brackets so that the top handle of the fire extinguisher is not over five feet from the floor and the bottom of the fire extinguisher is at least four inches from the floor;
 - iii. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
 - iv. If a rechargeable fire extinguisher, is serviced at least once every 12 months and has a tag attached to the fire extinguisher that specifies the date of the last servicing and the name of the servicing person; or
 - 2. Both of the following that are tested and serviced at least once every 12 months:
 - a. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in R9-10-104.01, that is in working order; and
 - b. A sprinkler system installed according to the National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems, incorporated by reference in R9-10-104.01, that is in working order.
- B. An administrator shall ensure that documentation of a test required in subsection (A) is maintained for at least 12 months after the date of the test.
- C. An administrator shall ensure that on a counseling facility's premises:
- 1. Exit signs are illuminated, if the local fire jurisdiction requires illuminated exit signs;
 - 2. Corridors and exits are kept clear of any obstructions;
 - 3. A patient can exit through any exit during hours of clinical operation;
 - 4. An extension cord is not used instead of permanent electrical wiring; and
 - 5. Each electrical outlet and electrical switch has a cover plate that is in good repair.
- D. An administrator shall:
- 1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
 - 2. Make any repairs or corrections stated on the fire inspection report, and
 - 3. Maintain documentation of a current fire inspection.
- E. An administrator shall ensure that:
- 1. A counseling facility's premises are:

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- a. Sufficient to provide the counseling facility's scope of services;
- b. Cleaned and disinfected to prevent, minimize, and control illness and infection; and
- c. Free from a condition or situation that may cause an individual to suffer physical injury;
2. If a bathroom is on the premises, the bathroom contains:
 - a. A working sink with running water,
 - b. A working toilet that flushes and has a seat,
 - c. Toilet tissue,
 - d. Soap for hand washing,
 - e. Paper towels or a mechanical air hand dryer,
 - f. Lighting, and
 - g. A means of ventilation;
3. If a bathroom is not on the premises, a bathroom is:
 - a. Available for a patient's use,
 - b. Located in a building in contiguous proximity to the counseling facility, and
 - c. Free from a condition or situation that may cause an individual using the bathroom to suffer a physical injury; and
4. A tobacco smoke-free environment is maintained on the premises.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by final expedited rulemaking, at 25 A.A.R. 3481 with an immediate effective date of November 5, 2019 (Supp. 19-4). Amended by final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020 (Supp. 20-4).

R9-10-1911. Integrated Information

- A. An administrator of an affiliated outpatient treatment center may maintain the following information, required in this Article for a counseling facility for which the affiliated outpatient treatment center provides administrative support, integrated with information required in 9 A.A.C. 10, Article 10 for the outpatient treatment center:
 1. Quality management plan, documented incidents, and reports required in R9-10-1904;
 2. Contracted services information in R9-10-1905;
 3. Orientation plan, in-service education plan, and personnel records in R9-10-1906; and
 4. Medical records in R9-10-1908.
- B. An administrator of an affiliated counseling facility that shares administrative support with one or more other affiliated counseling facilities may maintain the information in subsections (A)(1) through (A)(4) integrated with information maintained by the other affiliated counseling facilities.
- C. If an administrator of an affiliated outpatient treatment center or an affiliated counseling facility maintains integrated information according to subsection (A) or (B), the administrator shall develop, document, and implement a method to ensure that:
 1. If the quality management plan is integrated, the incidents documented, concerns identified, and changes or actions taken are identified for each facility;
 2. If a person provides contracted services at more than one facility, the types of services the person provides at each facility is identified in the contract information;
 3. If an orientation plan is applicable to more than one facility, the orientation a personnel member is expected to obtain for each facility is identified in the orientation plan;
 4. If an in-service education plan is applicable to more than one facility, the in-service education a personnel member is expected to obtain for each facility is identified in the in-service education plan;
 5. If a personnel member provides counseling at more than one facility, the following is identified in the personnel member's record:
 - a. The days and hours the personnel member provides counseling for each facility;
 - b. If the personnel member's job description is different for each facility:
 - i. Each job description for the personnel member, and
 - ii. Verification of the skills and knowledge to provide counseling according to each of the personnel member's job descriptions; and
 - c. If a personnel member is a behavioral health technician, documentation of the clinical oversight provided to the personnel member, based on the number and acuity of the patients to whom the personnel member provided counseling at each facility; and
 6. If a patient receives counseling at more than one facility, the counseling received and any information related to the counseling received at each facility is identified in the patient's medical record.
- D. An administrator of a counseling facility receiving administrative support from an affiliated outpatient treatment center or an affiliated counseling facility shall ensure that if the counseling facility:

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1. Has integrated information, the integrated information is provided to the Department for review within two hours after the Department's request:
 - a. In a written or electronic format at the counseling facility's premises; or
 - b. Electronically directly to the Department.
2. No longer receives or shares administrative support that includes integrating the information in subsection (A), the information for the counseling facility required in this Article is maintained by the counseling facility and provided to the Department according to the requirements in this Article.

Historical Note

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by final expedited rulemaking at 26 A.A.R. 3041, with an immediate effective date of November 3, 2020 (Supp. 20-4).

36-132. Department of health services; functions; contracts

A. The department, in addition to other powers and duties vested in it by law, shall:

1. Protect the health of the people of the state.
2. Promote the development, maintenance, efficiency and effectiveness of local health departments or districts of sufficient population and area that they can be sustained with reasonable economy and efficient administration, provide technical consultation and assistance to local health departments or districts, provide financial assistance to local health departments or districts and services that meet minimum standards of personnel and performance and in accordance with a plan and budget submitted by the local health department or districts to the department for approval, and recommend the qualifications of all personnel.
3. Collect, preserve, tabulate and interpret all information required by law in reference to births, deaths and all vital facts, and obtain, collect and preserve information relating to the health of the people of this state and the prevention of diseases as may be useful in the discharge of functions of the department not in conflict with chapter 3 of this title and sections 36-693, 36-694 and 39-122.
4. Operate sanitariums, hospitals or other facilities assigned to the department by law or by the governor.
5. Conduct a statewide program of health education relevant to the powers and duties of the department, prepare educational materials and disseminate information as to conditions affecting health, including basic information to promote good health on the part of individuals and communities, and prepare and disseminate technical information concerning public health to the health professions, local health officials and hospitals. In cooperation with the department of education, the department of health services shall prepare and disseminate materials and give technical assistance for the purpose of educating children in hygiene, sanitation and personal and public health, and provide consultation and assistance in community organization to counties, communities and groups of people.
6. Administer or supervise a program of public health nursing, prescribe the minimum qualifications of all public health nurses engaged in official public health work, and encourage and aid in coordinating local public health nursing services.
7. Encourage and aid in coordinating local programs concerning control of preventable diseases in accordance with statewide plans that shall be formulated by the department.
8. Encourage and aid in coordinating local programs concerning maternal and child health, including midwifery, antepartum and postpartum care, infant and preschool health and the health of schoolchildren, including special fields such as the prevention of blindness and conservation of sight and hearing.
9. Encourage and aid in coordinating local programs concerning nutrition of the people of this state.
10. Encourage, administer and provide dental health care services and aid in coordinating local programs concerning dental public health, in cooperation with the Arizona dental association. The department may bill and receive payment for costs associated with providing dental health care services and shall deposit the monies in the oral health fund established by section 36-138.

11. Establish and maintain adequate serological, bacteriological, parasitological, entomological and chemical laboratories with qualified assistants and facilities necessary for routine examinations and analyses and for investigations and research in matters affecting public health.

12. Supervise, inspect and enforce the rules concerning the operation of public bathing places and public and semipublic swimming pools adopted pursuant to section 36-136, subsection I, paragraph 10.

13. Take all actions necessary or appropriate to ensure that bottled water sold to the public and water used to process, store, handle, serve and transport food and drink are free from filth, disease-causing substances and organisms and unwholesome, poisonous, deleterious or other foreign substances. All state agencies and local health agencies involved with water quality shall provide to the department any assistance requested by the director to ensure that this paragraph is effectuated.

14. Enforce the state food, caustic alkali and acid laws in accordance with chapter 2, article 2 of this title, chapter 8, article 1 of this title and chapter 9, article 4 of this title, and collaborate in enforcing the federal food, drug, and cosmetic act (52 Stat. 1040; 21 United States Code sections 1 through 905).

15. Recruit and train personnel for state, local and district health departments.

16. Conduct continuing evaluations of state, local and district public health programs, study and appraise state health problems and develop broad plans for use by the department and for recommendation to other agencies, professions and local health departments for the best solution of these problems.

17. License and regulate health care institutions according to chapter 4 of this title.

18. Issue or direct the issuance of licenses and permits required by law.

19. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.

20. Subject to the availability of monies, develop and administer programs in perinatal health care, including:

(a) Screening in early pregnancy for detecting high-risk conditions.

(b) Comprehensive prenatal health care.

(c) Maternity, delivery and postpartum care.

(d) Perinatal consultation, including transportation of the pregnant woman to a perinatal care center when medically indicated.

(e) Perinatal education oriented toward professionals and consumers, focusing on early detection and adequate intervention to avert premature labor and delivery.

21. License and regulate the health and safety of group homes and behavioral-supported group homes for persons with developmental disabilities. The department shall issue a license to an

accredited facility for a period of the accreditation, except that a licensing period shall not be longer than three years. The department is authorized to conduct an inspection of an accredited facility to ensure that the facility meets health and safety licensure standards. The results of the accreditation survey shall be public information. A copy of the final accreditation report shall be filed with the department of health services. For the purposes of this paragraph, "accredited" means accredited by a nationally recognized accreditation organization.

B. The department may accept from the state or federal government, or any agency of the state or federal government, and from private donors, trusts, foundations or eleemosynary corporations or organizations grants or donations for or in aid of the construction or maintenance of any program, project, research or facility authorized by this title, or in aid of the extension or enforcement of any program, project or facility authorized, regulated or prohibited by this title, and enter into contracts with the federal government, or an agency of the federal government, and with private donors, trusts, foundations or eleemosynary corporations or organizations, to carry out such purposes. All monies made available under this section are special project grants. The department may also expend these monies to further applicable scientific research within this state.

C. The department, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

D. The department may enter into contracts with organizations that perform nonrenal organ transplant operations and organizations that primarily assist in the management of end-stage renal disease and related problems to provide, as payors of last resort, prescription medications necessary to supplement treatment and transportation to and from treatment facilities. The contracts may provide for department payment of administrative costs it specifically authorizes.

36-136. Powers and duties of director; compensation of personnel; rules; definitions

A. The director shall:

1. Be the executive officer of the department of health services and the state registrar of vital statistics but shall not receive compensation for services as registrar.
2. Perform all duties necessary to carry out the functions and responsibilities of the department.
3. Prescribe the organization of the department. The director shall appoint or remove personnel as necessary for the efficient work of the department and shall prescribe the duties of all personnel. The director may abolish any office or position in the department that the director believes is unnecessary.
4. Administer and enforce the laws relating to health and sanitation and the rules of the department.
5. Provide for the examination of any premises if the director has reasonable cause to believe that on the premises there exists a violation of any health law or rule of this state.
6. Exercise general supervision over all matters relating to sanitation and health throughout this state. When in the opinion of the director it is necessary or advisable, a sanitary survey of the whole or of any part of this state shall be made. The director may enter, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop,

tenement, public washroom, public restroom, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and any premises in which the director has reason to believe there exists a violation of any health law or rule of this state that the director has the duty to administer.

7. Prepare sanitary and public health rules.

8. Perform other duties prescribed by law.

B. If the director has reasonable cause to believe that there exists a violation of any health law or rule of this state, the director may inspect any person or property in transportation through this state, and any car, boat, train, trailer, airplane or other vehicle in which that person or property is transported, and may enforce detention or disinfection as reasonably necessary for the public health if there exists a violation of any health law or rule.

C. The director, after consultation with the department of administration, may take all necessary steps to enhance the highest and best use of the state hospital property, including contracting with third parties to provide services, entering into short-term lease agreements with third parties to occupy or renovate existing buildings and entering into long-term lease agreements to develop the land and buildings. The director shall deposit any monies collected from contracts and lease agreements entered into pursuant to this subsection in the Arizona state hospital charitable trust fund established by section 36-218. At least thirty days before issuing a request for proposals pursuant to this subsection, the department of health services shall hold a public hearing to receive community and provider input regarding the highest and best use of the state hospital property related to the request for proposals. The department shall report to the joint committee on capital review on the terms, conditions and purpose of any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, and the fiscal impact on the department and any revenues generated by the agreement. Any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, must be reviewed by the joint committee on capital review.

D. The director may deputize, in writing, any qualified officer or employee in the department to do or perform on the director's behalf any act the director is by law empowered to do or charged with the responsibility of doing.

E. The director may delegate to a local health department, county environmental department or public health services district any functions, powers or duties that the director believes can be competently, efficiently and properly performed by the local health department, county environmental department or public health services district if:

1. The director or superintendent of the local health department, environmental department or public health services district is willing to accept the delegation and agrees to perform or exercise the functions, powers and duties conferred in accordance with the standards of performance established by the director of the department of health services.

2. Monies appropriated or otherwise made available to the department for distribution to or division among counties or public health services districts for local health work may be allocated or reallocated in a manner designed to ensure the accomplishment of recognized local public health activities and delegated functions, powers and duties in accordance with applicable standards of

performance. If in the director's opinion there is cause, the director may terminate all or a part of any delegation and may reallocate all or a part of any monies that may have been conditioned on the further performance of the functions, powers or duties conferred.

F. The compensation of all personnel shall be as determined pursuant to section 38-611.

G. The director may make and amend rules necessary for the proper administration and enforcement of the laws relating to the public health.

H. Notwithstanding subsection I, paragraph 1 of this section, the director may define and prescribe emergency measures for detecting, reporting, preventing and controlling communicable or infectious diseases or conditions if the director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for not longer than eighteen months.

I. The director, by rule, shall:

1. Define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. The rules shall declare certain diseases that are reportable. The rules shall prescribe measures, including isolation or quarantine, that are reasonably required to prevent the occurrence of, or to seek early detection and alleviation of, disability, insofar as possible, from communicable or preventable diseases. The rules shall include reasonably necessary measures to control animal diseases that are transmittable to humans.

2. Define and prescribe reasonably necessary measures, in addition to those prescribed by law, regarding the preparation, embalming, cremation, interment, disinterment and transportation of dead human bodies and the conduct of funerals, relating to and restricted to communicable diseases and regarding the removal, transportation, cremation, interment or disinterment of any dead human body.

3. Define and prescribe reasonably necessary procedures that are not inconsistent with law in regard to the use and accessibility of vital records, delayed birth registration and the completion, change and amendment of vital records.

4. Except as relating to the beneficial use of wildlife meat by public institutions and charitable organizations pursuant to title 17, prescribe reasonably necessary measures to ensure that all food or drink, including meat and meat products and milk and milk products sold at the retail level, provided for human consumption is free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe reasonably necessary measures governing the production, processing, labeling, storing, handling, serving and transportation of these products. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained in any warehouse, restaurant or other premises, except a meatpacking plant, slaughterhouse, wholesale meat processing plant, dairy product manufacturing plant or trade product manufacturing plant. The rules shall prescribe minimum standards for any truck or other vehicle in which food or drink is produced, processed, stored, handled, served or transported. The rules shall provide for the inspection and licensing of premises and vehicles so used, and for abatement as public nuisances of any premises or vehicles that do not comply with the rules and minimum standards. The rules shall provide an exemption relating to food or drink that is:

(a) Served at a noncommercial social event such as a potluck.

(b) Prepared at a cooking school that is conducted in an owner-occupied home.

(c) Not potentially hazardous and prepared in a kitchen of a private home for sale or distribution for noncommercial purposes.

(d) Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fundraising or an employee social event.

(e) Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut on-site for immediate consumption.

(f) Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous.

(g) A cottage food product that is prepared in a kitchen of a private home for commercial purposes consistent with chapter 8, article 2 of this title.

(h) A whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.

(i) Produce in a packing or holding facility that is subject to the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) as administered by the Arizona department of agriculture pursuant to title 3, chapter 3, article 4.1. For the purposes of this subdivision, "holding", "packing" and "produce" have the same meanings prescribed in section 3-525.

(j) Spirituous liquor produced on the premises licensed by the department of liquor licenses and control. This exemption includes both of the following:

(i) The area in which production and manufacturing of spirituous liquor occurs, as defined in an active basic permit on file with the United States alcohol and tobacco tax and trade bureau.

(ii) The area licensed by the department of liquor licenses and control as a microbrewery, farm winery or craft distiller that is open to the public and serves spirituous liquor and commercially prepackaged food, crackers or pretzels for consumption on the premises. A producer of spirituous liquor may not provide, allow or expose for common use any cup, glass or other receptacle used for drinking purposes. For the purposes of this item, "common use" means the use of a drinking receptacle for drinking purposes by or for more than one person without the receptacle being thoroughly cleansed and sanitized between consecutive uses by methods prescribed by or acceptable to the department.

(k) Spirituous liquor produced by a producer that is licensed by the department of liquor licenses and control or spirituous liquor imported and sold by wholesalers that is licensed by the department of liquor licenses and control. This exemption includes all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair in this state.

5. Prescribe reasonably necessary measures to ensure that all meat and meat products for human consumption handled at the retail level are delivered in a manner and from sources approved by the Arizona department of agriculture and are free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe standards for

sanitary facilities to be used in identifying, storing, handling and selling all meat and meat products sold at the retail level.

6. Prescribe reasonably necessary measures regarding production, processing, labeling, handling, serving and transportation of bottled water to ensure that all bottled drinking water distributed for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained at any source of water, bottling plant and truck or vehicle in which bottled water is produced, processed, stored or transported and shall provide for inspection and certification of bottled drinking water sources, plants, processes and transportation and for abatement as a public nuisance of any water supply, label, premises, equipment, process or vehicle that does not comply with the minimum standards. The rules shall prescribe minimum standards for bacteriological, physical and chemical quality for bottled water and for submitting samples at intervals prescribed in the standards.

7. Define and prescribe reasonably necessary measures governing ice production, handling, storing and distribution to ensure that all ice sold or distributed for human consumption or for preserving or storing food for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions and the quality of ice that shall be maintained at any ice plant, storage and truck or vehicle in which ice is produced, stored, handled or transported and shall provide for inspection and licensing of the premises and vehicles, and for abatement as public nuisances of ice, premises, equipment, processes or vehicles that do not comply with the minimum standards.

8. Define and prescribe reasonably necessary measures concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels. The rules shall prescribe minimum standards for preparing food in community kitchens, adequacy of excreta disposal, garbage and trash collection, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels and shall provide for inspection of these premises and for abatement as public nuisances of any premises or facilities that do not comply with the rules. Primitive camp and picnic grounds offered by this state or a political subdivision of this state are exempt from rules adopted pursuant to this paragraph but are subject to approval by a county health department under sanitary regulations adopted pursuant to section 36-183.02. Rules adopted pursuant to this paragraph do not apply to two or fewer recreational vehicles as defined in section 33-2102 that are not park models or park trailers, that are parked on owner-occupied residential property for less than sixty days and for which no rent or other compensation is paid. For the purposes of this paragraph, "primitive camp and picnic grounds" means camp and picnic grounds that are remote in nature and without accessibility to public infrastructure such as water, electricity and sewer.

9. Define and prescribe reasonably necessary measures concerning the sewage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation of all public schools. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained in any public school and shall provide for inspection of these premises and facilities and for abatement as public nuisances of any premises that do not comply with the minimum standards.

10. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious health conditions at these places. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained at any public or semipublic swimming pool or bathing place and shall provide for inspection of these

premises and for abatement as public nuisances of any premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of environmental quality and shall be consistent with the rules adopted by the director of the department of environmental quality pursuant to section 49-104, subsection B, paragraph 12.

11. Prescribe reasonably necessary measures to keep confidential information relating to diagnostic findings and treatment of patients, as well as information relating to contacts, suspects and associates of communicable disease patients. Confidential information may not be made available for political or commercial purposes.

12. Prescribe reasonably necessary measures regarding human immunodeficiency virus testing as a means to control the transmission of that virus, including the designation of anonymous test sites as dictated by current epidemiologic and scientific evidence.

13. Establish an online registry of food preparers that are authorized to prepare cottage food products for commercial purposes pursuant to paragraph 4 of this subsection and chapter 8, article 2 of this title. A registered food preparer shall renew the registration every three years and shall provide to the department updated registration information within thirty days after any change.

14. Prescribe an exclusion for fetal demise cases from the standardized survey known as "the hospital consumer assessment of healthcare providers and systems".

J. The rules adopted under the authority conferred by this section shall be observed throughout this state and shall be enforced by each local board of health or public health services district, but this section does not limit the right of any local board of health or county board of supervisors to adopt ordinances and rules as authorized by law within its jurisdiction if the ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the director.

K. The powers and duties prescribed by this section do not apply in instances in which regulatory powers and duties relating to public health are vested by the legislature in any other state board, commission, agency or instrumentality, except that with regard to the regulation of meat and meat products, the department of health services and the Arizona department of agriculture within the area delegated to each shall adopt rules that are not in conflict.

L. The director, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

M. After consultation with the state superintendent of public instruction, the director shall prescribe the criteria the department shall use in deciding whether or not to notify a local school district that a pupil in the district has tested positive for the human immunodeficiency virus antibody. The director shall prescribe the procedure by which the department shall notify a school district if, pursuant to these criteria, the department determines that notification is warranted in a particular situation. This procedure shall include a requirement that before notification the department shall determine to its satisfaction that the district has an appropriate policy relating to nondiscrimination of the infected pupil and confidentiality of test results and that proper educational counseling has been or will be provided to staff and pupils.

N. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (f) of this section, food and drink are exempt from the rules prescribed in subsection I of

this section if offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous, without a limitation on its display area.

O. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (h) of this section, a whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption is exempt from the rules prescribed in subsection I of this section.

P. Until the department adopts an exclusion by rule as required by subsection I, paragraph 14 of this section, the standardized survey known as "the hospital consumer assessment of healthcare providers and systems" may not include patients who experience a fetal demise.

Q. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (j) of this section, spirituous liquor and commercially prepackaged food, crackers or pretzels that meet the requirements of subsection I, paragraph 4, subdivision (j) of this section are exempt from the rules prescribed in subsection I of this section.

R. For the purposes of this section:

1. "Cottage food product" has the same meaning prescribed in section 36-931.

2. "Fetal demise" means a fetal death that occurs or is confirmed in a licensed hospital. Fetal demise does not include an abortion as defined in section 36-2151.

36-405. Powers and duties of the director

A. The director shall adopt rules to establish minimum standards and requirements for constructing, modifying and licensing health care institutions necessary to ensure the public health, safety and welfare. The standards and requirements shall relate to the construction, equipment, sanitation, staffing for medical, nursing and personal care services, and recordkeeping pertaining to administering medical, nursing, behavioral health and personal care services, in accordance with generally accepted practices of health care. The standards shall require that a physician who is licensed pursuant to title 32, chapter 13 or 17 medically discharge patients from surgery and shall allow an outpatient surgical center to require that either an anesthesia provider who is licensed pursuant to title 32, chapter 13, 15 or 17 or a physician who is licensed pursuant to title 32, chapter 13 or 17 remain present on the premises until all patients are discharged from the recovery room. Except as otherwise provided in this subsection, the director shall use the current standards adopted by the joint commission on accreditation of hospitals and the commission on accreditation of the American osteopathic association or those adopted by any recognized accreditation organization approved by the department as guidelines in prescribing minimum standards and requirements under this section.

B. The director, by rule, may:

1. Classify and subclassify health care institutions according to character, size, range of services provided, medical or dental specialty offered, duration of care and standard of patient care required for the purposes of licensure. Classes of health care institutions may include hospitals, infirmaries, outpatient treatment centers, health screening services centers and residential care facilities. Whenever the director reasonably deems distinctions in rules and standards to be appropriate among different classes or subclasses of health care institutions, the director may make such distinctions.

2. Prescribe standards for determining a health care institution's substantial compliance with licensure requirements.
3. Prescribe the criteria for the licensure inspection process.
4. Prescribe standards for selecting health care-related demonstration projects.
5. Establish nonrefundable application and licensing fees for health care institutions, including a grace period and a fee for the late payment of licensing fees.
6. Establish a process for the department to notify a licensee of the licensee's licensing fee due date.
7. Establish a process for a licensee to request a different licensing fee due date, including any limits on the number of requests by the licensee.

C. The director, by rule, shall adopt licensing provisions that facilitate the colocation and integration of outpatient treatment centers that provide medical, nursing and health-related services with behavioral health services consistent with article 3.1 of this chapter.

D. The director shall establish a model in rule for the department to monitor health care institutions on-site that are found to not be in substantial compliance with the applicable licensure requirements. The director shall establish on-site monitoring fees for health care institutions that are subject to the on-site monitoring requirements. The department may not charge a fee pursuant to this subsection for a complaint or compliance-related survey or inspection if a health care institution is in substantial compliance.

E. The department may provide in-service training to health care institutions that request in-service training relating to regulatory compliance outside of the survey process. The director shall establish in rule in-service training fees for health care institutions that request in-service training from the department.

F. Ninety percent of the fees collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the health services licensing fund established by section 36-414 and ten percent of the fees collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

G. Subsection B, paragraph 5 of this section does not apply to a health care institution operated by a state agency pursuant to state or federal law or to adult foster care residential settings.

36-406. Powers and duties of the department

In addition to its other powers and duties:

1. The department shall:

(a) Administer and enforce this chapter and the rules, regulations and standards adopted pursuant thereto.

(b) Review, and may approve, plans and specifications for construction or modification or additions to health care institutions regulated by this chapter.

(c) Have access to books, records, accounts and any other information of any health care institution reasonably necessary for the purposes of this chapter.

(d) Require as a condition of licensure that nursing care institutions and assisted living facilities make vaccinations for influenza and pneumonia available to residents on site on a yearly basis. The department shall prescribe the manner by which the institutions and facilities shall document compliance with this subdivision, including documenting residents who refuse to be immunized. The department shall not impose a violation on a licensee for not making a vaccination available if there is a shortage of that vaccination in this state as determined by the director.

2. The department may:

(a) Make or cause to be made inspections consistent with standard medical practice of every part of the premises of health care institutions which are subject to the provisions of this chapter as well as those which apply for or hold a license required by this chapter.

(b) Make studies and investigations of conditions and problems in health care institutions, or any class or subclass thereof, as they relate to compliance with this chapter and rules, regulations and standards adopted pursuant thereto.

(c) Develop manuals and guides relating to any of the several aspects of physical facilities and operations of health care institutions or any class or subclass thereof for distribution to the governing authorities of health care institutions and to the general public.

36-407. Prohibited acts; required acts

A. A person shall not establish, conduct or maintain in this state a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the department specifying the class or subclass of health care institution the person is establishing, conducting or maintaining. The license is valid only for the establishment, operation and maintenance of the class or subclass of health care institution, the type of services and, except for emergency admissions as prescribed by the director by rule, the licensed capacity specified by the license.

B. The licensee shall not imply by advertising, directory listing or otherwise that the licensee is authorized to perform services more specialized or of a higher degree of care than is authorized by this chapter and the underlying rules for the particular class or subclass of health care institution within which the licensee is licensed.

C. The licensee may not transfer or assign the license. A license is valid only for the premises occupied by the institution at the time of its issuance.

D. The licensee shall not personally or through an agent offer or imply an offer of rebate or fee splitting to any person regulated by title 32 or chapter 17 of this title.

E. The licensee shall submit an itemized statement of charges to each patient.

F. A health care institution shall refer a patient who is discharged after receiving emergency services for a drug-related overdose to a behavioral health services provider.

E-4.

ARIZONA GAME AND FISH COMMISSION
Title 12, Chapter 4, Article 10



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - FIVE-YEAR REVIEW REPORT

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: March 12, 2025

SUBJECT: ARIZONA GAME AND FISH COMMISSION
Title 12, Chapter 4, Article 10

Summary

This Five-Year Review Report (5YRR) from the Arizona Game and Fish Commission (Commission) relates to five (5) rules in Title 12, Chapter 4, Article 10 regarding regulation of Off-Highway Vehicles.

This is the first 5YRR for these rules which were adopted in August 2019.

Proposed Action

In the current report, the Commission proposes to amend four (4) as outlined in the Commission's report and in more detail below. The Department anticipated requesting an exception to the rulemaking moratorium by December 2024 and anticipates submitting the Notice of Final Rulemaking for actions proposed in this report to the Council by September 2025, provided the Commission is granted permission to pursue rulemaking.

1. Has the agency analyzed whether the rules are authorized by statute?

The Commission cites both general and specific statutory authority for these rules.

2. Summary of the agency's economic impact comparison and identification of stakeholders:

The Commission states the rules appear to have resulted in the estimated economic, small business, and consumer impacts as stated in the final rulemaking package approved by the Council on July 2, 2019. The Department indicates the rules were adopted to implement the off-highway course approval requirements and user indicia established during the Second Regular Session of the 48th Arizona State Legislature; and the nonresident off-highway user indicia established during the Second Regular Session of the 53rd Arizona State Legislature. Stakeholders are the Commission, the Arizona Game and Fish Department, off-highway vehicle (OHV) users including nonresidents who participate in off-highway recreational activities in Arizona, educational course providers, and the general public.

3. Has the agency analyzed the costs and benefits of the rulemaking and determined that the rules impose the least burden and costs to those who are regulated?

The Commission states that OHV users may incur minimal additional administrative expenses; however, OHV educational courses are required by statute, not rule. The Department does indicate it offers a low-cost online course for OHV users. The Department states that the benefits of protecting the environment from untrained OHV operators are significant. The Department states that OHV recreation can damage numerous aspects of the wildlife habitat including soil, vegetation, and streambeds, establishing minimum requirements for OHV training in order to mitigate the environmental damage that untrained OHV users can cause is beneficial to Arizona, the public and land management agencies. The Department notes that OHV recreation is a voluntary activity, so only those choosing to participate in the activity will incur any burdens and costs. The Department believes the rules impose the least burden and costs to persons regulated by the rules.

4. Has the agency received any written criticisms of the rules over the last five years?

The Commission indicates no written criticisms were received from the public or stakeholders during the five-year period before the Commission initiated the review process. However, the Commission indicates, in an effort to garner public and stakeholder comment, it issued a press release notifying the public of the intent to review the Article and stating the Commission would accept comments regarding the off-highway vehicle rules for a period of thirty days. As a result of that outreach effort, the Commission received numerous public comments. Summaries of the comments and the Commission's responses are outlined in detail in Section 7 of the Commission's report.

5. Has the agency analyzed the rules' clarity, conciseness, and understandability?

The Commission indicates the rules are clear, concise, and understandable.

6. Has the agency analyzed the rules' consistency with other rules and statutes?

The Commission indicates, with the passage of Laws, 2024, Chapter 240, Section 6, rule amendments are necessary to make the rules consistent with statute. Specifically, the Commission indicates the following changes are needed to ensure compliance:

- R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course.
 - The Commission proposes to require an educational course provider to issue proof of certification to the Department of Transportation (ADOT) and the Department, as appropriate.
- R12-4-1002. Course-approval Procedure.
 - The Commission proposes to amend the rule to:
 - Transfer the responsibility for reviewing course provider applications to the Department's Education Program (from our Law Enforcement Program), as that program is more appropriate.
 - Require an applicant to specify whether the educational course will be an in-person or online course.
 - Remove references to a "written" examination as it implies the educational course must be in-person.
 - Establish an educational course provider is prohibited from making any changes to an approved educational course without prior approval from the Department to ensure the educational course continues to meet the minimum standards. If a course provider would like to make any changes to the approved course, they will be required to submit a new application.
- R12-4-1004. Off-highway Vehicle Sound-level Requirements.
 - The Commission proposes to amend the rule to incorporate by reference the most recent version of the International Organization for Standardization's Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, ISO 5130:2019.
- R12-4-1005. Nonresident Off-highway Vehicle User Indicia.
 - The Commission proposes to amend the rule to:
 - Reflect the most recent definition of an ATV/OHV established under A.R.S. § 28-1171.
 - Require an applicant for a nonresident OHV User Indicia to provide proof of certification (satisfactory completion) for the educational course in order to purchase a non-resident OHV decal in compliance with Laws, 2024, Chapter 240, Section 6(A).
 - Require the owner/operator of the ATV/OHV to place the indicia in a visible place on the ATV, OHV, or dirt bike, as applicable.
 - Reflect the most recent exemptions to the indicia requirement. This is necessary to ensure compliance with the educational requirements established under Laws, 2024, Chapter 240, Section 6(A) and A.R.S. § 28-1178.

7. **Has the agency analyzed the rules' effectiveness in achieving its objectives?**

The Commission indicates the rules are currently effective in achieving their objectives.

8. **Has the agency analyzed the current enforcement status of the rules?**

The Commission indicates the rules are currently being enforced as written.

9. **Are the rules more stringent than corresponding federal law and, if so, is there statutory authority to exceed the requirements of federal law?**

The Commission indicates there are no corresponding federal laws.

10. **For rules adopted after July 29, 2010, do the rules require a permit or license and, if so, does the agency comply with A.R.S. § 41-1037?**

Pursuant to A.R.S. § 41-1037(A), if an agency proposes an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization, the agency shall use a general permit, as defined by A.R.S. § 41-1001(12), if the facilities, activities or practices in the class are substantially similar in nature unless certain exceptions apply.

A.R.S. § 41-1001(12) defines "general permit" to mean "a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing."

The Commission indicates The following rules require the issuance of a "general permit" as defined under A.R.S. § 41-1001(11) and are in compliance with A.R.S. § 41-1037:

- R12-4-1002 Course-approval Procedure
- R12-4-1005 Nonresident Off-highway Vehicle User Indicia

Council staff believes the Commission is in compliance with A.R.S. § 41-1037.

11. **Conclusion**

This 5YRR from the Commission relates to five (5) rules in Title 12, Chapter 4, Article 10 regarding regulation of Off-Highway Vehicles. The Commission proposes to amend four (4) as outlined in the Commission's report to improve their consistency with other rules and statutes in response to recent statutory changes. The Department anticipated requesting an exception to the rulemaking moratorium by December 2024 and anticipates submitting the Notice of Final Rulemaking for actions proposed in this report to the Council by September 2025, provided the Commission is granted permission to pursue rulemaking.

Council staff recommends approval of this report.



December 10, 2024

VIA EMAIL: grrc@azdoa.gov

Jessica Klein, Madam Chair
The Governor's Regulatory Review Council
100 North 15th Avenue, Suite 305
Phoenix, AZ 85007

RE: Five-year-Review Report: 12 A.A.C. 4, Article 10. Off-highway Vehicle

Dear Ms Klein:

Please find enclosed the Five Year Review Report of the Arizona Game and Fish Commission for 12 A.A.C. 4, Article 10. Off-highway Vehicles which is due on December 31, 2024.

The Arizona Game and Fish Commission hereby certifies compliance with A.R.S. 41-1091.

For questions about this report, please contact Celeste Cook at (623) 236-7390 or at CCook@azgfd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom P. Finley".

For
Tom Finley
Director

**ARIZONA GAME AND FISH
COMMISSION
2024 FIVE-YEAR REVIEW REPORT**

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 10. OFF-HIGHWAY VEHICLES



PREPARED FOR THE
GOVERNOR'S REGULATORY REVIEW COUNCIL

**ARTICLE 10 OFF HIGHWAY VEHICLES
FIVE-YEAR REVIEW REPORT**

1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.

For all rules within Article 10, the authorizing statute is A.R.S. § 17-231(A)(1).

For each rule within Article 10, the implementing statutes are as follows:

| | |
|--|---|
| R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course | A.R.S. § 28-1175 |
| R12-4-1002. Course-approval Procedure | A.R.S. § 28-1175 |
| R12-4-1003. Fee for an Approved Course | A.R.S. § 28-1175 |
| R12-4-1004. Off-highway Vehicle Sound-level Requirements | A.R.S. § 28-1175 |
| R12-4-1005. Nonresident Off-highway Vehicle User Indicia | A.R.S. §§ 28-1175, 28-1177, and 28-1179 |

2. Objective of the rule, including the purpose for the existence of the rule.

R12-4-1001 Minimum Standards for an Approved Off-Highway Vehicle Educational Course

The objective of the rule is to outline what a standard Off Highway Vehicle educational course should contain. The rule also requires anyone providing a course to issue a written examination and requires the participant to demonstrate proficiency by passing the exam with a score of 80% or above. The rule was created to provide a mechanism to implement the requirements of A.R.S. 28-1175 and should be maintained. No change to this rule is required at this time.

R12-4-1002 Course-approval Procedure

The objective of this rule is to outline the application requirements to gain course approval by submitting the application to the OHV Law Enforcement Program Manager. The rule provides the required information for the application, the course curriculum and written exam. The rule also requires the Department to approve or deny the request within 60 days of receiving the application and allows the provider to appeal any denial to the Commission. The rule was created to provide a mechanism to implement the requirements of A.R.S. § 28-1175 and should be maintained. No change to this rule is required at this time.

R12-4-1003 Fee for an Approved Course

The objective of this rule is to allow a course provider to charge a fee for their course. The intent of the rule is to ensure the fee is reasonable and does not exceed \$300. This rule was created to describe what the maximum reasonable fee for an OHV safety course would be and the rule should be maintained. A.R.S. § 28-1175 states that an agency, corporation or an individual may collect a fee and that the fee should be reasonable. No change to this rule is required at this time.

R12-4-1004 Off Highway Vehicle Sound-level Requirements

The objective of this rule is to give law enforcement officers the authority to require an individual to submit their

OHV for sound testing if the officer believes the OHV is producing sound in excess of legal levels, defined in statute as 96 decibels. The rule describes the scientific procedures for measuring the sound level in accordance with A.R.S. § 28-1179 A. 3. This rule is required by statute and should be maintained. No change to this rule is required at this time.

R12-4-1005 Nonresident Off-highway Vehicle User Indicia

The objective of this rule is to spell out how the Department administers the non-resident indicia program and authorizes the Department to collect a fee for administering the program. The rule also specifies where the non-resident decals shall be placed on specific vehicle types and allows a printed receipt or an electronic copy of a receipt to serve as a valid non-resident decal for 30 days from the date of purchase. The rule also mirrors A.R.S. § 28-1178 and specifies when an OHV decal is not required for non-residents. The rule was created because A.R.S. § 28-1177(E). states, the Arizona Game and Fish Department may provide for a non-resident decal and may impose a service fee described in the rule. The rule should be maintained and no changes are required at this time.

3. Effectiveness of the rule in achieving the objective, including a summary of any available data supporting the conclusion reached.

At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes. No comments or recommendations were given. In addition, internal and external comments received since the rules were adopted are reviewed and considered. Comments indicate the rules are understandable and applicable. The Department believes this data indicates the rules are effective. The Department believes the following rules are effective in achieving the objectives identified above:

- R12-4-1001 Minimum Standards for an Approved Off-highway Vehicle Educational Course
- R12-4-1002 Course-approval Procedure
- R12-4-1003 Fee for an Approved Course
- R12-4-1004 Off-highway Vehicle Sound Level Requirements
- R12-4-1005 Nonresident Off-highway Vehicle User Indicia

4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.

Except as noted below, the Department believes the following rule is consistent with statutes and rules; statutes and rules used to determine consistency include A.R.S. §§ Titles 17 and 28.

- R12-4-1003 Fee for an Approved Course

With the passage of Laws, 2024, Chapter 240, Section 6, the Department has determined rule amendments are necessary to implement the legislative intent. The following changes are needed to ensure compliance:

R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course. The Department proposes to require an educational course provider to issue proof of certification to the Department of Transportation (ADOT) and the Department, as appropriate.

R12-4-1002. Course-approval Procedure. The Department proposes to amend the rule to:

- Transfer the responsibility for reviewing course provider applications to the Department’s Education Program (from our Law Enforcement Program), as that program is more appropriate.
- Require an applicant to specify whether the educational course will be an in-person or online course.
- Remove references to a “written” examination as it implies the educational course must be in-person.
- Establish an educational course provider is prohibited from making any changes to an approved educational course without prior approval from the Department to ensure the educational course continues to meet the minimum standards. If a course provider would like to make any changes to the approved course, they will be required to submit a new application.

R12-4-1004. Off-highway Vehicle Sound-level Requirements. The Department proposes to amend the rule to incorporate by reference the most recent version of the International Organization for Standardization’s Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, ISO 5130:2019.

R12-4-1005. Nonresident Off-highway Vehicle User Indicia. The Department proposes to amend the rule to:

- Reflect the most recent definition of an ATV/OHV established under A.R.S. § 28-1171.
- Require an applicant for a nonresident OHV User Indicia to provide proof of certification (satisfactory completion) for the educational course in order to purchase a non-resident OHV decal in compliance with Laws, 2024, Chapter 240, Section 6(A).
- Require the owner/operator of the ATV/OHV to place the indicia in a visible place on the ATV, OHV, or dirt bike, as applicable.
- Reflect the most recent exemptions to the indicia requirement. This is necessary to ensure compliance with the educational requirements established under Laws, 2024, Chapter 240, Section 6(A) and A.R.S. § 28-1178.

5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.

The rules are currently being enforced; however, no one has submitted an application for approval for an OHV education course to date, thus the first three rules in Article 10 have not been employed.

6. Clarity, conciseness, and understandability of the rule.

The Department believes the following rules are clear, concise, understandable, are logically organized, and generally written in the active voice:

- R12-4-1001 Minimum Standards for an Approved Off-highway Vehicle Educational Course
- R12-4-1002 Course-approval Procedure

- R12-4-1003 Fee for an Approved Course
- R12-4-1004 Off-highway Vehicle Sound Level Requirements
- R12-4-1005 Nonresident Off-highway Vehicle User Indicia

7. Summary of the written criticisms of the rule received by the agency within the five years immediately preceding the Five-year Review Report, including letters, memoranda, reports, written analyses submitted to the agency questioning whether the rule is based on scientific or reliable principles, or methods, and written allegations made in litigation and administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute, or beyond the authority of the agency to enact, and the conclusion of the litigation and administrative proceedings.

No written criticisms were received from the public or stakeholders during the five-year period before the Department initiated the review process. In an effort to garner public and stakeholder comment, the Department issued a press release notifying the public of the intent to review the Article and stating the Department would accept comments regarding the off-highway vehicle rules for a period of thirty days. As a result of that outreach effort, the Department received the following written criticisms:

R12-4-1004. Off-highway Vehicle Sound-level Requirements

Comments suggest the Commission amend the rule(s) to establish stricter sound muffling equipment requirements.

Agency Response: Thank you for taking the time to comment. A.R.S. § 28-1179(A)(3) states, “Except when operating on a closed course, either a muffler or other noise dissipative device that prevents sound above ninety-six decibels. The director shall adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other off-highway vehicles.” The industry standard for maximum sound level, including street motorcycles, is 96 decibels. The Commission’s rule complies with A.R.S. § 28-1179, which establishes sound level restrictions; and the Commission does not have the authority to establish such a requirement.

R12-4-1005. Nonresident Off-highway Vehicle User Indicia

Comments suggest the Commission amend the rule to increase the fee for the Off-highway Vehicle (OHV) User Indicia.

Agency Response: Thank you for taking the time to comment. The Department maintains a neutral position in regards to increasing the cost of the OHV indicia. However, the Legislature established an Arizona Off-highway Vehicle Study Committee composed of members of the Senate and House Committees, farmers, ranchers, concerned citizens, members of Tread Lightly, as well as OHV owners, OHV rental company owners, and OHV dealers. The committee is tasked with developing legislation to address statewide concerns regarding OHV use and several members of the committee have brought this idea forward. In addition, the

Department has shared all of the comments received to date with the committee.

Comments suggest the Commission amend the rule(s) to increase the fee for the Off-highway Vehicle (OHV) User Indicia with the added cost being allocated to the National Forest Service for use in maintaining roads and trails for OHV use.

Agency Response: Thank you for taking the time to comment. This suggestion would require a change to state law. Current statutes specify any revenue collected shall be spent as follows: The Game and Fish Department shall spend 35% on informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation, law enforcement activities relating to OHV use and equipment, and administering the indicia program (includes seven full-time employees); State Land Department shall spend 5% to mitigate damage to the land (within its jurisdiction), for necessary environmental, historical and cultural clearance or compliance activities, and to fund enforcement of off-highway vehicle laws. The Arizona State Parks Board shall spend 60% to fund staff support to plan and administer the off-highway vehicle recreation fund (limited to 12%); establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan; to designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas; and no more than 35% of those funds for construction of new off-highway vehicle trails. Until these statutes are amended, this suggestion cannot be implemented.

Comments suggest the Commission amend the rule(s) to no longer require an OHV user fee.

Agency Response. Thank you for taking the time to comment. The Department disagrees. The \$25 fee is divided between three agencies for the purpose of developing OHV specific law enforcement and education activities, signage, damage mitigation, and cultural clearances for trails. These funds are critical for maintaining the resources, mitigating damage, and creating opportunities for OHV users to enjoy.

Comments suggest the user fee is negatively impacting OHV use resulting in lost revenue (taxes, tourism, retail, etc.).

Agency Response: Thank you for taking the time to comment. The Department disagrees. Empirical data indicates OHV use continues to increase year after year, so it is not likely that other areas have lost revenue. The fee is necessary and is used for OHV specific law enforcement and education activities, OHV signage, to mitigate damage to the environment such as but not limited to soil erosion and compaction, impaired water quality due to sediment from erosion, reducing native plant and wildlife diversity by introducing and spreading of non-native invasive plants. These funds are critical for maintaining the resources and opportunities that OHV users enjoy.

The following comments are outside of the scope of the scope of the Article 10 laws and rules:

Comments suggest the Commission establish more single-track trails for OHV use near them.

Agency Response: Thank you for taking the time to comment. This is outside of the Commission's authority. The best way to increase the number of OHV trails in your area is to work with a local club with the same goals. Land management agencies often work with OHV clubs to obtain the required environmental clearances. There are a number of grants made available through Arizona State Parks and Trails that can help pay for the creation of trails.

Comments suggest more rigorous enforcement be applied to OHV users who are violating the law(s).

Agency Response: Thank you for taking the time to comment. The Department understands your frustration at the behavior and the perceived lack of enforcement as well as the impact OHVs are having on cultural resources, habitat, and wildlife. The Department has one OHV officer who is responsible for all of Region 3. The boundaries of Region 3 are roughly from Cordes to Sedona, to the Grand Canyon, and then west to the Colorado river. The Department has approximately 96 field officer positions (when fully staffed), and they are responsible for covering the entire state (with the exception of the reservations). Cross country travel and habitat damage are at the top of the list of things that our officers eagerly write tickets for. Please note, there may only be one Wildlife Manager per hunt unit, which makes it difficult to be at the right place at the right time, especially for OHV violations. Every agency is feeling the burden of complaints from people misusing OHVs, both in- and out-of-town and the Department works hard to educate other law enforcement agencies around the state on OHV laws and enforcement practices. As more agencies are trained on OHV enforcement, we can expect an increase in enforcement throughout the state. In addition, we have found that education is extremely effective in changing the behavior of OHV users. Many riders simply don't know the rules or best practices. The Department continually strives to find ways to provide education to the OHV community in an effort to better protect State resources and improve public safety.

Comments suggest establishing stricter OHV laws and rules to better protect Arizona's outdoor resources.

Agency Response: Thank you for taking the time to comment. While habitat damage from OHV use is of great concern, the Department maintains a neutral position in regards to establishing stricter OHV laws and rules. However, the Legislature established an Arizona Off-highway Vehicle Study Committee composed of members of the Senate and House Committees, farmers, ranchers, concerned citizens, members of Tread Lightly, as well as OHV owners, OHV rental company owners, and OHV dealers. The committee is tasked with developing legislation to address statewide concerns regarding OHV use and several members of the committee have brought this idea forward. In addition, the Department has shared all of the comments received to date with the committee. The Department also works hard to provide training to other law enforcement agencies around the State, including county sheriff's and municipal agencies, on OHV laws and enforcement practices. The goal is to greatly expand the law enforcement footprint as it relates to OHV enforcement.

Comments suggest establishing stricter OHV laws and rules that also address hunting from a

vehicle/roadway.

Agency Response: Thank you for taking the time to comment. It is already illegal to hunt from a vehicle or shoot across a roadway, however a Challenged Hunter Access/Mobility Permit (CHAMP) holder can legally hunt from a vehicle with some restrictions. The Department maintains a neutral position in regards to establishing stricter OHV laws and rules. However, the Legislature established an Arizona Off-highway Vehicle Study Committee composed of members of the Senate and House Committees, farmers, ranchers, concerned citizens, members of Tread Lightly, as well as OHV owners, OHV rental company owners, and OHV dealers. The committee is tasked with developing legislation to address statewide concerns regarding OHV use and several members of the committee have brought this idea forward. In addition, the Department has shared all of the comments received to date with the committee. In addition, the Department works hard to provide training to other law enforcement agencies around the State, including county sheriff's and municipal agencies, on OHV laws and enforcement practices. The goal is to greatly expand the law enforcement footprint as it relates to OHV enforcement.

Comments suggest the Commission amend the rule to require OHV rental companies and OHV dealers to provide educational videos in an effort to better protect the environment.

Agency Response: Thank you for taking the time to comment. The Department recognized a need to provide OHV renters with educational materials several years ago. The Department's OHV program created an educational video and then distributed it to over 90 rental companies in an effort to get them to voluntarily require their clients to watch the video prior to riding. In less than two years, the result of this effort is that the majority of the rental companies are utilizing this video and have had great success. The rental companies that show the video as a pre-ride requirement are enjoying a 50 to 75% reduction in the number of accidents. Please use the following link to watch the Department's "OHV Safety, Laws, and Ethics" video, <https://www.youtube.com/watch?v=Ikg0Z0mYiVk>

Comments suggest the Commission amend the rule to require mandatory OHV user education.

Agency Response: Thank you for taking the time to comment. While the Department agrees that OHV education is extremely important in addressing the OHV issues, this suggestion is outside of the Commission's rulemaking authority. Through Department outreach activities, the Department has learned that education on safe riding practices, ethics, and protecting the environment makes a big difference in the behavior of the OHV users. Members of the Legislature attempted to adopt an OHV education bill last year, but it did not pass. However, there is another bill currently working its way through the Legislature now.

Comments suggest the Commission amend the rule(s) to address noise caused by OHV riding, uncapped racing equipment, and speed and age restrictions.

Agency Response: Thank you for taking the time to comment. The Department understands your frustration at the behavior and the perceived lack of enforcement. With regard to OHV noise, A.R.S. § 28-1179 states an OHV cannot exceed 96 decibels; this is an industry standard and applies to street motorcycles as well. As

far as speed enforcement, our OHV officers enforce reasonable and prudent speed. However, it is much more difficult to enforce for OHVs because there are typically no posted speeds and one must determine a reasonable and prudent speed for the activity, location, weather, etc. As far as an age restriction, A.R.S. § 28-3151 states, "... a person shall not drive a motor vehicle or vehicle combination on a highway without a valid driver license and proper endorsement ..." and A.R.S. § 28-1171 defines "highway" as the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of conventional two-wheel drive vehicular travel. Highway does not include routes designated for off-highway vehicle use." As far as an age restriction for operating an OHV, the driver's license statute requires a driver's license to operate a motor vehicle on a "highway," which is generally defined as any public road. So, a 10-year-old should not have been operating. With regards to signage, it is an unfortunate reality that signs are frequently torn down and all land management agencies struggle to maintain signage; particularly those that indicate road closures. The Department also works hard to provide training to other law enforcement agencies around the State, including county sheriff's and municipal agencies, on OHV laws and enforcement practices. The goal is to greatly expand the law enforcement footprint as it relates to OHV enforcement.

Comments suggest the Commission amend the rule to prohibit a person from operating an OHV on a paved roadway.

Agency Response: Thank you for taking the time to comment. The current OHV laws allow, and depending on the size of the OHV, may require OHV owners to register their OHVs provided they are "street legal" (meet the minimum structural and equipment requirements for "on road" operation). A legislative amendment is required before the Commission could implement such a restriction.

Comments suggest the Commission amend the rule to prohibit the use of OHVs weighing more than 1,800 lbs.

Agency Response: Thank you for taking the time to comment. While the definition of off-highway vehicle does not establish a minimum/maximum OHV weight, see A.R.S. § 17-1171; A.R.S. § 17-1177 establishes an OHV weighing 2,500 lbs. or less must display an OHV User Indicia. This requirement does not apply to OHVs that are used off-highway exclusively for agricultural, ranching, construction, mining, mining exploration, or building trade purposes. A legislative amendment is required before the Commission could implement such a restriction.

Comments suggest the Commission amend the rule to prohibit the use of OHVs in specific areas of the State in an effort to mitigate damage, ensure public safety, and/or prevent noise disturbances.

Agency Response: Thank you for taking the time to comment. It is unlawful for anyone to operate an OHV off an existing road, trail, or route in a manner that causes damage to wildlife habitat, riparian areas, cultural or natural resources or property or improvements. It is also unlawful to cause damage to the environment while operating an OHV. The Department works hard to educate other law enforcement agencies around the

state on OHV laws and enforcement practices. Each agency is aware of complaints about people misusing OHVs, both in- and out-of-town. As more agencies are trained on OHV enforcement, we can expect an increase in enforcement throughout the state.

Comments indicate the Commission should amend the rule or pursue legislation to implement a user indicia reciprocity program with bordering states.

Agency Response: Thank you for taking the time to comment. The Department disagrees. Bordering states ended reciprocity at the request of the OHV community. The OHV community wanted to ensure that the revenue provides funding that maintains and protects the resources in their own state. In addition, the \$25 OHV user indicia fee is divided between three land management agencies, State Parks and Trails, State Land Department, and Game and Fish Department. The Game and Fish Department is allotted 35% to use on informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation, law enforcement activities relating to OHV use and equipment, and administering the indicia program; State Land Department is allotted 5% to use to mitigate damage to the land, environmental, historical and cultural clearance or compliance activities, and to fund enforcement of off-highway vehicle laws; Arizona State Parks Board is allotted 60% to fund staff support to plan and administer the off-highway vehicle recreation fund; establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.

Comments suggest restricting OHV operators to designated areas, tracks, trails, etc.

Agency Response: Thank you for taking the time to comment. The Department understands your frustration and concern. The Department agrees that OHV recreation needs to be safe, responsible, and ethical. Laws and rules prohibiting cross country travel and habitat damage are strictly enforced. As far as speed enforcement, our OHV officers enforce reasonable and prudent speed. However, it is much more difficult to enforce for OHVs because there are typically no posted speeds and one must determine a reasonable and prudent speed for the activity, location, weather, etc. A person must operate their OHV at a speed that is reasonable and prudent even though there are no posted speed limits. This requires a person to operate their OHV at a speed that would allow them to safely avoid an obstacle when they encounter it without skidding, sliding, or losing control in any way.

The Department considers the following comments to be statements that do not require a response:

Unconstitutional, double taxation.

We don't need any more rules.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The rules appear to have resulted in the estimated economic, small business, and consumer impacts as stated in the final rulemaking package approved by G.R.R.C. on July 2, 2019. The rules were adopted to implement the off-highway course approval requirements and user indicia established during the Second Regular Session of the 48th Arizona State Legislature; and the nonresident off-highway user indicia established during the Second Regular Session of the 53rd Arizona State Legislature.

9. Any analysis submitted to the agency by another person regarding the rule’s impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.

The Department did not receive any analyses.

10. If applicable, how the agency completed the course of action indicated in the agency’s previous five-year review report.

Not applicable; the rules were adopted on August 31, 2019; this is the first time they are undergoing a review under A.R.S. § 41-1056.

11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.

The purpose of the Arizona Game and Fish Commission (Commission), the Arizona Game and Fish Department (Department), and the Director of the Department is “to manage wildlife and wildlife habitat in this state as provided by law.” Laws 2012, Ch. 283 § 3. “Control of the department is vested in the game and fish commission.” A.R.S. § 17-201(A). The commission appoints the Director who is “the chief administrative officer of the game and fish department.” A.R.S. § 17-211(A).

With regard to general rulemaking authority, the Commission is required to “[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of [A.R.S. Title 17, Game and Fish].”

OHV recreation is one of the most popular recreational activities taking place on public and state lands in Arizona. The Arizona Off-Highway Vehicle Program was created by the Legislature in 1991 to manage off-highway vehicle (OHV) use in Arizona. The legislation defined the parameters for off-highway vehicle use in Arizona and created an OHV Recreation Fund to be used to meet the needs of OHV recreation. The use of OHVs has increased 347% since 1998; and has outpaced the existing funding to manage that growth, protect wildlife habitat, and help maintain recreational access.

Article 10 Five-year Review Report Criteria Continued...

During the Second Regular Session of the 48th Legislature, the Legislature amended A.R.S. § Title 28 to regulate the use of off-highway vehicles more closely and authorized the Arizona Department of Transportation in coordination with the Game and Fish Department to administer an OHV user indicia program.

A.A.C. Title 12, Chapter 10, Article 10 contains five rules that specify the minimum standards for an educational course of instruction in off-highway safety and environmental ethics to be approved; set the maximum fee that can be charged by providers of an approved educational course; adopt the current sound measurement standard of the Society of Automotive Engineers for all-terrain vehicles and motorcycles and the current sound measurement standard for the International Organization for Standardization for all other OHVs; and establish the application procedure, indicia placement, and user fee associated with the nonresident OHV user indicia prescribed under A.R.S. § 28-1177.

The Commission intent in adopting the off-highway vehicle rules was to provide better OHV management and protection of natural resources while maintaining access. Funds generated from this program are used to help ensure sustainable opportunities to recreate by bolstering grant programs that pay for maintenance, signage, habitat mitigation, education, and enforcement.

Since 2009, the Commission actively seeks to reduce regulatory burdens wherever and whenever possible. Most rules impose no costs on persons regulated by the rule and benefit persons regulated by the rule by adding additional clarity to Commission rules.

When amending Commission rules, the Department tasks a team of subject matter experts to review and make recommendations for rules. In its review, the team considers all comments from the public and agency staff that administer and enforce the rules, historical data, current processes and environment, and the Department's overall mission. The team takes a customer-focused approach, considers each recommendation from a resource perspective and determines whether the recommendation would cause undue harm to the Department's goals and objectives. The team then determines whether the request is in keeping with overarching guidance provided by the Governor, authorized by statute, in keeping with overarching guidance provided by the Commission, consistent with the Department's overall mission, is least burdensome to persons regulated by the rule, if it could be effectively implemented given agency resources, and if it is acceptable to the public.

Key stakeholders are the Commission, the Department, OHV users, educational course providers, and the general public. The economic impact for these stakeholders is minimal.

OHV users may incur minimal additional administrative expenses; however, OHV educational courses are required by statute, not rule. The Department offers a low-cost online course for OHV users.

The costs on the regulated public are minimal, and the benefits of protecting the environment from untrained

OHV operators are significant. OHV recreation can damage numerous aspects of the wildlife habitat including soil, vegetation, and streambeds, establishing minimum requirements for OHV training in order to mitigate the environmental damage that untrained OHV users can cause is beneficial to Arizona to the public and land management agencies.

The Department notes that OHV recreation is a voluntary activity, so only those choosing to participate in the activity will incur any burdens and costs.

The Department believes the rules impose the least burden and costs to persons regulated by the rules.

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.

The rules are based on state law and federal law is not directly applicable to the rules.

13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.

The following rules require the issuance of a "general permit" as defined under A.R.S. § 41-1001(11) and are in compliance with A.R.S. § 41-1037:

- R12-4-1002 Course-approval Procedure
- R12-4-1005 Nonresident Off-highway Vehicle User Indicia

The following rules do not require the issuance of a regulatory permit, license, or agency authorization:

- R12-4-1001 Minimum Standards for an Approved Off-highway Vehicle Educational Course
- R12-4-1003 Fee for an Approved Course
- R12-4-1004 Off-highway Vehicle Sound Level Requirements

14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.

The Department proposes no action for the following rules:

R12-4-1003. Fee for an Approved Course

The Department proposes to amend the following rules as indicated in this report:

- R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course

Article 10 Five-year Review Report Criteria Continued...

- R12-4-1002. Course-approval Procedure
- R12-4-1004. Off-highway Vehicle Sound-level Requirements
- R12-4-1005. Nonresident Off-highway Vehicle User Indicia

The Department anticipates requesting an exception to the rulemaking moratorium by December 2024 and submitting the Notice of Final Rulemaking for actions proposed in this report to the Council by September 2025, provided the Commission is granted permission to pursue rulemaking.

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 10. OFF-HIGHWAY VEHICLES
R12-4-1001, R12-4-1002, R12-4-1003, R12-4-1004, and R12-4-1005
Economic, Small Business and Consumer Impact Statement

A. Economic, small business and consumer impact summary:

1. Identification of the proposed rulemaking.

Off-highway vehicle (OHV) recreation is one of the most popular recreational activities taking place on public and state lands in Arizona. The Arizona Off-highway Vehicle Program was created by the Legislature in 1991 to manage OHV use in Arizona. The legislation defined the parameters for off-highway vehicle use in Arizona and created an OHV Recreation Fund to be used to meet the needs of OHV recreation.

The use of OHVs has increased 347% since 1998; and has outpaced the existing funding to manage that growth, protect wildlife habitat, and help maintain recreational access. During the Second Regular Session of the 48th Arizona State Legislature, the Legislature amended A.R.S. Title 28 to regulate the use of off-highway vehicles more closely and authorize the Arizona Department of Transportation to administer an off-highway vehicle user indicia program. The goal of these regulations is to provide better OHV management and protection of natural resources while maintaining access. Funds generated from this program will be used to help ensure sustainable opportunities by bolstering grant programs that pay for maintenance, signage, habitat mitigation, education and enforcement.

The Commission proposes to pursue rulemaking to specify the minimum standards for an educational course of instruction in off-highway safety and environmental ethics to be approved; establish a fee that is reasonable and commensurate for the educational course, and adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other OHVs.

In addition, during the Second Regular Session of the 53rd Arizona State Legislature, the Legislature amended A.R.S. Titles 28 and 17 to allow the Arizona Game and Fish Commission to administer the nonresident off-highway user indicia program. The Commission proposes to pursue rulemaking to establish the application procedure, indicia placement, and user fee associated with the nonresident off-highway vehicle user indicia prescribed under A.R.S. § 28-1177.

(a) The conduct and its frequency of occurrence that the rule is designed to change.

The use of OHVs has increased 347% since 1998; and has outpaced the existing funding to manage that growth, protect wildlife habitat, and help maintain recreational access.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed.

Habitat varies from species to species, but it encompasses all of the needs of that species. There are four basic elements: food, water, shelter and adequate space. Also included is the arrangement of the basic elements to one another. Each species must have all the basic elements in the necessary order to survive. Animals survive winter by creating fat reserves and limiting activity to conserve energy. Fat is needed to sustain body temperature in the extreme cold. Since plants are dormant and maintain low nutritional value during the winter, creation of sufficient energy reserves during the summer is critical. OHVs can destroy the plants animals need to create fat reserves. Vegetation also reduces erosion by increasing the stability of the soil. If the plant cover is destroyed the soil can be eroded by wind and rain. Impacts to soils are acceptable if managed and confined to trail corridors. Streams and their banks are exceptionally fragile. OHVs traveling along banks or through stream beds cause stream sedimentation. Stream sedimentation is the process where the stream fills with silt, soil and gravel and slowly fills in shallow pools. The pools that once contained fish and other aquatic species may become nothing but moist sand.

(c) The estimated change in frequency of the targeted conduct expected from the rule change.

The Commission does not anticipate the frequency of off-highway will be reduced; however, establishing the minimum standards for an educational course of instruction in off-highway safety and environmental ethics; incorporating by reference the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other OHVs; and establishing the application procedure, indicia placement, and user fee associated with the nonresident off-highway vehicle user indicia prescribed under A.R.S. § 28-1177 will aid in mitigating the environmental damage caused by off-highway recreation.

2. Brief summary of the information included in the economic, small business and consumer impact statement.

The rulemaking will have a positive economic impact on the provider of an educational course of instruction that is approved by the Department. A course provider is not required to have the course approved by the Department. However, there is an economic advantage to obtaining the Department's approval because under A.R.S. § 28-1174(G) a judge may require a person who violates the statute to take an approved course. The provider of an approved course may also charge any fee up to the course fee established in this rulemaking. In determining the maximum fee that the provider of an approved educational course of instruction in off-highway vehicle safety and environmental ethics may charge, the Director reviewed fees currently charged for related courses. For example: the Motorcycle Safety Foundation currently charges \$185 for basic rider training; the ATV Safety Institute charges \$55 to \$150 for ATV Rider training depending on the student's age. The Director set the maximum fee at an amount believed to be consistent with fees currently charged, allowing for market competition among providers and enabling providers to increase the fee over time. Because of the course fee, the rulemaking may have economic impact on those who participate in an approved course, either voluntarily or under court order. However, the Department offers a low-cost online course to the public through Kalkomey Enterprises, LLC;

and partners with the Recreational Off-highway Vehicle Association and the ATV Institute to offer no-fee online courses.

The Commission anticipates a minimal economic impact to qualified persons and business entities seeking to operate OHVs, as defined under A.R.S. § 28-1177. Depending on the owner's declared use, costs may include additional administrative expenses for preparing the prescribed application and a nominal user fee for each ATV or OHV registered with the Department under A.R.S. § 28-1179. It is important to note, operating an all-terrain or off-highway vehicle in this state is a voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission does not anticipate the fee will significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity.

3. The name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

Name: Celeste Cook, Director's Office Rules and Policy Manager
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086
Telephone: (623) 236-7390
Fax: (623) 236-7677
E-mail: CCook@azgfd.gov

B. The economic, small business and consumer impact statement:

1. Identification of the proposed rulemaking.

See paragraph (A)(1) above.

2. Identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

Persons who will be directly affected by and bear the costs of the proposed rulemaking:

Arizona Game and Fish Department
Nonresidents who participate in off-highway recreational activities in Arizona

Persons who directly benefit from the proposed rulemaking:

Arizona Game and Fish Department
Arizona State Parks Department
Arizona Department of Transportation
General public
State of Arizona

3. Cost benefit analysis:

Cost-revenue scale. Annual costs or revenues are defined as follows:

| | |
|----------|--------------------|
| Minimal | less than \$1,000 |
| Moderate | \$1,000 to \$9,999 |

Substantial \$10,000 or more

- (a) Probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the Economic, Small Business, and Consumer Impact Statement shall notify the Joint Legislative Budget Committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by council.**

The Commission anticipates the Department will incur a substantial impact implementing the nonresident off-highway user indicia program: costs associated with rulemaking, implementation of the rules, which includes system programming, and the resources necessary to administer the program. However, the state of Arizona and the various agencies involved with the implementation of the nonresident off-highway vehicle indicia legislation, as well as the public will benefit substantially. Funds generated from this program will be used to help ensure sustainable opportunities by bolstering grant programs that pay for maintenance, signage, habitat mitigation, education and enforcement.

- (b) Probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.**

The Commission does not anticipate the proposed rulemaking will significantly affect political subdivisions of this state.

- (c) Probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking.**

The Commission anticipates the proposed amendments will have no substantial impact on businesses, their revenues, or their payroll expenditures. Of those that do or may have an impact, the Commission does not anticipate the impact will be significant. The Commission's intent in the proposed rulemaking is to provide better OHV management and protection of natural resources while maintaining access.

- 4. General description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.**

The Commission anticipates the proposed amendments will have no substantial impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the proposed rulemaking. Because, in most instances, the rulemaking either reduces or makes no change to the current regulatory burden, the Commission anticipates persons directly affected by the rule will not incur any additional costs as a result of the rulemaking. For most businesses directly affected by the rulemaking, any anticipated costs incurred are strictly administrative in nature and are believed to be moderate, if at all.

- 5. Statement of the probable impact of the proposed rulemaking on small businesses:**

- (a) Identification of the small businesses subject to the proposed rulemaking.**

Off-highway education course providers

Businesses that sell ATVs and/or OHVs

(b) Administrative and other costs required for compliance with the proposed rulemaking.

The Commission anticipates the proposed rulemaking will not create additional costs for compliance.

(c) Description of the methods that the agency may use to reduce the impact on small businesses.

The Commission believes establishing less stringent compliance requirements for small businesses is not necessary as the proposed rules do not place any reporting requirements on businesses.

(d) Probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Commission anticipates the proposed rulemaking will result in a minimal impact to nonresidents who participate in off-highway recreational activities. The Commission anticipates a minimal impact to qualified persons and business entities seeking to operate OHVs, as defined under A.R.S. § 28-1177. Depending on the owner's declared use, costs may include additional administrative expenses for preparing the prescribed application and a nominal user fee for each ATV or OHV registered with the Department under A.R.S. § 28-1179. It is important to note, operating an all-terrain or off-highway vehicle in this state is a voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission does not anticipate the fee will significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity.

6. Statement of the probable effect on state revenues.

The proposed rulemaking will not significantly impact state revenues.

7. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking.

The Commission has determined that there are no alternative methods of achieving the objectives of the proposed rulemaking. The Commission holds that the benefits of the proposed rulemaking outweigh any costs.

8. Description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

For this rulemaking, the Commission relied on empirical data based on agency experience and observations, which included comments from the public, Arizona State Parks Department, Arizona Transportation Department and agency staff that administer and enforce the rules included in this rulemaking. The Department also solicited comment and information from industry professionals regarding the numbers of, types, and uses of off-highway vehicles. Additionally, the Commission relied on historical data (i.e., meeting notes from previous rulemaking teams, Department reports (sportsman data, violation data, etc.), other state agency rules, etc.), current processes, benchmarking with other states, and the Department's

overall mission. The subjects the rules address are based on statutory requirements rather than natural sciences, thus recommendations relied more heavily on empirical qualitative data using agency experience and observations instead of quantitative data. The Commission approached this rulemaking and the use of the documentation, statistics, and research in a methodical way, testing various approaches and trying to replicate approaches that were successful in other states.

- C. If for any reason adequate data are not reasonably available to comply with the requirements of subsection B of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms. The absence of adequate data, if explained in accordance with this subsection, shall not be grounds for a legal challenge to the sufficiency of the economic, small business and consumer impact statement.**

The Department tasked a team of subject matter experts to review and make recommendations for rules relating to off-highway vehicles. In its review, the team considered all comments from the public and agency staff that administer and enforce off-highway statutes and rules, historical data, current processes and environment, and the Department's overall mission. The team took a customer-focused approach, considering each recommendation from a resource perspective and determining whether the recommendation would cause undue harm to the Department's goals and objectives. The team then determined whether the request was consistent with the Department's overall mission, if it could be effectively implemented given agency resources, and if it was acceptable to the public. The Commission believes the data utilized in completing this economic, small business, and consumer statement is more than adequate.

ARTICLE 10. OFF-HIGHWAY VEHICLES

ARTICLE 10. OFF-HIGHWAY VEHICLES

- R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course
- R12-4-1002. Course-approval Procedure
- R12-4-1003. Fee for an Approved Course
- R12-4-1004. Off-highway Vehicle Sound-level Requirements
- R12-4-1005. Nonresident Off-highway Vehicle User Indicia

ARTICLE 10. OFF-HIGHWAY VEHICLES

R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course

The Department may approve an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, provided the course meets the following minimum standards:

1. Course content. The course shall provide information regarding:
 - a. OHV safety;
 - b. Responsibilities of users of OHVs;
 - c. Use of an OHV in a manner that does not harm the natural terrain, plants, or animals;
 - d. Use of an OHV in a manner that minimizes air pollution; and
 - e. State statutes and rules regarding use of OHVs.
2. Course procedures. The course provider shall:
 - a. Use a written examination to measure the extent to which a participant learned the course content; and
 - b. Provide a certificate of completion to a participant who receives a score of 80% or above on the written examination or that demonstrates an equivalent proficiency.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

R12-4-1002. Course-approval Procedure

- A. To obtain approval of an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, the course provider shall submit an application to the Department's OHV Law Enforcement Program Manager using a form furnished by the Department. The provider shall include the following information on the application form:
 1. Name of provider;
 2. If the provider is not an individual, the name of the person who will maintain contact with the Department;
 3. Business address;
 4. Business email address; and
 5. Business and contact telephone numbers.
- B. In addition to the application form required under subsection (A), a provider shall include a copy of all of the following:
 1. The curriculum that will be used to provide the educational course;
 2. Any materials that will be provided to course participants;
 3. The written examination required under R12-4-1001(2)(a); and
 4. The certificate of completion required under R12-4-1001(2)(b).
- C. The Department shall either approve or deny a request to approve an educational course within 60 days of receiving the application. The Department shall not approve an educational course that fails to meet the requirements established under R12-4-1001 or this Section. The Department shall provide a written notice to the course provider stating the reason for the denial.
- D. The provider of an educational course of instruction that is not approved by the Department may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

R12-4-1003. Fee for an Approved Course

Under A.R.S. § 28-1175(B), the provider of an approved educational course of instruction in basic off-highway vehicle safety and environmental ethics may collect a fee from each participant that:

ARTICLE 10. OFF-HIGHWAY VEHICLES

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$300.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

R12-4-1004. Off-highway Vehicle Sound-level Requirements

- A.** A peace officer who has reason to believe that an off-highway vehicle (OHV) is being operated in violation of A.R.S. § 28-1179(A)(3) may direct the operator to submit the OHV to an onsite test to measure the OHV's sound level. In accordance with A.R.S. § 28-1179(A)(3), the sound level of an OHV shall be measured using the following procedures, which are incorporated by reference and are available for inspection at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086:
1. All terrain vehicle or motorcycle. Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at www.sae.org; and
 2. Other OHV. International Organization for Standardization, ISO 5130:2007, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2007, May 31, 2007 Edition 2, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at www.iso.org.
- B.** If a peace officer directs the operator of an OHV to submit the OHV to an onsite test to measure the OHV's sound level, the operator shall allow the OHV and associated equipment to be tested. If the peace officer believes that more than one test of the OHV's sound level is necessary to ensure that an accurate measure is obtained, the operator shall allow multiple tests.
- C.** If it is determined that an OHV is being operated in violation of A.R.S. § 28-1179(A)(3), the operator of the OHV shall:
1. Immediately stop operating the OHV; and
 2. Ensure the vehicle is not operated again until it can be operated in compliance with A.R.S. § 28-1179(A)(3), except:
 - a. During a period of emergency; or
 - b. When the operation is directed by a peace officer or other public authority.
- D.** This Section does not include any later amendments or editions of the incorporated materials.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

R12-4-1005. Nonresident Off-highway Vehicle User Indicia

- A.** The owner or operator of an all-terrain vehicle (ATV) or off-highway vehicle (OHV) as defined under A.R.S. § 28-1171 shall not operate the ATV or OHV off-highway in this state without an Arizona off-highway vehicle user indicia. This requirement only applies to an ATV or OHV that:
1. Is designed by the manufacturer primarily for travel over unimproved terrain.
 2. Has an unladen weight of two thousand five hundred pounds or less.
- B.** For lawful Arizona off-highway operation, the owner or operator of a qualifying nonresident ATV or OHV shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Department:
1. The nonresident off-highway vehicle user indicia application furnished by the Department and available on the Department's website,
 2. The fee established under subsection (C)(1), and
 3. The convenience fee established under subsection (C)(2).
- C.** As authorized under A.R.S. § 28-1177:
1. The fee for the nonresident off-highway vehicle user indicia is \$25.
 2. The Department may also collect and retain a reasonable and commensurate fee for its services.
- D.** The owner or operator of the ATV or OHV titled or registered out-of-state shall display the nonresident off-highway user indicia in a manner that is clearly visible to outside inspection:
1. For vehicles with three or more wheels, on the left side rear quadrant of the vehicle.
 2. For two-wheeled vehicles, the indicia shall be displayed on the left fork leg.

ARTICLE 10. OFF-HIGHWAY VEHICLES

- E. A printed receipt or an electronic copy of the receipt of payment for an annual decal that is purchased online shall serve as a temporary permit for a period of 30 days from the date of purchase.
- F. Under A.R.S. § 28-1178, a person may operate an ATV or OHV in this state without the nonresident off-highway user indicia required under A.R.S. § 28-1177 when any one of the following applies:
 - 1. The person is loading or unloading an ATV or OHV from a vehicle.
 - 2. The person is participating in an off-highway special event.
 - 3. The person is operating an ATV or OHV:
 - a. During an emergency or as directed by a peace officer or other public authority.
 - b. Exclusively for agriculture, ranching, construction, mining or building trade purposes.
 - c. Exclusively on private land.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 28-1177 and 28-1179

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ART. 20. OFF-HIGHWAY VEHICLES

28-1171. Definitions

In this article, unless the context otherwise requires:

1. "Access road" means a multiple use corridor that meets all of the following criteria:
 - (a) Is maintained for travel by two-wheel vehicles.
 - (b) Allows entry to staging areas, recreational facilities, trail heads and parking.
 - (c) Is determined to be an access road by the appropriate land managing authority.
2. "Closed course" means a maintained facility that uses department approved dust abatement and fire abatement measures.
3. "Highway" means the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of conventional two-wheel drive vehicular travel. Highway does not include routes designated for off-highway vehicle use.
4. "Mitigation" means the rectification or reduction of existing damage to natural resources, including flora, fauna and land or cultural resources, including prehistoric or historic archaeological sites, if the damage is caused by off-highway vehicles.
5. "Off-highway recreation facility" includes off-highway vehicle use areas and trails designated for use by off-highway vehicles.
6. "Off-highway vehicle":
 - (a) Means a motorized vehicle that is operated primarily off of highways and that is designed, modified or purpose-built primarily for recreational nonhighway all-terrain travel.
 - (b) Includes a tracked or wheeled vehicle, recreational or utility side-by-side vehicle, all-terrain vehicle, motorcycle, dirt bike, dune buggy, sand rail, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind. For the purposes of this subsection, "dirt bike" means a lightweight motorcycle that is designed for use on rough terrain, including unsurfaced roads or tracks.
 - (c) Does not include a vehicle that is either:
 - (i) Designed primarily for travel on, over or in the water.
 - (ii) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service or used in the exploration or mining of minerals or aggregates as defined in title 27.
7. "Off-highway vehicle special event" means an event that is endorsed, authorized, permitted or sponsored by a federal, state, county or municipal agency and in which the event participants operate off-highway vehicles on specific routes or areas designated by a local authority pursuant to section 28-627.

8. "Off-highway vehicle trail" means a multiple use corridor that is both of the following:
 - (a) Open to recreational travel by an off-highway vehicle.
 - (b) Designated or managed by or for the managing authority of the property that the trail traverses for off-highway vehicle use.
9. "Off-highway vehicle use area" means the entire area of a parcel of land, except for approved buffer areas, that is managed or designated for off-highway vehicle use.

28-1172. Applicability; private and Indian lands

This article applies to all lands in this state except private land and Indian land.

28-1173. Enforcement

All peace officers of this state and counties or municipalities of this state and other duly authorized state employees may enforce this article.

28-1174. Operation restrictions; violation; classification

- A. A person shall not operate or allow a minor who is under twelve years of age to operate an off-highway vehicle:
 1. With reckless disregard for the safety of persons or property.
 2. Off of an existing road, trail or route in a manner that causes damage to wildlife habitat, riparian areas, cultural or natural resources or property or improvements.
 3. On roads, trails, routes or areas closed as indicated in rules or regulations of a federal agency, this state or a county or a municipality or by proper posting if the land is private land.
 4. Over unimproved roads, trails, routes or areas unless driving on roads, trails, routes or areas where such driving is allowed by rule or regulation.
- B. A person shall operate or allow a minor who is under twelve years of age to operate an off-highway vehicle only on roads, trails, routes or areas that are opened as indicated in rules or regulations of a federal agency, this state, a county or a municipality.
- C. A person shall not operate or allow a minor who is under twelve years of age to operate an off-highway vehicle in a manner that damages the environment, including excessive pollution of air, water or land, abuse of the watershed or cultural or natural resources or impairment of plant or animal life, where it is prohibited by rule, regulation, ordinance or code.
- D. A person shall not place or remove a regulatory sign governing off-highway vehicle use on any public or state land. This subsection does not apply to an agent of an appropriate federal, state, county, town or city agency operating within that agency's authority.
- E. Except as provided in subsection (I) of this section, a person who violates subsection A, paragraph 1 is guilty of a class 2 misdemeanor.
- F. Except as provided in subsection (I) of this section, a person who violates any other provision of this section is guilty of a class 3 misdemeanor.

- G. In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.
- H. Subsections A and B of this section do not prohibit a private landowner or lessee from performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land.
- I. If a minor who is under twelve years of age violates this section, a citation shall be issued to the parent or legal guardian of the minor and not to the minor. If a minor who is at least twelve years of age and under sixteen years of age violates this section, a citation shall be issued to the minor or to the parent or legal guardian of the minor but not to both.

28-1175. Instruction course; fee

- A. The Arizona game and fish department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.
- B. Any governmental agency, corporation or other individual that conducts a training or educational course, or both, that is approved by the Arizona game and fish department, the United States bureau of land management or the United States forest service or that is approved or accepted by the all-terrain vehicle safety institute or the national off-highway vehicle conservation council may collect a fee from the participant that is reasonable and commensurate for the training and that is determined by the director of the Arizona game and fish department by rule.

28-1176. Off-highway vehicle recreation fund; annual reports; definition

- A. An off-highway vehicle recreation fund is established. The fund consists of:
 - 1. Monies appropriated by the legislature.
 - 2. Monies deposited pursuant to sections 28-1177 and 28-5927.
 - 3. Federal grants and private gifts.
- B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
- C. The Arizona game and fish department shall spend thirty-five percent of the monies in the off-highway vehicle recreation fund for:
 - 1. Informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation.
 - 2. Law enforcement activities relating to this article.

3. The administration of the indicia program.
 4. Off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3, including seven full-time employees to enforce this article and title 17, chapter 4, article 3.
- D. The state land department shall spend five percent of the monies in the off-highway vehicle recreational fund to allow occupants of off-highway vehicles with resident or nonresident off-highway vehicle user indicia to cross state trust land on existing roads, trails and designated routes. The state land department shall use these monies for costs associated with off-highway vehicle use of lands within its jurisdiction, to mitigate damage to the land, for necessary environmental, historical and cultural clearance or compliance activities and to fund enforcement of off-highway vehicle laws.
- E. The Arizona state parks board shall spend sixty percent of the monies in the off-highway vehicle recreation fund for the following purposes:
1. No more than twelve percent to fund staff support to plan and administer the off-highway vehicle recreation fund.
 2. To establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.
 3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this subsection, the Arizona state parks board shall not spend more than thirty-five percent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.
 4. For enforcement of off-highway vehicle laws.
 5. For off-highway vehicle related informational and environmental education programs, information, signage, maps and responsible use programs.
 6. For the mitigation of damages to land, revegetation and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails.
 7. For necessary environmental, historical and cultural clearance or compliance activities.
- F. The allocation of the monies in subsection E, paragraphs 3 through 7 of this section and the percentages allocated to each of the purposes prescribed in subsection E, paragraphs 3 through 7 of this section shall be based on an off-highway vehicle recreational plan.
- G. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites. For the purposes of this subsection, "environmentally or culturally sensitive land" means areas of lands that are either:
1. Administratively or legislatively designated by the federal government as any of the following:
 - (a) A national monument.
 - (b) An area of critical environmental concern.

- (c) A conservation area.
 - (d) An inventoried roadless area.
- 2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.
- H. The Arizona state parks board shall examine applications for eligible projects and determine the amount of funding, if any, for each project. In determining the amount of monies for eligible projects, the Arizona state parks board shall give preference to applications for projects with mitigation efforts and for projects that encompass a large number of purposes described in subsection E, paragraphs 3 through 7 of this section.
- I. Beginning September 1, 2011, and on or before September 1 of each subsequent year, each agency that receives monies from the off-highway vehicle recreation fund shall submit an off-highway vehicle report to the president of the senate, the speaker of the house of representatives, the chairperson of the senate natural resources and rural affairs committee, or its successor committee, and the chairperson of the house of representatives natural resources and public safety committee, or its successor committee. The report shall be made available to the public. The report shall include information on all of the following if applicable:
 - 1. The amount of monies spent or encumbered in the fund during the preceding fiscal year for the purposes of off-highway vehicle law enforcement activities.
 - 2. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for employee services.
 - 3. The number of full-time employees employed in the preceding fiscal year in connection with off-highway vehicle law enforcement activities.
 - 4. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.
 - 5. The number and specific location of verbal warnings, written warnings and citations given or issued during the preceding fiscal year.
 - 6. A specific and detailed accounting for all monies spent in accordance with this section for construction of new off-highway vehicle trails, mitigation of damages to lands, revegetation, the prevention and restoration of damages to natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities.
- J. For the purposes of this section, "off-highway vehicle recreational plan" means a plan that is maintained by the Arizona state parks board pursuant to section 41-511.04.

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

- A. A person shall not operate or allow the operation of an all-terrain vehicle or an off-highway vehicle in this state without either a resident or nonresident off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:
 - 1. Is designed by the manufacturer primarily for travel over unimproved terrain.
 - 2. Has an unladen weight of two thousand five hundred pounds or less.

- B. A person shall apply to the department of transportation for a resident or nonresident off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee for the indicia in an amount to be determined by the director of the department of transportation in cooperation with the director of the Arizona game and fish department and the Arizona state parks board. The resident or nonresident off-highway vehicle user indicia is valid for one year from the date of issuance and may be renewed. The department shall prescribe by rule the design and placement of the indicia.
- C. When a person pays for a resident off-highway vehicle user indicia pursuant to this section, the person may request a motor vehicle registration if the vehicle meets all equipment requirements to be operated on a highway pursuant to article 16 of this chapter. If a person submits a signed affidavit to the department affirming that the vehicle meets all of the equipment requirements for highway use and that the vehicle will be operated primarily off of highways, the department shall register the vehicle for highway use and the vehicle owner is not required to pay the registration fee prescribed in section 28-2003. This subsection does not apply to vehicles that as produced by the manufacturer meet the equipment requirements to be operated on a highway pursuant to article 16 of this chapter.
- D. The director shall deposit, pursuant to sections 35-146 and 35-147, seventy percent of the user fees collected pursuant to this section in the off-highway vehicle recreation fund established by section 28-1176 and thirty percent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.
- E. The Arizona game and fish department may provide for the purchase of nonresident off-highway vehicle user indicia and may impose an additional service fee in an amount to be determined by the Arizona game and fish commission by rule. The Arizona game and fish department shall deposit, pursuant to sections 35-146 and 35-147, the service fees collected pursuant to this subsection in the game and fish fund established by section 17-261.
- F. An occupant of an off-highway vehicle with a resident or nonresident off-highway vehicle user indicia issued pursuant to this section who crosses state trust lands must comply with all of the rules and requirements under a state trust land recreational permit. All occupants of an off-highway vehicle with a resident or nonresident off-highway vehicle user indicia shall obtain a state trust land recreational permit from the state land department for all other authorized recreational activities on state trust land.
- G. This section does not apply to off-highway vehicles, all-terrain vehicles or off-road recreational motor vehicles that are used off-highway exclusively for agricultural, ranching, construction, mining, mining exploration or building trade purposes.
- H. In consultation with the department of transportation, the Arizona game and fish department may adopt rules necessary to implement this section.

28-1178. Operation of off-highway vehicles; exceptions

A person may operate an all-terrain vehicle or an off-highway vehicle in this state without a resident or nonresident off-highway vehicle user indicia issued pursuant to section 28-1177 if any of the following applies:

- 1. The person is participating in an off-highway special event.

2. The person is operating an all-terrain vehicle or an off-highway vehicle on private land.
3. The person is loading or unloading an all-terrain vehicle or an off-highway vehicle from a vehicle.
4. During a period of emergency or if the operation is directed by a peace officer or other public authority.
5. The vehicle displays a valid dealer license plate that the department issues pursuant to section 28-4533.

28-1179. Off-highway vehicle equipment requirements; rule making; exception

- A. An off-highway vehicle in operation in this state shall be equipped with all of the following:
 1. Brakes adequate to control the movement of the vehicle and to stop and hold the vehicle under normal operating conditions.
 2. Lighted headlights and taillights that meet or exceed original equipment manufacturer guidelines if operated between one-half hour after sunset and one-half hour before sunrise.
 3. Except when operating on a closed course, either a muffler or other noise dissipative device that prevents sound above ninety-six decibels. The director shall adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other off-highway vehicles.
 4. A spark arrestor device that is approved by the United States department of agriculture and that is in constant operation except if operating on a closed course.
 5. A safety flag that is at least six by twelve inches and that is attached to the off-highway vehicle at least eight feet above the surface of level ground, if operated on sand dunes or areas designated by the managing agency.
- B. A person who is under eighteen years of age may not operate an off-highway vehicle or be an off-highway vehicle passenger on public or state land unless the person is wearing a protective helmet that is properly fitted and fastened, that is designed for motorized vehicle use and that has a minimum United States department of transportation safety rating.
- C. A person may not allow a person who is under eighteen years of age to operate an off-highway vehicle or be an off-highway vehicle passenger in violation of subsection B of this section.
- D. Subsections B and C of this section do not apply to a child who is an off-highway vehicle passenger if both of the following occur:
 1. The child is properly secured in a child restraint system pursuant to section 28-907.
 2. The off-highway vehicle is equipped with a rollover protection system.
- E. In consultation with the department, the Arizona game and fish commission may:
 1. Adopt rules necessary to implement this section.
 2. Prescribe additional equipment requirements not in conflict with federal laws.
- F. This section does not apply to a private landowner or lessee performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land in accordance with the landowner's or lessee's lease.

28-1180. Race or organized event; authorization required

No person may organize, promote or hold an off-highway vehicle race or other organized event on any land or highway in this state, except as authorized by the appropriate agency that has jurisdiction over the land or highway or the landowner.

28-1181. Civil traffic violation

Unless otherwise specified in this article, a violation of this article is a civil traffic violation.

F.

CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON A.R.S. § 41-1033(G)
PETITION RELATED TO DEPARTMENT OF HEALTH SERVICES PRACTICES
REGARDING ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES INSPECTIONS



GOVERNOR'S REGULATORY REVIEW COUNCIL

ATTORNEY MEMORANDUM - PETITION

MEETING DATE: May 6, 2025

TO: Members of the Governor's Regulatory Review Council (Council)

FROM: Council Staff

DATE: April 14, 2025

SUBJECT: A.R.S. 41-1033(G) Petition - Department of Health Services

Background

As described in Council staff's memorandum dated November 13, 2024, on October 30, 2024, Council staff received a petition from Spencer Scharff of Scharff, P.C. and Mayan Tahan of The Nelson Law Group on behalf of Devereux Advanced Behavioral Health Arizona (Petitioner) regarding the Department of Health Services (Department) practice of (1) requiring all inspections of Adult Behavioral Health Therapeutic Homes (ABHTH) to be unannounced; and the practice of (2) defining being away from home at the time of an unannounced inspection as a refusal to permit the inspection. *See* Petition at 1.

The Petitioner states it serves as the collaborating health care institution to ABHTH, pursuant to Department rule R9-10-1803. The Petitioner alleges the following:

Since February of 2023, the Department has repeatedly conducted unannounced inspections of Devereux-affiliated homes. Thirteen of these inspections occurred when there was no one home to answer the door. In a number of instances, the homes were not assigned any residents and their administrators were not even in the country at the time of the inspection. In other instances, the administrator was not home because they were, consistent with their licensure, transporting their residents to an appointment. In each instance, the Department issued a Statement of Deficiency ("SOD") alleging that by not being home the ABHTH "refuses to permit" the inspection thereby running afoul of A.R.S. § 36-427(B) and creating

reasonable cause to believe that the health or safety of one or more patients or the general public is in immediate danger and a license revocation is warranted.
See Petition at 2.

The Petitioner alleges these practices “are not specifically authorized by statute, exceed the Department’s statutory authority, and are unduly burdensome” pursuant to [A.R.S. § 41-1033\(G\)](#).

Petitioner’s Arguments

The Petitioner argues, of the applicable statutes authorizing Department inspections, none explicitly authorize unannounced inspections. *Id.* at 3. Furthermore, the Petitioner argues that an explicit reference to unannounced inspections was, in fact, removed from a prior version of [A.R.S. § 36-424](#) by the Legislature in 1989. *Id.* Moreover, the Petitioner argues the Legislature has authorized the Department to conduct unannounced annual inspections and other inspections in connection with certain other regulated facilities, but not ABHTH. *Id.* As such, the Petitioner argues the practice of requiring inspections of ABHTH to be unannounced, are not specifically authorized by statute, exceed the Department’s statutory authority, and are unduly burdensome.

The Petitioner also alleges that the Department’s practice of equating not being present with refusal to permit inspection under [A.R.S. § 36-427\(B\)](#) also exceeds the Department statutory authority. *Id.* at 5. Specifically, A.R.S. § 36-427(B) states, “[i]f the licensee...refuses to permit the department...the right to inspect the institution’s premises as provided in section 36-424, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists.” The Petitioner argues that inspectors were not “refused” the right to inspect as that term is defined. The Petitioner alleges, “[b]y expanding the reach of A.R.S. § 36-427(B) to include absences from the premises and utilizing that unauthorized statutory expansion to warrant licensure revocations under A.R.S. § 36-427(A)(3), the Department has exceeded its statutory authority. *Id.*

Department’s Response

Council staff received the Department’s response to the Petition pursuant to [A.R.S. § 41-1033\(H\)\(3\)](#) on April 3, 2025. Therein, the Department argues it is authorized by statute to conduct unannounced compliance inspections of all health care institutions to ensure public health and safety. Specifically, as it relates to ABHTH, the Department argues that statutory language states, “[a]ny application for licensure under this chapter constitutes permission for and ***complete acquiescence in any entry or inspection of the premises*** during the pendency of the application and, if licensed, during the term of the license.” *See* A.R.S. § 36-424(C). The Department argues this does not suggest that the Department must schedule an appointment in order to have access. Furthermore, the Department argues the 1989 Senate Bill which amended A.R.S. § 36-424 only removed the portion of the statute that authorized local agencies to conduct unannounced inspections of residential care institutions, but did not change the statutory language requiring complete acquiescence to the Department’s inspections outlined above. Moreover, while the Department acknowledges explicit “unannounced inspection” language is included in statute for other facilities licensed by the Department, like child care facilities, child care group homes, clinical laboratories, and medical marijuana dispensaries, the Department

argues none of these facilities are health care institutions and “cannot be correlated to the legislative history and purpose of A.R.S. [T]itle 36, [C]hapter 4, [A]rticles 1 and 2.” The Department also notes it is aware of other agencies that perform unannounced inspections with statutory authority that does not explicitly use the term “unannounced” to set forth inspection parameters (e.g. Department of Agriculture).

The Department also argues that the Department is required by A.R.S. § 36-427(B) to presume health and safety violations if the Department is refused access to inspect. Specifically, the Department states, if an ABHTH provider is away from the facility, it is required to designate a back-up provider to be present in the ABHTH and accountable for services provided by the ABHTH when the provider is not present. *See* R9-10-1803(A)(5). Furthermore, the Department states, if an ABHTH is not providing services for any length of time, they must communicate that to the Department. *See* R9-10-109. As such, the Department argues that when the Department arrives for a compliance inspection during a facility’s hours of operation, a licensee’s absence (with no ABHTH back-up provider), is both a refusal and the possible abandonment of required services.

Supplemental Information

In addition to the A.R.S. § 41-1033(G) Petition and the Department’s response pursuant to A.R.S. § 41-1033(H)(3), the Petitioner has submitted supplemental information in the form of a reply to the Department’s response and letters sent to the Department in November 2024 from three collaborating health care institutions to ABHTH in Arizona: Arizona Council of Human Service Providers, Intermountain Centers for Human Development, and FSL, which purport to explain the impacts of the challenged practices on their providers. Copies of the Petition, the Department’s response pursuant to A.R.S. § 41-1033(H)(3), the above-referenced supplemental information, and all relevant exhibits are included in the final materials for the Council’s consideration.

Procedure

A.R.S. § 41-1033(G) allows a person to “petition the council to request a review of an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement that the petitioner alleges is not specifically authorized by statute, exceeds the agency's statutory authority, is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern.” On receipt of a properly submitted petition pursuant to this section, the council shall review the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement as prescribed by this section.” If the Council receives information pursuant to A.R.S. § 41-1033(G), and at least three Council members request of the Chairperson that the matter be heard in a public meeting, within ninety days after receipt of the third council member's request, which occurred at the March 4, 2025 Council Meeting, the Council shall determine whether an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute, or meets the guidelines prescribed in A.R.S. § 41-1033(G). *See* A.R.S. 41-1033(H)(1)(c). As such, the Council has until June 2, 2025 to make

a decision. Any decision by the Council must be made by a majority of the council members who are present and voting on the issue. *See* A.R.S. § 41-1033(L).

After considering the Petition, the Department's response, and all relevant supplemental information, the Council must make its determination. Pursuant to A.R.S. § 41-1033(K), if the Council determines that the agency practice, substantive policy statement or regulatory licensing requirement exceeds the agency's statutory authority, is not authorized by statute or constitutes a rule or that the final rule does not meet the requirements prescribed in section 41-1030, the practice, policy statement, rule or regulatory licensing requirement shall be void. If the Council determines that the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern, the Council shall modify, revise or declare void any such existing agency practice, substantive policy statement, final rule or regulatory licensing requirement. *Id.*

Conclusion

The Petition is properly before the Council and both parties have submitted materials consistent with the requirements in the statute as indicated above. Council staff advises the Council to consider the materials both parties submitted and to question both parties as to whether the conducting unannounced inspections at Adult Behavioral Health Therapeutic Homes and treating being away from home at the time of an unannounced inspection as a refusal to permit the inspection violate A.R.S. 41-1033(G).

October 30, 2024

Via Email: grrc@azdoa.gov
Arizona Governor's Regulatory Review Council
100 N. 15th Avenue, Suite 302
Phoenix, AZ 85007

Re: *A.R.S. § 41-1033(G) Petition – Adult Behavioral Health Therapeutic Homes*

Governor's Regulatory Review Council:

Pursuant to A.R.S. § 41-1033(G), we write on behalf of Devereux Advanced Behavioral Health Arizona ("Devereux") to request a review of the following the Arizona Department of Health Services ("Department") practices and regulatory license requirements that are not specifically authorized by statute, exceed the Department's statutory authority, and are unduly burdensome: (1) the practice of requiring all inspections of Adult Behavioral Health Therapeutic Homes to be unannounced; and (2) the practice of defining being away from home at the time of an unannounced inspection as a refusal to permit the inspection.

Devereux is one of the nation's largest nonprofit organizations providing services, insight, and leadership in the field of behavioral health. Devereux has provided care in Arizona for 57 years and they serve more than 4,000 people with emotional, behavioral, and cognitive differences in our state each year. Devereux holds both Joint Commission Accreditation and Praesidium Accreditation and they pride themselves on maintaining compliance with the regulations that govern the operation of its programs. Devereux's services follow evidence-based practice treatment model, which integrates the latest scientific and medical advancements with time-tested philosophies and compassionate family engagement to provide practical, effective, and efficient care, making a meaningful difference in the lives of those they serve, and the world around them.

Devereux serves as the Collaborating Health Care Institution, pursuant to A.C.C. R9-10-1803, to Adult Behavioral Health Therapeutic Homes (“ABHTH”). By definition, a ABHTH is a residential home in which the provider lives with up to three residents. Unlike nearly all other health care institutions, ABHTHs are not paid for the services they provide to their residents. Rather, they are *reimbursed* on a per diem basis for the costs incurred in connection with their residents—such as food, clothing, transportation, housing, utilities, entertainment. In fact, Devereux requires the homes it works with to be financially self-sufficient. In other words, ABHTHs need a source income outside of the ABHTH reimbursements.

The Department has a practice of requiring all inspections to be unannounced. *See Exhibit A* (4-7-23 Email from the Department to Devereux (“We do not schedule compliance inspections.”)). Since February of 2023, the Department has repeatedly conducted unannounced inspections of Devereux-affiliated homes. Thirteen of these inspections occurred when there was no one home to answer the door. In a number of instances, the homes were not assigned any residents and their administrators were not even in the country at the time of the inspection. In other instances, the administrator was not home because they were, consistent with their licensure, transporting their residents to an appointment. In each instance, the Department issued a Statement of Deficiency (“SOD”) alleging that by not being home the ABHTH “refuses to permit” the inspection thereby running afoul of A.R.S. § 36-427(B) and creating reasonable cause to believe that the health or safety of one or more patients or the general public is in immediate danger and a license revocation is warranted.

As detailed below, the Council should declare the agency practices unlawful and void.

1. The applicable statutes do not authorize unannounced inspections of ABHTHs and imposing this requirement is unduly burdensome.

The statutes that authorize inspections of ABHTHs are A.R.S. § 36-424(A) (a substantial compliance inspection), A.R.S. § 36-424(C) (a complaint inspection), A.R.S. § 36-425(A) (an initial inspection), and A.R.S. § 36-425(D) (an annual inspection). None of these statutes authorize *unannounced* inspections. Despite the lack of statutory authority, the Department has determined that while initial inspections under A.R.S. § 36-425(A) are announced, the other three types of inspections, which they refer to as compliance inspections, are unannounced. *See Exhibit A* (4-7-23 Email from the Department to Devereux (“We do not schedule compliance inspections.”)).

A prior version of A.R.S. § 36-424 authorized certain unannounced inspections, but the Legislature repealed the authorizing provision in 1989. *See Arizona Senate Bill 1355*, 39th Leg., 1st Reg. Sess. (1989) (SB 1355).¹ The Legislature has authorized the Department to conduct unannounced annual inspections and other inspections in connection with certain other regulated facilities. *See, e.g.*, A.R.S. § 36-885(B) (“The department shall make at least one unannounced visit annually” to a child care facility); A.R.S. § 36-2806(H) (“The department shall make at least one unannounced visit annually to each nonprofit medical marijuana dispensary”); A.R.S. § 36-897.05(B) (“At least one unannounced visit shall be made annually” to a child care group home); A.R.S. § 36-463.02(A) (“Inspections may be unannounced and shall take place during regular working hours” of a clinical laboratory). Therefore, the Legislature knows how to authorize unannounced inspections but has chosen not to authorize such inspections under A.R.S. § 36-424 and A.R.S. § 36-425. *See CPEN v. Riffel*, 213 Ariz. 247, 249–50 (App. 2006) (holding that “when the legislature uses different language within a statutory scheme, it does so with the intent of

¹ Specifically, SB 1355 deleted Section E, which provided certain “unannounced inspections of nursing care institutions and residential care institutions”

ascribing different meanings and consequences to that language.”). By requiring some of these inspections to be unannounced, the Department has exceeded its statutory authority.

ABHTHs provide a home environment for their residents. This includes taking residents to appointments, activities, and errands. During these times, meeting their obligations to residents necessitates the providers being away from home. In other circumstances, residents are in their licensed day programs and the providers are at work. Occasionally, there are no residents assigned to a home and the providers are away on vacation. The Department’s policy of requiring unannounced inspections prevents ABHTHs from meeting the needs of their residents and themselves, and is simply not workable for this provider type. Therefore, by refusing to announce their inspections of these homes in contravention of the applicable statutes, the Department is creating an insurmountable burden on ABHTHs resulting in a loss of their licenses and therefore a loss of their residents’ homes.

2. The Department’s reliance upon A.R.S. § 36-427(B) to issue SODs is unlawful.

The “violations” alleged in the SODs are based entirely on A.R.S. § 36-427(B), which states that “[i]f the licensee... refuses to permit the department ... the right to inspect the institution’s premises as provided in section 36-424, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists.” Importantly, A.R.S. § 36-427 does not define a refusal to include being away from the premises nor does the statute authorize the Department to implement a rule or policy expanding the applicability of the statute to include such a circumstance. A.R.S. § 36-427(B) is clear and concise—it applies only to situations when a licensee makes an affirmative refusal to permit an inspection. *See Refusal*, BLACK’S LAW DICTIONARY (12th ed. 2024) (“The denial or rejection of something offered or demanded.”).

By expanding the reach of A.R.S. § 36-427(B) to include absences from the premises and utilizing that unauthorized statutory expansion to warrant licensure revocations under A.R.S. § 36-427(A)(3), the Department has exceeded its statutory authority.

/s/ Spencer G. Scharff
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EXHIBIT A

From: Tiffany Slater <tiffany.slater@azdhs.gov>
Sent: Friday, April 7, 2023 12:49 PM
To: Sunshine Turner <sturner4@devereux.org>
Cc: Yvette Jackson <YJACKSON@devereux.org>; Paul Davis <PDAVIS@devereux.org>
Subject: Re: Request to Meet

Good Afternoon,

Thank you for your email. The Department of Health Services does not license Adult Therapeutic Foster Care. We license and regulate Adult Behavioral Health Therapeutic Homes which is a health care institution outlined in Arizona Administrative Code, Title 9, Chapter 10, Article 1, (A.A.C. R9-10-102.A.23).

Arizona Revised Statutes 36-424, indicates that a health care institution must provide permission for and complete acquiescence in any entry or inspection of the premises, during the term of the license (A.R.S. 36-424.C)

Further, Arizona Revised Statutes 36-427 indicates that if the health care institution refuses to permit the Department or its employees the right to inspect, such action shall be deemed reasonable cause to believe that a substantial violation exists and allows the Department to revoke the license (A.R.S. 36-427.B)

It is the expectation that all licensed health care institutions permit the Department to inspect. If a provider is not available, the back-up provider must be available for the inspection. We do not schedule compliance inspections.

Please be advised that refusing to sign an enforcement agreement could result in a legal order being issued, up to and including a notice of intent to revoke. At that time, you would have appeal rights and the ability to request a hearing.

If you still want to meet on this matter, I have the following availability:

Monday, April 17, 2023 at 3 pm
Friday, April 21, 2023 at 11 am

The Department is Authorized by Statute to Perform Unannounced Compliance and Complaint Inspections of Health Care Institutions to Ensure Public Health and Safety.

Petitioner is wrong that the Department is acting outside its authority to conduct unannounced annual compliance and complaint inspection for all health care institutions (“HCI”) including Adult Behavioral Health Therapeutic Homes (“ABHTH”). The authority to do so was established by Legislature in 1971 and remains unchanged.

The Department is obliged by statute to license and regulate **all** HCIs in Arizona. When an applicant seeks licensure, A.R.S. §§ 36-424(A) and -425(A) require that the Department “inspect the premises of the [HCI] ...to ascertain whether the applicant and the [HCIs] are in substantial compliance...” And when the application is complete, the Department “*shall* conduct an inspection of the [HCI] as prescribed by [A.A.C. title 9, chapter 4].” The initial inspections are scheduled, as the applicant is not yet operating or providing services. The statutes further require the Department to conduct annual compliance inspections, A.R.S. § 36-425(D); and complaint inspections. A.R.S. § 36-424(C). These inspections are unannounced because the Legislature ensured that “[a]ny application for licensure under this chapter constitutes permission for and **complete acquiescence** in any entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license.” A.R.S. § 36-424(C). The statutory scheme speaks both to the Department’s obligation to inspect HCIs to ensure public health and welfare, *and* to the licensees’ obligation to provide complete access for the performance of that statutory duty— nothing in the statutes suggest that the Department must schedule an appointment in order to have access. While A.R.S. § 36-424(C) speaks to entry on a “reasonable belief” and at a “reasonable time,” this does not equate to restricting the Department to pre-scheduling its compliance or complaint inspections at the convenience of a licensee. Performing

an inspection during the hours a facility is purportedly providing health care services is *reasonable*, particularly since the licensee is required to provide “complete acquiescence” by virtue of licensure. Nor would this promote public health, safety and welfare.

Petitioners inaccurately argue that, based on a 1989 Senate Bill amending A.R.S. title 36, chapter 4, the statutes prohibit unannounced inspections. They surmise that the Legislature “repealed” the authorization for unannounced inspections in A.R.S § 36-424 which authorized the Department’s authority to conduct unannounced inspections. In 1989, the Legislature removed one portion of the statute [previously A.R.S. § 36-424(E)] authorizing *local agencies* to conduct *unannounced inspections of nursing care institutions and residential care institutions*. Specifically, the Legislature removed section A.R.S § 36-424(E) which read, in pertinent part: “The department shall conduct with authorized local agencies applying for such contracts to permit the authorized local agencies or their advisory committees to conduct unannounced inspections of nursing care institutions and residential care institutions which are located in the planning areas of the authorized local agencies.” 1989 Ariz. Sess. Laws, Ch. 255 § 6 (1st Reg. Sess.). Significantly, at the time the Legislature removed the section above, the Legislature *did not* change A.R.S. § 36-424(D) which preserved the language requiring complete acquiescence. *Id.* In fact, the language granting the Department authority to conduct inspections and requiring licensees to provide complete acquiescence for a Department inspection has remained identical since the statute was enacted in 1971:

The Department...shall...have the right to enter upon and into the premises of any health care institution licensed...at any reasonable time for the purpose of determining the state of compliance with the provisions of this chapter....*Any application for licensure under this chapter shall constitute permission for and complete acquiescence in any entry of inspection of the premises during the*

pendency of the application and if licensed, during the term of the license.”

1971 Ariz. Sess. Laws, Ch. 196 § 2 (1st Reg. Sess.) (emphasis added). The goal of statutory interpretation is to interpret the legislative intent, including the entire statutory scheme. The primary purpose “is to determine and give effect to the legislative intent behind the statute, considering among other things the context of the statute, the language used and the spirit and purpose of the law.” *Welch-Doden v. Roberts*, 202 Ariz. 201, 206, ¶ 22 (App. 2002). The Legislature’s removal of one portion of A.R.S. § 36-424 aimed at the authority of **local agencies**, in combination with the long-standing requirement of complete acquiescence that remains intact, demonstrates that the Legislature intended that *every* HCI licensed by the state must provide complete acquiescence for inspection by the Department to ensure public welfare— an intent that can be traced to 1971.¹ Reading the statutes as suggested by Petitioner would lead to an absurd result for the Department and for the public. If the Department were required to pre-schedule inspections, it would not provide the Department with an accurate representation of how *any* HCI is truly operating – to allow them to observe the real-time patient/resident care, safety of the environment, and accuracy of medical records. *See State v. Arizona Bd. of Regents*, 253 Ariz. 6, 13, ¶ 28 (2022). The statute need not use the term “unannounced” to make this clear, and reading the statutes in the manner Petitioner proposes would frustrate the underlying purpose set out by the Legislature for decades.²

¹ Petitioners refer to other categories of facilities – child care facilities, child care group homes, clinical laboratories and medical marijuana dispensaries – licensed by the Department that have “unannounced inspection” language included in statute. However, these facilities are *not* health care institutions and cannot be suitably correlated to the legislative history and purpose of A.R.S. title 36, chapter 4, articles 1 and 2. Simply citing to these as examples while ignoring the decades of legislative history is unhelpful and irrelevant.

² This exact language was adopted in 2014 to ensure unannounced compliance and complaint inspections at abortion clinics in Arizona. *See* 2014 Ariz. Legis. Serv. Ch. 33 (H.B. 2284) (adding A.R.S. §§ 36-449.02(D) and (E).

It should also be noted that it is the Department's understanding that other agencies and regulatory bodies perform unannounced inspections with statutory authority that does not explicitly use the term "unannounced" to set forth inspection parameters. See A.R.S. §§ 3-267 ("[t]he director [of the Department of Agriculture . . . shall inspect . . . at such time and place and to such extent as the director deems necessary"); -316, -420, -3107, and, -3415.³

The Department is Required by A.R.S. § 36-427(B) to Presume Health and Safety Violations if They Are Refused Access to Inspect.

Petitioner is also wrong when it claims that the Department is unlawfully applying A.R.S. § 36-427(B). The refusal of a licensee to provide access for a Department inspection is clearly delineated on the face of the statute: "such action *shall* be deemed reasonable cause to believe that a *substantial violation* ... exists." A.R.S. § 36-427(B). Petitioner alleges that an ABHTH cannot provide access because they may not be home when the Department arrives for inspection. However, if an ABHTH provider is away from the facility, it is required to designate a "back-up provider to be present in the [ABHTH] and accountable for services provided by the [ABHTH] when the provider is not present." A.A.C. R9-10-1803(A)(5). And if an ABHTH is not providing services for any length of time, they must communicate that to the Department. See A.A.C. R9-10-109. Petitioner is simply wrong that ABHTHs operators are "burdened" by this process based on the nature of their license. ABHTHs *are HCIs* and are required to provide

See Feb. 13, 2014 House Reform and Human Services Committee Meeting at 1:32:32 through 1:34:37 (Rep. Lesko stating that "for every other health institution...in the entire state, Department of Health Services is allowed to do an unannounced health inspection" and "if someone files a complaint against any other health care institution, ADHS can go in unannounced.") https://m-download.inventus.com/6361162879/azleg_cfd4819e-5f32-47e5-96bc-0064f43f445c.mp4 (last visited April 2, 2025); also see. <https://directorsblog.health.azdhs.gov/abortion-clinic-inspections-bill> (last visited April 2, 2025)("On Tuesday, the Governor signed HB 2284, which [when it becomes effective later this Summer] will make our abortion clinics inspection authority more consistent with *our authority for the other health care institutions we license.*")(emphasis added).

³See also, A.R.S. §§ 4-118; 32-542, -2271, and -2824; 36-495.07, -592, -851.02, -851.03, -2063, and -2232.

services to behavioral health residents 24/7; and they are similarly required to provide complete acquiescence to the Department for inspection pursuant to A.R.S. § 36-424(C). See A.R.S. § 36-401(A)(3) (defining an ABHTH as “a residence for individuals who are at least eighteen years of age, have behavioral health issues and need behavioral health services” that provides housing, assistance in daily skills, coordination of transportation to appointments, behavior monitoring and the assistance in the self-administration of medication.)

Petitioner’s theory that simply “being away” from a licensed facility would not equate to a refusal to permit the Department to inspect is inapposite to the statute’s plain language. When the Department arrives for a compliance inspection during a facility’s hours of operation - which it does - a licensee’s absence (with no ABHTH back-up provider), it is both a refusal and the possible abandonment of required services. Even using Petitioner’s definition, the *absence* of a licensee to permit access for inspection is “[t]he denial or rejection of something offered or demanded.” BLACK’S LAW DICTIONARY (12th ed. 2024). If the Department were restricted to await some vague “affirmative refusal” as suggested, it would render the requirement of complete acquiescence in A.R.S. § 36-424(C) and the presumption of non-compliance in A.R.S. § 36-427(B) futile. Not only would this fly in the face of legislative intent, but it would allow non-compliant licensees to use absence as regulatory evasion. Certainly, this would not support the health and safety of the most vulnerable Arizonans served by HCIs.

The fact that one particular type of licensed HCI is seeking to mold its version of statutory language to avoid regulation should greatly concern this Council and the public.

April 17, 2025

Via Email

Arizona Governor's Regulatory Review Council
100 N. 15th Avenue, Suite 302
Phoenix, AZ 85007

Re: *Reply in support of Devereux's A.R.S. § 41-1033(G) Petition*

Governor's Regulatory Review Council:

Devereux Advanced Behavioral Health Arizona respectfully submits this reply in connection with the Department's April 3, 2025 Response as well as the attached inspection statute chart to aid the Council's review (Attachment 1). As described in Devereux's Petition, the Department has a practice of conducting unannounced annual inspections of Adult Behavioral Health Therapeutic Homes (ABHTHs) without statutory authorization, then issuing a deficiency when no one is home to answer the door and instituting enforcement actions, such as a revocation under A.R.S. § 36-427(B). The statutory provisions referenced in the Department's Response do not authorize such inspections, nor do they support equating being away from home during unannounced annual inspections with a refusal to permit inspection.

1. A.R.S. § 36-424 does not authorize the Department to conduct unannounced inspections of health care institutions—the 1989 amendment confirms that fact.

Prior to the 1989 amendment, “*authorized* local agencies” had statutory authority to conduct unannounced inspections and the Department did not have such authority. The fact that the legislature expressly authorized local agencies to conduct unannounced inspections at that time, but did not expressly authorize the Department to do so reflects a deliberate decision by the legislature that must be honored.¹ The 1989 Amendment repealed the local agency's authority to conduct unannounced inspections, thus placing local agencies and the Department in the same position—*not* having authority to conduct unannounced inspections.

2. ABHTHs are not required to provide services 24/7.

The Department incorrectly asserts (at 4–5) that “ABHTHs are HCIs and are required to provide services to behavioral health residents 24/7.” The statute cited by the Department to support this statement is A.R.S. § 36-401(A)(3), the definition of ABHTH, which does not reference any 24/7 requirement. In fact, these types of providers do not generally provide services inside the home 24/7 when they have residents, and sometimes there are no residents assigned to the home so there is no opportunity to provide services at all. In both circumstances—when the assigned residents are not in the home and when there are no residents assigned to the home—the Department has conducted unannounced inspections and issued revocations and/or initiated enforcement action.

3. Providing “complete acquiescence” during an inspection does not equate to conducting unannounced surveys.

The Department incorrectly relies on the phrase “complete acquiescence” in A.R.S. § 36-424(C) to justify unannounced inspections. “Acquiescence,” by definition, implies passive acceptance, consent without protest, or absence of intentional obstruction.² It does not, however, equate to constant availability or require that licensees always remain home in anticipation of a potential but unknown inspection.

The legislature’s decision to include explicit authorization of unannounced inspections under former subsection E while at the same time utilizing the phrase “complete acquiescence” in subsection C reflects an intentional distinction between the two concepts. This principle of statutory interpretation is well-established.³

4. “Complete acquiescence” applies *only* to reasonable-cause, complaint-based inspections undertaken pursuant to A.R.S. § 36-424(C).

The Department acknowledges several different types of inspections associated with health care institutions (HCIs). The four main types are:

- Initial inspections—A.R.S. § 36-425(A);
- Reasonable-cause, reasonable-time complaint inspections—A.R.S. § 36-424(C);
- Substantial-compliance inspections—A.R.S. § 36-424(A); and
- Annual inspections—A.R.S. § 36-425(D).

The “complete acquiescence” language is found only in 36-424(C), which authorizes reasonable-cause, reasonable-time complaint inspections. The Department’s response asserts that this language in 36-424(C) grants it authority to conduct unannounced annual inspections under 36-425 but provides no statutory basis in support thereof. The sentences in 36-424(C) must be read together.⁴ The “complete acquiescence” language in the middle of 36-424(C) only relates to 36-424(C).

Even in a situation where there is a complaint and thus the Department has a reasonable cause to conduct an 36-424(C) inspection, the Department can only conduct that inspection at a “reasonable time.” These are the limitations the legislature has put on the Department for inspections to which a provider must provide complete acquiescence.

Furthermore, 36-425(D) makes clear that annual inspections are to be treated differently from reasonable-cause inspections when it states that “[e]xcept as provided in section 36-424 . . . the department shall conduct a compliance inspection of a health care institution to determine compliance with this chapter and rules adopted pursuant to this chapter at least once annually.” (emphasis added). In other words, when there is sufficient reasonable cause to necessitate an inspection or a subsequent need to conduct a substantial compliance inspection, like an application to increase bed capacity, the Department is permitted to conduct additional inspections authorized in 36-424 outside of the annual inspection time frame authorized in 36-425. The Department has embraced this difference in administrative proceedings to contend

that “there is no requirement that the Department conduct an annual compliance inspection at a ‘reasonable time.’”⁵ This shows that the Department understands that the language in 36-424(C) does not apply to inspections conducted under 36-425 and this understanding must flow to all of section 36-424(C), including the complete acquiescence language.

5. It is not reasonable to conduct inspections when a home is unoccupied.

In its Response, the Department explains that they need to conduct the annual inspections at issue “during the hours a facility is purportedly providing health care services” and that they need to “to observe the real-time patient/resident care” but neither of these things can happen if the Department conducts inspections during times when nobody is at the home, which is contrary to the statutory framework. *See* Resp. at 2–3. That is the problem with the challenged practices—the Department does not provide notice of their annual inspections and yet insists on conducting their unannounced inspections during hours that residents are most likely to be away from home, so they arrive at an unoccupied house. If the Department were to instead follow the statutory process put in place by the legislature, they would notify a provider of the upcoming annual inspection and conduct the inspection during a reasonable time, meaning a time when the provider and, if needed, residents would be at the home. This would comply with the legislature’s intent as shown in the statutes at issue and it would allow the department to meet the goals they express in their Response. The current process does neither.

Despite there being no difference in statutory language and no related rules, the Department acknowledges that it opts to schedule some types of inspections. *See* Resp. at 1 (“The initial inspections are scheduled”); *see also* [4-11-22 ADHS Presentation](#) (noting that substantial compliance inspections for license modifications are “scheduled by a Surveyor”). The Department fails to identify any authority for its inconsistent survey processes.

6. The presumption of a substantial violation provided in A.R.S. § 36-427(B) only applies to inspections conducted pursuant to A.R.S. § 36-424.

By its own terms, A.R.S. § 36-427(B) only applies to reasonable-cause, reasonable-time complaint inspections and substantial-compliance inspections conducted pursuant to 36-424:

If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department or its employees or agents the *right to inspect the institution’s premises as provided in section 36-424*, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists.

(emphasis added). The presumption is not applicable to initial inspections conducted under 36-425(A) or annual inspections conducted under 36-425(D). Yet, the Department uses the 36-427(B) presumption to revoke licenses when a provider is not present at the property during an annual inspection. By extending this statute to annual inspections, the Department exceeds its statutory authority and improperly broadens the statute’s scope.

7. Even in A.R.S. § 36-424 inspections, the presumption cannot attach when there is no one at the property.

By its own terms, the A.R.S. § 36-427(B) refusal must be made by “the licensee, the chief administrative officer or any other person in charge of the institution” in order for the presumption to attach. If there is *no one* at the property to answer the door, there is no basis for the Department to conclude that “the licensee, the chief administrative officer or any other person in charge of the institution” refused the inspection. By extending this statute to apply even when there is no refusal by “the licensee, the chief administrative officer or any other person in charge of the institution,” the Department exceeds its statutory authority and improperly broadens the statute’s scope.

8. Backup providers are not required to be present when the home is unoccupied.

Petitioner agrees that ABHTHs must designate a backup provider *to provide services* to residents when the provider is not available.⁶ However, the Department’s contention that a backup provider needs to be at the home even when there are no residents at the home is inconsistent with and expands the definition of backup provider.⁷ It is unreasonably burdensome and wasteful to force ABHTHs to pay for a backup provider to sit in an unoccupied home at the off chance that the Department decides to conduct an inspection. Yet, that is exactly what the Department is demanding. Given the unique operational realities of ABHTHs—which function primarily as private residences where providers may legitimately be away or may not have any assigned residents—the Department’s interpretation creates an impractical and unjust regulatory framework. In one instance, a Devereux-affiliated ABHTH provider was issued a statement of deficiency even though he was hospitalized in a foreign country and had no residents assigned to him at the time.⁸

9. The Department’s practice of revoking licenses due to the residents and providers being away from the home is harming residents and providers.

The Department’s improper practices challenged in the Petition negatively impact Arizona residents. In one instance, the Department issued a notice of revocation to a Devereux-affiliated ABHTH provider because she was not home when the Department showed up unannounced to conduct an annual inspection. No one was home so the compliance inspector contacted the provider by phone, and the provider informed the inspector that she was transporting her residents to scheduled appointments. Specifically, the provider was picking up a resident from her day program to take her to a *court ordered* appointment. That day’s appointment was the last required by the court and due to the provider’s diligence, the resident completed her court ordered treatment on time and was therefore allowed to live independently. In addition to picking this resident up and taking her to the appointment for court ordered treatment, the provider also purchased lunch for the resident and another resident, took the resident back to the day program, provided the lunch to the second resident, took the second resident to a medical appointment, and then brought the second resident back to the day program. All of these were critical services being provided to the residents by the provider outside of the home.

Coordinating “transportation to scheduled appointments” is one of six services that an ABHTH provider is *statutorily* required to provide its residents. *See* A.R.S. § 36-401(3)(c).⁹ Additionally, A.A.C. R9-10-1805(A) requires ABHTH providers to “ensure that behavioral health services and ancillary services are provided to a resident according to the resident’s treatment plan obtained from the adult behavioral health therapeutic home’s collaborating health care institution.” Facilitating residents’ attendance at medical appointments is part of the residents’ treatment plans and is the opposite of an “abandonment of required services” as the Department asserts in its Response. *See* Resp. at 5.

The Department is revoking the licenses of providers under 36-427(B) merely because they were actively ensuring legally required services were being provided to their residents during times the Department conducted unannounced 36-425(D) annual inspections. This is a situation where the legislative intent and statutory construction prevent unnecessary regulatory hardship and protect essential community-based services. If the Department conducted inspections in a manner consistent with applicable laws, then practical operational considerations would also be met.

10. Clarification of GRRC’s Authority.

On April 10, 2025, the Department filed an opposition to a motion to continue a scheduled hearing before the Office of Administrative Hearings pertaining to revocations based on the challenged practices. In that filing, the Department made the following statement:

The Devereux [41-1033(G)] Petition seeks consideration...of Devereux’s theory as it pertains to the inspection of [ABHTHs] and whether the Department’s application of A.R.S. § 36-427 is appropriate. However, the Devereux Petition is not an adequate basis upon which to delay the hearing for the license revocations...While it is possible that before June 16th, GRRC may issue some determination based on the Devereux Petition, ***a decision by GRRC pursuant to A.R.S. § 41-1033(K) is not an injunction, a declaratory judgment, or other form of court order that would serve as precedent for this tribunal.*** It is unclear at this time, and certainly before there is any definitive outcome from GRRC, in what manner this might affect these cases, if at all. *See* A.R.S. §§ 41-1033(K) and (L).¹⁰

(emphasis added). In light of the above, Devereux respectfully requests that the Council clarify and affirm its authority to declare a challenged practice void and unenforceable.

Sincerely,
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¹ See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 107 (2012) (“The expression of one thing implies the exclusion of others (*expressio unius est exclusio alterius*).”); *City of Surprise v. Arizona Corp. Comm’n*, 246 Ariz. 206, 211 (2019) (“Applying the *expressio unius* canon, we infer that the legislature’s decision to include the terms ‘sell, lease, assign,’ and ‘mortgage,’ but not ‘condemn’ or any variant thereof was intentional.”).

² ACQUIESCENCE, *Black’s Law Dictionary* (12th ed. 2024) (“[a] person’s tacit or passive acceptance; implied consent to an act.”). The antonym of “acquiescence,” per Merriam-Webster, is “defiance,” which implies intentional resistance or refusal to comply.

³ For example, in 1989 the Arizona Court of Appeals was called upon to determine whether campus security guards were eligible to participate in *Public Safety Personnel Retirement System*. *Arizona Bd. of Regents for & on Behalf of Univ. of Arizona v. State ex rel. State of Ariz. Pub. Safety Ret. Fund Manager Adm’r*, 160 Ariz. 150 (App. 1989). This required the court to analyze the definition of employee in A.R.S. § 38–842(11):

11. “Employee” means any person who is a member of a group of public safety personnel regularly assigned to hazardous duty, including groups of municipal policemen, municipal firemen, state highway patrolmen, county sheriffs and deputies, fish and game wardens, penitentiary guards, college campus policemen, and special agents, and excluding persons compensated on a contractual or fee basis.

The court held that campus security guards did not fall within the definition of employees because they were not expressly enumerated in the that definition. When finding that the legislature intended the list of enumerated groups to be exclusive and not “merely descriptive” of the types of groups covered under the definition, the court found it dispositive that “in subsection (12)(d) of the [same] statute, the legislature enumerated another group of items and used the language “including but not limited to” to make it clear that other items of the same class were not to be excluded.” *Id.* at 157 (“We find this to be a further indication that the legislature intended the enumerated groups of employees in Subsection (11), to be exclusive since it chose not to place the phrase ‘including but not limited to’ in that subsection but used it in another.”); see also *Luchanski v. Congrove*, 193 Ariz. 176, 179 (App. 1998) (same); cf. *HCZ Constr., Inc. v. First Franklin Fin. Corp.*, 199 Ariz. 361, 365 (App. 2001) (“When the Legislature has used both ‘may’ and ‘shall’ in the same paragraph of a statute, we infer that the Legislature acknowledged the difference and intended each word to carry its ordinary meaning.”). In sum, the court held that “[w]here the legislature has specifically used a term in certain places within a statute and excluded it in another place, courts will not read that term into the section from which it was excluded.” *Id.*

⁴ See *State v. Tsinnijinnie*, 206 Ariz. 477, 479 (App. 2003) (“Both sentences of subsection (K) must be read together and harmonized, however, to correctly discern the legislative intent.”); cf. *Price v. Wyeth Holdings Corp.*, 505 F.3d 624, 631 n.6 (7th Cir. 2007) (“The clause containing the one-year bar is part of the paragraph specifically addressing the time limits for cases that are not initially removable; its placement in this paragraph indicates that it modifies only the immediately preceding language in the same paragraph, not the more general time limitation contained in the preceding paragraph.”).

⁵ [Exhibit 1](#) (Department’s Response to Motion for Summary Adjudication) at 7.

⁶ A.C.C. § R9-10-1801(2) (defining backup provider to mean “an individual designated by a provider to be present in an adult behavioral health therapeutic home, when a provider is not

present, *who ensures that a resident receives the behavioral health services and ancillary services in the resident's treatment plan.*") (emphasis added).

⁷ Even if this is the proper reading of the relevant regulations, such regulations would be invalid as they are not specifically authorized by statute.

⁸ His son answered his ring doorbell to inform the inspectors of his father's circumstances.

⁹ Moreover, A.A.C. R9-10-1804(B)(2) states that an ABHTH resident has the right, "[t]o receive services that support and respect the resident's individuality, choices, strengths, and abilities." Transporting residents to their scheduled medical appointments and court ordered appointments is clearly a service that supports those residents, even if it takes place outside of the home.

¹⁰ [Exhibit 2](#) (Department's Response and Objection to Motion to Continue at 2).

EXHIBIT 1

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11 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

13 In the Matter of:

14 [REDACTED]
15 **and**
16 [REDACTED]

17 Appellants.

Case No.: 2025-BBHL-0133-DHS
2025-BBHL-0153-DHS

**ADHS’ RESPONSE TO APPELLANTS’
MOTION FOR SUMMARY
ADJUDICATION**

(Honorable Sondra Vanella)

19 Pursuant to Arizona Administrative Code (“A.A.C”) R2-19-106(D) and Judge
20 Vanella’s December 2, 2024 Order, the Arizona Department of Health Services
21 (“Department” or “ADHS”) responds to the Motion for Summary Adjudication filed on
22 November 1, 2024 (“Motion”) by [REDACTED] and [REDACTED]
23 [REDACTED] (collectively “Appellants”) and non-party Devereux Advanced Behavioral
24 Health Arizona (“Devereux”).¹ The Motion is unsupported by law and fact,
25 misconstrues statute and must be denied.
26

27 ¹ Devereux is not a party to either of these matters and has not file a motion to intervene.
28

EXHIBIT 1

I. FACTUAL AND PROCEDURAL BACKGROUND.

1 On December 10, 2019, pursuant to Arizona Revised Statutes (“A.R.S.”) Title 36,
2 Chapter 4, Article 2 and A.A.C. Title 9, Chapter 10, the Department issued license
3 number [REDACTED] to operate an adult
4 behavioral health therapeutic home (“ABHTH”) at [REDACTED]
5 [REDACTED] Facility”).

6
7 On June 10, 2024, the Department attempted to conduct a compliance inspection
8 at the [REDACTED] Facility. The Department’s findings are outlined in a Statement of
9 Deficiencies (“SOD”). *See* Ex. A. The Compliance Officer (“Officer”) arrived at the
10 [REDACTED] Facility at 10:40 a.m. and knocked on the door. *Id.* at 2. [REDACTED] did not answer
11 the door. *Id.* At 10:44 a.m., the Officer called [REDACTED] but [REDACTED] did not answer the
12 phone. *Id.* The Officer left a voicemail notifying [REDACTED] that the Department was on-site
13 to conduct a compliance inspection. *Id.* At 10:48 a.m., the Department sent [REDACTED] an
14 email informing him that the Department was on-site to conduct a compliance
15 inspection. *Id.* The Officer sent two (2) text messages at 10:48 a.m. and 10:55 a.m.
16 respectively and [REDACTED] did not respond to either text message. *Id.* At 11: 45 a.m., the
17 Officer made an additional attempt to contact [REDACTED] by telephone and [REDACTED] did not
18 answer the call. *Id.* at 3. At 11:45 a.m., the Officer left the [REDACTED] Facility. *Id.* The
19 Department did not receive any response from the [REDACTED] Licensee on June 10, 2024
20 before 5:00 p.m. *Id.* On September 25, 2024, the Department issued a Notice of Intent
21 to Revoke Health Care Institution License and Notice of Right to Request
22 Administrative Hearing. *See* Ex. B.

23 On May 3, 2021, pursuant to A.R.S. Title 36, Chapter 4, Article 2, and A.A.C.
24 Title 9, Chapter 10, the Department issued license number [REDACTED] to [REDACTED]
25 [REDACTED] dba [REDACTED] to operate an ABHTH at [REDACTED]
26 Tucson, AZ 85730 (“[REDACTED] Facility”).

EXHIBIT 1

1 On May 28, 2024, the Department attempted to conduct a compliance inspection
2 at the ██████ Facility. The Department's findings are outlined in a SOD. *See* Ex. C.
3 At 9:35 a.m., the Officer arrived at the ██████ Facility and the gate was locked. *Id.* at
4 2. Shortly thereafter, the Officer called ██████ by telephone. *Id.* In a telephonic
5 interview, ██████ reported to be unavailable to meet the Officer because ██████
6 was with residents at scheduled appointments. *Id.* ██████ reported the back-up
7 provider was not available, and suggested the Officer schedule the inspection for another
8 date. *Id.* At 10:15 a.m., the Officer left the ██████ Facility. *Id.* at 3. On November
9 27, 2024, the Department issued a Notice of Intent to Revoke Health Care Institution
10 License and Notice of Right to Request Administrative Hearing. *See* Ex. D.

11 ██████ timely requested a hearing and one was originally set before this tribunal
12 for December 13, 2024 in Case No. 2025-BBHL-0133-DHS. ██████ timely
13 requested a hearing and one was originally set before this tribunal for January 8, 2025 in
14 Case No. 2025-BBHL-0153-DHS. These matters were consolidated by Judge Vanella's
15 December 2, 2024 Order.

16 On November 1, 2024, ██████ filed the Motion seeking "the tribunal order
17 Department to immediately rescind the unlawful [Notice of Intent to Revoke]" based on
18 its opinion that the Department was unauthorized to inspect the ██████ Facility and thus
19 the license revocation was unlawful. Motion at 7. ██████ joined the Motion on
20 November 25, 2025.

21 As delineated in the Department's November 12, 2024 Motion to Strike, the
22 Department maintains its argument that even *if* this tribunal were to be persuaded by any
23 of Appellants' arguments, it can only issue a recommended decision to the Director of
24 the Department; OAH has no authority to order the Department to rescind a Notice of
25 Intent to Revoke. *See* A.R.S. § 41-1092.08.

EXHIBIT 1

II. LEGAL ARGUMENT

A. The Department Has a Duty and Obligation to Protect the Health, Safety and Welfare of the People of Arizona By Licensing and Regulating Health Care Institutions.

ADHS is charged with the power and duty to protect the health of the people of Arizona. *See* A.R.S. § 36-132(A)(1). The Director of the Department (“Director”) is obligated to “make and amend rules necessary for the proper administration and enforcement of the laws relating to the public health.” A.R.S. § 36-136(G). Additionally, A.R.S. § 36-405(A) requires the Director to “adopt rules to establish minimum standards and requirements for constructing, modifying and licensing health care institutions² necessary to ensure the public health, safety and welfare.” The Department may “[c]lassify and subclassify health care institutions according to character, size, range of services provided, medical or dental specialty offered, duration of care and standard of patient care required for the purposes of licensure;” and “prescribe the criteria for the licensure inspection process.” A.R.S. §§ 36-405(B)(1) and (3). In addition, A.R.S. §§ 36-406(1)(a) and (c) mandate that the Department “[a]dminister and enforce this chapter and the rules, regulations and standards adopted pursuant thereto,” and “[h]ave access to books, records, accounts and any other information of any health care institution reasonably necessary for the purposes of this chapter.”

Additionally, the Department by statute is obligated to “inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant and the health care institution are in

² A “health care institution” is defined in A.R.S. § 36-401(23) as “every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in § 36-151, outdoor behavioral health care programs and hospice service agencies.”

EXHIBIT 1

1 substantial compliance with the requirements of this chapter and the rules established
2 pursuant to [A.R.S. title 36, chapter 4].” A.R.S. § 36-424(A). Furthermore, A.R.S. § 36-
3 425 specifies that upon receipt of a complete application for a health care institution
4 license, the Department “shall conduct an inspection of the health care institution as
5 prescribed by [title 9, chapter 4];” and “shall conduct a compliance inspection of a health
6 care institution to determine compliance with this chapter and rules adopted pursuant to
7 this chapter at least once annually.” A.R.S. 36-425(A) and (D)³. And accordingly,
8 A.R.S. § 36-424(C) states:

9 On a determination by the director that there is reasonable
10 cause to believe a health care institution is not adhering to
11 the licensing requirements of this chapter, the director and
12 any duly designated employee or agent of the director,
13 including county health representatives and county or
14 municipal fire inspectors, consistent with standard medical
15 practices, may enter on and into the premises of any health
16 care institution that is licensed or required to be licensed
17 pursuant to this chapter at any reasonable time for the
18 purpose of determining the state of compliance with this
19 chapter, the rules adopted pursuant to this chapter and local
20 fire ordinances or rules. Any application for licensure under
21 this chapter constitutes permission for and complete
22 acquiescence in any entry or inspection of the premises
23 during the pendency of the application and, if licensed,
24 during the term of the license. If an inspection reveals that
25 the health care institution is not adhering to the licensing
26 requirements established pursuant to this chapter, the
27 director may take action authorized by [title 36, chapter 4].

21 Importantly, the statutory licensing scheme includes the presumption that, should
22 a licensee refuse “to permit the department or its employees or agents the right to inspect
23 the institution's premises as provided in section 36-424, such action shall be deemed
24 reasonable cause to believe that a substantial violation under subsection A, paragraph 3
25

26 ³ There are health care institutions that may be exempt from the annual inspection requirement
27 pursuant to A.R.S. §§ 36-424(B) and 36-425(E), however the [REDACTED] Facility and the [REDACTED]
28 Facility are not eligible for either statutory exemption.

EXHIBIT 1

1 of this section exists.” A.R.S. § 36-427(B). Thus, without access to a licensed health
2 care institution, the Department *shall* deem that licensee “in substantial violation of the
3 requirements for licensure of the institution, as a result of which the health or safety of
4 one or more patients or the general public is in immediate danger” and may suspend or
5 revoke the license. A.R.S. §§ 36-427(A)(3) and (B).

6 Moreover, it is unlawful to “establish, conduct or maintain in this state a health
7 care institution or any class or subclass of health care institution *unless* that person holds
8 a current and valid license issued by the department specifying the class or subclass of
9 health care institution the person is establishing, conducting or maintaining.” A.R.S. §
10 36-407(A) (emphasis added). Further, “the operation or maintenance of a health care
11 institution which does not hold a current and valid license or which exceeds the range of
12 the services authorized by the class or subclass for which it is licensed is a violation of
13 this chapter and is declared a nuisance inimical to the public health and safety” and the
14 Department’s Director may seek an injunction to enjoin an unlicensed facility from
15 operating to protect public health and safety. A.R.S. § 36-430. The entire statutory
16 scheme that governs health care institution licensure clarifies that public health, safety
17 and welfare are paramount, giving the Department broad authority to license, inspect and
18 regulate all health care institutions.

19 **B. The Department Has the Obligation and the Authority to Conduct** 20 **Compliance Inspections at Licensed Health Care Institutions.**

21 Appellants aver that the compliance inspections at the ██████ Facility and the
22 ██████ Facility lacked “reasonable cause” and were not conducted at a “reasonable
23 time” making them unlawful pursuant to A.R.S. § 36-424(C).⁴ Motion at 2-3; *see also*

24 _____
25 ⁴ Appellants misconstrue the *type* of inspection the Department attempted to perform at the
26 ██████ Facility and the ██████ Facility. They claim each inspection was “an unannounced
27 inspection” and later “an inspection under A.R.S. § 36-424(C).” Motion at 2, 3. They
28 mischaracterize the fact that these inspections were compliance inspections conducted pursuant
to A.R.S. § 36-425(D); Appellants’ failure to provide the Department access to the health care
institutions violated A.R.S. § 36-424(C). *See* Exs. A and C.

EXHIBIT 1

1 Ex. B at 4 and Ex. D at 4. Appellants misconstrue the statutes regarding inspections of
2 licensed health care institutions and thus their arguments fail.

3 First, there is no reasonable cause requirement in A.R.S. title 36, chapter 4 with
4 which the Department must comply before conducting a compliance inspection of a
5 licensed health care institution. As explained above, the Department is not only *allowed*
6 to perform compliance inspections, they are *required* to conduct annual compliance
7 inspections pursuant to A.R.S. § 36-425(D). Once the Department acts on that annual
8 obligation to inspect a licensed facility, the licensee must provide “complete
9 acquiescence in *any* entry or inspection...during the term of the license.” A.R.S. § 36-
10 424(C) (emphasis added). Nothing in any of the licensing statutes decreases, lessens or
11 removes the obligation of a licensee to permit the Department entry for any inspection,
12 including annual compliance as required in A.R.S. § 36-425(D).

13 Second, there is no requirement that the Department conduct an annual
14 compliance inspection at a “reasonable time.” Appellant is simply wrong that the
15 Department “can only conduct that inspection at a ‘reasonable time’” and that if the
16 provider of a licensed health care institution is not present when the Department arrives,
17 the inspection is unauthorized. Motion at 3-4. As explained above, an annual
18 compliance inspection is required and a licensed health care institution must provide
19 access in accordance with A.R.S §§ 36-424(C) and 36-425(D). And if the licensed
20 facility is a *residential* facility, such as an ABHTH, it is licensed to provide services
21 twenty-four hours a day, seven days a week, and thus must provide access twenty-four
22 hours a day, seven days a week.⁵ Therefore, Appellants’ suggestion that “the
23

24 ⁵ An ABHTH is defined as a “residence that provides room and board, assists in acquiring daily
25 living skills, coordinates transportation to scheduled appointments, monitors behaviors, assists in
26 the self-administration of medication, and provides feedback to a case manager related to
27 behavior for an individual 18 years of age or older based on the individual's behavioral health
28 issue and need for behavioral health services and may provide behavioral health services under
the clinical oversight of a behavioral health professional.” A.R.S. § 36-401(3) and A.A.C. R9-10-
101(13).

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1 Department could wait for the provider to return home or the Department could return
2 later or the Department could ask the provider when they would be home” is, in fact, *not*
3 *reasonable* and is contrary to law.

4 The Department is obligated and authorized to conduct annual compliance
5 inspections. Therefore, the annual compliance inspections at the [REDACTED] Facility and
6 [REDACTED] Facility were grounded in the law and Appellants’ Motion must be denied.

7 **C. The Statutory Licensing Scheme Authorizes Unannounced Inspections of** 8 **Health Care Institutions.**

9 Appellants next argue that the statutes prohibit *any* unannounced inspections of
10 health care institutions. Motion at 4-5. They posit that in 1989, the Legislature
11 “repealed” the Department’s authority to conduct unannounced inspections for nursing
12 care institutions and residential care institutions in A.R.S § 36-424 as “proof” that the
13 Legislature intended to prevent any unannounced inspections by ADHS. Motion at 4.
14 However, Appellants are wrong. The Motion mischaracterizes the legislative history of
15 the statute, the actions taken by the Legislature and fails to apply any level of statutory
16 interpretation.

17 In 1989, during the 39th legislative session, the Legislature removed one portion
18 of the statute [previously A.R.S. § 36-424(E)] authorizing *local agencies* to conduct
19 unannounced inspections of nursing care institutions and residential care institutions.
20 The Legislature removed section A.R.S § 36-424(E) in its entirety which read:

21 The department shall conduct with authorized local agencies
22 applying for such contracts to permit the authorized local
23 agencies or their advisory committees to conduct
24 unannounced inspections of nursing care institutions and
25 residential care institutions which are located in the planning
26 areas of the authorized local agencies. The inspections shall
27 be conducted in addition, to the inspections performed by the
28 Department pursuant to this chapter, to evaluate the quality of
care provided at nursing care institutions and residential care
institutions. An authorized local agency may use its own
employees or may use volunteers to conduct the inspections.

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1 Upon completion of an inspection the authorized local agency
2 shall notify the department of its findings and may report its
3 findings at a public hearing conducted by the agency in
 accordance with title 41, chapter 6.

4 1989 Ariz. Sess. Laws, Ch. 255 § 6 (1st Reg. Sess.). Importantly, at the time the
5 Legislature removed the section above, the Legislature did not make changes to A.R.S. §
6 36-424(D) which stated:

7 Upon a determination by the director that there is reasonable
8 cause to believe a health care institution is not adhering to the
9 licensing requirements established pursuant to this chapter,
10 the director and any duly designated employee or agent
11 thereof, including county health representatives and county or
12 municipal fire inspectors, shall, consistent with standard
13 medical practices, have the right to enter upon and into the
14 premises of any health care institution which is licensed, or
15 required to be licensed, pursuant to this chapter at any
16 reasonable time for the purpose of determining the state of
17 compliance with the provisions of this chapter, the rules of
18 the department adopted pursuant thereto, and local fire
19 ordinances or rules. *Any application for licensure under this
20 chapter shall constitute permission for and complete
21 acquiescence in any such entry or inspection of the premises
22 during the pendency of the application and, if licensed,
23 during the term of the license.* If an inspection reveals that the
24 health care institution is not adhering to the licensing
25 requirements established pursuant to this chapter, the director
26 may take action authorized by this chapter. Any health care
27 institution, including an accredited hospital, whose license
28 has been suspended or revoked in accordance with this
 section is subject to inspection upon application for
 relicensure or reinstatement of license.

1989 Ariz. Sess. Laws, Ch. 255 § 6 (1st Reg. Sess.) (emphasis added). Moreover, the
language granting the Department authority to conduct inspections and requiring any
licensee to provide complete acquiescence to a Department inspection has remained
identical since the time the statute was enacted in 1971. At the time of enactment,
A.R.S. § 36-424(B) read as follows:

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1 The Department and any duly designated employee or agent
2 thereof, including county health representatives and county or
3 municipal fire inspectors, shall, consistent with standard
4 medical practices, have the right to enter upon and into the
5 premises of any health care institution licensed, or required to
6 be licensed pursuant to this chapter at any reasonable time for
7 the purpose of determining the state of compliance with the
8 provisions of this chapter, the regulations of the Department
9 adopted pursuant thereto, and local fire ordinances or
10 regulations. *Any application for licensure under this chapter
11 shall constitute permission for and complete acquiescence in
12 any entry of inspection of the premises during the pendency of
13 the application and if licensed, during the term of the license.*

14 1971 Ariz. Sess. Laws, Ch. 196 § 2 (1st Reg. Sess.) (emphasis added).

15 If Appellants seek to have this tribunal apply appropriate statutory interpretation
16 to their analysis, the entire statutory scheme must be considered. And if the removal of
17 one portion of a statute is to be used to support Appellants' absurd position, the entire
18 scheme must be read in context to determine the intent of the Legislature. The goal of
19 statutory interpretation is to interpret the legislative intent behind the statute, including a
20 consideration of the entire statutory scheme. The primary purpose of statutory
21 interpretation "is to determine and give effect to the legislative intent behind the statute,
22 considering among other things the context of the statute, the language used and the
23 spirit and purpose of the law." *Welch-Doden v. Roberts*, 202 Ariz. 201, 206, ¶ 22 (App.
24 2002) (citing *Midland Risk Management Co. v. Watford*, 179 Ariz. 168, 171
25 (App.1994)). "Statutes are not to be interpreted woodenly and without regard for their
26 aim." *State Farm Auto. Ins. Co. v. Dressler*, 153 Ariz. 527, 531 (App. 1987) (citing
27 *State ex rel. Corbin v. Pickrell*, 136 Ariz. 589 (1983)). Here, it must be considered that
28 the Legislature's removal of A.R.S. § 36-424(E) - aimed at the authority of local
agencies - in combination with the entire statutory language requiring complete
acquiescence by all licensees, straightforwardly supports that the legislative intent was to
ensure that every health care institution licensed by the state must provide complete

EXHIBIT 1

1 acquiescence to any entry for inspection by the Department. This legislative intent can
2 be traced to 1971. Therefore, if the Legislature had wanted to prohibit the Department
3 from complete, unannounced access to health care institutions for inspection, it would
4 have removed this requirement in the statute. *See Padilla v. Indus. Comm'n*, 113 Ariz.
5 104, 106 (1976) (“Equally fundamental is the presumption that what the Legislature
6 means, it will say.”).

7 In fact, the legislative history of the licensing statutes also reveal that the
8 presumption of immediate risk found in A.R.S. § 36-427(A)(3) has also remained the
9 same since 1971. At the time of enactment, the statute read, in pertinent part: “If the
10 licensee, the chief administrative officer or any other person in charge of the institution
11 refuses to permit the Department, its employees or agents the right to inspect its
12 premises as provided in section 36-424, subsection B, such action shall be deemed
13 reasonable cause to believe that a substantial violation exists.” 1971 Ariz. Sess. Laws,
14 Ch. 196 § 2 (1st Reg. Sess.) Thus, the Legislature not only found it necessary to include
15 the obligation of a licensed health care institution to permit immediate access, it also
16 found it crucial to put into place the presumption of harm should the licensee refuse
17 access to the Department. The fact that the statutory language has remained identical
18 since 1971 is fundamental. Appellants’ analysis, therefore, collapses.

19 In support of their argument, Appellants also refer to other categories of facilities
20 – child care facilities, child care group homes, clinical laboratories and medical
21 marijuana dispensaries – licensed by the Department that have “unannounced
22 inspection” language included in statute. Motion at 4. However, these facilities are *not*
23 health care institutions and this comparison has no effect regarding the legislative history
24 and purpose of A.R.S. title 36, chapter 4.

25 It is evident when performing a historical review of the statutory scheme
26 governing health care institution licensing that the Legislature did not seek to limit the
27
28

EXHIBIT 1

1 Department's ability to conduct unannounced inspections. In fact, it reveals the
2 opposite. The Motion fails and must be denied.

3 **D. Appellants Were Required to Provide Complete Acquiescence and Allow** 4 **the Department Access for the Annual Compliance Inspection.**

5 Appellants' Motion relies on the presumption that, despite their health care
6 institution licenses, they do not have to provide complete acquiescence to the
7 Department. Motion at 3-4. In fact, they theorize that it is *the Department* that should
8 "wait for the provider to return home" or "return later" or "ask the provider when they
9 would be home" in order to inspect the homes. Motion at 4. This is absurd.

10 A licensee is *required* to provide complete acquiescence to ADHS for an
11 inspection. The statute places the responsibility on the licensee because "[a]ny
12 application for licensure under this chapter constitutes permission for and complete
13 acquiescence in any entry or inspection of the premises during the pendency of the
14 application and, if licensed, during the term of the license." A.R.S. § 36-424(C).
15 Moreover, as discussed previously, the Department is *required* to inspect health care
16 institutions annually. A.R.S. § 36-425(K). In fact, the statutory scheme A.R.S. title 36,
17 chapter 4 places no limit on the manner in which the Department can conduct health care
18 institution compliance inspections.⁶

19 Further, unannounced inspections are necessary in ensuring health care
20 institutions comply with the rules and regulations that are aimed at protecting the health,
21 safety, and wellness of the public. Providing notice to a licensee, including scheduling
22 inspections, impedes the Department's obligation to ensure compliance with rules and
23 regulations. "If an inspection is to be effective and serve as a credible deterrent,
24 unannounced, even frequent, inspections are essential. The prerequisite of a warrant
25 could easily frustrate inspection. *Donovan v. Dewey*, 452 U.S. 594, 603 (1981) (citing

26 ⁶ As noted previously, there are exemptions to the requirement of the annual compliance
27 inspection in A.R.S. § 36-424(B), however this does not have any affect on the requirement that
28 a licensee permit access and acquiescence to the Department by virtue of licensure.

EXHIBIT 1

1 *United States v. Biswell*, 406 U.S. 311, 316 (1972)) (holding that the substantial
2 government interest in improving the health and safety conditions in mines warrants
3 unannounced inspections). In fact, unannounced, on-site inspections are essential to the
4 regulation of health care institutions. In *Blue v. Koren*, 72 F.3d 1075, 1079 (2d Cir.
5 1995) the Second Circuit Court of Appeals applied the standard for warrantless
6 administrative searches to inspections of health care institution regulated by Medicare
7 and Medicaid:

8 Whether a warrantless inspection or search of commercial
9 premises is reasonable turns on: (i) whether there is a
10 ‘substantial government interest’ that informs the regulatory
11 scheme underlying the inspection or search; (ii) whether the
12 inspection or search is necessary to further the regulatory
13 scheme; and (iii) whether the scheme provides a substitute
14 for a warrant by alerting the owner to the likelihood of such
15 inspections and by limiting the discretion of the inspecting
16 officials.

17 *Id.* (citing *New York v. Burger*, 482 U.S. 691, 702–03 (1987)). The Court stated that
18 “[w]ith regard to the substantiality of the government interest in the state and federal
19 regulation of nursing homes, it can hardly be doubted that the interest is of the highest
20 order.” *Id.* The Court also concluded that “[u]nannounced, on-site inspections are thus
21 essential to the regulatory scheme.” *Id.*

22 The objective of an inspection by the Department is to determine a licensee’s
23 compliance with statute and rule that ensure health care institutions are complying with
24 health and safety standards. Thus, the statutory scheme requires all health care
25 institutions to permit complete access to ADHS for inspection at any time. There is no
26 provision in law that would provide for the Department to, as suggested by Appellants,
27 make an appointment or return at the convenience of [REDACTED] or [REDACTED] or inspect at
28 the invitation of these licensees.

EXHIBIT 1

E. Appellants Failure to Provide Complete Acquiescence is Refusal to Permit Access for Inspection.

The Motion⁷ claims that the licensee was “merely away from his home at the time of the unannounced inspection” and that does not equate to a “refusal.” Motion at 6-7. Relying on bankruptcy case citations, Appellants surmise that in order for the Department to apply the presumption in A.R.S. § 36-427(B), the refusal must be intentional. They are wrong.

Refusing to provide complete acquiescence to a Department inspection is deemed to be reasonable cause to believe that a substantial violation exists pursuant to A.R.S. § 36-427(B). The Department has the authority to revoke the license of any health care institution if its owners, officers, agents, or employees “[h]ave been, are or may continue to be in substantial violation of the requirements for licensure of the [I]nstitution, as a result of which the health or safety of one or more patients or the general public is in immediate danger.” A.R.S. § 36-427(A)(3). The statutes do not support Appellants’ theory that “[b]eing away from home during an unannounced inspection does not and cannot constitute” a refusal to permit the Department the right to inspect. Motion at 6. In fact, the Department *cannot* access a health care institution without adhering to the inspection procedures in A.R.S. § 41-1009 – all of which presume the presence of an individual or individuals who grant the inspector access to the premises for the inspection. Therefore, the *absence* of all persons at the licensed health care institution is a *refusal* “to permit the department or its employees or agents the right to inspect the institution's premises.” Any other interpretation directly contradicts the mandate that the Department presume “substantial violation of the requirements for licensure of the

⁷ Although ██████ has joined in this Motion, this argument is based on the facts underlying the Notice of Intent to Revoke for ██████ Facility. The argument applies similarly to ██████ who was not present to allow access to the ██████ Facility. When the Department contacted “reported that the back up provider was not available either and suggested that the Compliance Officer schedule the inspection for another date.” Ex. C at 2.

EXHIBIT 1

1 institution, as a result of which the health or safety of one or more patients or the general
2 public is in immediate danger.” A.R.S. § 36-427(A)(3) and (C).

3 **F. Appellants Have No Right to Have an Authorized On-Site Representative** 4 **to Accompany the Officer Pursuant to A.R.S. § 41-1009(A)(4) Because** 5 **They Refused Access.**

6 Lastly, the Motion asserts that unannounced compliance inspections are
7 “inconsistent with A.R.S. § 41-1009(A)(4)” and the Department did not afford [REDACTED]
8 [and [REDACTED] the opportunity to have its collaborating health care institution
9 Devereux in attendance. Motion at 6. This argument is nonsensical. The right is
10 triggered only when “[a]n agency inspector, auditor or regulator who *enters any*
11 *premises* of a regulated person for the purpose of conducting an inspection.” A.R.S.
12 §41-1009(A) (emphasis added). It is true that A.R.S. § 41-1009(A)(4) grants a licensee
13 the ability to have “an authorized on-site representative of the regulated person
14 accompanies the agency inspector, auditor or regulator on the premises, except during
15 confidential interviews.” However, the Department was refused access to both the
16 [REDACTED] Facility and the [REDACTED] Facility.⁸ Appellants cannot complain about rights to
17 which they were not entitled based on their own refusal. This argument is another
18 illogical mischaracterization of the licensing and regulatory process by Appellants.

19 **III. CONCLUSION**

20 Appellants requests this tribunal to “order the Department to rescind the unlawful
21 Revocation(s).” Motion at 7. Because this tribunal has no authority to make such an
22 order, the Motion should be denied. Even if the tribunal were persuaded it could grant
23 the relief request, the Motion must also be denied because Appellants misconstrue
24 statute, fail to appropriately analyze legislative intent, and rely on their homemade

25 ⁸ Appellants also aver that the Department “provided no notice, and therefore no opportunity to
26 attend, to [REDACTED]’s Collaborating Health Care Institution, Devereux.” Motion at 6. The rights
27 afforded to licensees under A.R.S. § 41-1009 are the licensees – [REDACTED] and [REDACTED] – not
28 Devereux. The notion that the Department owes [REDACTED] [REDACTED] and Devereux the right to
pre-schedule a compliance inspection is nonsensical and reveals the conflict inherent in the role
Devereux plays in these matters.

EXHIBIT 1

1 interpretation of the authority of the Department to inspect their licensed health care
2 institutions.

3 **DATED** this 9th day of December, 2024.

4
5 KRISTIN K. MAYES
6 Attorney General

7 */s/ Christina Contreras*
8 Christina Contreras
9 Patricia C. LaMagna
10 Assistant Attorney General
11 *Attorney for Arizona Department of Health Services*
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EXHIBIT 2

1 KRISTIN K. MAYES
Attorney General
2 Firm Bar No. 14000

3 Patricia C. LaMagna (#021880)
4 Christina Contreras (#036686)
5 Assistant Attorneys General
6 Education and Health Section
7 2005 North Central Avenue
8 Phoenix, Arizona 85004-1592
9 Telephone: (602) 542-8854
E-mail: EducationHealth@azag.gov
Attorneys for Arizona Department of Health Services

10 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

11 In the Matter of:

12 [REDACTED]
13 **and**
14 [REDACTED]

15
16 Appellants.

Case No.: 2025-BBHL-0133-DHS
2025-BBHL-0153-DHS

ADHS’ RESPONSE AND OBJECTION TO APPELLANTS’ MOTION TO CONTINUE

(Honorable Sondra Vanella)

17
18 Pursuant to Arizona Administrative Code (“A.A.C.”) R2-19-106(D) and -110, the
19 Arizona Department of Health Services (“Department”) responds and objects to the
20 Motion to Continue filed on April 6, 2024 (“Motion”) by [REDACTED]
21 and [REDACTED] [REDACTED] [REDACTED] (collectively “Appellants”) and non-party
22 Devereux Advanced Behavioral Health Arizona (“Devereux”).¹ The Motion presents no
23 valid basis to further delay the hearing and should therefore be denied.

24 Appellants are seeking a ninety-day (90-day) continuance of the hearing in these
25 consolidated matters currently set for June 16-19, 2025, based on a petition filed by
26 Devereux (“Devereux Petition”) before the Governor’s Regulatory Review Council

27 ¹ Devereux is not a party to either of these matters and has not sought permission to intervene.
28

EXHIBIT 2

1 (“GRRC”). *See* Appellants’ February 27, 2025 Status Update at 8-12. The Devereux
2 Petition seeks consideration, pursuant to Arizona Revised Statute (“A.R.S.”) § 41-
3 1033(G), of Devereux’s theory as it pertains to the inspection of Adult Behavioral Health
4 Therapeutic Homes (“ABHTHs”) and whether the Department’s application of A.R.S. §
5 36-427 is appropriate. However, the Devereux Petition is not an adequate basis upon
6 which to delay the hearing for the license revocations for ██████ and ██████. While
7 it is possible that before June 16th, GRRC may issue some determination based on the
8 Devereux Petition, a decision by GRRC pursuant to A.R.S. § 41-1033(K) is not an
9 injunction, a declaratory judgment, or other form of court order that would serve as
10 precedent for this tribunal. It is unclear at this time, and certainly before there is any
11 definitive outcome from GRRC, in what manner this might affect these cases, if at all.
12 *See* A.R.S. §§ 41-1033(K) and (L). To delay the ██████ and ██████ hearing based on
13 an unknown outcome of the Devereux Petition would be unnecessary and unsupported.
14 *See* A.A.C. R2-19-110(D).

15 Importantly, ADHS is charged with the power and duty to protect the health of
16 the people of Arizona. *See* A.R.S. § 36-132(A)(1). The nature of the violations outlined
17 in the Notice of Intent to Revoke necessitate that the Department move forward with the
18 revocation actions at issue to reach a resolution. The facts in these matters indicate that
19 the Department was refused entry for inspection into the licensed ABHTHs operated by
20 ██████ and ██████ rendering the presumption that they were both operating out of
21 compliance with the statutes and rules aimed at ensuring the health and safety of their
22 residents. These ABHTHs are still operating and can still be providing services. Delay
23 on this presumptive legal basis is not warranted and thus should not be granted.

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26 ///

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EXHIBIT 2

DATED this 10th day of April, 2025.

KRISTIN K. MAYES
Attorney General

/s/ Patricia C. LaMagna
Patricia C. LaMagna
Christina Contreras
Assistant Attorneys General
Attorneys for Arizona Department of Health Services

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Attachment 1

| Citation | Subject Matter | Relevant Text |
|-----------------------------------|--|---|
| ARS §36-424(A) | HCI Substantial Compliance Inspection | [T]he director shall inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant and the health care institution are in substantial compliance with the requirements of this chapter and the rules established pursuant to this chapter |
| ARS §36-424(C) | HCI Reasonable-cause, Reasonable - time Complaint Inspection | On a determination by the director that there is reasonable cause to believe a health care institution is not adhering to the licensing requirements of this chapter, the director and any duly designated employee or agent of the director, including county health representatives and county or municipal fire inspectors, consistent with standard medical practices, may enter on and into the premises of any health care institution that is licensed or required to be licensed pursuant to this chapter at any reasonable time for the purpose of determining the state of compliance with this chapter, the rules adopted pursuant to this chapter and local fire ordinances or rules. Any application for licensure under this chapter constitutes permission for and complete acquiescence in any entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license. |
| <i>Repealed</i> ARS §36-424(E) | HCI Local Agency Inspections | The department shall contract with authorized local agencies applying for such contracts to permit the authorized local agencies or their advisory committees to conduct <i>unannounced inspections</i> of nursing care institutions and residential care institutions which are located in the planning areas of the authorized local agencies. <i>The inspections shall be conducted, in addition to the inspections performed by the department pursuant to this chapter, to evaluate the quality of care provided at nursing care institutions and residential care institutions.</i> An authorized local agency may use its own employees or may use volunteers to conduct the inspections. Upon completion of an inspection the authorized local agency shall notify the department of its findings and may report its findings at a public hearing conducted by the agency in accordance with title 41, chapter 6. |
| ARS §36-425(A) | HCI Initial Inspection | On receipt of a properly completed application for a health care institution license, the director shall conduct an inspection of the health care institution as prescribed by this chapter. |
| ARS §36-425(D) | HCI Annual Inspection | Except as provided in section 36-424, subsection B and subsection E of this section, the department shall conduct a compliance inspection of a health care institution to determine compliance with this chapter and rules adopted pursuant to this chapter at least once annually. |

Attachment 1

| | | |
|-------------------|--|---|
| ARS §36-427(B) | HCI Refusal of a ARS §36-424 Inspection | If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department or its employees or agents the right to inspect the institution's premises as provided in section 36-424, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists. |
| ARS §36-885(B) | Child Care Facility Inspections | The department shall visit each child care facility as often as necessary to assure continued compliance with this article and department rules. The department shall make at least one <i>unannounced</i> visit annually. |
| ARS §36-2806(H) | Medical Marijuana Dispensary Inspections | Registered nonprofit medical marijuana dispensaries are subject to reasonable inspection by the department. The department may visit and inspect a nonprofit medical marijuana dispensary at any time during regular hours of operation as necessary to determine whether the dispensary complies with this chapter and the rules adopted pursuant to this chapter. The department shall make at least one <i>unannounced</i> visit annually to each nonprofit medical marijuana dispensary that is registered pursuant to this chapter. |
| ARS §36-897.05(B) | Child Care Group Home Inspections | The department shall visit each child care group home as often as necessary to assure continued compliance with this article and the rules adopted pursuant to this article. At least one <i>unannounced</i> visit shall be made annually. |
| ARS §3-267 | Department of Agriculture's Fertilizer Inspections | The director, who may act through an authorized agent, shall sample, inspect and make analyses of fertilizer materials distributed within the state at <i>such time and place and to such an extent as the director deems necessary</i> to determine whether or not such fertilizer materials are in compliance with the provisions of this article. |
| ARS §36-463.02(A) | Clinical Laboratory Compliance Inspections | The department may inspect the premises and operations of a clinical laboratory subject to licensure pursuant to this article to study and evaluate the operation, supervision and procedures of that facility to determine if it is in substantial compliance with this article and rules adopted pursuant to this article. Inspections may be <i>unannounced</i> and shall take place during regular working hours. |
| ARS §36-463.02(D) | Clinical Laboratory Reasonable-cause, Reasonable - time Complaint Inspection | If the director has reasonable cause to believe that a licensed or unlicensed laboratory or a laboratory requesting licensure is not in substantial compliance with the licensing requirements established pursuant to this article, the director may make <i>announced or unannounced</i> on-site inspections of the laboratory at any reasonable time to determine compliance. |

November 25, 2024

To Whom It May Concern,

Subject: Collaborative Solutions for Supporting Adults in Therapeutic Foster Care

We are writing to share our collective commitment to ensuring the continued success of adult therapeutic foster care services, which play an indispensable role in Arizona's system of care for individuals with serious mental illness. Adult therapeutic foster care is a service that provides a safe, caring, family-like environment proven to reduce hospitalizations and increase stability for adults living with serious mental illness. This is only possible due to the unique commitment to the whole-person healthcare offered by adult therapeutic foster care providers to adults living with serious mental illness. This commitment includes a need for Adult Behavioral Health Therapeutic Homes (ABHTH) providers to be away from home for various purposes, including serving individuals by assisting with transportation, medical appointments, and other essential services.

In Arizona, homes that provide adult therapeutic foster care are licensed by the Arizona Department of Health Services (ADHS) as Adult Behavioral Health Therapeutic Homes (ABHTHs). Currently, ADHS inspection processes are not performed in a manner that is consistent with the nature of ABHTH services. Rigidity around unannounced visits during suboptimal hours and the related enforcement actions by ADHS threaten to displace individuals living with serious mental illness from their homes.

We respectfully urge ADHS to reconsider revocation of ABHTH licenses or other enforcement action based solely on ABHTH providers being away from their homes during unscheduled inspections conducted during hours when ABHTH homes are most likely to be vacant. These actions by ADHS, while convenient with ADHS's schedule and intended to ensure accountability, in actual practice, knowingly conflict with ABHTH schedules and risk disruptions to individual care and placement. Furthermore, the current practice of revoking licenses for not being home during daytime hours threatens the overall system's capacity to provide high-quality residential care in actual family settings – a best practice.

We believe there is opportunity for collaboration between ADHS, AHCCCS, MCOs, ABHTH providers and other stakeholders to develop solutions that balance oversight with the operational realities of therapeutic foster care. As examples, ADHS could implement an inspection process that considers the nature of ABHTH services by allowing ABHTHs, like other health care institutions, to provide administrative hours when they will be home so ADHS can conduct inspections at those times, or ADHS could schedule inspections so ABHTHs can ensure the inspection times do not conflict with needs outside the home. By working together, we can uphold the integrity of ABHTH services while maintaining the stability and continuity that individuals and their families deserve and depend upon.

Thank you for your attention to this critical matter. We hope to see a solution that allows providers to continue their invaluable work without jeopardizing the services that so many Arizonans depend on.

Sincerely,

Charnise Moore

Charnise Moore, DrPH, MPH, CHRC, CHC
Chief Program Officer
FSL
Cmoore@fsl.org
(602) 285-0505, ext. 121



INTERMOUNTAIN
CENTERS

November 21, 2024

To Whom It May Concern,

Subject: Collaborative Solutions for Supporting Adults in Therapeutic Foster Care

We are writing to share our collective commitment to ensuring the continued success of adult therapeutic foster care services, which play an indispensable role in Arizona's system of care for individuals with serious mental illness. Adult therapeutic foster care is a service that provides a safe, caring, family-like environment proven to reduce hospitalizations and increase stability for adults living with serious mental illness. This is only possible due to the unique commitment to the whole-person healthcare offered by adult therapeutic foster care providers to adults living with serious mental illness. This commitment includes a need for Adult Behavioral Health Therapeutic Homes (ABHTH) providers to be away from home for various purposes, including serving individuals by assisting with transportation, medical appointments, and other essential services.

In Arizona, homes that provide adult therapeutic foster care are licensed by the Arizona Department of Health Services (ADHS) as Adult Behavioral Health Therapeutic Homes (ABHTHs). Currently, ADHS inspection processes are not performed in a manner that is consistent with the nature of ABHTH services. Rigidity around unannounced visits during suboptimal hours and the related enforcement actions by ADHS threaten to displace individuals living with serious mental illness from their homes.

We respectfully urge ADHS to reconsider revocation of ABHTH licenses or other enforcement action based solely on ABHTH providers being away from their homes during unscheduled inspections conducted during hours when ABHTH homes are most likely to be vacant. These actions by ADHS, while convenient with ADHS's schedule and intended to ensure accountability, in actual practice, knowingly conflict with ABHTH schedules and risk disruptions to individual care and placement. Furthermore, the current practice of revoking licenses for not being home during daytime hours threatens the overall system's capacity to provide high-quality residential care in actual family settings – a best practice.

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Mailing Address:

PO Box 86537

Tucson AZ 85754

We believe there is opportunity for collaboration between ADHS, AHCCCS, MCOs, ABHTH providers and other stakeholders to develop solutions that balance oversight with the operational realities of therapeutic foster care. As examples, ADHS could implement an inspection process that considers the nature of ABHTH services by allowing ABHTHs, like other health care institutions, to provide administrative hours when they will be home so ADHS can conduct inspections at those times, or ADHS could schedule inspections so ABHTHs can ensure the inspection times do not conflict with needs outside the home. By working together, we can uphold the integrity of ABHTH services while maintaining the stability and continuity that individuals and their families deserve and depend upon.

Thank you for your attention to this critical matter. We hope to see a solution that allows providers to continue their invaluable work without jeopardizing the services that so many Arizonans depend on.

Sincerely,

DocuSigned by:

F2F99FB114BD43F...

Rose M. Lopez
President & CEO
Intermountain Centers for Human Development
rlopez@ichd.net
520-721-1887 x1134





November 20, 2024

To: Arizona Department of Health Services (ADHS), Division of Public Health Licensing
150 N. 18th Avenue, Phoenix, AZ 85007

Subject: Collaborative Solutions Supporting Adults in Therapeutic Foster Care

Dear Director Jennifer Cunico and Assistant Director Thomas Sallow,

We write to express our collective commitment to ensuring the continued success of adult therapeutic foster care services, a cornerstone of Arizona's behavioral health system for individuals with serious mental illness. These services offer safe, nurturing, family-like environments that demonstrably reduce hospitalizations and promote stability for adults living with serious mental illness. This success hinges on the extraordinary dedication of Adult Behavioral Health Therapeutic Homes (ABHTH) providers, who deliver whole-person care by meeting essential needs, such as transportation to medical appointments and facilitating critical services, all of which require the adult provider to be away from the home at various times.

Adult therapeutic foster care homes in Arizona are licensed by the Arizona Department of Health Services (ADHS). However, the current inspection processes implemented by ADHS do not adequately account for the unique nature of ABHTH operations. Specifically, unannounced visits during suboptimal hours—when providers are understandably away fulfilling their caregiving responsibilities—have resulted in enforcement actions, including the revocation of licenses. Such measures risk destabilizing the lives of individuals with serious mental illness and undermining a vital component of Arizona's care system.

We respectfully urge ADHS to reconsider revocations or enforcement actions that arise solely from providers not being present during inspections conducted at times when homes are commonly unoccupied, due to providing client care. While we recognize the importance of accountability, these practices unintentionally conflict with the operational realities of ABHTHs and jeopardize the stability of care for vulnerable individuals. The current approach threatens the systems' overall capacity and erodes the ability to deliver high-quality residential care within a family setting which is widely recognized as a best practice in therapeutic care.

We believe this challenge presents an opportunity for meaningful collaboration. ADHS, together with AHCCCS, managed care organizations (MCOs), ABHTH providers, and other stakeholders, can craft solutions that balance robust oversight with the practical demands of therapeutic foster care. Potential solutions include:

- **Structured Administrative Hours:** Allowing providers to designate times when they are available for inspections, similar to other healthcare institutions.
- **Scheduled Inspections:** Offering advance notice to providers so they can ensure their availability without disrupting critical caregiving duties.

By implementing such strategies, we can uphold the integrity of ABHTH services while preserving the continuity and quality of care that Arizonans with serious mental illness depend on.

We are confident that by working together, we can address these challenges and strengthen the therapeutic foster care system for the benefit of individuals, families, and the broader community. Thank you for your attention to this urgent matter, and we welcome the opportunity to engage in dialogue to explore and implement these solutions.

Sincerely,

A handwritten signature in cursive script that reads "Candy Espino".

Candy Espino, President & CEO
Arizona Council of Human Service Providers
602-688-0532
cespino@azcouncil.com

36-424. Inspections; suspension or revocation of license; report to board of examiners of nursing care institution administrators and assisted living facility managers

A. Except as provided in subsection B of this section, the director shall inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant and the health care institution are in substantial compliance with the requirements of this chapter and the rules established pursuant to this chapter. The director may prescribe rules regarding department background investigations into an applicant's character and qualifications.

B. The director may accept proof that a health care institution is an accredited hospital or is an accredited health care institution in lieu of all compliance inspections required by this chapter if the director receives a copy of the health care institution's accreditation report for the licensure period and the health care institution is accredited by an independent, nonprofit accrediting organization approved by the secretary of the United States department of health and human services. If the health care institution's accreditation report is not valid for the entire licensure period, the department may conduct a compliance inspection of the health care institution during the time period the department does not have a valid accreditation report for the health care institution. For the purposes of this subsection, each licensed premises of a health care institution must have its own accreditation report. The director may not accept an accreditation report in lieu of a compliance inspection of:

1. An intermediate care facility for individuals with intellectual disabilities.
2. A nursing-supported group home.
3. A health care institution if the health care institution has been subject to an enforcement action pursuant to section 36-427 or 36-431.01 within the year preceding the annual licensing fee anniversary date.

C. On a determination by the director that there is reasonable cause to believe a health care institution is not adhering to the licensing requirements of this chapter, the director and any duly designated employee or agent of the director, including county health representatives and county or municipal fire inspectors, consistent with standard medical practices, may enter on and into the premises of any health care institution that is licensed or required to be licensed pursuant to this chapter at any reasonable time for the purpose of determining the state of compliance with this chapter, the rules adopted pursuant to this chapter and local fire ordinances or rules. Any application for licensure under this chapter constitutes permission for and complete acquiescence in any entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license. If an inspection reveals that the health care institution is not adhering to the licensing requirements established pursuant to this chapter, the director may take action authorized by this chapter. Any health care institution, including an accredited hospital, whose license has been suspended or revoked in accordance with this section is subject to inspection on application for relicensure or reinstatement of license.

D. The director shall immediately report to the board of examiners of nursing care institution administrators and assisted living facility managers information identifying that a nursing care institution administrator's conduct may be grounds for disciplinary action pursuant to section 36-446.07.

36-427. Suspension or revocation; intermediate sanctions

A. The director, pursuant to title 41, chapter 6, article 10, may suspend or revoke, in whole or in part, the license of any health care institution if its owners, officers, agents or employees:

1. Violate this chapter or the rules of the department adopted pursuant to this chapter.
2. Knowingly aid, permit or abet the commission of any crime involving medical and health-related services.
3. Have been, are or may continue to be in substantial violation of the requirements for licensure of the institution, as a result of which the health or safety of one or more patients or the general public is in immediate danger.
4. Fail to comply with section 36-2901.08.
5. Violate section 36-2302.

B. If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department or its employees or agents the right to inspect the institution's premises as provided in section 36-424, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists.

C. If the director reasonably believes that a violation of subsection A, paragraph 3 of this section has occurred and that life or safety of patients will be immediately affected, the director, on written notice to the licensee, may order the immediate restriction of admissions or readmissions, selected transfer of patients out of the facility, reduction of capacity and termination of specific services, procedures, practices or facilities.

D. The director may rescind, in whole or in part, sanctions imposed pursuant to this section on correction of the violation or violations for which the sanctions were imposed.

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Enacted, June 21, 1989

Reporter

1989 Ariz. ALS 255; 1989 Ariz. Ch. 255; 1989 Ariz. SB 1355

ARIZONA ADVANCE LEGISLATIVE SERVICE > THIRTY-NINTH LEGISLATURE FIRST REGULAR SESSION,
1989 > CHAPTER 255 > SENATE BILL 1355

Notice

 [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]
[D> TEXT WITHIN THESE SYMBOLS IS DELETED <D]

Synopsis

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; PRESCRIBING DEFINITIONS; PRESCRIBING POWERS AND DUTIES OF THE DIRECTOR; PRESCRIBING CERTAIN FEES; PRESCRIBING APPLICATION FOR LICENSURE AS A HEALTH CARE INSTITUTION; PROVIDING FOR BACKGROUND INVESTIGATIONS AND PROCEDURES OF A HEALTH CARE INSTITUTION APPLICANT; PROVIDING GROUNDS FOR DENIAL OF LICENSE; PROVIDING FOR ORDER TO TRANSFER PATIENTS OR REDUCE CAPACITY OF CERTAIN FACILITIES; PRESCRIBING DISCIPLINARY ACTIONS AGAINST A LICENSEE AND RIGHT TO A HEARING; PRESCRIBING THE DEFINITION AND CLASSIFICATION OF A CRIMINAL OFFENSE; PRESCRIBING COUNTERSIGNATURE BY PHYSICIANS OF TELEPHONE ORDERS FOR MEDICATION AT NURSING CARE INSTITUTIONS; PRESCRIBING EXCEPTION TO FINDING A DEFICIENCY BY THE DIRECTOR; PRESCRIBING A RECORD; PROVIDING FOR REPEAL OF EXCEPTIONS TO CONSTRUCTION AND LICENSURE PROVISIONS; PROVIDING FOR REPEAL OF PROVISIONS FOR TECHNICAL ASSISTANCE; MAKING TECHNICAL AND CONFORMING CHANGES; AMENDING [SECTIONS 36-401](#), [36-405](#), 36-421.02, [36-422](#), [36-424](#), [36-425](#), [36-427](#), [36-428](#), [36-431](#), [36-435](#), [36-436](#), AND 36-447.05, ARIZONA REVISED STATUTES, AND REPEALING SECTIONS 36-421.01 AND 36-447.18, ARIZONA REVISED STATUTES.

Text

Be it enacted by the Legislature of the State of Arizona:

Section 1. [Section 36-401, Arizona Revised Statutes](#), is amended to read:

36-401. Definitions

[D> A. <D] In this chapter, unless the context otherwise requires:

1. "Accredited hospital" means a hospital currently accredited by a nationally recognized commission on hospital accreditation.
2. "Adaptive services" means medical services provided on an outpatient basis.

3. "Adult day health care facility" means a facility providing adult day health services during a portion of a continuous twenty-four hour period for compensation on a regular basis for five or more adults not related to the proprietor.

4. "Adult day health services" means a program that provides planned care supervision and activities, personal care, personal living skills training, meals and health monitoring in a group setting during a portion of a continuous twenty-four hour period. Adult day health services may also include preventive, therapeutic and restorative health related services that do not include behavioral health services.

5. "Adult foster care" means a residential setting which provides room and board, personal care, transportation, respite, habilitation and supervision for one to four adults in a family environment who are eligible for participation in the Arizona long-term care system pursuant to chapter 29, article 2 of this title.

6. "Ambulatory person" means any individual, including one who uses a cane or other ambulatory support device, who is physically and mentally capable under emergency conditions of finding a way to safety without assistance.

[D] 7. "Authorized local agency" means either: **<D]**

[D] (a) A local health planning agency which is a public regional planning body with a governing board composed of a majority of elected officials of units of general local government who represents consumers of health care, which appoints a governing care body recognized by the department of health services. **<D]**

[D] (b) A nonprofit private corporation or single unit of general local government if such agency has been established in a geographic region determined to reflect unusual or highly unusual circumstances as provided in section 1511 of the federal public health service act. **<D]**

[D] 8. **<D]** 7. "Capital expenditure" means the acquisition by lease or purchase of a capital asset in the nature of buildings, fixtures or durable equipment.

[D] 9. **<D]** 8. "Construction" means the building, erection, fabrication, or installation of a health care institution or facilities therefor.

[D] 10. **<D]** 9. "Continuous" means available at all times without cessation, break or interruption.

[D] 11. **<D]** 10. "Department" means the department of health services.

[D] 12. **<D]** 11. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or activity.

[D] 13. **<D]** 12. "Director" means the director of the department of health services.

[D] 14. "Emergency need" means a condition which presents an immediate threat to the public health, safety or welfare of the patients who would be served and makes it impracticable, unnecessary or contrary to the public interest to conduct the regular certificate of need application review process. **<D]**

[D] 15. **<D]** 13. "Facilities" means buildings or capital equipment used by a health care institution for providing any of the types of services as defined in this chapter.

[D] 16. **<D]** 14. "Governing authority" means the individual, agency, group or corporation, appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the health care institution is vested.

[D] 17. **<D]** 15. "Habilitation" means the provision of physical therapy, occupational therapy, speech or audiology services or training in independent living, special developmental skills, sensory-motor development, behavior intervention, orientation and mobility.

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[D] 18. [D] 16. "Health care institution" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services or supervisory care services and includes home health agencies as defined in [section 36-151](#) and hospice service agencies.

[D] 19. [D] 17. "Health-related services" means services, other than medical, pertaining to general supervision, protective, preventive and personal care services or supervisory care services.

[D] 20. [D] 18. "Health screening services" means the acquisition, analysis and delivery of health-related data of individuals to aid in the determination of the need for medical services.

[D] 21. [D] 19. "Hospice" means a hospice service agency or the provision of hospice services in an inpatient facility.

[D] 22. [D] 20. "Hospice service" means a program of palliative and supportive care for terminally ill persons and their families or caregivers.

[D] 23. [D] 21. "Hospice service agency" means an agency or organization, or a subdivision of that agency or organization, which is engaged in providing hospice services at the place of residence of its clients.

[D] 24. [D] 22. "Inpatient beds" or "resident beds" means accommodations with supporting services, such as food, laundry and housekeeping, for patients or residents who generally stay in excess of twenty-four hours.

[D] 25. [D] 23. "Medical services" means the services pertaining to medical care that are performed at the direction of a physician on behalf of patients by physicians, dentists, nurses and other professional and technical personnel.

[D] 26. [D] 24. "Modification" means the substantial improvement, enlargement, reduction, moving or alteration of, addition to, or other change in a health care institution or its facilities or in the services provided by such an institution.

[D] 27. [D] 25. "Nonproprietary institution" means any health care institution organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or operated by the state or any political subdivision of the state.

[D] 28. [D] 26. "Nursing care institution" means a health care institution providing inpatient beds or resident beds and nursing services to persons who need nursing services on a continuing basis but who do not require hospital care or direct daily care from a physician.

[D] 29. [D] 27. "Nursing services" means those services pertaining to the curative, restorative and preventive aspects of nursing care that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.

[D] 30. [D] 28. "Organized medical staff" means a formal organization of physicians, and dentists where appropriate, with the delegated authority and responsibility to maintain proper standards of medical care and to plan for continued betterment of that care.

[D] 31. [D] 29. "Outpatient surgical center" means a type of health care institution with facilities and limited hospital services for the diagnosis or treatment of patients by surgery whose recovery, in the concurring opinions of the surgeon and the anesthesiologist, does not require inpatient care.

[D] 32. [D] 30. "Personal care services" means assistance with eating, bathing and dressing for individuals who are in need of a protective environment.

[D] 33. [D] 31. "Physician" means any person licensed under the provisions of title 32, chapter 13 or 17.

[D> 34. <D] 32. "Residential care institution" means a health care institution other than a hospital or a nursing care institution which provides resident beds and health-related services for persons who do not need inpatient nursing care.

[D> 35. <D] 33. "Respite care services" means services provided by a licensed health care institution to persons otherwise cared for in foster homes and in private homes to provide an interval of rest or relief of not more than thirty days to operators of foster homes or to family members.

[D> 36. <D] 34. "State plan" means the plan for construction and modernization of health care institutions formulated by the department as a part of the state comprehensive health plan. **<D]**

[D> 37. <D] 34. "Supervision" means direct overseeing and inspection of the act of accomplishing a function or activity.

[D> 38. <D] 35. "Supervisory care home" means a residential care institution which **[D>** provides only supervisory care services to more than **<D]** **[A> HAS <A]** five **[A> OR MORE <A]** ambulatory persons **[A> WHO REQUIRE SUPERVISORY CARE SERVICES AND WHO ARE <A]** unrelated to the administrator or owner of such home.

[D> 39. <D] 36. "Supervisory care services" means accommodation, board and general supervision, including assistance to persons in the self-administration of prescribed medications.

[D> B. Where there is no authorized local agency as defined in subsection A the state health planning advisory council shall serve as the authorized local agency. **<D]**

Sec. 2. [Section 36-405, Arizona Revised Statutes](#), is amended to read:

36-405. Powers and duties of the director

A. The director shall adopt**[D>** , repeal and amend reasonable **<D]** rules **[D>** and regulations **<D]** which shall establish minimum standards and requirements for the construction, modification and licensure of health care institutions necessary to assure the public health, safety and welfare. The standards and requirements shall relate to the construction, equipment, sanitation, staffing for medical, nursing and personal care services, and record keeping pertaining to the administration of medical, nursing and personal care services, in accordance with generally accepted practices of health care. The director shall use the current standards adopted by the joint commission on accreditation of hospitals and the commission on accreditation of the American osteopathic association, as guidelines in prescribing minimum standards and requirements under this section.

[D> B. The director shall, by regulation, establish a health care institution classification for nursing care institutions, with subclassifications including, but not limited to, skilled nursing facilities, intermediate care facilities and personal care facilities. Such regulations shall provide for the number, type and scope of nursing services, other supportive services and standards of patient care required for each subclass of institution. **<D]**

[D> C. <D] B. The director may, by **[D>** regulation **<D]** **[A> RULE, <A]** classify and subclassify **[D>** other **<D]** health care institutions according to character, size, range of services provided, medical or dental specialty offered, duration of care and standard of patient care required for the purposes of licensure. Classes of health care institutions may include but not be limited to hospitals, infirmaries, outpatient treatment centers, health screening services centers and residential care facilities. Whenever the director reasonably deems distinctions in **[D>** regulations **<D]** **[A> RULES <A]** and standards to be appropriate among different classes or subclasses of health care institutions the director may make such distinctions.

C. **[A> THE DIRECTOR SHALL ESTABLISH AND COLLECT THE FOLLOWING FEES FOR HEALTH CARE INSTITUTIONS: <A]**

1. **[A> NONREFUNDABLE FEES NOT TO EXCEED THE FOLLOWING AMOUNTS: <A]**

- (a) **[A>** FOR A PERMIT, TWENTY-FIVE DOLLARS. **<A]**
- (b) **[A>** FOR AN APPLICATION, FIFTY DOLLARS. **<A]**
2. **[A>** ARCHITECTURAL DRAWING REVIEW FEES NOT TO EXCEED THE FOLLOWING AMOUNTS: **<A]**
- (a) **[A>** FOR A PROJECT WITH A COST UNDER ONE HUNDRED THOUSAND DOLLARS, FIFTY DOLLARS. **<A]**
- (b) **[A>** FOR A PROJECT WITH A COST OF MORE THAN ONE HUNDRED THOUSAND DOLLARS AND LESS THAN FIVE HUNDRED THOUSAND DOLLARS, ONE HUNDRED DOLLARS. **<A]**
- (c) **[A>** FOR A PROJECT WITH A COST OF FIVE HUNDRED THOUSAND DOLLARS OR MORE, ONE HUNDRED FIFTY DOLLARS. **<A]**
3. **[A>** LICENSE FEES, WHICH MUST BE PAID ANNUALLY, NOT TO EXCEED THE FOLLOWING AMOUNTS: **<A]**
- (a) **[A>** FOR A FACILITY WITH NO BEDS, ONE HUNDRED DOLLARS. **<A]**
- (b) **[A>** FOR A FACILITY WITH ONE TO FIFTY-NINE BEDS, ONE HUNDRED DOLLARS, PLUS AN ADDITIONAL TEN DOLLARS PER BED. **<A]**
- (c) **[A>** FOR A FACILITY WITH SIXTY TO NINETY-NINE BEDS, TWO HUNDRED DOLLARS, PLUS AN ADDITIONAL TEN DOLLARS PER BED. **<A]**
- (d) **[A>** FOR A FACILITY WITH ONE HUNDRED TO ONE HUNDRED FORTY-NINE BEDS, THREE HUNDRED DOLLARS, PLUS AN ADDITIONAL TEN DOLLARS PER BED. **<A]**
- (e) **[A>** FOR A FACILITY WITH ONE HUNDRED FIFTY BEDS OR MORE, FIVE HUNDRED DOLLARS, PLUS AN ADDITIONAL TEN DOLLARS PER BED. **<A]**

Sec. 3. Repeal

Sections 36-421.01 and 36-447.18, Arizona Revised Statutes, are repealed.

Sec. 4. Section 36-421.02, Arizona Revised Statutes, is amended to read:

36-421.02. Outpatient behavioral health service agencies; licensure; exception

A. If an outpatient behavioral health service agency is licensed pursuant to this chapter, the department shall not license such agency's outpatient behavioral health service facilities as defined by [section 36-401\[D>](#) , subsection A **<D]**.

B. This section does not apply to residential or day treatment facilities provided for in [section 36-550.05](#).

Sec. 5. [Section 36-422, Arizona Revised Statutes](#), is amended to read:

36-422. Application for license

A. Any person who desires to obtain a license under this chapter for operation of a health care institution shall file with the department an application on a form prescribed, prepared and furnished by the department. The application shall contain the following:

1. The name and location of the health care institution.

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2. Whether it is to be operated as a proprietary or nonproprietary institution.
 3. The name of the governing authority, and, if other than an individual, the names of the persons having its control. The applicant shall be the governing authority having the operative ownership of, or the governmental agency charged with the administration of, the health care institution sought to be licensed.
 4. The class or subclass of health care institution to be established or operated.
 5. The types and extent of the health care services to be provided, including emergency services, community health services and services to indigent patients.
 6. The name and qualifications of the chief administrative officer implementing direction in that specific health care institution.
 7. **[D> Such <D]** Other pertinent information as may be required by the department for the proper administration of this chapter and department **[D> regulations <D]** **[A> RULES. <A]**
 8. For any health care institution newly constructed, or modified since it was last licensed, a copy of the appropriate permit issued pursuant to [section 36-421](#).
- B. The application shall be signed, in the case of an individual by the owner of the health care institution, or in the case of a partnership or a corporation, by two of the officers thereof, or in the case of a governmental unit, by the head of the governmental department having jurisdiction thereof.
- C. Application for licensure or relicensure shall be filed at least **[D> thirty <D]** **[A> SIXTY <A]** but not more than **[D> sixty <D]** **[A> ONE HUNDRED TWENTY <A]** days prior to anticipated operation or the expiration date of the then current license. Where the operation of any licensed health care institution is intended to be terminated, or where a change of ownership will occur, either during or at the expiration of the term of its license, the department shall be notified at least thirty days in advance.
- D. **[A> IN ADDITION TO THE REQUIREMENTS OF THIS CHAPTER, THE DEPARTMENT MAY PRESCRIBE BY RULE OTHER LICENSURE REQUIREMENTS AND MAY PRESCRIBE PROCEDURES FOR CONDUCTING INVESTIGATIONS INTO AN APPLICANT'S CHARACTER AND QUALIFICATIONS. <A]**

Sec. 6. [Section 36-424, Arizona Revised Statutes](#), is amended to read:

36-424. Inspections; suspension or revocation of license; report to board of examiners of nursing care institution administrators

- A. Every applicant for licensure as a health care institution shall submit to the director a properly completed application for a license accompanied by the necessary fee.
- B. Subject to the limitation prescribed by subsection C of this section, the department shall inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant is in compliance with the requirements of this chapter and the rules established pursuant to this chapter. **[A> THE DEPARTMENT MAY PRESCRIBE RULES REGARDING DEPARTMENT BACKGROUND INVESTIGATIONS INTO AN APPLICANT'S CHARACTER AND QUALIFICATIONS. <A]**
- C. The director shall accept proof that a health care institution is an accredited hospital in lieu of all licensing inspections required by this chapter if the department receives a copy of the institution's accreditation report.
- D. Upon a determination by the director that there is reasonable cause to believe a health care institution is not adhering to the licensing requirements established pursuant to this chapter, the director and any duly designated employee or agent thereof, including county health representatives and county or municipal fire inspectors, shall, consistent with standard medical practices, have the right to enter upon and into the premises of any health care

institution which is licensed, or required to be licensed, pursuant to this chapter at any reasonable time for the purpose of determining the state of compliance with the provisions of this chapter, the rules of the department adopted pursuant thereto, and local fire ordinances or rules. Any application for licensure under this chapter shall constitute permission for and complete acquiescence in any such entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license. If an inspection reveals that the health care institution is not adhering to the licensing requirements established pursuant to this chapter, the director may in accordance with [section 36-427](#) suspend or revoke the license of the institution or condition licensure upon corrective action by the health care institution to meet the licensing requirements. Any health care institution, including an accredited hospital, whose license has been suspended or revoked in accordance with this section, is subject to inspection upon application for relicensure or reinstatement of license.

[D] E. The department shall contract with authorized local agencies applying for such contracts to permit the authorized local agencies or their advisory committees to conduct unannounced inspections of nursing care institutions and residential care institutions which are located in the planning areas of the authorized local agencies. The inspections shall be conducted, in addition to the inspections performed by the department pursuant to this chapter, to evaluate the quality of care provided at nursing care institutions and residential care institutions. An authorized local agency may use its own employees or may use volunteers to conduct the inspections. Upon completion of an inspection the authorized local agency shall notify the department of its findings and may report its findings at a public hearing conducted by the agency in accordance with title 41, chapter 6. <D]

[D] F. <D] E. The directors shall immediately report to the board of examiners of nursing care institution administrators information identifying that a nursing care institution administrator's conduct may be grounds for disciplinary action as defined pursuant to [section 36-446.07](#).

Sec. 7. [Section 36-425, Arizona Revised Statutes](#), is amended to read:

36-425. Issuance of license; provisional license; denial of license

A. Upon receipt of a properly completed application and upon finding that the applicant and the health care institution for which the license is sought meet all the requirements of this chapter and the regulations of the department for licensure within one of the classes or subclasses of health care institutions, the director shall issue to the applicant a license. Otherwise he shall deny it.

B. The license shall show the name of the chief administrative officer of that specific health care institution and, except for home health agencies as defined by [section 36-151](#) and nursing care institutions, is valid for one year from the date of issuance. The license shall be conspicuously posted in the reception area of the licensed health care institution.

C. When an inspection or investigation of an applicant or a health care institution reveals a deficiency or deficiencies of a minor nature or of a hazardous but readily correctable nature, and the director has cause to believe that the immediate interests of the patients and of the general public would be served best by affording the institution the opportunity to correct such deficiency or deficiencies, the department shall issue a provisional license for a period of time not to exceed one year, if the applicant agrees to carry out a plan acceptable to the department to eliminate the deficiency or deficiencies within the term of the provisional license. A health care institution shall be relicensed after the expiration of its provisional license only if the licensee has fully corrected all conditions constituting failure to comply with requirements for licensure.

D. A health care institution shall have its license amended immediately at any time there is written notification of a change of the chief administrative officer specified in [section 36-422](#), subsection A, paragraph 6.

E. When the department issues an original regular license or an original provisional license to a health care institution it shall notify the owners and lessees of any agricultural land within one-fourth mile of the health care institution.

F. **[A>** THE DIRECTOR MAY PRESCRIBE BY RULE GROUNDS ON WHICH THE DEPARTMENT MAY DENY A LICENSE. THESE GROUNDS MAY INCLUDE A FINDING THAT THE APPLICANT AND ANYONE IN A BUSINESS RELATIONSHIP WITH THE APPLICANT, INCLUDING STOCKHOLDERS, HAS HAD A LICENSE TO OPERATE A HEALTH CARE INSTITUTION REVOKED OR SUSPENDED OR HAS A LICENSING HISTORY INDICATING RECENT SERIOUS VIOLATIONS WHICH WERE A THREAT TO THE HEALTH AND SAFETY OF THE PERSONS UTILIZING THE HEALTH CARE INSTITUTION. **<A]**

Sec. 8. [Section 36-427, Arizona Revised Statutes](#), is amended to read:

36-427. Suspension or revocation

A. The director may, pursuant to title 41, chapter 6, suspend or revoke the license of any health care institution if its owners, officers, agents or employees:

1. Violate any provision of this chapter or the rules of the department adopted pursuant to this chapter.
2. Knowingly aid, permit or abet the commission of any crime involving medical and health related services.
3. Have been, are or may continue to be in substantial violation of the requirements for licensure of the institution, as a result of which the health or safety of one or more patients or the general public is in immediate danger. If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department, its employees or agents the right to inspect its premises as provided in [section 36-424](#), such action shall be deemed reasonable cause to believe that a substantial violation exists.

B. The director may, if he reasonably believes that a violation of subsection A, paragraph 3 of this section has occurred and that life or safety of patients will be immediately affected, upon written notice to the licensee, order the immediate restriction of admissions, **[A> SELECTED TRANSFER OF PATIENTS OUT OF THE FACILITY, REDUCTION OF CAPACITY <A]** and termination of specific services, procedures, practices or facilities.

Sec. 9. [Section 36-428, Arizona Revised Statutes](#), is amended to read:

36-428. Hearings by the director

A. No license shall be suspended or revoked without affording the licensee notice and opportunity for a hearing as provided for in title 41, chapter 6.

B. Any person whose application for a permit or license has been denied by the director or who has been ordered by the director to restrict admissions, **[A> TRANSFER SELECTED PATIENTS OUT OF THE FACILITY, REDUCE CAPACITY <A]** and terminate specific services, procedures, practices or facilities may, at any time within thirty days after notice of **[D> such <D]** **[A> THE <A]** denial or order, request in writing a hearing before the director, to be held within thirty days following **[D> such <D]** **[A> THE <A]** written request **[D> , <D]** for the purpose of reviewing the action of the director.

C. All hearings shall be in accordance with title 41, chapter 6.

Sec. 10. [Section 36-431, Arizona Revised Statutes](#), is amended to read:

36-431. Violation; classification

A. A person is guilty of a **[D> petty offense <D]** **[A> CLASS 3 MISDEMEANOR <A]** who:

1. Establishes, operates or maintains any class or subclass of health care institution, as defined in this chapter, unless the person holds a current and valid license for such class or subclass from the department.

2. Knowingly violates any provision of this chapter unless another classification is specifically prescribed in this chapter.

B. Each day that a violation continues shall constitute a separate violation.

Sec. 11. [Section 36-435, Arizona Revised Statutes](#), is amended to read:

36-435. Staff privileges for podiatrists

A. The governing board of each health care institution classified by the director as a hospital pursuant to [section 36-405](#), subsection **[D> C <D]** B shall provide for the use of the health care institution by, and staff privileges for, duly licensed podiatrists subject to nondiscriminatory rules and regulations governing the use or privileges established by the governing board and medical staff for persons licensed under title 32, **[D> chapters <D] [A> CHAPTER 7, 13 <A] [D> and <D] [A> OR 17. <A]**

B. This article does not prohibit any health care institution which is a teaching facility owned or operated by a university operating a school of medicine from requiring that any podiatrist have a faculty teaching appointment as a condition for eligibility for staff privileges at the health care institution.

Sec. 12. [Section 36-436, Arizona Revised Statutes](#), is amended to read:

36-436. Filing and review of rates, rules and regulations as prerequisite to operation; findings

A. A new hospital or nursing care institution shall not engage in business within this state until its schedule on rates and charges and rules **[D>** and regulations **<D]** pertaining thereto are filed with and reviewed by the director. The schedules of rates and charges shall be in the form and contain such information as prescribed by the director.

B. The director shall adopt or establish reasonable guidelines for review of rates and charges for hospital or nursing care institutions. Those health care institutions which are classified by the director as hospitals pursuant to [section 36-405](#), subsection **[D> C <D]** B shall use the current edition of the statement on the financial requirements of health care institutions and services, as adopted by the American hospital association, or amended editions thereof if applicable, as a guide for establishing hospital rates and charges. The director shall use, but not be limited to, the statement on the financial requirements of health care institutions and services, as adopted by the American hospital association, as a guide for review of hospital rates and charges.

C. Promptly after the filing of such schedule, the director shall review such schedule and make public his findings. Such findings shall include information on:

1. How the rates and charges relate to the operating income and expenses of the institution.
2. The source and application of funds available to the institution.

Sec. 13. Section 36-447.05, Arizona Revised Statutes, is amended to read:

36-447.05. Delivery of basic medical services at nursing care institutions; restrictions

A. Basic health services shall be provided at a nursing care institution only under the general direction of an attending physician. The administrator shall establish procedures which shall be posted in a place readily accessible to all charge nurses for obtaining medical care when the attending physician is not available and shall arrange for such emergency medical services.

B. The administrator shall require a complete medical history prior to admission and shall also require, within thirty days before or after admission and annually thereafter, a physical examination of each person admitted to a nursing care institution.

C. A person who demonstrates clinical evidence or X-ray evidence of current pulmonary tuberculosis disease shall not be admitted to a nursing care institution.

D. All medications, medical treatment and telephone orders by the physician for laboratory tests and X-rays prescribed by a physician for a patient admitted to a nursing care institution shall be administered by licensed staff only on orders of a physician. Telephone orders from a physician for the administration of medication by licensed medical staff shall be countersigned by the physician and mailed within ten days of the telephone order. **[A]** TELEPHONE ORDERS FOR MEDICATIONS USED AS CHEMICAL RESTRAINTS, INCLUDING ALL CONTROLLED MEDICATIONS USED AS CHEMICAL RESTRAINTS, SHALL BE COUNTERSIGNED BY THE PHYSICIAN WITHIN SEVENTY-TWO HOURS OF THE TELEPHONE ORDER. THE NURSING CARE INSTITUTION SHALL NOT BE CHARGED WITH DEFICIENCIES BY THE DIRECTOR PURSUANT TO [SECTION 36-425](#), SUBSECTION C, IF TELEPHONE ORDERS FOR MEDICATION OR THE ADMINISTRATION OF MEDICATION ARE MAILED TO THE PHYSICIAN FOR COUNTERSIGNATURE BY THE NURSING CARE INSTITUTION WITHIN SEVENTY-TWO HOURS OF THE TELEPHONE ORDER. THE NURSING CARE INSTITUTION SHALL MAINTAIN A RECORD OF THE TELEPHONE ORDERS MAILED TO PHYSICIANS FOR COUNTERSIGNATURE. THE RECORD SHALL BE AVAILABLE TO THE DIRECTOR FOR INSPECTION. **<A]**

E. Each nursing care institution shall report changes in the medical condition of a patient to the patient's attending physician.

F. Each nursing care institution:

1. Is subject to periodic inspection by department personnel.
2. Shall make available all information and records required to be maintained by the nursing care institution and shall provide necessary assistance and cooperation to department personnel in the inspection of the nursing care institution as required by this chapter.

History

Approved by the Governor June 21, 1989

Filed in the Office of the Secretary of State June 21, 1989

ARIZONA ADVANCE LEGISLATIVE SERVICE

41-1033. Petition for a rule or review of an agency practice, substantive policy statement, final rule or unduly burdensome licensing requirement; notice

A. Any person may petition an agency to do either of the following:

1. Make, amend or repeal a final rule.
2. Review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

B. An agency shall prescribe the form of the petition and the procedures for the petition's submission, consideration and disposition. The person shall state on the petition the rulemaking to review or the agency practice or substantive policy statement to consider revising, repealing or making into a rule.

C. Not later than sixty days after submission of the petition, the agency shall either:

1. Reject the petition and state its reasons in writing for rejection to the petitioner.
2. Initiate rulemaking proceedings in accordance with this chapter.
3. If otherwise lawful, make a rule.

D. The agency's response to the petition is open to public inspection.

E. If an agency rejects a petition pursuant to subsection C of this section, the petitioner has thirty days to appeal to the council to review whether the existing agency practice or substantive policy statement constitutes a rule. The petitioner's appeal may not be more than five double-spaced pages.

F. A person may petition the council to request a review of a final rule based on the person's belief that the final rule does not meet the requirements prescribed in section 41-1030. A petition submitted under this subsection may not be more than five double-spaced pages.

G. A person may petition the council to request a review of an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement that the petitioner alleges is not specifically authorized by statute, exceeds the agency's statutory authority, is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern. On receipt of a properly submitted petition pursuant to this section, the council shall review the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement as prescribed by this section. A petition submitted under this subsection may not be more than five double-spaced pages. This subsection does not apply to an individual or institution that is subject to title 36, chapter 4, article 10 or chapter 20.

H. If the council receives information that alleges an existing agency practice or substantive policy statement may constitute a rule, that a final rule does not meet the requirements prescribed in section 41-1030 or that an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute or does not meet the guidelines prescribed in subsection G of this section, or if the council receives an appeal under subsection E of this section, and at least three council members request of the chairperson that the matter be heard in a public meeting:

1. Within ninety days after receiving the third council member's request, the council shall determine whether any of the following applies:

- (a) The agency practice or substantive policy statement constitutes a rule.
- (b) The final rule meets the requirements prescribed in section 41-1030.

(c) An existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute or meets the guidelines prescribed in subsection G of this section.

2. Within ten days after receiving the third council member's request, the council shall notify the agency that the matter has been or will be placed on the council's agenda for consideration on the merits.

3. Not later than thirty days after receiving notice from the council, the agency shall submit a statement of not more than five double-spaced pages to the council that addresses whether any of the following applies:

(a) The existing agency practice or substantive policy statement constitutes a rule.

(b) The final rule meets the requirements prescribed in section 41-1030.

(c) An existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute or meets the guidelines prescribed in subsection G of this section.

I. At the hearing, the council shall allocate the petitioner and the agency an equal amount of time for oral comments not including any time spent answering questions raised by council members. The council may also allocate time for members of the public who have an interest in the issue to provide oral comments.

J. For the purposes of subsection H of this section, the council meeting shall not be scheduled until the expiration of the agency response period prescribed in subsection H, paragraph 3 of this section.

K. An agency practice, substantive policy statement, final rule or regulatory licensing requirement considered by the council pursuant to this section shall remain in effect while under consideration of the council. If the council determines that the agency practice, substantive policy statement or regulatory licensing requirement exceeds the agency's statutory authority, is not authorized by statute or constitutes a rule or that the final rule does not meet the requirements prescribed in section 41-1030, the practice, policy statement, rule or regulatory licensing requirement shall be void. If the council determines that the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern, the council shall modify, revise or declare void any such existing agency practice, substantive policy statement, final rule or regulatory licensing requirement. If an agency decides to further pursue a practice, substantive policy statement or regulatory licensing requirement that has been declared void or has been modified or revised by the council, the agency may do so only pursuant to a new rulemaking.

L. A council decision pursuant to this section shall be made by a majority of the council members who are present and voting on the issue. Notwithstanding any other law, the council may not base any decision concerning an agency's compliance with the requirements of section 41-1030 in issuing a final rule or substantive policy statement on whether any party or person commented on the rulemaking or substantive policy statement.

M. A decision by the council pursuant to this section is not subject to judicial review, except that, in addition to the procedure prescribed in this section or in lieu of the procedure prescribed in this section, a person may seek declaratory relief pursuant to section 41-1034.

N. Each agency and the secretary of state shall post prominently on their websites notice of an individual's right to petition the council for review pursuant to this section.