

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF ARIZONA

PREPARED FOR
FOUR CORNERS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF
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SECTION 1.0
INTRODUCTION

INTRODUCTION

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Arizona, it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of Arizona, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on pages 2 and 3.

STANDARD FORMAT FOR PERMIT SUMMARIES

CHAPTER 0.0

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval with notation indicating mandate by state (S) or federal (F) government

B. STATUTORY AUTHORITY:

Title of state statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s)

C. TITLE OF REGULATION:

Title of state regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process

1. Applicability

Includes all types of activities which require the permit

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submissions or Operations Requirements

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit

CHAPTER 0.0 (concluded)

4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations

6. Fees

Costs incurred for obtaining and maintaining the permit

7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

E. ADMINISTERING AGENCY:

Name of the administering agency and its director, address, and telephone number

Name of the counterpart federal agency and its director, address, and telephone number

SECTION 2.0
STATE POLICY AND PROCEDURES
FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

STATE CLEARINGHOUSE OR ONE-STOP PERMIT AGENCY

The State of Arizona has adopted an ambitious strategy to alleviate the regulatory maze that confronts many new and existing businesses. Two elements of this plan include:

- Coordination of business licensing through the Department of Revenue, and
- State agency liaison service available through the Office of Economic Planning and Development.

Recently, legislation was enacted to coordinate business licensing through the Department of Revenue. This legislation provides the mechanism whereby a person desiring to engage in business may obtain employer identification numbers for income tax withholding and unemployment insurance purposes, and transaction privilege tax licenses. A firm may also obtain any other identification numbers and licenses deemed practical.

The Arizona Office of Economic Planning and Development (OEPAD) is concerned with the stimulation of statewide economic activity that is compatible and consistent with local planning goals. This effort involves both the expansion of existing industries and the attraction of new employers.

The Development Services Section of OEPAD provides a special liaison service to facilitate interaction between businesses and state agencies. This attempt to streamline the bureaucratic process represents the trend in Arizona toward a "one-stop-shopping" approach to state regulation.

For more specific information, please contact:

Office of Economic Planning and Development
Development Division
1700 West Washington
Executive Tower, Room 400
Phoenix, Arizona 85007
(602) 255-5705

SECTION 3.0
RESOURCE EXTRACTION

CHAPTER 3.1
MINERAL EXPLORATION PERMIT

INTRODUCTION

The Arizona State Land Department (ASLD) has responsibility for issuance of mineral exploration permits on unleased Arizona State Trust Lands, under the authority of Arizona Revised Statutes, Title 27. The purpose of this permit is to regulate exploration activities and prevent illegal entry to unleased Arizona State Trust Lands.

A. NAME OF PERMIT OR APPROVAL:

- Arizona State Land Department Mineral Exploration Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 27-251 through 27-256

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-731 through R12-5-735

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASLD
- ASLD reviews for completeness and technical adequacy in conjunction with other agencies involved
- Final approval by ASLD

1. Applicability

- Any person wishing exclusive mineral entry for mineral exploration on Arizona State Trust Lands

2. General Requirements

- This permit must be obtained prior to any exploration activities on unleased Arizona State Trust Lands

3. Submission Requirements

- Name and address of applicant
- Statement whether applicant is an individual, partnership or corporation
- Statement of citizenship

CHAPTER 3.1 (continued)

- If a corporation:
 - Name
 - State of incorporation
 - Arizona business address
 - Affirmation of authorization to do business in Arizona
- Age and marital status
- Description, according to the public land survey, of the land for which application is being made
- Location of improvements or crops on land under application, or on land over which proposed ingress and egress routes

Information required in the following categories shall be conveyed by means of an accurate plan or drawing, accompanying the application form

- Location of mineral deposits
- Claims or leases on the land under application
- Location of abandoned underground mines or other major workings on the land under application
- Location of proposed roadways within the area under application
- Location of proposed ingress and egress over other state land concerned

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the ASLD
- ASLD reviews application for completeness
- ASLD conducts technical analysis and consults with other involved agencies
- Estimated processing time, 45 days
- The permit is issued for one year and is renewable for 4 additional one-year periods

CHAPTER 3.1 (concluded)

5. Operations Requirements

- Following approval, the permittee must comply with all stipulations set forth by the ASLD in the permit, and with approved plan of operations and restoration, if required

6. Fees

- Applications must be accompanied by a \$25 filing fee for each section or part of a section under application
- Rental: \$1.00 per acre per year

7. Appeal Process

- In the event the permit is denied, the applicant may make an appeal within 30 days of the denial
- The applicant is given a set date to appear before an ASLD hearing officer
- Subsequent appeals must be made to the Superior Court of the county in which the major portion of land under application occurs

E. ADMINISTERING AGENCY:

Director
Natural Resources Division
Arizona State Land Department
1624 West Adams Street
Phoenix, Arizona 85007
(602) 255-4625

CHAPTER 3.2

PERMIT TO DRILL, RE-OPEN, PLUG BACK, OR RE-ENTER

INTRODUCTION

The Arizona State Oil and Gas Conservation Commission (ASOGCC) has responsibility for issuance of permits to drill, re-open, plug back or re-enter a well on all Arizona lands, under the authority of Arizona Revised Statutes, Title 27. The purpose of this permit is to prevent contamination which could result from drilling, storing or injecting underground.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill, Re-Open, Plug Back or Re-Enter (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 27-24-Article 1

C. TITLE OF REGULATION:

- ARS, 27-513

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASOGCC
- Final review and approval by ASOGCC
- 1. Applicability
 - Any person planning to drill a well for oil, gas, helium, geothermal resources, storage or underground injection
- 2. General Requirements
 - Organization Report
 - Performance Bond
- 3. Submission Requirements
 - Application to drill includes:
 - Approximate total depth of well

CHAPTER 3.2 (continued)

- Well name and number
- Lease name and number
- Drilling contractor
- Casing and cementing programs
- 24-hour turn around on routine drilling application
- Surveyor's plat of well location giving exact legal description of well site

4. Procedures for Obtaining Permit or Approval

- State Lands
 - Applicant submits application to ASOGCC
 - Final review and approval by ASOGCC
 - Estimated processing time, 1 week
- Federal Lands
 - Applicant submits application to USGS and ASOGCC
 - Final review and approval by USGS and ASOGCC

5. Operations Requirements

- Operator complies with all rules and regulations of ASOGCC

6. Fees

- \$25.00 - drilling permit filing fee
- Approximately \$500.00 - Cost of hearing (when hearing is required)

7. Appeal Process

- Call for public hearing (ARS, 27-517)
- Judicial review (ARS, 27-520)

CHAPTER 3.2 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

- Oil and Gas Conservation Commission
1645 West Jefferson Street
Phoenix, Arizona 85007
(602) 255-5161

Federal Agencies:

- USGS
Bakersfield, CA
(805) 861-4186
State of Arizona except Navajo Reservation

- USGS
Farmington, NM
(505) 326-4572
Navajo Indian Reservation only

CHAPTER 3.3

MINE START UP/SHUT DOWN NOTICE OF APPROVAL

INTRODUCTION

The Arizona State Mine Inspector (ASMI) is responsible for approval of mine start up/shut down, under the authority of Arizona Revised Statutes, Titles 23, 27, and 45. The Inspector is also responsible for inspecting mining operations and equipment for compliance with the state mining code and determination of existing hazardous dust conditions. An inspection report is prepared including all violations of the code and a copy provided to the mine operator. In addition, an annual report is filed with the governor combining relevant information and recommendations.

A. NAME OF PERMIT OR APPROVAL:

- Mine Start Up/Shut Down Notice of Approval (S)

B. STATUTORY AUTHORITY:

- Constitutional Authority: Article XIX, Mines
- Arizona Revised Statutes, 23-2-282, 23-12-491, 27-1-Article 2, 27-3-Articles 1 through 7, and 45-3-709

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, Title II, Mines

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASMI
1. Applicability
 - Any person wishing to initiate a mining operation in Arizona
 2. General Requirements
 - Specific information to be obtained from ASMI
 3. Submission Requirements
 - Names of officials
 - Type of operation
 - Principal product

CHAPTER 3.3 (concluded)

- Legal description
4. Procedures for Obtaining Permit or Approval
 - Applicant submits notice to ASMI
 - Activities may proceed after notification
 - ASMI conducts investigation/inspection as soon as possible
 5. Operations Requirements
 - Applicant must comply with Arizona State Mining Code
 6. Fees
 - None
 7. Appeal Process
 - None
- E. ADMINISTERING AGENCY:
- State Agency:
- Arizona State Mine Inspector
705 State Capitol, West Wing
Phoenix, AZ 85007
(602) 255-5971
- Federal Agencies:
- Mine Safety and Health Administration (MSHA)
 - Occupational Safety and Health Administration (OSHA)
 - U.S. Bureau of Land Management (BLM)
 - U.S. Forest Service (USFS)

CHAPTER 3.4

UNDERGROUND DIESEL OPERATING PERMIT

INTRODUCTION

The Arizona State Mine Inspector (ASMI) is responsible for permits for underground diesel operations, under the authority of Arizona Revised Statutes, Titles 23, 27, and 45. The Inspector is also responsible for inspecting mining operations and equipment for compliance with the state mining code and determination of existing hazardous dust conditions. An inspection report is prepared including all violations of the code and a copy provided to the mine operator. In addition, an annual report is filed with the governor combining relevant information and recommendations.

A. NAME OF PERMIT OR APPROVAL:

- Underground Diesel Operating Permit

B. STATUTORY AUTHORITY:

- (Constitutional Authority: Article XIX, Mines)
- Arizona Revised Statutes (ARS), 23-2-282, 23-12-491, 27-1-Article 2, 27-3-Articles 1 through 7, and 45-3-709

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations (ACRR), Title II, Mines

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASMI
- Inspection of safety and emission control performed by ASMI
- Final approval after inspection by ASMI

1. Applicability

- Operation of diesel equipment underground under specified conditions

2. General Requirements

- Applicant must comply with Arizona State Mining Code

3. Submission Requirements

- Notification of Intent

CHAPTER 3.4 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits Notification of Intent to ASMI
- Inspection for safety and emissions performed by ASMI (approximately 5 days)
- Final approval and issuance by ASMI

5. Operations Requirements

- Applicant must comply with Arizona State Mining Code

6. Fees

- None

7. Appeal Process

- ACRR, R11-1-152 (Review of Decision)
- ARS, 27-307-D (Judicial)

E. ADMINISTERING AGENCY:

State Agency:

- Arizona State Mine Inspector
705 State Capitol, West Wing
Phoenix, AZ 85007
(602) 255-5971

Federal Agencies:

- U.S. Bureau of Mines
- Mine Safety and Health Administration (MSHA)

CHAPTER 3.5
ELEVATOR PERMIT

INTRODUCTION

The Arizona State Mine Inspector (ASMI) is responsible for permits for elevators, under the authority of Arizona Revised Statutes, Titles 23, 27, and 45. The Inspector is also responsible for inspecting mining operations and equipment for compliance with the state mining code and determination of existing hazardous dust conditions. An inspection report is prepared including all violations of the code and a copy provided to the mine operator. In addition, an annual report is filed with the governor combining relevant information and recommendations.

A. NAME OF PERMIT OR APPROVAL:

- Elevator Permit (S)

B. STATUTORY AUTHORITY:

- (Constitutional Authority: Article XIX, Mines)
- Arizona Revised Statutes (ARS), 23-2-282, 23-12-491, 27-1-Article 2, 27-3-Articles 1 through 7, and 45-3-709

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations (ACRR), Title II, Mines

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASMI
 - Inspection performed by ASMI
 - Commence activities
1. Applicability
 - Any elevator on any mining property - above ground or underground
 2. General Requirements
 - A permit must be obtained prior to installation of any elevators on mining property
 3. Submission Requirements
 - Notification of Intent

CHAPTER 3.5 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ASMI
- Inspection by ASMI
- Permit issued upon final approval by ASMI

5. Operations Requirements

- Applicant must comply with American National Safety Institute (ANSI), A17.1 and 17.2, and Arizona State Mining Code

6. Fees

- None

7. Appeal Process

- ACRR, R11-1-152 (Review of Decision)
- ARS, 27-307-D (Judicial)

E. ADMINISTERING AGENCY:

State Agency:

- Arizona State Mine Inspector
705 State Capitol, West Wing
Phoenix, AZ 85007
(602) 255-5971

Federal Agency:

- Occupational Safety and Health Administration (OSHA)

CHAPTER 3.6

EXPLOSIVES REGULATION COMPLIANCE

INTRODUCTION

The Arizona State Mine Inspector (ASMI) is responsible for approval of compliance with explosive regulations, under the authority of Arizona Revised Statutes, Titles 23, 27, and 45. The Inspector is also responsible for inspecting mining operations and equipment for compliance with the state mining code and determination of existing hazardous dust conditions. An inspection report is prepared including all violations of the code and a copy provided to the mine operator. In addition, an annual report is filed with the governor combining relevant information and recommendations.

A. NAME OF PERMIT OR APPROVAL:

- Explosives Regulation Compliance (S)

B. STATUTORY AUTHORITY:

- (Constitutional Authority: Article XIX, Mines)
- Arizona Revised Statutes, 27-1-Article 2, 27-3-Articles 1 through 7

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, Title II, Mines

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Retain explosive records
1. Applicability
 - Storage and use of explosives
 2. General Requirements
 - Applicant must meet specifications in Arizona State Mining Code and manufacturers' recommendations for use and storage of explosives
 - Explosive records must be retained by the company for ASMI inspections
 3. Submission Requirements
 - Retain explosive records

CHAPTER 3.6 (concluded)

4. Procedures for Obtaining Permit or Approval

- Retain explosive records

5. Operations Requirements

- Applicant must comply with Arizona State Mining Code
- Records must be retained by company

6. Fees

- None

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

State Agency:

- Arizona State Mine Inspector
705 State Capitol, West Wing
Phoenix, AZ 85007
(602) 255-5971

Federal Agencies:

- Mine Safety and Health Administration (MSHA)
- Alcohol, Tobacco, and Firearms (ATF)

CHAPTER 3.7

WELL DRILLER'S LICENSE

INTRODUCTION

The Arizona Department of Water Resources (ADWR) has the responsibility for licensing well drillers, under the authority of Arizona Revised Statutes, Title 45. The purpose of this license is to assure adequate drilling qualifications for prevention of faulty well construction.

A. NAME OF PERMIT OR APPROVAL:

- Well Driller's License (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 45-2-594 and 45-2-595

C. TITLE OF REGULATION:

- Well construction standards and licensing of well drillers (temporary) (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ADWR
- Final review and approval by ADWR

1. Applicability

- Well drilling

2. General Requirements

- Wells must be constructed to regulation standards
- Drillers must be licensed
(Present-licensed by Registrar of Contractors)
(Future-must pass ADWR test)

3. Submission Requirements

- Qualifications
- Name
- Number of drillers' machines
- Primary business

CHAPTER 3.7 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- Final review and approval by ADWR

5. Operations Requirements

- Applicant must comply with regulations for well construction standards

6. Fees

- None

7. Appeal Process

- Hearing procedure, appeals to Superior Court

E. ADMINISTERING AGENCY:

Chief Hydrologist
Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1586

SECTION 4.0
LAND USE REGULATIONS

CHAPTER 4.1

COMMON CARRIER CERTIFICATE OF CONVENIENCE AND NECESSITY OR CONTRACT CARRIER PERMIT

INTRODUCTION

The Motor Transportation Division (MTD), under the Arizona Corporation Commission (ACC) has responsibility for issuance of common carrier certificates of convenience and necessity or contract carrier permits (the authority terminating 30 June 1982). The purpose of this permit is to regulate the transporting of passengers or property for hire between points in Arizona.

A. NAME OF PERMIT OR APPROVAL:

- Common Carrier Certificate of Convenience and Necessity or Contract Carrier Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 40-601 through 40-620
- None

C. TITLE OF REGULATION:

- On 1 July 1982, the above statute will be repealed due to deregulation of motor carriers

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to MTD
 - Final review and approval by MTD
1. Applicability
 - Any person wishing to transport passengers or property for hire over the public highways of Arizona
 2. General Requirements
 - Applicant must be fit and proper to obtain a certificate or permit

CHAPTER 4.1 (continued)

- Applicant must show need for service at time of hearing
- The need for authority and these permits will no longer be necessary effective 1 July 1982
- Effective 1 July 1982, insurance, taxing, and bonding will be assumed by the Arizona Department of Transportation

3. Submission Requirements

- Description of commodity to be hauled
- Scope of area proposed to serve
- Schedule of rates to be charged
- Financial statement

4. Procedures for Obtaining Permit or Approval

- Applicant files application form to MTD or may file a petition which includes all provisions of ACC R14-5-303 or R14-5-304
- Application scheduled for public hearing
- Notice of hearing published and mailed to all interested carriers and other interested persons
- Matter scheduled for hearing before hearing officer
- Transcript of hearing prepared and reviewed by commissioners prior to considering hearing officer's proposed order
- Estimated processing time, approximately 8 weeks from time application is accepted

5. Operations Requirements

- File Certificate of Insurance form
- Deposit Road Tax Bond with Motor Vehicle Division of Arizona Department of Transportation
- File tariff
- Register motor vehicles

CHAPTER 4.1 (concluded)

6. Fees

- Application - \$50.00
- Vehicle Registration - Cab Card \$5.00 per power unit

7. Appeal Process

- Applicants and protestants have the right to appeal Commission decision within 20 days of commissioners' order or decision, by filing an application for rehearing
- Decision of Commission may also be appealed to Superior Court

E. ADMINISTERING AGENCY:

Director
Motor Transportation Division
Arizona Corporation Commission
1210 West Washington Street
Phoenix, AZ 85007
(602) 255-3316

CHAPTER 4.2

CERTIFICATE OF CONVENIENCE AND NECESSITY

INTRODUCTION

The Utilities Division, under the Arizona Corporation Commission (ACC), has responsibility for issuance of certificates of convenience and necessity under the authority of Arizona Revised Statutes, Title 40. The purpose of this certificate is to prevent faulty construction or inadequate operation of a public service corporation which could cause hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Convenience and Necessity (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 40-281

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ACC
- Application set for hearing
- Final review and approval by ACC

1. Applicability

- Any person or corporation wishing to construct or operate a public service corporation in Arizona

2. General Requirements

- Applicant must obtain this certificate prior to construction or operation of a public service corporation

3. Submission Requirements

- Application setting forth all details
- Copy of franchise from county or city
- Proposed rate schedule and complete justification for proposed rates

CHAPTER 4.2 (continued)

- A map of the area sought to be certificated and the complete legal description of the area
- The names of the responsible parties and/or the corporate officers
- If any state or federal lands are to be included in the Certificate of Convenience and Necessity, written approvals must be obtained from the agency in charge of such land

4. Procedures for Obtaining Permit or Approval

- Applicant submits application, required documents and information to ACC
- Application is checked for completeness by ACC
- Application is set for hearing and required notices mailed
- Hearing is held wherein testimony and exhibits are presented
- Upon completion of hearing a decision is rendered by the ACC
- The ACC decision is set down in writing and signed
- Estimated processing time, 4 months

5. Operations Requirements

- Utility must comply with all rules and regulations of ACC

6. Fees

- None

7. Appeal Process

- Applicant may request a rehearing if not satisfied with order of ACC. If refused, applicant may institute court action

CHAPTER 4.2 (concluded)

E. ADMINISTERING AGENCY:

Utilities Division
Arizona Corporation Commission
P.O. Box 6019
Phoenix, AZ 85005
(602) 255-4251

CHAPTER 4.3

APPROVAL OF DOMESTIC AND/OR FOREIGN CORPORATIONS

INTRODUCTION

The Incorporating Division (ID), under the Arizona Corporation Commission (ACC), has responsibility for approval of domestic and/or foreign corporations under the authority of the Arizona Revised Statutes, Title 10.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Domestic and/or Foreign Corporations (S)
(not including trade names)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 10-10-001 through 10-10-1099

C. TITLE OF REGULATION:

- Corporations and Associations (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ID
 - Final review and approval by ID
1. Applicability
 - Any corporate activity
 2. General Requirements
 - Any proposed corporation must have approval prior to initiation of the corporation
 3. Submission Requirements
 - Foreign
 - One original and one copy of application
 - Certified copy of domicile state articles
 - Certificate of disclosure

CHAPTER 4.3 (concluded)

- Domestic
 - One original and copy of articles of incorporation
 - Certificate of disclosure
 - Profit - \$50; non-profit - \$30
 - Certificate of good standing
4. Procedures for Obtaining Permit or Approval
- Applicant submits one original and one copy of the application, a certified copy of domicile state articles, a certificate of disclosure, a certificate of good standing, and a \$50.00 fee to ID
 - Final review and approval by ACC, ID
 - Estimated processing time, 24 hours
5. Operations Requirements
- Applicant files annual reports
6. Fees
- Domestic or Foreign Corporation: Profit - \$50.00; Non-profit - \$30.00
7. Appeal Process
- Appeal may be made to hearing officers

E. ADMINISTERING AGENCY:

Director
Incorporating Division
Arizona Corporation Commission
1210 West Washington Street
P.O. Box 6019 (85005)
Phoenix, AZ 85007
(602) 255-3026

CHAPTER 4.4
GEOTHERMAL LEASE

INTRODUCTION

The Arizona State Land Department (ASLD) has responsibility for issuance of geothermal leases on State Trust Lands, under the authority of the Arizona Revised Statutes, Title 27. The purpose of this lease is to prevent confusion of ownership of geothermal reserves when activities are initiated on State Trust Lands.

A. NAME OF PERMIT OR APPROVAL:

- Arizona State Land Department Geothermal Lease (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 27-651 through 27-675

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-850 through R12-5-850, Article 22

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application and sealed bid to ASLD
- Sealed bids are opened, with lease going to the highest qualified bidder
- Final review and approval by ASLD

1. Applicability

- Any person 18 years old or over, or any firm, association, or corporation which has complied with the laws of the State shall be qualified to lease State Trust Lands for geothermal purposes

2. General Requirements

- All state geothermal leases are offered on a sealed bid basis

3. Submission Requirements

- Each person submits, with the sealed bid, a certified check with the amount bid and an application to lease

CHAPTER 4.4 (continued)

- Name and address of applicant
- Statement whether applicant is an individual, partnership or corporation
- Statement of citizenship
- If a corporation:
 - Name
 - State of incorporation
 - Arizona business address
 - Affirmation of authorization to do business in Arizona
- Age and marital status
- Description, according to the public land survey, of the land for which application is being made
- Location of improvements or crops on land under application, or on land over which proposed routes of ingress and egress pass

Information required in the following categories shall be conveyed by means of a reasonably accurate plat or drawing, accompanying the application form

- Location of mineral deposits
- Claims or leases on the land under application
- Location of abandoned underground mines or other major workings on the land under application
- Location of proposed roadways within the area under application
- Location of proposed ingress and egress over state land concerned

4. Procedures for Obtaining Permit or Approval

- The ASLD may designate tracts within known geothermal resource areas (the tracts will contain not less than 320 acres or more than 640 acres)

CHAPTER 4.4 (continued)

- Tracts are offered for lease through advertisement of general circulation and notification of interested parties
- Applicant submits application on a form for Geothermal Lease provided by ASLD and a sealed bid
- Sealed bids are opened at a stated time, with the lease being offered to the highest qualified bidder
- Any and all bids are subject to rejection
- Lease application is reviewed for technical adequacy by the ASLD
- Lease is approved or denied by ASLD
- If approved, the lease is for 10 years
- Estimated processing time, 60 days

5. Operations Requirements

- Prior to any drilling, applicant submits a plan of operations and restoration for approval
- Following approval, the lessee must comply with all stipulations set forth by the ASLD in the lease

6. Fees

- Applications must be accompanied by a \$25 filing fee
- Rental rate is \$1.00 per acre per year payable in advance
- Minimum royalty of 12.5 percent or as otherwise stipulated in the offer or bid

7. Appeal Process

- In the event the application is denied, the applicant may make an appeal within 30 days of the denial
- The applicant is given a set date to appear before a ASLD hearing officer
- Subsequent appeals are made to the Superior Court of the county in which the major portion of the land under application occurs

CHAPTER 4.4 (concluded)

E. ADMINISTERING AGENCY:

Director
Natural Resources Division
Arizona State Land Department
1624 West Adams Street
Phoenix, AZ 85007
(602) 255-4625

CHAPTER 4.5
OIL AND GAS LEASE

INTRODUCTION

The Arizona State Land Department (ASLD) has responsibility for issuance of oil and gas leases on unleased Arizona State Trust Lands, under the authority of Arizona Revised Statutes, Title 27. The purpose of this lease is to prevent confusion of ownership of oil and gas reserves when activities are initiated.

A. NAME OF PERMIT OR APPROVAL:

- Oil and Gas Lease

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 27-551 through 27-562

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-779

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application with sealed bid to ASLD
- ASLD opens sealed bids at a stated time, with the lease offered to the highest qualified bidder
- ASLD review of application for technical adequacy
- ASLD issues final approval

1. Applicability

- Any person 21 years or over wishing to explore for oil and gas on Arizona State Trust Lands must apply for an Oil and Gas Lease

2. General Requirements

- All state oil and gas leases are offered on a sealed-bid basis

3. Submission Requirements

- Each person submits, with the sealed bid, a certified check with the amount bid and an application to lease

CHAPTER 4.5 (continued)

- Name and address of applicant
 - Statement whether applicant is an individual, partnership or corporation
 - Statement of citizenship
 - If a corporation:
 - Name
 - State of incorporation
 - Arizona business address
 - Affirmation of authorization to do business in Arizona
 - Age and marital status
 - Description, according to the public land survey, of the land for which application is being made
4. Procedures for Obtaining Permit or Approval
- The Department may designate tracts within known oil and gas resource areas (tracts will contain not less than 320 acres or more than 640 acres)
 - Tracts are offered for lease through advertisement of general circulation and notification of interested parties
 - Applicant submits application on a form for Oil and Gas Lease provided by the ASLD, and sealed bid
 - Sealed bids are opened at a stated time with the lease being offered to the highest qualified bidder
 - Any and all bids are subject to rejection
 - Lease application is reviewed for technical adequacy by ASLD
 - Lease is approved or denied by ASLD
 - If approved, the lease is for five years and renewable for five years
 - Estimated processing time, 30 days

CHAPTER 4.5 (concluded)

5. Operations Requirements

- All lessees comply with the Arizona Oil and Gas Conservation Act of 1951, the rules and regulations issued thereunder, and any special conditions of the lease

6. Fees

- Applications must be accompanied by a \$25 filing fee
- Rental rate is \$1.00 per acre year for the first 5-year period; \$2.00 per acre per year in a second 5-year period
- Fee paid in advance
- Royalty not less than 12 percent of the gross

7. Appeal Process

- In the event the application is denied, the applicant may make an appeal within 30 days of the denial
- The applicant is given a set date to appear before a ASLD hearing officer
- Subsequent appeals are made to the Superior Court of the county in which the major portion of the land under application occurs

E. ADMINISTERING AGENCY:

Director
Natural Resources Division
Arizona State Land Department
1624 West Adams Street
Phoenix, AZ 85007
(602) 255-4625

CHAPTER 4.6
MINERAL LEASE

INTRODUCTION

The Arizona State Land Department (ASLD) has responsibility for issuance of mineral leases, under the authority of the Arizona Revised statutes, Title 27. The purpose of this lease is to prevent confusion of ownership of mineral deposits when activities are initiated.

A. NAME OF PERMIT OR APPROVAL:

- Arizona State Land Department Mineral Lease (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 27-201 through 27-237

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-701 through R12-5-707

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ASLD
- ASLD reviews for completeness and technical adequacy in conjunction with other agencies involved
- Final approval by ASLD

1. Applicability

- Any person planning to develop a valuable mineral deposit located on Arizona State Trust Lands

2. General Requirements

- This permit must be secured directly after any discovery of a valuable mineral deposit on Arizona State Trust Lands if activities are planned for use of this deposit

3. Submission Requirements

- Name and address of applicant

CHAPTER 4.6 (continued)

- Statement whether applicant is an individual, partnership or corporation
- Statement of citizenship
- If a corporation:
 - Name
 - State of incorporation
 - Arizona business address
 - Affirmation of authorization to do business in Arizona
- Age and marital status
- Description, according to the public land survey, of the land for which application is being made
- Location of improvements or crops on land under application, or on land over which proposed ingress and egress routes

Information required in the following categories shall be conveyed by means of a reasonably accurate plat or drawing, accompanying the application form

- Location of mineral deposits
 - Claims or leases on the land under application
- Location of abandoned underground mines or other major workings on the land under application
- Location of proposed roadways within the area under application
- Location of proposed ingress and egress over state land concerned

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the ASLD
- ASLD reviews application for completeness
- ASLD conducts technical analysis and consults with other involved agencies

CHAPTER 4.6 (concluded)

- Estimated processing time, 90 days
- The lease is issued for 20 years

5. Operations Requirements

- Prior to any mining, the applicant submits a plan of operations and restoration for approval
- Following approval, the lessee complies with all stipulations set forth by ASLD in the lease

6. Fees

- Application must be accompanied by a filing fee of \$25 for each location
- Rental is \$15 per claim annually, payable in advance
- A royalty of 5 percent of net value as defined by ARS, 27-234

7. Appeal Process

- In the event the application is denied, the applicant may make an appeal within 30 days of the denial
- The applicant is given a set date to appear before a ASLD hearing officer
- Subsequent appeals must be made to the Superior Court of the county in which the major portion of the land under application occurs

E. ADMINISTERING AGENCY:

Director
Natural Resources Division
Arizona State Land Department
1624 West Adams Street
Phoenix, AZ 85007
(602) 255-4625

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1
INSTALLATION PERMIT

INTRODUCTION

The Bureau of Air Quality Control (BAQC), Arizona Division of Environmental Health Services, under the Department of Health Services, has responsibility for issuance of installation permits applicable to air pollution sources, under the authority of Arizona Revised Statutes, Title 36. All permits of this type not issued by the state are issued by county air pollution control organizations. The purpose of this permit is to prevent faulty installation of equipment which may cause air pollution problems.

A. NAME OF PERMIT OR APPROVAL:

- Installation Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-14-1707, State Air Pollution Control

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations (ACRR)
 - R9-3-301, installation permits: general
 - R9-3-302, installation permits: non-attainment areas
 - R9-3-304, installation permits: attainment areas

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application and supporting data to BAQC
- Public comment period, 30 days
- Final review and approval by BAQC

1. Applicability

- All stationary sources which may have significant effect on ambient air
- Due to statutory definition of jurisdiction, all permits of this type not issued by the state are issued by county air

CHAPTER 5.1 (continued)

pollution control organizations. The state has jurisdiction over and issues permits to the following:

- Major sources of air pollution capable of emitting more than 75 tons of air contaminants per day
- Air pollution generated by operations and activities of all agencies and departments of the state and its political subdivisions
- Air pollution by mobile or portable combustion engines, machinery, and equipment which are capable of being operated in more than one county
- Operations of a specific subdivision of the federal government in more than one county (e.g., national forest or national parks)
- Air pollution caused by sources over which the Director of Health Services has asserted specific jurisdiction (The director has asserted total jurisdiction over Apache, Navajo, Mohave, Yavapai, Cochise, and Santa Cruz counties)

2. General Requirements

- Prior to erecting, installing, replacing, or major altering of any machine, equipment, incinerator or other device causing or contributing to air pollution, or reducing or controlling air pollutant emission, an installation permit must be obtained from BAQC
- The permit shall remain in force until an operating permit is granted or denied
- The application will be cancelled if no construction has taken place in 18 months and no extension of time has been sought

3. Submission Requirements

- Complete description of the process
- All emission points
- Pollution control equipment
- Studies relating emissions to ambient air

CHAPTER 5.1 (continued)

- Information to be submitted with the application is completely delineated in Air Pollution Control Rules and Regulations, Appendix 1, available upon request

4. Procedures for Obtaining Permit or Approval

- Applicant submits a completed application with all supporting data to BAQC
- Technical review by BAQC (compliance with all rules and regulations including those for prevention of significant deterioration and non-attainment new source review must be shown)
- 30-day public comment period begins 5 days after receipt of application
- After 30 day period, the director of BAQC makes final decision to award or deny installation permit

5. Operations Requirements

- Applicant must obtain an operating permit from BAQC after installation permit has been obtained (Chapter 5.2)
- Applicant must comply with ACRR, Title 9, Chapter 3, which is available at a nominal cost from the Arizona Secretary of State

6. Fees

- Varies with type of permit

7. Appeal Process

- Applicant can appeal the decision of the Director to deny a permit to Arizona State Air Pollution Control Hearing Board within 10 days after official notice of denial

E. ADMINISTERING AGENCY:

- Director
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1024

CHAPTER 5.1 (concluded)

- Acting Chief
Arizona Bureau of Air Quality Control
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1140
- Manager
Engineering Services Section BAQC (Permits)
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1144

CHAPTER 5.2
OPERATING PERMIT

INTRODUCTION

The Bureau of Air Quality Control (BAQC), Arizona Division of Environmental Health Services, under the Department of Health Services, has responsibility for issuance of operating permits applicable to air pollution sources, under the authority of Arizona Revised Statutes, Title 36. All permits of this type not issued by the state are issued by county air pollution control organizations. The purpose of this permit is to prevent air pollution which may result from operation or use of any equipment.

A. NAME OF PERMIT OR APPROVAL:

- Operating Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 36-14-1707, State Air Pollution Control

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations (ACRR), R9-3-306, operating permits

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Emissions tests are performed
- Applicant submits application and test results to BAQC
- Final review and approval by BAQC

1. Applicability

- All stationary sources which may have a significant effect on the ambient air
- Due to statutory definition of jurisdiction, all permits of this type not issued by the state are issued by county air pollution control organizations. The state has jurisdiction over and issues permits to the following:
 - Major sources of air pollution capable of emitting more than 75 tons of air contaminants per day

CHAPTER 5.2 (continued)

- Air pollution generated by operations and activities of all agencies and departments of the State and its political subdivisions
- Air pollution by mobile or portable combustion engines, machinery and equipment which are capable of being operated in more than one county
- Operations of a specific subdivision of the federal government in more than one county (e.g., national forests or national parks)
- Air pollution caused by sources over which the Director of Health Services has asserted specific jurisdiction. (The director has asserted total jurisdiction over Apache, Navajo, Mohave, Yavapai, Cochise, and Santa Cruz counties).

2. General Requirements

- Prior to the operation or use of any new or existing machine equipment, incinerator, or other device causing or contributing to air pollution, or reducing or controlling air pollutant emission, an operating permit must be obtained in writing from the Director of the Department of Health Services

3. Submission Requirements

- Any required information which has been altered or was not submitted with an application for an installation permit must be submitted
- An existing source, which had no installation permit, must have complete background information required by the installation permit filing instructions
- Information to be submitted with the application is completely delineated in Air Pollution Control Rules and Regulations, Appendix 2, available upon request

4. Procedures for Obtaining Permit or Approval

- Prior to applying for an operating permit, the source owner must make arrangements for mass emissions tests or visible emissions tests as required by the type of source
 - Visible emissions tests are carried out by BAQC personnel

CHAPTER 5.2 (continued)

- Mass emissions tests are performed at the expense of the owner by his own staff, if qualified, or by an independent laboratory (these tests must be observed by a member of BAQC)
 - Applicant submits data from successful tests along with the application for operating permit to BAQC for a technical review
 - A positive recommendation by the BAQC staff and the assent of the Director will result in the issuance of an operating permit
 - Similar testing must be carried out each year
 - These permits expire and must be renewed each year
5. Operations Requirements
- Applicant must comply with ACRR, Title 9, Chapter 3, Air Pollution Control, available at a nominal cost from the Arizona Secretary of State
6. Fees
- Varies with type of permit
7. Appeal Process
- Applicant can appeal the decision of the Director to deny a permit to Arizona State Air Pollution Control Hearing Board within 10 days after official notice of denial
 - Decisions of the Board can be appealed to the Superior Court.

E. ADMINISTERING AGENCY:

- Director
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1024

CHAPTER 5.2 (concluded)

- Acting Chief
Arizona Bureau of Air Quality Control
1740 West Adams Street
Phoenix, AZ 86007
(602) 255-1140
- Manager
Engineering Services Section, BAQC (Permits)
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1144

CHAPTER 5.3

CERTIFICATE OF APPROVAL TO CONSTRUCT WASTEWATER SYSTEM

INTRODUCTION

The Bureau of Water Quality Control, Technical Review Unit, under the Arizona Department of Health Services (ADHS), has responsibility for issuance of certificates of approval to construct wastewater systems, under the authority of Arizona Revised Statutes, Title 36. Maricopa County Health Department approves all private and most municipal facilities in Maricopa County. An Effluent Disposal Permit (NPDES) must be obtained prior to this permit. The purpose of this permit is to prevent faulty construction of wastewater systems which may cause poor water quality and public health problems.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Approval to Construct Wastewater System (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-132A

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R9-8-300, Sewage Systems and Treatment Works

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application with 4 copies of signed and sealed plans and specifications to ADHS
- No public involvement
- Final review and approval by ADHS, 30 days (based on state inspection of construction)

1. Applicability

- Construction of all wastewater treatment facilities costing in excess of \$2,500.00

2. General Requirements

- Design must be approved by ADHS

CHAPTER 5.3 (continued)

- Permit or draft for Effluent Disposal must be obtained prior to this permit
 - Facility must be in compliance with area wide water quality management plan
 - Maricopa County Health Department approves all private and most municipal facilities in Maricopa County
 - Operator must be certified prior to issuance of Approval to Operate"
3. Submission Requirements
- Complete plans and specifications signed by an Arizona Registered Engineer
 - Completed application forms
4. Procedures for Obtaining Permit or Approval
- Applicant submits application, design report, and 4 copies of signed and sealed plans and specifications to ADHS
 - No public involvement
 - Final review and approval by ADHS, 30 days (based on state inspection of construction)
5. Operations Requirements
- Facility must conform to fundamental operation and maintenance requirements
 - Operation and maintenance manual required
 - Certified operator required
6. Fees
- None
7. Appeal Process
- Appeals are through administrative processes of ADHS

CHAPTER 5.3 (concluded)

E. ADMINISTERING AGENCY:

Manager
Technical Review Unit
Bureau of Water Quality Control
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1175

CHAPTER 5.4

CERTIFICATE OF APPROVAL TO CONSTRUCT WATER SYSTEM

INTRODUCTION

The Bureau of Water Quality Control, Technical Review Unit, under the Arizona Department of Health Services (ADHS), has responsibility for issuance of certificates of approval to construct water systems, under the authority of Arizona Revised Statutes, Title 36. The Maricopa County Health Department approves all private and most municipal facilities in Maricopa County. The purpose of this permit is to prevent faulty construction of water systems which could cause poor water quality.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Approval to Construct Water System (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-132

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, Public or Semi-Public Water Systems (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application, design report including water quality analysis, and 4 copies of signed and sealed plans and specifications to ADHS

- No public involvement

- Final review and approval by ADHS, 30 days

1. Applicability

- All water supply facilities costing more than \$2,500.00

2. General Requirements

- Design must be acceptable
- Water quality must be acceptable after treatment
- Operator must be certified

- Maricopa County Health Department approves all private and most municipal facilities in Maricopa County

CHAPTER 5.4 (concluded)

3. Submission Requirements

- Water Quality of Source (tested by approved lab)
- Signed and sealed plans and specifications
- Design report

4. Procedures for Obtaining Permit or Approval

- Applicant submits application, design report, and 4 copies of signed and sealed plans and specifications to ADHS
- No public involvement
- Final review and approval by ADHS, 30 days

5. Operations Requirements

- Operation and maintenance in accordance with regulations
- Regular testing and monitoring
- Public notice of regulation violations
- Certified operator

6. Fees

- None

7. Appeal Process

- Appeals through ADHS administrative procedures

E. ADMINISTERING AGENCY:

Manager
Technical Review Unit
Bureau of Water Quality Control
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1175

CHAPTER 5.5

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT (DRAFT)

INTRODUCTION

The Bureau of Water Quality Control, Permits Unit, under the Arizona Department of Health Services (ADHS), has responsibility for initial drafting of NPDES permits for the Environmental Protection Agency (EPA). The EPA has final decision authority for issuance of these permits but cannot issue the permit if the state does not certify it.

A. NAME OF PERMIT OR APPROVAL:

- NPDES Permit (F)

B. STATUTORY AUTHORITY:

- Federal authorization

C. TITLE OF REGULATION:

- N/A

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ADHS
- ADHS is responsible for drafting NPDES permit and distributing for comment
- State certification of permit
- Final review, approval, and issuance by EPA

1. Applicability

- All waste discharges into "Waters of the U.S."

2. General Requirements

- Discharge must be in compliance with Water Quality Management Plan and State water quality standards and effluent limitations

CHAPTER 5.5 (continued)

3. Submission Requirements

- Specific EPA forms depending on applicant's qualifications

4. Procedures for Obtaining Permit or Approval

- Applicant submits application copies to ADHS and EPA 6 months prior to initiation of discharge
- ADHS drafts and reviews permit and distributes for public review
- Notice published in newspaper
- If no problem, state certifies permit and sends to EPA for signature. If problem, hearing may be held and final decision rests with EPA

5. Operations Requirements

- Treatment sufficient to meet the requirement of the permit
- Regular monitoring (as per permit) and reporting

6. Fees

- None

7. Appeal Process

- Public Notice is provided in local newspaper
- Public hearing may be held
- EPA has final decision
- Appeal may be made to courts

E. ADMINISTERING AGENCY:

State Agency:

- Manager
Permits Unit
Bureau of Water Quality Control
Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1277

CHAPTER 5.5 (concluded)

Federal Agency:

- U.S. Environmental Protection Agency, Region IX
215 Fremont Street
San Francisco, California 94111

CHAPTER 5.6
SUBDIVISION APPROVAL

INTRODUCTION

The Bureau of Water Quality Control, Technical Review Unit, under the Arizona Department of Health Services (ADHS), has responsibility for issuance of a subdivision approval, under the authority of Arizona Revised Statutes, Title 36. The purpose of this approval is to assure adequate sanitary facilities.

A. NAME OF PERMIT OR APPROVAL:

- Subdivision Approval (Sanitary Facilities) (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-132

C. TITLE OF REGULATION:

- Arizona Official Compilation of Rules and Regulations, R9-8-1000 (Subdivision)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits applications and 2 copies of subdivision plat map to ADHS
- State inspection for septic tank subdivisions
- No public involvement
- Final review and approval by ADHS

1. Applicability

- All subdivisions as defined by law

2. General Requirements

- Sanitary facilities (water supply, waste disposal, garbage disposal) must be approved by ADHS

3. Submission Requirements

- 2 copies of subdivision plat
- Completed application form

CHAPTER 5.6 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application, and 2 copies of plat to ADHS
- If outside services are to be used, agreements with providers must be obtained
- Site inspection required for approval of on-site wastewater disposal
- No public involvement
- Final review and approval by ADHS

5. Operations Requirements

- Department of Real Estate must receive ADHS sign off before lot sales can be initiated

6. Fees

- None

7. Appeal Process

- Appeal through ADHS administrative process

E. ADMINISTERING AGENCY:

Manager
Technical Review Unit
Bureau of Water Quality Control
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1175

CHAPTER 5.7

APPROVALS TO OPERATE SOLID WASTE DISPOSAL AND PROCESSING FACILITIES

INTRODUCTION

The Bureau of Waste Control (BWC), Solid Waste Section, under the Arizona Department of Health Services, has responsibility for approvals to operate solid waste disposal and processing facilities, under the authority of the Arizona Revised Statutes, Title 36. The purpose of these permits is to protect the environment affected by operation of these facilities.

A. NAME OF PERMIT OR APPROVAL:

- Approval to Operate a Solid Waste Disposal Facility
- Approval to Operate a Solid Waste Processing Facility

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-132 and 36-136

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R9-8-Article 4, Refuse and Other Objectionable Waste

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- The Solid Waste Section works with each applicant during the plan submittal process, which includes pre-submittal conferences, site-evaluation inspections, and conferences throughout the review process

1. Applicability

- All types of landfills
- Sludge landspreading
- Industrial, agricultural or mining surface impoundments
- Composting operations

CHAPTER 5.7 (continued)

- Hospital incinerators
 - Commercial incinerators
 - Recycling facilities
2. General Requirements
- The proposed facility must meet requirements as specified in Environmental Protection Agency (EPA) regulations for classification of solid waste disposal facilities and practices (40 Code of Federal Regulations, Part 257)
3. Submission Requirements
- Topographic and plat maps
 - Environmental data
 - Design plans
 - Operation plans
4. Procedures for Obtaining Permit or Approval
- Applicant submits plans to the BWC (BWC is available for pre-submittal conferences)
 - BWC conducts an environmental and technical analysis
 - Applications are either approved or additional information requested by BWC
 - Estimated plan review process, 45 days, if the application is complete (Public hearing may be required)
5. Operations Requirements
- Operation must be conducted in accordance with plans and specifications as approved by the BWC
 - Any changes in the operation must be approved by BWC prior to implementation
6. Fees
- None

CHAPTER 5.7 (concluded)

7. Appeal Process

- No formal appeal process

E. ADMINISTERING AGENCY:

Manager
Solid Waste Section
Bureau of Waste Control
Arizona Department of Health Services
1740 West Adams Street, Room 303
Phoenix, AZ 85007
(602) 255-1162

CHAPTER 5.8

NEW HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT

INTRODUCTION

The Bureau of Waste Control (BWC), Hazardous Waste Section, under the Arizona Department of Health Services (ADHS), has responsibility for hazardous waste management facility permits under the authority of Arizona Revised Statutes, Title 36. The purpose of this permit is to prevent faulty construction of these facilities, which could cause hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Arizona Hazardous Waste Management Facility Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 36-132, 36-136, 36-1707, 36-1855, and 36-1856

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations (ACRR), R9-8-1800, Hazardous Waste

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application and supporting documents substantiating proper construction and operating procedures to BWC
- Final review and approval by BWC

1. Applicability

- Facilities which store, treat, or dispose of hazardous wastes under defined circumstances

2. General Requirements

- "New" facilities must be permitted prior to operations commencement
- "Existing" facilities must meet specific criteria for continued operation prior to permit issuance

CHAPTER 5.8 (continued)

3. Submission Requirements

- Hydrology information
- Construction specifications
- Monitoring facilities
- Operating procedures
- Contingency planning
- Insurance
- Closure and post closure procedures

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to BWC
- BWC reviews application (corrections completed by applicant)
- BWC develops draft permit
- BWC calls for public comments (hearing may follow)
- Final decision (approval or denial by BWC)
- Total estimated processing time, 6 to 12 months

5. Operations Requirements

- Permit holder must comply with permit stipulations and ACRR, R9-8-1800

6. Fees

- None

7. Appeal Process

- Applicant may reapply if license is denied
- Appeal process as established for all ADHS actions

CHAPTER 5.8 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

- Bureau Chief
Bureau of Waste Control
Arizona Department of Health Services
1740 West Adams Street
Phoenix, AZ 85007
(602) 255-1170

Federal Agency:

- Director
Air and Hazardous Materials Division
U.S. Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105

CHAPTER 5.9

X-RAY EQUIPMENT REGISTRATION

INTRODUCTION

The Arizona Radiation Regulatory Agency (ARRA) has responsibility for registration of all x-ray equipment in Arizona under the authority of Arizona Revised Statutes, Title 30. Any person owning x-ray equipment (including mining firms) must obtain a registration from ARRA. The purpose of this registration is to maintain the equipment and its use for protection of the health of all persons who may come in contact with this machine.

A. NAME OF PERMIT OR APPROVAL:

- X-Ray Equipment Registration (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statute, 30-651

C. TITLE OF REGULATION:

- Arizona Radiation Regulatory Agency Regulation, R12-1-200

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant applies for registration to ARRA
- Final review and approval by ARRA
- 1. Applicability
 - The registratin pertains to the ownership and location of the equipment
- 2. General Requirements
 - Competent and safe use of the equipment
- 3. Submission Requirements
 - ARRA-4 form
 - Owner
 - Location

CHAPTER 5.9 (concluded)

- Type of equipment
 - Serial number of equipment
 - Maximum operating current and potential
4. Procedures for Obtaining Permit or Approval
- Owners of X-radiation producing equipment apply for registration of the equipment within 3 days following acquisition on a completed ARRA-4 form and submit it to ARRA
 - Final review and approval by ARRA
 - Estimated processing time, 24 hours
5. Operations Requirements
- Equipment and facility are subject to periodic inspections for compliance with regulations
6. Fees
- None
7. Appeal Process
- None
- E. ADMINISTERING AGENCY:
- Manager, X-Ray, Laser, and Microwave
Arizona Radiation Regulatory Agency
925 South 52nd Street, Suite 2
Tempe, AZ 85281
(602) 255-4845

CHAPTER 5.10

RADIOACTIVE MATERIAL LICENSE

INTRODUCTION

The Arizona Radiation Regulatory Agency (ARRA) has responsibility for issuance of licenses for radioactive materials, under the authority of Arizona Revised Statutes, Title 30. The purpose of this permit is to assure proper use of radioactive material to secure the health and safety of the worker, the public, and the environment.

A. NAME OF PERMIT OR APPROVAL:

- Radioactive Material License (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 30-561 et seq.

C. TITLE OF REGULATION:

- ARRA Regulations, R-12-1-300

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ARRA
- Final review and approval by ARRA

1. Applicability

- The receipt, possession, and disposal of radioactive material
- Radioactive safety programs

2. General Requirements

- Individuals must obtain a radioactive material license from ARRA prior to receiving or collecting any radioactive materials in the state of Arizona

3. Submission Requirements

- Information requested on ARRA-1 form

CHAPTER 5.10 (concluded)

4. Procedures for Obtaining Permit or Approval
 - Applicant submits application on ARRA-1 form to ARRA
 - Final review and approval by ARRA
5. Operations Requirements
 - Operation must comply with rules, regulations, and data submitted in application
6. Fees
 - None
7. Appeal Process
 - ARS, 30-686

E. ADMINISTERING AGENCY:

State Agency:

- Director
Arizona Radiation Regulatory Agency
925 South 52nd Street, Suite 2
Tempe, AZ 85281
(602) 255-4845

Federal Agency:

- U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SECTION 6.0
GROUND WATER CONSERVATION AND MANAGEMENT

66 a

CHAPTER 6.1

PERMIT FOR TEMPORARY ELECTRIC ENERGY GENERATION

INTRODUCTION

The Water Rights Office, under the Arizona Department of Water Resources (ADWR), has responsibility for issuance of permits for temporary electric energy generation under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to obtain approval of ground water withdrawal in emergencies where grandfathered rights and industrial use permits do not allow adequate amounts of water for sufficient electric energy generation to cover the emergencies.

A. NAME OF PERMIT OR APPROVAL:

- Temporary Permit for Electric Energy Generation (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 45-2-517 and 45-2-521

C. TITLE OF REGULATION:

- New provisions, regulation not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on prescribed form to ADWR
- Application reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued, if appropriate
- 1. Applicability
 - Temporary electrical energy generation
- 2. General Requirements
 - Evidence must be presented indicating an emergency exists requiring withdrawal of ground water in excess of grandfathered rights or industrial use permit.
 - Evidence of emergency must be presented before withdrawals are made or as soon as practicable after withdrawals are made

CHAPTER 6.1 (concluded)

3. Submission Requirements

- Information indicating emergency withdrawal of ground water in excess of grandfathered rights or industrial use permit

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- Application reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued, if appropriate

5. Operations Requirements

- Permit terminates when emergency ends
- Report on withdrawals must be submitted

6. Fees

- \$10.00 permit fee (fee increase pending)
- Withdrawal fee per Arizona Revised Statutes, 45-2-614

7. Appeal Process

- Administrative rehearing, appeal to superior court

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

CHAPTER 6.2

APPROVAL OF NOTICE OF INTENT TO DRILL

INTRODUCTION

The Water Rights Office, under the Arizona Department of Water Resources (ADWR), has responsibility for approval of notices of intent to drill wells under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to control drilling inside and outside designated Active Management Areas (AMA's) to prevent excessive removal of water which could create hazardous conditions such as inadequate water supply in certain areas.

A. NAME OF PERMIT OR APPROVAL:

- Notice of Intent to Drill (S)
 - Inside AMA's: 1) drilling exempt or non-exempt wells and 2) replacing or deepening an existing well
 - Outside AMA's: drilling or deepening any well

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 45-2-596 and 45-2-597

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-561 and R12-5-562 (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits Notice to Director of ADWR
- ADWR records notice, reviews for compliance, and endorses date of receipt and file number to applicant
- Drilling card furnished to driller

1. Applicability

- Inside AMA's: drilling an exempt well, replacement well, or non-exempt well; or replace or deepen an existing well
- Outside AMA's: drilling or deepening any well

CHAPTER 6.2 (continued)

2. General Requirements

- There are three special Notice of Intention forms:
 - Exempt well
 - Non-exempt well
 - Existing well

3. Submission Requirements

- Legal description of well and place of use
- Purpose of use
- Pump design capacity
- Name and license number of driller
- Filing fee

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- ADWR conducts review for completeness and compliance with law and rules and regulations
- Insure driller is properly licensed
- Drilling card furnished to driller
- Must be processed in 15 days

5. Operations Requirements

- Well must be completed within 1 year
- Driller required to furnish ADWR with a Log and Completion Report within 30 days of drilling and installing of equipment
- Applicant must refile if well is not completed in 1 year

6. Fees

- \$3.00 application fee

CHAPTER 6.2 (concluded)

7. Appeal Process

- Applicant may reapply
- Administrative rehearing
- Appeal to Superior Court

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

CHAPTER 6.3

MINERAL EXTRACTION AND METALLURGICAL PROCESSING PERMIT

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for mineral extraction and metallurgical processing under the authority of Arizona Statutes, Title 45. The purpose of this permit is to regulate new withdrawals of ground water, (in addition to any grandfathered rights) located in Active Management Areas (AMA's), for mineral extraction and metallurgical processing, which could create inadequate water supply.

A. NAME OF PERMIT OR APPROVAL:

- Mineral Extraction and Metallurgical Processing Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 45-2-514

C. TITLE OF REGULATION:

- New provision, regulations not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant files application on prescribed form to ADWR
- Application reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued if appropriate

1. Applicability

- Applicable in AMA's only
- Any new withdrawals of ground water (in addition to any grandfathered rights) for the purpose of mineral extraction processing

2. General Requirements

- Automatic issuance if amount of ground water available from dewatering is insufficient and surface water sources are not available at comparative cost.

CHAPTER 6.3 (concluded)

3. Submission Requirements

- Amount of ground water available from dewatering permits
- Estimated costs of withdrawing ground water

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- Legal notice of application published for 2 weeks
- 30 day objection period
- Final review and approval by ADWR
- Estimated processing time, 6 weeks

5. Operations Requirements

- Well must be completed within 1 year
- Log and Completion Report required from driller
- Annual reports and withdrawal fees required per Arizona Revised Statutes, 45-604, 45-611 and 45-632

6. Fees

- \$10.00

7. Appeal Process

- Administrative rehearings
- Appeal to superior court

E. ADMINISTERING AGENCY:

Arizona Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1554

CHAPTER 6.4

PERMIT FOR NON-EXEMPT REPLACEMENT WELL

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for non-exempt replacement wells in new locations in Active Management Areas (AMA's) under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to regulate ground water withdrawal in AMA's for prevention of excessive removal of water which could create inadequate water supply in certain areas.

A. NAME OF PERMIT OR APPROVAL:

- Permit for non-exempt replacement well in a new location in an active management area (AMA).

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 45-2-598 and 45-2-599

C. TITLE OF REGULATION:

- Arizona Official Compilation of Administrative Rules and Regulations, R12-5-561 through R12-5-563

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant files application on prescribed form to ADWR
- Application reviewed by ADWR for completeness and correctness and returned if necessary
- Final decision (approval or rejection) by ADWR
- Permit and drilling card issued

1. Applicability

- Cities, towns and private water companies drilling new wells in AMA's
- Replacement of non-exempt wells in new locations in AMA's

CHAPTER 6.4 (continued)

2. General Requirements

- Special application forms
- Applicant must have legal basis to withdraw ground water per ARS, Articles 5 or 6 for wells

3. Submission Requirements

- Legal basis for withdrawing ground water
- Evidence of service area maps
- Filing fee

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- ADWR conducts technical review to determine if wells located in service area and impact on surrounding wells (15 days)
- Final decision (approval or rejection) by ADWR
- Permit and drilling card issued

5. Operations Requirements

- Well must be completed in 1 year
- Driller required to furnish ADWR a Log and Completion Report within 30 days of drilling and installation of equipment

6. Fees

- \$8.00 per application

7. Appeal Process

- Applicant may reapply
- Administrative rehearing
- Appeals to Superior Court

CHAPTER 6.4 (concluded)

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

CHAPTER 6.5

CERTIFICATE OF ASSURED WATER SUPPLY AND LETTER OF ADEQUATE WATER SUPPLY

INTRODUCTION

The Arizona Department of Water Resources (ADWR) has responsibility for issuance of certificates of assured water supply and letters of adequate water supply under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to regulate subdivisions of lands inside and outside Active Management Areas (AMA's).

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Assured Water Supply - inside AMA's
- Letter of Adequate Water Supply - outside AMA's

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 45-2-108, 45-2-576, and 45-2-578

C. TITLE OF REGULATION:

- Information and rules for demonstration of adequate water supply and assured water supply

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ADWR
- Review by ADWR
- Public notice
- Final approval by ADWR

CHAPTER 6.5 (continued)

1. Applicability

- Inside AMA's, persons may not subdivide land if they have no certificate
- Outside AMA's, subdividers must advertise if they are not able to obtain letter of adequacy

2. General Requirements

Must demonstrate assured water supply:

- 100-year water supply of adequate quality
- Use is consistent with management plan
- Financial capability to treat and deliver water to intended user

3. Submission Requirements

- Applicant's name
- Location of project
- Size of projected development
- Source of water
- Access to water
- Name of water serving entity
- Hydrological report demonstrating availability of water

4. Procedures for Obtaining Permit or Approval

- Applicant submits application
- Thorough technical review of submitted report by ADWR
- Public notice procedure, allowing for protest and hearing
- Estimated processing time, 2-6 months depending on initial submittal

CHAPTER 6.5 (concluded)

5. Operations Requirements

- Applicant must follow completion schedule set in certificate of Assured Water Supply

6. Fees

- None

7. Appeal Process

- Administrative hearing and rehearing
- Appeals to superior court

E. ADMINISTERING AGENCY:

Chief Hydrologist
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1586

CHAPTER 6.6

TEMPORARY DEWATERING PERMIT

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for temporary dewatering under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is for short term dewatering of ground water for non-irrigation uses, such as construction sites, for the beneficial use of the land.

A. NAME OF PERMIT OR APPROVAL:

- Temporary Dewatering Permit

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 45-2-518 and 45-2-521

C. TITLE OF REGULATION:

- New provisions, regulation not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on prescribed form to ADWR
- Application reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued, if appropriate

1. Applicability

- Short term dewatering of ground water for non-irrigation uses, such as construction sites

2. General Requirements

- Dewatering is necessary for beneficial use of the land
- Dewatering is consistent with management plan for Active Management Areas

CHAPTER 6.6 (concluded)

3. Submission Requirements

- Evidence demonstrating the permit is necessary for beneficial use of land
- Estimate of amount of ground water to be withdrawn

4. Procedures for Obtaining Permit or Approval

- Applicant submits applications to ADWR
- Application is reviewed by ADWR
- Legal notice of application published for 2 weeks
- 30 day objection period provided
- Assured water supply study completed by ADWR
- Estimated processing time, 2 weeks
- Permit limited to 1 year

5. Operations Requirements

- Log and completion report required from driller
- Annual reports and withdrawal fees per ARS, 45-2-604 and 45-2-611

6. Fees

- Permit fee \$10.00 (fee increase pending)

7. Appeal Process

- Administrative rehearing
- Appeal to superior court

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

CHAPTER 6.7
DEWATERING PERMIT

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for dewatering under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to regulate dewatering of ground water related to mining activities in Active Management Areas (AMA's).

A. NAME OF PERMIT OR APPROVAL:

- Dewatering Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 45-2-513 and 45-2-521

C. TITLE OF REGULATION:

- New provisions, regulations not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on prescribed form to ADWR
- Permit issued, if appropriate

1. Applicability

- Dewatering of ground water required for mineral extraction, metallurgical processing and environmental controls related to mining

2. General Requirements

- Pertains to AMA's only

3. Submission Requirements

- Legal descriptions of location of withdrawal of ground water and location of use
- Amount of ground water needed for mining, processing, and related uses

CHAPTER 6.7 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ADWR
- 30 day objection period
- Estimated processing time, 6 weeks

5. Operations Requirements

- Well must be completed within 1 year
- Log and completion report required from driller
- Annual reports and withdrawal fees required per ARS

6. Fees

- \$10.00

7. Appeal Process

- Administrative rehearing
- Appeal to superior court

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1554

CHAPTER 6.8

GENERAL INDUSTRIAL USE GROUND WATER WITHDRAWAL PERMIT

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for ground water withdrawal for general industrial use under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to regulate new or expanded withdrawal of ground water for general industrial use (not authorized by grandfathered rights) in Active Management Areas (AMA's). This does not pertain to cities, towns, or private water companies.

A. NAME OF PERMIT OR APPROVAL:

- General Industrial Use Ground Water Withdrawal Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 45-2-515 and 45-2-521

C. TITLE OF REGULATION:

- New provisions, regulation not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to ADWR
- Application is reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued, if appropriate

1. Applicability

- Any person in AMA's, except city, town, or private water company, planning new or expanded withdrawal of ground water for general industrial use not authorized by grandfathered rights
- Applicable to wide range of non-agricultural uses

CHAPTER 6.8 (continued)

2. General Requirements

- Outside service area of city or water company
- Non-availability of surface water or irrigation grandfathered rights
- Denial of service from city, town, or private water company if location of use is within 3 miles of service area
- Consistent with management plan
- Assured water supply for use

3. Submission Requirements

- Specific purposes: letter of denial, if required, amount of water requested and evidence of assured water supply
- Evidence of non-availability of CAP surface or grandfathered rights water

4. Procedures for Obtaining Permit or Approval

- Application submitted to ADWR
- Application is reviewed by ADWR
- Legal notice of application published for 2 weeks
- 30 day objection period
- Assured water supply study by ADWR
- Permit presently limited to 20 years
- Final review and approval by ADWR (10 weeks)

5. Operations Requirements

- Well must be completed within 1 year
- Log and completion report required from driller
- Annual reports and withdrawal fees required per ARS, 45-604, 45-611, and 45-632

CHAPTER 6.8 (concluded)

6. Fees

- Permit fee - \$10.00 (fee increase pending)
- Withdrawal fees per ARS

7. Appeal Process

- Administrative rehearing
- Appeal to Superior Court

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

CHAPTER 6.9

POOR QUALITY GROUND WATER WITHDRAWAL PERMIT

INTRODUCTION

The Water Rights Office under the Arizona Department of Water Resources (ADWR) has responsibility for issuance of permits for poor quality ground water withdrawal under the authority of Arizona Revised Statutes, Title 45. The purpose of this permit is to regulate poor quality groundwater in Active Management Areas (AMA's) which may be used for activities that do not require good water quality (non-irrigation use).

A. NAME OF PERMIT OR APPROVAL:

- Poor Quality Ground Water Withdrawal Permit (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes (ARS), 45-2-516 and 45-2-521

C. TITLE OF REGULATION:

- New provision, regulation not yet adopted

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on prescribed form to ADWR
- Application is reviewed by ADWR and determination made as to compliance with statutory criteria
- Permit issued if appropriate

1. Applicability

- Non-irrigation use in AMA's

2. General Requirements

- ADWR must find that ground water has no other beneficial use at present time due to water quality
- The withdrawal of ground water is consistent with management plan for AMA's

CHAPTER 6.9 (continued)

3. Submission Requirements

- Specific purpose for which ground water will be used

4. Procedures for Obtaining Permit or Approval

- Application submitted to ADWR
- Application received and reviewed
- Legal notice of application published for 2 weeks
- 30 day objection period
- Assured water supply study performed by ADWR
- Final review and approval (10 weeks)
- Duration of permit determined by estimated life of source of poor quality ground water

5. Operations Requirements

- Well must be completed within 1 year
- Log and completion report required from driller
- Annual reports and withdrawal fees required (ARS, 45-604 and 45-632)
- ADWR will monitor withdrawals
- Termination may result if requirements no longer apply

6. Fees

- Permit fee \$10.00
- Withdrawal fee per ARS 45-614

7. Appeal Process

- Administrative rehearing
- Appeal to superior court

CHAPTER 6.9 (concluded)

E. ADMINISTERING AGENCY:

Water Rights Office
Arizona Department of Water Resources
99 East Virginia Street
Phoenix, AZ 85004
(602) 255-1581

SECTION 7.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 7.1

PERMIT TO CONDUCT WORK UPON LANDS IN THE STATE OF ARIZONA

INTRODUCTION

The Arizona State Museum has responsibility for issuance of permits to conduct work on lands in Arizona under the authority of Arizona Revised Statutes, Titles 13 and 41. The purpose of this permit is to protect archaeological and paleontological sites, and objects which may be disturbed by activities on Arizona State Lands.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Conduct Work Upon Lands in the State of Arizona (S)

B. STATUTORY AUTHORITY:

- Arizona Revised Statutes, 13-3702 and 41-841 through 41-846

C. TITLE OF REGULATION:

- Arizona State Museum Rule No. 1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to Director, Arizona State Museum
 - Final review by the Museum and approval by the Director
1. Applicability
 - Archaeological or paleontological excavation and survey on lands owned or controlled by the State of Arizona
 2. General Requirements
 - Special application form available from the Arizona State Museum
 3. Submission Requirements
 - Name and institutional affiliation of applicant
 - Type of investigation (survey or excavation)
 - Dates of investigation

CHAPTER 7.1 (continued)

- Curation agreement
 - Location of investigation
4. Procedures for Obtaining Permit or Approval
- Applicant submits complete application to the Director, Arizona State Museum
 - The Museum reviews the application for completeness
 - The Director decides to approve or deny the application
 - Estimated processing time, 2 weeks
5. Operations Requirements
- Operator must comply with the regulations and conditions for Arizona State Museum permits
6. Fees
- None
7. Appeal Process
- Applicant may re-apply if permit is denied

E. ADMINISTERING AGENCY:

Director
Arizona State Museum
University of Arizona
Tucson, AZ 85721
(602) 626-1180

SECTION 8.0
LOCAL REGULATORY POLICY

CHAPTER 8.1

LOCAL GOVERNMENT LAND USE CONTROL ENABLING LAWS

Arizona has assumed primary jurisdiction in many federal environmental protection programs, thereby making significant progress in achieving state control of the Arizona environment. By adapting these programs to specific state needs, this approach benefits the regulated public by maximizing both economic development and environmental quality. Environmental protection programs which protect the public health from environmental hazards are primarily the responsibility of the Arizona Department of Health Services.

An air quality problem that is endemic to desert areas is a high level of particulates caused by dust. The Bureau of Air Quality Control, under the Arizona Department of Health Services, has assumed primary jurisdiction in implementing federal air quality control programs. Permits for Operation, Prevention of Significant Deterioration and New Source Review are issued by the Department. All major elements of the State Implementation Plan have been developed and submitted to the Environmental Protection Agency.

The Department of Health Services may, depending upon the size and the nature of an industry, delegate regulatory authority to a county air quality control office under the authority of the Arizona Revised Statutes (ARS), 36-770. Nevertheless, a firm's first air quality contact should be the Department of Health Services (ARS, 36-1700).

The Phoenix and Tucson metropolitan areas are classified as nonattainment for auto emission related pollutants. An effective vehicle inspection and maintenance program is ongoing, and has resulted in improved air quality. Some rural communities have been designated as nonattainment areas for certain industry-related pollutants. The problems of these specific areas are being addressed through cooperative federal, state, and local efforts.

CHAPTER 8.1 (concluded)

Arizona has 12 pristine Class 1 Air Quality areas located throughout the state. These areas have been designated for special protection by Congress as National Parks and Wilderness Areas.

Each county in the state has its own Planning and Zoning Commission which regulates all zoning for that particular county under the authority of ARS, 11-802 (Enabling Laws) and ARS, 11-803 (Structure and Organization).

CHAPTER 8.2

SPECIAL AUTHORITIES

Industrial revenue bond financing in Arizona is provided through municipal and county Industrial Development Authorities. The proceeds from the sale of the bonds are made available to finance a qualified project (including, if appropriate, the cost of land acquisition as well as the construction and equipping of improvements) under a loan, lease or installment sale agreement with a private company, pursuant to which the private company will make payments sufficient to pay the principal and interest on the bonds as they become due.