NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 14. DEPARTMENT OF HEALTH SERVICES - LABORATORIES

PREAMBLE

1. Section Affected	Rulemaking Action
R9-14-601	Repeal
R9-14-601	New Section
R9-14-602	Amend
R9-14-603	Repeal
R9-14-603	New Section
R9-14-604	Repeal
R9-14-604	New Section
R9-14-605	Renumber
R9-14-605	New Section
R9-14-606	Renumber
R9-14-606	Amend
R9-14-607	Renumber
R9-14-607	Amend
R9-14-608	Renumber
R9-14-608	New Section
R9-14-609	Renumber
R9-14-609	Amend
R9-14-610	Renumber
R9-14-610	Amend
R9-14-611	Renumber
R9-14-611	Amend
R9-14-612	Renumber
R9-14-612	Amend
R9-14-613	Renumber
R9-14-613	Amend
R9-14-614	Renumber
R9-14-614	Amend
R9-14-615	Renumber
R9-14-615	Amend
R9-14-616	Repeal
R9-14-616	Renumber
R9-14-616	Amend
R9-14-617	Renumber
R9-14-617	Amend
R9-14-618	Renumber

R9-14-618	Amend
R9-14-619	Renumber
R9-14-619	Amend
R9-14-620	New Section
Table 1	New Table

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

Authorizing statutes: A.R.S. §§ 36-136 and 36-495.13

Implementing statutes: A.R.S. §§ 36-495.01, 36-495.03, 36-495.05, 36-495.06, 36-495.07, 36-495.08, 36-495.09, and 36-495.14

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

Notice of Rulemaking Docket Opening: 5 A.A.R. 4660, December 17, 1999

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

Name: Steven D. Baker, Program Manager

Address: Arizona Department of Health Services
Office of Laboratory Licensure, Certification, and Training
3443 North Central Ave., # 810
Phoenix, Arizona 85012

Telephone**:** (602) 255-3454

Fax**:** (602) 255-3462

E-Mail: sbaker@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
1740 West Adams, Room # 102
Phoenix, Arizona 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

E-Mail: kphilli@hs.state.az.us

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

The rules pertain to licensing in-state and out-of-state laboratories that conduct testing of samples for contaminants, pollutants, and hazardous substances for state and federal environmental compliance purposes. The rules establish minimum standards of proficiency, methodology, quality assurance, operation, and safety for these environmental laboratories. The proposed rules establish updated standards for environmental laboratory compliance testing; increase and clarify the fees associated with licensing; add a zone fee to be paid by out-of-state laboratories; create an installment payment plan to allow small businesses to pay their method and instrument fees, proficiency evaluation fees, and technical update fees on a monthly basis rather than in a lump sum; clarify time-frame requirements; clarify the rules; and change the rules to conform to current rulemaking format and style requirements.

The Department developed the rules with the assistance of the Rules Subcommittee of the Environmental Laboratory Advisory Council. The Department worked with the Rules Subcommittee to revise the draft rules to address the concerns of Rules Subcommittee members. For example, the Department determined, as a result of Rules Subcommittee comments, that implementing an installment payment plan to allow small businesses to pay method and instrument, proficiency evaluation, and technical update fees on a monthly basis would ease the burden resulting from the fee increase in the rules. Also as a result of Rules Subcommittee concerns, the Department surveyed all licensed private laboratories regarding their small business status, to assure that the Department accurately portrayed the impact of the rules on small businesses. The Department also added several methods and made other revisions to the text of the rules at the request of Rules Subcommittee members.

In this rulemaking, the Department is repealing R9-14-601, R9-14-603, and R9-14-604 and replacing them with new Sections that conform to current rulemaking format and style requirements. In addition, the new R9-14-601 adds definitions for terms previously undefined and for new terms. The Department is adding a new Section at R9-14-605 that clarifies that the Department may conduct compliance monitoring at any time and describes the procedures to be followed when the Department issues a notice of deficiencies. The current R9-14-605 is being renumbered to R9-14-606 and amended to clarify provisional licensing, to comply with A.R.S. § 36-495.05 and the Administrative Procedure Act, and to conform to current rulemaking format and style requirements.

The Department is renumbering and amending the current R9-14-613, R9-14-614, and R9-14-615 to clarify the rules and to conform to current rulemaking format and style requirements. The Department is renumbering and amending the current R9-14-606 to generate increased fees that reflect the costs to the Department of conducting laboratory inspections and investigations, verifying information submitted with applications, and performing other activities related to licensure. The amended fees Section will also add fees for new parameters. The Department set the fee increase at 30% because that is the level at which fee revenue will enable the Department to employ a full staff of auditors and thus complete inspections every 12 months, as the authorizing statutes intend. The Department is adding a new Section at R9-14-608 to explain the process for payment of fees and to add the option of a payment plan for small businesses to pay their method and instrument, proficiency evaluation, and technical update fees on a monthly basis rather than in a lump sum.

The Department is renumbering and amending the current R9-14-608, R9-14-609, R9-14-610, R9-14-611, and R9-14-612 to be consistent with current United States Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ) requirements. Since the rules were last revised in June 1997, the EPA and ADEQ have approved and required additional methods for testing environmental contaminants to implement improved and changing technologies that result in increased sensitivity, accuracy, and efficiency in environmental testing. Additionally, the EPA and ADEQ have disallowed the use of some outdated methods that employ older technologies. Thus, these Sections are being amended to add new methods and to delete outdated methods. In addition, the Department is amending the current R9-14-608 to correct the citation format of the material previously incorporated by reference, to make the information easier to use.

The Department is repealing R9-14-616, because laboratory safety is now being addressed as part of laboratory operation. The Department is also renumbering and amending the current R9-14-617 to clarify the requirements for mobile laboratories. The Department is also renumbering and amending the current R9-14-618 to clarify the requirements for out-of-state laboratories and to add a zone fee to cover the opportunity costs lost due to employee travel to out-of-state laboratories. Finally, the Department is adding a new time-frames Section at R9-14-620.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

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

Not applicable

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

The proposed rules increase the fees associated with licensing by 30%. This results in an increase in application fees by $258 to $420, depending on the number of parameters licensed for the laboratory and the number of facilities licensed. Each laboratory will also pay up to $2,240 more in method and instrumentation fees, depending on the number of methods and instruments included on the laboratory's license. For most of the laboratories licensed (118 out of 156), this increase in method and instrumentation fees will be minimal, with 41 of the laboratories incurring an increase of less than $100, 56 incurring an increase between $100 and $499, and 21 incurring an increase between $500 and $999.

Each laboratory will also pay an additional $23 each year for proficiency evaluation audits. Each out-of-state laboratory will also pay an additional $23 each year for technical updates if the laboratory chooses to receive them by facsimile transmission rather than through the Internet.

The proposed rules also add a zone fee of $88 to $225 to be paid by out-of-state laboratories to reimburse the Department for the time that each Department auditor is in travel status en route to onsite compliance monitoring activities. The zone fee is based on the time necessary to travel to the out-of-state laboratory and will be payable for each Department auditor who travels to the laboratory to conduct the compliance monitoring activity.

Approximately 25 of the 117 licensed private laboratories are small businesses, 10 of them out-of-state laboratories. Of these, 15 will be minimally impacted by the proposed rules with a total increase in fees of between $281 and $916, and 10 will be moderately impacted with a total increase in fees of between $1,014 and $2,702. The Department is attempting to ease the burden of the increased fees on small businesses by allowing small businesses to pay method and instrument fees, proficiency evaluation fees, and technical update fees through a monthly installment plan rather than in a lump sum due at the time of application.

The Department will incur moderate costs in implementing the proposed rules. The Department will incur a cost of approximately $1,500 initially for staff time to update the office of laboratory licensure's application and billing system. In addition, the Department will incur a moderate cost for staff time to write, review, and promulgate the rules. The Office of the Secretary of State and the Governor's Regulatory Review Council will also incur minimal-to-moderate costs related to the rulemaking process.

The Department will benefit substantially from the proposed rules because fee revenues could increase by as much as $162,381 annually. The Department anticipates, however, that the 30% fee increase will result in an actual increase in fee revenue of 20 to 30% due to industry consolidations and individual laboratories' efforts to conserve funds by eliminating little used methods or parameters in renewing their licenses.

The fee increase is designed to enable the office to operate as the legislature intended by providing the funding needed for the office to fill 1.79 FTE auditor vacancies that have left the office inadequately staffed for more than 2 years. The office needs to fill the auditor vacancies to conduct audits every 12 months, as the authorizing statutes intend, rather than every 18 to 24 months, as is currently occurring.

The office had a small surplus for FY2000 (approximately $13,400), but there is a projected funding shortfall of approximately $1500 for FY2001, even with the inadequate staffing that the office currently has. If the office had the 6 FTE auditors that it needs to perform inspections every 12 months (rather than the current 4.21 FTE auditors), the funding shortfall would be approximately $108,000.

To compensate for the fee increases, laboratories may choose to increase testing fees charged to their clients, although in some instances this will not be possible. These clients, if drinking water or waste water treatment systems, may pass the increased testing fees on to system users, the public, who would notice increases of pennies on their billing statements.

The public will be the primary beneficiary of the proposed rules. The public is significantly affected by the accuracy of the data used to evaluate air quality, environmental projects such as hazardous waste clean-ups, engineering projects such as sewage treatment plants, and the quality of the drinking water in underground aquifers and wells and surface waters. Without the fee increase included in the proposed rules, the office of laboratory licensure will not be able to function effectively to monitor the environmental laboratories that perform this compliance testing, and the public may suffer as a result.

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

Name: Steven D. Baker, Program Manager

Address: Arizona Department of Health Services
Office of Laboratory Licensure, Certification, and Training
3443 North Central Ave. # 810
Phoenix, Arizona 85012

Telephone**:** (602) 255-3454

Fax**:** (602) 255-3462

E-Mail: sbaker@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
1740 West Adams, Room # 102
Phoenix, Arizona 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

E-Mail: kphilli@hs.state.az.us

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

Date:	October 11, 2000	October 12, 2000	October 13, 2000
Time:	10:00 a.m.	9:00 a.m.	10:30 a.m.
Location:	City of Tucson Building 310 West Alameda 3rd Floor Conf. Rm. Tucson, Arizona 85701	3443 North Central Ave. 9th Floor Conf. Rm. Phoenix, Arizona 85012	Flagstaff City-Coconino County Public Library 300 West Aspen Ave. Flagstaff, Arizona 86001
Nature:	Oral Proceeding	Oral Proceeding	Oral Proceeding

Written comments may be submitted until the close of record, October 13, 2000, at 5:00 p.m., to either individual listed in questions #4 and #9.

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

Not applicable

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

R9-14-601: 40 CFR Part 136 app. B (1998).

R9-14-610:

A3 Technicon Industrial Systems, Industrial Method No. 380-75WE, Fluoride in Water and Wastewater (July 1977).

A4 Office of Water, EPA, Pub. No. EPA-821-R-99-005, Method 1631, Revision B: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry (May 1999).

C1 Hach Company, Hach Water Analysis Handbook (3rd ed. 1997).

D3 National Exposure Research Laboratory–Cincinnati, EPA, Pub. No. EPA/600/R-95/131, Methods for the Determination of Organic Compounds in Drinking Water: Supplement III (August 1995).

D4 Office of Ground Water and Drinking Water Technical Support Center, EPA, Pub. No. EPA 815-B-97-001, Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures Quality Assurance (4th ed. March 1997).

D5 J.W. Munch and W.J. Bashe, EPA, Method 549.2: Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection (rev. 1 1997).

D6 Anne M. Pawlecki-Vonderheide and David J. Munch, EPA, Method 515.3: Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Extraction, Derivatization and Gas Chromatography with Electron Capture Detection (rev. 1 July 1996).

E 40 CFR Part 136 app. A (1998).

E1 Office of Water Engineering and Analysis Division, EPA, Pub. No. EPA-821-R-93-010-A, Methods for the Determination of Nonconventional Pesticides in Municipal and Industrial Wastewater: Volume I (rev. 1 August 1993).

F	Office of Solid Waste and Emergency Response, EPA, Pub. No. SW-846, Test Methods for Evaluating Solid Waste (3rd ed. 1986 & Update I, July 1992; Update IIA, August 1993; Update II, September 1994; Update IIB, January 1995; Update III, December 1996).
H	Environmental Monitoring Systems Laboratory–Research Triangle Park, EPA, Pub. No. EPA-600/M4-82-020, Interim Method for the Determination of Asbestos in Bulk Insulation Samples (December 1982).
H2	Kim A. Brackett et al., EPA, Pub. No. EPA/600/R-94/134, Method 100.2: Determination of Asbestos Structures over 10 µm in Length in Drinking Water (June 1994).
J1	L.L. Thatcher et al., U.S. Department of the Interior, "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," published in Techniques of Water-Resources Investigations of the United States Geological Survey at bk. 5, ch. A5 (3rd ed. 1989).
K	Division of State Laboratory Services, Arizona Department of Health Services, Method No. BLS-188, Ethylene Glycol in Waste Water (rev. April 1991); and Bureau of State Laboratory Services, Arizona Department of Health Services, C_{10} - C_{32} Hydrocarbons in Soil - 8015AZ (rev. 1.0 September 1998).
K1	Office of Water, EPA, Pub. No. EPA-821-R-98-002, Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry (February 1999).
K2	Office of Water, EPA, Pub. No. EPA-821-B-98-016, Analytical Methods for the Determination of Pollutants in Pharmaceutical Manufacturing Industry Wastewater (July 1998).
M	Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-90/027, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (4th ed. September 1991).
M1	Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-90/027F, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (4th ed. August 1993).
N	Cornelius I. Weber et al., EPA, Pub. No. EPA/600/4-89/001, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (2nd ed. March 1989); and Environmental Monitoring and Support Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-89/001a, Supplement to "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Surface Waters to Freshwater Organisms," (EPA/600/4-89/001) (rev. 1 September 1989).
N1	Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA-600-4-91-002, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (3rd ed. July 1994).
P1	Jay Vasconcelos and Stephanie Harris, EPA, Pub. No. EPA 910/9-92-029, Consensus Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA) (October 1992).
P2	G. Shay Fout et al., EPA, Pub. No. EPA/600/R-95/178, ICR Microbial Laboratory Manual (April 1996).
P3	Charles P. Gerba, University of Arizona, UofA 2000: Ascaris lumbricoides in Water (1999).
S1	Center for Environmental Research Information, EPA, Pub. No. EPA/625/R-96/010b, Compendium Method TO-15: Determination of Volatile Organic Compounds (VOCs) in Air Collected in Specially-Prepared Canisters and Analyzed by Gas Chromatography/Mass Spectrometry (GC/MS) (January 1997).
U	Environmental Measurements Laboratory, U.S. Department of Energy, Pub. No. HASL-300, EML Procedures Manual, Vol. I (27th ed. rev. February 1992).

X1	Bureau of Radiation and Inorganic Analytical Services, New Jersey Department of Environmental Protection, Determination of Ra-228 in Drinking Water (August 1990).
Y	Office of Water, EPA, Pub. No. EPA/821/R-99/013, Method OIA-1677: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry (January 2000).

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 14. DEPARTMENT OF HEALTH SERVICES - LABORATORIES

ARTICLE 6. LICENSING OF ENVIRONMENTAL LABORATORIES

Sections

ARTICLE 6. LICENSING OF ENVIRONMENTAL LABORATORIES

~~R9-14-601. Definitions~~

~~Words and phrases defined in A.R.S. §§ 36-495 have the same meaning when used in these rules. In this Article, unless otherwise specified:~~

1. ~~"ADEQ" means the Arizona Department of Environmental Quality.~~
2. ~~"Approved method" means an analytical test method which is recognized by the Department as acceptable to test for the presence of the particular contaminant.~~
3. ~~"Arizona Permit System for Aquifer Protection" means the permit system specified in A.R.S. §§ 49-241 through 49-251.~~
4. ~~"Arizona Permit System for Reuse of Wastewater" means the permit system specified in A.R.S. §§ 49-104 and 49-250.~~
5. ~~"Blind proficiency evaluation audit" means that the Department submits a series of proficiency evaluation samples to a laboratory in such a manner that the laboratory is unaware that it is testing a proficiency evaluation sample.~~
6. ~~"Categories" of laboratory testing means drinking water, wastewater, hazardous waste, or air.~~
7. ~~"Clean Air Act" means 42 U.S.C.A. 7401-7642.~~
8. ~~"Clean Water Act" means 33 U.S.C.A. 1251-1376.~~
9. ~~"Comprehensive Environmental Response, Compensation and Liability Act" means 42 U.S.C.A. 9601-9657, commonly referred to as the Superfund Act.~~
10. ~~"Contiguous grounds" means real property which can be enclosed by a single unbroken boundary line which does not enclose property owned or leased by others.~~
11. ~~"Effluent" means an outflow, as of a stream which flows out of a facility.~~

~~12. "Environmental water laboratory" means a laboratory that holds a valid license issued by the Department prior to the effective date of this Article.~~

~~13. "EPA" means the United States Environmental Protection Agency.~~

~~14. "Federal Insecticide Fungicide and Rodenticide Act" means 7 U.S.C.A. 136-136y.~~

~~15. "Intercomparison studies" means the proficiency evaluation service for radiochemical samples established by EPA's Environmental Monitoring Systems Laboratory.~~

~~16. "Licensure" means the approval by the Department of a laboratory to perform compliance testing for environmental monitoring programs, categories of laboratory testing, parameters of laboratory testing and approved methods of laboratory testing as defined in A.R.S. § 36-495.03 through A.R.S. § 36-495.16 and this Article.~~

~~17. "Parameter" means 1 of a set of chemical, physical, radiochemical, microbiological, or biological properties whose value determines the characteristics of an environmental sample.~~

~~18. "Proficiency evaluation audit" means an audit conducted by a service on a series of samples submitted to a laboratory for use in evaluating the laboratory's ability to correctly analyze compliance testing samples.~~

~~19. "Proficiency evaluation service" means the Department, EPA, or an independent service acceptable to the Department which provides proficiency evaluation audit samples and evaluates the results of the proficiency evaluation audit.~~

~~20. "Principal State Laboratory System" means the system which includes the Department, Division of State Laboratory Services, and the Radiation Regulatory Agency Laboratory, which are certified by EPA.~~

~~21. "Radiation assessment proficiency evaluation audit" means any proficiency evaluation audit required by EPA under the Safe Drinking Water Act for radiochemistry testing.~~

~~22. "Resource Conservation and Recovery Act" means 42 U.S.C.A. 6921-6939B.~~

~~23. "Safe Drinking Water Act" means 42 U.S.C.A. 300f-300j-11.~~

~~24. "Single Method" means the approved method licensure fee for any single method listed in that subsection.~~

~~25. "U.S.C.A." means United States Code Annotated.~~

~~26. "Water pollution proficiency evaluation audit" means any proficiency evaluation audit established by the EPA under the Clean Water Act.~~

~~27. "Water supply study audit" means any proficiency evaluation audit required by the EPA under the Safe Drinking Water Act.~~

R9-14-601. Definitions

In addition to the definitions in A.R.S. § 36-495, the following definitions apply in this Article, unless otherwise specified:

1. "Acceptance criteria" means the range of satisfactory test results for a parameter.
2. "ADEQ" means the Arizona Department of Environmental Quality.
3. "Affiliate" means a business organization that:
   a. Controls or has the power to control the business organization that owns the laboratory,
   b. Is controlled by or could be controlled by the business organization that owns the laboratory, or
   c. Could be controlled by the same business organization as could the business organization that owns the laboratory.
4. "Alternate method" means an analytical test procedure or technique not listed by parameter in A.A.C. R9-14-611 through R9-14-614, but approved by the Department following the procedures in A.A.C. R9-14-610(B).
5. "Analyst" means an individual who performs compliance testing at a laboratory.
6. "Applicant" means the following individual or individuals requesting a license on behalf of a business organization that owns a laboratory:
   a. If the laboratory is owned by a sole proprietor, the individual owning the laboratory;
   b. If the laboratory is owned by an unincorporated association, any 2 individuals who together own a majority interest in the laboratory;
   c. If the laboratory is owned by a corporation, any 2 officers of the corporation;
   d. If the laboratory is owned by a limited liability company, the designated manager or, if no manager is designated, any 2 members of the limited liability company;
   e. If the laboratory is owned by a partnership, any 2 of the partners; or
   f. If the laboratory is owned by a governmental entity, the designated director of the laboratory.
7. "Approved method" means an analytical test procedure or technique authorized by the Department to test for the presence of a particular contaminant.
8. "ASTM" means American Society for Testing and Materials.

9. "Blind proficiency evaluation audit" means the Department's determination of a laboratory's ability to analyze samples correctly, accomplished by submitting samples for testing in such a manner that the laboratory is not aware that they are test samples.
10. "BLS" means Bureau of State Laboratory Services.
11. "Business organization" means an entity such as a sole proprietorship, an unincorporated association, a corporation, a limited liability company, a partnership, or a governmental entity.
12. "Classification Level I license" means an approval issued by the Department to a laboratory authorizing compliance testing of 1 to 9 total parameters.
13. "Classification Level II license" means an approval issued by the Department to a laboratory authorizing compliance testing of 10 to 17 total parameters.
14. "Classification Level III license" means an approval issued by the Department to a laboratory authorizing compliance testing of more than 17 total parameters.
15. "Client" means an individual or a business organization that submits a sample to a laboratory for compliance testing.
16. "Contaminant" means a matter, pollutant, hazardous substance, or other substance for which a sample is being tested.
17. "Contiguous grounds" means real property that can be enclosed by a single unbroken boundary line that does not enclose property owned or leased by another.
18. "Critical step" means an event in the testing procedure that is required to be performed within a specified time period by regulation, method, standard operating procedure, or quality assurance plan.
19. "Data outlier" means a test result that falls outside of acceptance criteria.
20. "Days" means calendar days, excluding the day of the act, event, or default from which a designated period of time begins to run and excluding the last day of the period if it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday.
21. "Effluent" means an outflow, as of a stream that flows out of a facility.
22. "EPA" means the United States Environmental Protection Agency.
23. "Initial Demonstration of Capability" means a test performed by an analyst, as prescribed by a method, to document the analyst's ability to perform the method at the laboratory.
24. "Investigation" means an evaluation of laboratory compliance conducted by the Department upon its own initiative or upon receipt of a written complaint.
25. "Laboratory inspection" means the Department's initial or annual assessment of a laboratory's operations to determine compliance.
26. "Licensee" means a person or persons to whom the Department issues a license to operate a laboratory.
27. "Method" means an analytical test procedure or technique.
28. "Method detection limit" means the minimum concentration of a contaminant that can be measured and reported with 99% confidence that the concentration of the contaminant is greater than 0, determined from analyzing a sample in a given parameter as prescribed by the individual method or by 40 CFR Part 136 app. B (1998), which is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.
29. "Method reporting limit" means the minimum concentration of a contaminant that a laboratory routinely reports after analyzing a sample in a given parameter.
30. "Mobile laboratory" means a non-stationary facility where analysts test samples.
31. "Parameter" means the combination of a particular type of sample with the particular test method by which it will be analyzed for a particular contaminant.
32. "Proficiency evaluation audit" means a proficiency evaluation service's determination of a laboratory's ability to analyze samples correctly, accomplished by submitting samples to the laboratory for testing and then analyzing the acceptability of the laboratory's results.
33. "Proficiency evaluation service" means the Department, the EPA, or an independent service acceptable to the Department.
34. "Principal State Laboratory System" means the Department, the Bureau of State Laboratory Services, and the Radiation Regulatory Agency Laboratory.
35. "Quality control checks" means the steps taken by a laboratory to monitor the accuracy and precision of its analysis of samples.
36. "RDX" means Hexahydro-1,3,5-trinitro-1,3,5-triazine.

37. "Records" means all written, recorded, and electronic documentation necessary to reconstruct all laboratory activities that produce data and includes all information relating to the laboratory's equipment, analytical test methods, and related activities.
38. "Sample" means a specimen that is a representative part of a whole or a single item from a group.
39. "Single laboratory" means an individual laboratory facility or multiple laboratory facilities located on contiguous grounds and owned by the same person.
40. "Small business" means a business organization, including its affiliates, that is independently owned and operated, that is not dominant in its field, and that employs fewer than 100 full-time employees or had gross annual receipts of less than $4 million in its last fiscal year.
41. "Standard operating procedure" means the reduction to writing of a laboratory's method for carrying on business, analysis, or action, with techniques and procedures for performing routine or repetitive tasks.
42. "Statistical outlier" means an individual data point that has a value far from those of the other data points in a set and that has been determined through statistical analysis to have derived from a different population than the other data points.

R9-14-602. ~~License~~ Applicability

A. This Article ~~shall~~ does not apply to ~~compliance testing of~~ those laboratories and parameters ~~as outlined in~~ exempted by A.R.S. ~~§§ 36-495.02.A.3.~~ § 36-495.02(A) or to

B. ~~This Article shall not apply to laboratory~~ compliance testing ~~which is~~ performed ~~pursuant to~~ under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136-136y.

~~**R9-14-603. Initial Licensure Process**~~

~~**A.** To obtain a license the laboratory shall file a complete application on a form provided by the Department pursuant to A.R.S. § 36-495.03 (A) and (B), and submit payment of all applicable fees to the Department pursuant to R9-14-606.~~

~~**B.** Multiple laboratories located on contiguous grounds and under the same ownership may be licensed under a single license.~~

~~**C.** Multiple laboratories, including mobile laboratories located on non-contiguous grounds and under the same ownership may be licensed independently or under a single license at the owner's discretion. If the laboratory chooses the single license option, each nonmobile laboratory shall be located within Arizona and each mobile laboratory shall maintain Arizona vehicle registration.~~

~~**D.** An application for licensure shall be made for any of the approved methods contained in R9-14-608 and R9-14-609 through R9-14-612 for compliance testing required by ADEQ; the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation and Liability Act; the Resource Conservation and Recovery Act; the Safe Drinking Water Act; or the Toxic Substance Control Act.~~

~~**E.** The Department shall determine if the application is complete and mail notification to the applicant with a detailed list of deficiencies if incomplete within 3 weeks from receipt of the application and fees. An application is not complete without payment of all applicable fees. Upon receipt of a complete application, the Department shall schedule a laboratory inspection, proficiency evaluation audit, or both, no longer than 1 month later for an in-state lab and 2 months later for an out-of-state lab. The Department and applicant may mutually agree to extend the inspection date.~~

~~**F.** The Department may grant a temporary license for all sample matrices except drinking water, to an out-of-state laboratory, before an on-site inspection occurs, provided:~~

~~1. The laboratory has submitted a complete application,~~
~~2. The laboratory has provided successful proficiency evaluation results from current EPA studies or 3rd party proficiency evaluation audits, and~~
~~3. The laboratory has provided current certification information for comparable testing from another state certification program.~~

~~**G.** The Department shall provide the laboratory director with a written report of findings of compliance with A.R.S. Title 36, Chapter 4.3, Article 1 and this Article, within 6 weeks from the completion of any inspection, investigation, or proficiency evaluation audit.~~

~~**H.** If the laboratory is not in compliance:~~

~~1. Within 3 weeks from receipt of a report of noncompliance, the laboratory shall submit a written corrective action plan acceptable to the Department with corrective action and completion dates no longer than 4 months from the date the laboratory receives the written report of noncompliance.~~
~~2. Within 6 weeks of receipt of the laboratory's plan of corrective action, the Department shall provide the laboratory with a written approval or disapproval.~~
~~3. If the laboratory's plan of corrective action is disapproved by the Department, the laboratory shall submit a new corrective action plan for the items which the Department has disapproved within 3 weeks from receipt of the Department's written disapproval.~~

~~4. Within 3 weeks of receipt of the laboratory's revised corrective action plan, the Department shall provide the laboratory with a written approval or disapproval of the revised plan.~~

~~I. The Department will send written notification of approval or denial of an application within 9 months for an in-state lab and 10 months for an out-of state lab. Denials shall set forth the reasons for denial and all other information required under A.R.S. § 41-1076.~~

~~J. This Section shall apply to a laboratory not currently licensed in Arizona until either of the following occurs:~~

~~1. The laboratory owner or operator is issued a laboratory license pursuant to this Article, or~~

~~2. The laboratory owner or operator is notified of the Department's intent to deny a laboratory license.~~

~~K. Notification by the Department of issuance or denial of a license shall not exceed 9 months for in-state labs, and 10 months for out-of state labs from the date that the Department determined that the application was complete. Completeness review is 3 weeks. The overall time frame is 9 months and 3 weeks for in-state labs and 10 months and 3 weeks for out-of-state labs.~~

~~L. For the purpose of computing time frames in this Section intermediate Saturdays, Sundays, and legal holidays shall be included in the computation. The last day of the time period will be included unless it is a Saturday, Sunday, or legal holiday.~~

R9-14-603. Initial License Process

A. To obtain a license, an applicant shall submit to the Department a completed application on a form provided by the Department. The application shall comply with A.R.S. § 36-495.03(A)-(B). An applicant shall submit to the Department the appropriate application fee or fees along with the completed application form.

B. An applicant shall submit the following information on the application form:

1. The name of the laboratory;
2. The physical and mailing address of the laboratory;
3. The name and address of each individual and business organization that has an ownership interest in the laboratory;
4. For each business organization with an ownership interest in the laboratory, the name of each officer, principal, and statutory agent;
5. The name of the individual directing the laboratory;
6. The classification level for which applied;
7. Whether the applicant is applying for a single laboratory or multiple laboratories;
8. If the applicant is applying for a mobile laboratory, the vehicle make, vehicle identification number, and Arizona vehicle license number of the laboratory;
9. If the applicant is applying for a mobile laboratory that is affiliated with a non-mobile laboratory, the name of the non-mobile laboratory;
10. The name, title, and educational background of each individual authorized to sign final reports for the laboratory;
11. A list of the references and methods for which the applicant is requesting a license;
12. A list of the instruments and equipment that the laboratory will use for compliance testing;
13. A list of the software that the laboratory will use for instrument control and data reduction interpretation;
14. If the applicant is applying for an out-of-state laboratory, whether the applicant wants the laboratory to receive technical updates by facsimile transmission or through the Internet;
15. If the applicant is applying as a small business for a private laboratory and wants to pay method, instrument, and proficiency evaluation fees in installments, the applicant shall provide the following information:
    a. A list of the affiliates of the business organization that owns the laboratory;
    b. The relationship between each affiliate and the business organization that owns the laboratory;
    c. Whether the laboratory is independently owned and operated;
    d. The type of business organization that owns the laboratory;
    e. If the business organization that owns the laboratory is a corporation, whether the stock of the corporation or any of its affiliates is publicly traded;
    f. The number of individuals employed full-time by the business organization that owns the laboratory;
    g. The number of individuals employed full-time by each affiliate of the business organization that owns the laboratory;
    h. Whether the gross annual receipts of the business organization that owns the laboratory were less than or greater than or equal to $4,000,000 in the last fiscal year;
    i. Whether the combined gross annual receipts of the affiliates of the business organization that owns the laboratory were less than or greater than or equal to $4,000,000 in the last fiscal year; and
    j. Whether the business organization that owns the laboratory is dominant in its field; and
16. A notarized statement by the applicant and the director of the laboratory verifying the information on the application.

C. The application may include an agreement between the applicant and the Department that the Department may submit supplemental requests for additional information.

D. Multiple laboratories located on contiguous grounds and owned by the same person may be:
1. Licensed as a single laboratory, or
2. Licensed separately if the applicant submits an application and an application fee as required by A.A.C. R9-14-607(A) for each laboratory.

E. Multiple laboratories, including mobile laboratories, located on noncontiguous grounds and owned by the same person may be:
1. Licensed separately, or
2. Operated under a single license if:
   a. The applicant submits an application and an application fee as required by A.A.C. R9-14-607(B) for each laboratory,
   b. Each non-mobile laboratory is located in Arizona, and
   c. Each mobile laboratory maintains an Arizona vehicle registration.

F. An application is not complete without payment of the appropriate application fee or fees and payment of the amount billed under A.A.C. R9-14-608(C).

~~**R9-14-604. Licensure Renewal Process**~~

~~**A.** At least 1 month prior to the expiration of its current license, a laboratory must submit to the Department, a complete application and payment of all applicable fees prescribed in A.A.C. R9-14-606.~~

~~**B.** The Department shall notify the laboratory director of any deficiency in the application and payment of fees within 3 weeks from the receipt of the application and fees. If the application is complete and proper fees are submitted, the Department shall renew a laboratory license, unless the Director determines pursuant to A.R.S. § 36-495.09 that grounds exist to deny the license.~~

~~**C.** The Department may grant a temporary license to a laboratory with an existing laboratory license, if the laboratory is moving to a new location. The Department shall not grant the temporary license to such laboratories if the owner or director is also changed.~~

~~**D.** The Department may conduct a laboratory inspection or proficiency evaluation audit, or both, at any time during the licensure period.~~

~~**E.** The Department shall provide the laboratory director with a written report of findings within 6 weeks from the completion of any inspection, investigation, or proficiency evaluation audit.~~

~~**F.** A licensed laboratory that cannot demonstrate compliance with this Article, shall submit to the Department within 6 weeks from the date the laboratory receives the written report of findings, a written plan to correct deficiencies listed in the written report of findings with corrective action and completion dates acceptable to the Department.~~

~~**G.** The Department shall provide the laboratory with a written response within 6 weeks of receipt of the laboratory's plan of corrective action to the Department's written report of findings.~~

R9-14-604. Regular License Renewal Process

A. To renew a regular license, an applicant shall submit to the Department an application completed on the same type of form used for an initial license. An applicant shall submit to the Department the appropriate application fee or fees along with the completed application form.

B. If the applicant is applying for an in-state laboratory, the applicant shall submit the completed application at least 30 days before expiration of the current license.

C. If the applicant is applying for an out-of-state laboratory, the applicant shall submit the completed application at least 60 days before expiration of the current license.

D. An application is not complete without payment of the appropriate application fee or fees and payment of the amount billed under A.A.C. R9-14-608(C).

R9-14-605. Compliance Monitoring

A. The Department shall conduct a laboratory inspection and may conduct an investigation or proficiency evaluation audit, or both, of an applicant's laboratory as part of the substantive review for an initial license.
1. The Department shall commence the laboratory inspection, investigation, or proficiency evaluation audit, or combination of the 3, no more than 30 days after notice of administrative completeness has been mailed for an in-state laboratory or no more than 60 days after notice of administrative completeness has been mailed for an out-of-state laboratory.
2. The Department and applicant may mutually agree in writing to extend the laboratory inspection, investigation, or proficiency evaluation audit dates.

B. The Department may conduct a laboratory inspection, investigation, or proficiency evaluation audit, or any combination of the 3, of a licensee's or applicant's laboratory at any other time before or during the license period.

C. The Department shall comply with A.R.S. § 41-1009 in conducting laboratory inspections and investigations that occur at a laboratory.

D. If the Department determines based on a laboratory inspection, investigation, or proficiency evaluation audit, or any combination of the 3, that a laboratory is not in compliance with A.R.S. Title 36, Chapter 4.3 and this Article, the Department shall request that the licensee or applicant submit to the Department a written corrective action plan, unless the Department determines:
1. That the deficiencies were committed intentionally;
2. That the deficiencies cannot be corrected within a reasonable period of time;
3. That the deficiencies are evidence of a pattern of noncompliance;
4. That the deficiencies are a risk to any person; the public health, safety, or welfare; or the environment; or
5. That there is a reasonable belief, as stated in A.R.S. § 36-495.09(B), that a violation of A.R.S. § 36-495.09(A)(5) has occurred and that the life or safety of the public is immediately affected.

E. A corrective action plan shall be in writing and shall include the corrective action that will be taken and the date by which corrective action will be completed, which cannot be more than 120 days after the date that the Department requested the corrective action plan.
1. A licensee shall submit a corrective action plan to the Department within 45 days from the date that the Department requested the corrective action plan.
2. An applicant shall submit a corrective action plan to the Department within 28 days from the date that the Department requested the corrective action plan.

F. If the Department disapproves a corrective action plan, the Department shall send to the licensee or applicant a written notice of disapproval requesting that the licensee or applicant submit to the Department a revised corrective action plan for the items that the Department disapproved.
1. A licensee or an applicant shall submit the revised corrective action plan to the Department within 21 days from the date of the written notice of disapproval.
2. If a licensee or an applicant does not submit a revised corrective action plan within 21 days from the date of the written notice of disapproval, the Department may deny the application or take any other action authorized by law.

G. A licensee or an applicant shall notify the Department when corrective action has been completed.

H. The Department shall determine if a laboratory is in substantial compliance with A.R.S. Title 36, Chapter 4.3 and this Article within 30 days of notification that the corrective action has been completed. If the Department determines that the licensee or applicant has not corrected the deficiencies or that the licensee or applicant has not corrected the deficiencies within a reasonable period of time, the Department may take any enforcement action authorized by law as a result of the deficiencies.

I. Under A.R.S. § 41-1009(G), the Department's decision regarding whether a licensee or an applicant may submit a corrective action plan to correct deficiencies identified in a laboratory inspection or investigation at the laboratory or whether these deficiencies have been corrected or have not been corrected within a reasonable period of time is not an appealable agency action as defined by A.R.S. § 41-1092.

~~R9-14-605~~ R9-14-606. Provisional ~~Licensure~~ Licensing

A. The Department may issue a provisional license to a licensee when ~~its~~ the Department suspends the licensee's regular license because of deficiencies identified in an investigation, laboratory inspection, or proficiency evaluation audit ~~identifies deficiencies, but the number and nature of deficiencies do not pose a risk to public health, safety, or the environment~~.

~~**B.** The Department may issue a provisional license for any of the following reasons:~~
~~1. The laboratory does not adhere to the applicable references in R9-14-608 or the requirements for facilities, equipment, reagents, quality control practices, or approved methods appropriate to the sample matrix as listed in R9-14-609 through R9-14-612;~~
~~2. The laboratory fails to participate in a proficiency evaluation audit and submit results within the acceptance limits or the time frames established by the proficiency evaluation service;~~
~~3. Two consecutive proficiency evaluation audit reports have the same parameter deemed outside acceptance limits by a proficiency evaluation service; or~~
~~4. The laboratory fails to submit a written corrective action report to the Department within 6 weeks of the receipt of proficiency evaluation audit results that are deemed outside acceptable limits.~~

~~**C**~~**B.** The Department shall issue an amended certified list of parameters for ~~the~~ a provisional license.

~~**D**~~**C.** ~~The~~ A licensee shall return its regular license to the Department within ~~10 working~~ 14 days from the date of receipt of written notification ~~that the Department issued a provisional license~~ of the license suspension.

~~**E**~~**D.** A provisional license ~~shall be~~ is valid for a set period established by the Department, not to exceed ~~the expiration date of the laboratory's suspended license~~ 12 months.

~~**F**~~**E.** ~~A laboratory~~ A licensee with a provisional license ~~may~~ who desires to renew ~~its~~ the laboratory's regular license ~~provided that it applies~~ shall apply for renewal at least ~~6 weeks prior to the~~ 30 days before expiration of ~~its~~ the provisional license. ~~At such time, the~~ The Department shall issue ~~to the laboratory~~ a regular ~~renewed~~ license renewal~~,~~ unless the Director determines ~~pursuant to A.R.S. § 36-495.09~~ that ~~grounds exist to revoke the license~~ the licensee is not in full compliance with the corrective action plan; A.R.S. Title 36, Chapter 4.3; and this Article.

F. The Department shall not issue a provisional license to an applicant for an initial license.

~~R9-14-606~~ R9-14-607. ~~Licensure fees~~ Fees

A. ~~Each laboratory applying for a license shall pay to the Department, at the time of application, a nonrefundable application fee except as required by A.R.S. § 41-1077, in U.S. dollars, dependent upon the following laboratory license classifications:~~ An applicant applying for a single license for a single laboratory shall submit to the Department, at the time of application, the following non-refundable application fee:

1. For a classification Level I ~~– A license for compliance testing is limited to 1 to 9 total parameters in any combination of categories of laboratory testing.~~ license:	~~$1,000.00~~ $1,300.00
2. For a classification Level II ~~– A license for compliance testing is limited to 10 to 17 total parameters in any combination of categories of laboratory testing.~~ license:	~~$1,270.00~~ $1,651.00
3. For a classification Level III ~~– A license for compliance testing for greater than 17 total parameters in any combination of categories of laboratory testing.~~ license:	~~$1,400.00~~ $1,820.00

B. ~~Multiple laboratories~~ An applicant applying ~~under the~~ for a single license ~~option~~ for multiple laboratories not on contiguous grounds shall ~~pay~~ submit to the Department, at the time of application, a non-refundable application fee~~, except as required by A.R.S. § 41-1077,~~ for each noncontiguous laboratory, ~~as outlined in R9-14-603, dependent upon the following laboratory license classifications~~ as follows:

1. For a classification Level I ~~–~~ license:	~~$860.00~~ $1,118.00
2. For a classification Level II ~~–~~ license:	~~$1,130.00~~ $1,469.00
3. For a classification Level III ~~–~~ license:	~~$1,270.00~~ $1,651.00

C. ~~Concurrently with the licensure application fee, the applicant~~ A licensee or an applicant shall ~~pay~~ submit to the Department a non-refundable fee~~, except as required by A.R.S. § 41-1077,~~ for ~~licensure of~~ licensing each approved ~~methods~~ method, alternate method, and associated ~~instrumentation calculated by the Department~~ instrument requested on the application or during the license period, as follows:

1.	Microbiology Testing Fees	
a~~).~~	Total coliform:	
i.	Most Probable Number	~~$136.00~~ $177.00
ii.	Membrane filtration	~~136.00~~ 177.00
iii.	~~MMO-MUG (~~Colilert~~ or Colisure only)~~	~~91.00~~ 118.00
iv.	Colisure	118.00
v.	Presence-Absence	~~136.00~~ 177.00
b~~).~~	Fecal coliform:	
i.	Most Probable Number	~~136.00~~ 177.00
ii.	Membrane filtration	~~136.00~~ 177.00
c~~).~~	Fecal streptococcus:	
i.	Most Probable Number	~~136.00~~ 177.00
ii.	Membrane filtration	~~136.00~~ 177.00
d.	Salmonella	~~136.00~~ 177.00
e.	Heterotrophic plate count	~~91.00~~ 118.00
f.	Any 1 approved method in each group for total coliform, fecal coliform, fecal streptococcus, Salmonella, and heterotrophic plate count.	~~408.00~~ 530.00
g.	Any combination of approved methods for total coliform, fecal coliform, fecal streptococcus, Salmonella, and heterotrophic plate count.	~~725.00~~ 943.00
h.	Viruses	~~227.00~~ 295.00

i.	Parasites	~~227.00~~ 295.00
j.	Microscopic Particulate Analysis	199.00
2.	Bioassay	
	Any combination of methods for estimating the chronic and acute toxicity of effluents and waters to fresh water organisms.	~~$544.00~~ $707.00
3.	Demand	
a.	Biochemical Oxygen Demand	~~$91.00~~ $118.00
b.	Chemical Oxygen Demand	~~91.00~~ 118.00
4.	Inorganic Chemistry - Metals	
a~~).~~	Flame atomic absorption ~~(FAA)~~ approved methods.	
i.	Each metal for which the laboratory applies using any single ~~FAA~~ flame atomic absorption approved method from any single approved method reference.	~~$15.00~~ $20.00 each, up to a maximum of ~~$295.00~~ $384.00
ii.	Each metal for which the laboratory applies using any combination of ~~FAA~~ flame atomic absorption approved methods from any combination of approved method references.	~~$24.00~~ $31.00 each, up to a maximum of ~~$468.00~~ $608.00
b~~).~~	Electrothermal graphite furnace atomic absorption ~~(GFAA)~~ approved methods.	
i.	Each metal for which the laboratory applies using any single ~~GFAA~~ grahite furnace atomic absorption approved method from any single approved method reference.	~~$15.00~~ $20.00 each, up to a maixmum of ~~$272.00~~ $354.00
ii.	Each metal for which the laboratory applies using any combination of ~~GFAA~~ graphite furnace atomic absorption approved methods from any combination of approved method references.	~~$24.00~~ $31.00 each, up to a maximum of ~~$435.00~~ $566.00
c~~).~~	Inductively ~~Coupled Plasma (ICP)~~ coupled plasma emission spectrometer approved methods.	
i.	Each metal for which the laboratory applies using any single ~~ICP~~ inductively coupled plasma approved method from any single approved method reference.	~~$12.00~~ $16.00 each, up to a maixmum of ~~$260.00~~ $338.00
ii.	Each metal for which the laboratory applies using any combination of ~~ICP~~ inductively coupled plasma approved methods from any combination of approved method references.	~~$18.00~~ $23.00 each, up to a maximum of ~~$390.00~~ $507.00
d~~).~~	Inductively ~~Coupled Plasma/Mass Spectrometer(ICP/MS)~~ coupled plasma/mass spectrometer approved methods.	
	Each metal for which the laboratory applies using any ~~ICP/MS~~ inductively coupled plasma/mass spectrometer approved method from any single approved method reference.	~~$18.00~~ $23.00 each, up to a maixmum of ~~$390.00~~ $507.00
e~~).~~	Colorimetric metal testing approved methods.	
	Each colorimetric approved method for which the laboratory applies.	~~$45.00~~ $59.00
f~~).~~	Mercury cold vapor approved methods.	
i.	Any single mercury cold vapor approved method from any single approved method reference for which the laboratory applies.	~~$91.00~~ $118.00
ii.	Any combination of mercury cold vapor approved methods from any combination of appoved method references for which the laboratory applies.	~~$136.00~~ $177.00
g~~).~~	Metals by hydride generation approved methods.	
	Each hydride metal for any approved ~~method from~~ method from any approved method reference for which the laboratory applies.	~~$45.00~~ $59.00 each, up to a maximum of ~~$68.00~~ $88.00
5.	Inorganic Chemistry - Nonmetals	
a~~).~~	Nonmetals Group IA	
i.	~~Total~~ Alkalinity	~~$23.00~~ $30.00
ii.	Chloride	~~23.00~~ 30.00
iii.	Chlorine	~~23.00~~ 30.00
iv.	Chlorine dioxide	~~23.00~~ 30.00
v.	Color	~~23.00~~ 30.00
vi.	Hardness (as ~~CaCO3~~ CaCO3)	~~23.00~~ 30.00
vii.	Hydrogen ion (pH)	~~23.00~~ 30.00
viii.	Ozone	~~23.00~~ 30.00
ix.	Specific conductance	~~23.00~~ 30.00
x.	Total Dissolved Solids (Filterable Residue)	~~23.00~~ 30.00

xi. Turbidity		~~23.00~~ 30.00
b~~).~~. Nonmetals Group IB		
i. Nitrate		~~$45.00~~ $59.00
ii. Sulfate		~~45.00~~ 59.00
iii. Fluoride		~~45.00~~ 59.00
iv. Sodium Azide		~~45.00~~ 59.00
v. Sodium/Potassium Perchlorate		~~45.00~~ 59.00
c~~).~~. Maximum for any combination of Nonmetals Group IA and IB for the 1st approved method for which the laboratory applies.		~~$255.00~~ $332.00
d~~).~~. Each additional Nonmetals Group IA approved method for which the laboratory applies.		~~$11.00~~ $14.00
e~~).~~. Each additional Nonmetals Group IB approved method for which the laboratory applies.		~~$23.00~~ $30.00
f~~).~~. Nonmetals Group IIA		
i. Acidity		~~$23.00~~ $30.00
ii. Total Hardness		~~23.00~~ 30.00
iii. Surfactants		~~23.00~~ 30.00
iv. Total Residue		~~23.00~~ 30.00
v. Nonfilterable Residue		~~23.00~~ 30.00
vi. Settleable Residue		~~23.00~~ 30.00
vii. Volatile Residue		~~23.00~~ 30.00
g~~).~~. Nonmetals Group IIB		
i. Ammonia		~~$45.00~~ $59.00
ii. Bromide		~~45.00~~ 59.00
iii. ~~Total~~ Kjeldahl Nitrogen		~~45.00~~ 59.00
iv. Nitrite		~~45.00~~ 59.00
v. Orthophosphate		~~45.00~~ 59.00
vi. ~~Total~~ Phosphorus		~~45.00~~ 59.00
h~~).~~. Maximum for any combination of Nonmetals Group IIA and IIB for the 1st approved method for which the laboratory applies.		~~$340.00~~ $442.00
i~~).~~. Each additional Nonmetals Group IIA approved method for which the laboratory applies.		~~$11.00~~ $14.00
j~~).~~. Each additional Nonmetals Group IIB approved method for which the laboratory applies.		~~$23.00~~ $30.00
k~~).~~. Ion chromatograph approved methods.		
Each ion for which the laboratory applies using any ~~IC~~ ion chromatograph approved method from any approved method reference.	each, up to a maximum	~~$20.00~~ $26.00 of ~~$200.00~~ $260.00
6. Major Analytical Chemistry Instruments		
a. Each Gas Chromatograph ~~(GC)~~ instrument.		~~$45.00~~ $59.00
b. Each Gas Chromatograph/Mass Spectrometer ~~(GC/MS)~~ instrument.		~~91.00~~ $118.00
c. Each Atomic Absorption Spectrometer instrument.		~~45.00~~ $59.00
d. Each Inductively Coupled Plasma Atomic Emission Spectrometer instrument.		~~45.00~~ $59.00
e. Each Inductively Coupled Plasma Atomic Emission Spectrometer/Mass Spectrometer ~~Instrument~~ instrument.		~~91.00~~ $118.00
f. Each High Performance Liquid Chromatograph instrument.		~~45.00~~ $59.00
g. Each High Performance Liquid Chromatograph/Mass Spectrometer instrument.		~~91.00~~ $118.00
h. Each Ion Chromatograph instrument.		~~45.00~~ $59.00
i. Each Total Organic Halide ~~(TOX)~~ instrument.		~~45.00~~ $59.00
j. Each Transmission Electron Microscope ~~(TEM)~~.		~~182.00~~ $237.00
k. Each X-Ray Diffraction instrument.		$59.00

	Single Method	Combination
7. Volatile Organic Chemistry		
~~Purgeable Organic GC and GC/MS approved methods.~~		
a. Volatile Organics ~~by GC~~ by EPA Methods 502.2, ~~8021A~~ 8021B	~~$91.00~~ $118.00	~~$136.00~~ $177.00
b. Purgeable Halocarbons by EPA ~~Methods~~ Method 601 ~~and 8010B~~	~~45.00~~ 59.00	~~68.00~~
c. Total Trihalomethanes ~~(TTHM)~~ by EPA Methods 502.2, 524.2, ~~551~~ 551.1	~~45.00~~ 59.00	~~91.00~~ 118.00
~~Maximum Trihalomethane Potential (MTP) 510.1~~		~~45.00~~
d. Purgeable Aromatics by EPA Methods 602, ~~8015A, 8015M, 8020A~~ 8015B	~~45.00~~ 59.00	~~91.00~~ 118.00
e. Fuel Class Hydrocarbons by ~~BLS Method 191~~ 8015AZ	~~45.00~~ 59.00	
~~Halogenated and Aromatic Volatiles by EPA Method 8021A~~	~~91.00~~	
f. Acrolein, Acrylonitrile, and Acetonitrile by EPA Methods 603, 8031, ~~8032~~ 8032A, 8033~~, 8316~~	~~45.00~~ 59.00	~~68.00~~ 88.00
g. Acrylamide, Acrylonitrile, and Acrolein by EPA Method 8316	59.00	
h. Purgeables ~~by GC/MS~~ by EPA Methods 524.2, 624, 1624, ~~8260A~~ 8260B	~~91.00~~ 118.00	~~181.00~~ 235.00
8. Semivolatile Organic Chemistry		
~~Semivolatile organic GC approved methods~~	Single Method	Combination
a. Aniline and Derivatives by EPA Method 8131	~~$69.00~~ $90.00	
b. Benzidines by EPA Method 605	~~45.00~~ 59.00	
c. Benzidines and Nitrogen Pesticides by EPA Method 553	~~69.00~~ 90.00	
d. Bis(2-chloroethyl)ether Hydrolysis Products by EPA Method 8430	~~69.00~~ 90.00	
e. Carbamates/Urea Pesticides by EPA Methods 531.1, 632, 8318	~~69.00~~ 90.00	~~102.00~~ 133.00
f. Carbonyl Compounds by EPA Method ~~8315~~ 8315A	~~69.00~~ 90.00	
g. Chlorinated Herbicides by EPA Methods 515.2, 555, ~~8151~~ 8151A, Standard Methods 6640-B, ASTM D-3478-85	~~69.00~~ 90.00	~~102.00~~ 133.00
h. Chlorinated Hydrocarbons by EPA Methods 612, 8121	~~69.00~~ 90.00	~~102.00~~ 133.00
i. 1,2-Dibromoethane and 1,2-Dibromo-3-Chloropropane by EPA Methods 504.1, ~~551~~ 551.1, 8011, BLS Method 127	~~69.00~~ 90.00	~~102.00~~ 133.00
j. Diquat and Paraquat by EPA Method ~~549.1~~ 549.2	~~69.00~~ 90.00	
k. Endothall by EPA Method 548.1	~~69.00~~ 90.00	
l. Glyphosate by EPA ~~Method~~ Methods 547, 6651	~~69.00~~ 90.00	~~102.00~~ 133.00
m. Haloacetic ~~Acetic~~ Acids by EPA ~~Method~~ Methods ~~552 and~~ 552.1 and 552.2	~~69.00~~ 90.00	~~102.00~~ 133.00
n. Haloethers by EPA Methods 611, 8111	~~69.00~~ 90.00	~~102.00~~ 133.00
o. Nitroaromatics and Cyclic Ketones by EPA Methods 609, 8091~~, 8330~~	~~69.00~~ 90.00	~~102.00~~ 133.00
p. Nitroaromatics and Nitramines by EPA Method 8330	90.00	
q. Nitroglycerine by EPA Method 8332	~~69.00~~ 90.00	
r. Nitrosamines by EPA Methods 607, ~~8070, 8330~~ 8070A	~~69.00~~ 90.00	~~102.00~~ 133.00

s. Nonvolatiles ~~by HPLC/MS~~ by EPA Methods ~~8321~~ 8321A, 8325	~~91.00~~ 118.00	~~136.00~~ 177.00
t. Organochlorine Pesticides/Polychlorinated Biphenyls by EPA Methods 505, 508, 508.1, 608, 8081, 8082, Standard Method 6630C, ASTM Method D3086-85, EPA-600/4-81-045	~~91.00~~ 118.00	~~136.00~~ 177.00
u. Organophosphorus and Nitrogen Pesticides by EPA Methods 507, 614, 1657, 8141A	~~69.00~~ 90.00	~~102.00~~ 133.00
v. Phenols by EPA Methods 604, ~~8041A~~ 8041	~~69.00~~ 90.00	~~102.00~~ 133.00
w. Polynuclear Aromatic Hydrocarbons by EPA Methods 550, 550.1, 610, 8100, 8310	~~69.00~~ 90.00	~~102.00~~ 133.00
~~Polynuclear Aromatic Hydrocarbons by EPA Method 8310~~	~~69.00~~	
x. Phthalate Esters by EPA Methods~~,~~ 506, 606, ~~8061~~ 8061A~~, 506~~	~~69.00~~ 90.00	~~102.00~~ 133.00
y. Semivolatile ~~organic~~ organics ~~GC/MS approved methods~~ by EPA Methods 525.2, 625, 1625, ~~8270B~~ 8270C	~~91.00~~ 118.00	~~182.00~~ 237.00
z. Semivolatile organics ~~GC/FT-IR~~ by EPA Method 8410	~~69.00~~ 90.00	
aa. Tetrazine by EPA Method 8331	~~69.00~~ 90.00	
bb. Triazine Pesticides by EPA Method 619	~~69.00~~ 90.00	
cc. Dioxin and Furans by EPA Methods 613, 1613, ~~613, 8280~~ 8280A, 8290~~,~~	~~272.00~~ 354.00	~~362.00~~ 471.00
~~Director approved GC methods~~	~~69.00~~	
~~Director approved GC/MS methods~~	~~91.00~~	

9. Radiochemicals

a. Fee for radiochemistry testing	~~$270.00~~ $351.00
b. Each radioisotope counting instrument	~~45.00~~ 59.00
c. Gross Alpha Activity	~~91.00~~ 118.00
d. Gross Beta Activity	~~91.00~~ 118.00
e. Radium-226	~~91.00~~ 118.00
f. Radium-228	~~91.00~~ 118.00
g. Cesium~~-134~~	~~91.00~~ 118.00
h. Iodine~~-131~~	~~91.00~~ 118.00
i. Polonium-210	~~91.00~~ 118.00
j. Radon~~-222~~	~~91.00~~ 118.00
k. Strontium-89	~~91.00~~ 118.00
l. Strontium-90	~~91.00~~ 118.00
m. Tritium	~~91.00~~ 118.00
n. Uranium	~~91.00~~ 118.00
o. Photon Emitters, each method	~~91.00~~ 118.00
p. Each radiochemical approved method when the laboratory applies for 5 or more.	~~73.00~~ 95.00

10. Hazardous Characteristic Testing Approved Methods	
a. Corrosivity toward steel	~~$38.00~~ $49.00
b. Ignitability	~~38.00~~ 49.00
c. Reactivity	~~38.00~~ 49.00
d. Extraction Procedure Toxicity Characteristic	*~~91.00~~ 118.00
e. Toxicity Characteristic Leaching Procedure	*~~181.00~~ 235.00
f. Synthetic Characteristic Leaching Procedure	*~~181.00~~ 235.00
*(The ~~fee~~ fees for these procedures are for the sample extraction and leaching processes only.)	
11. Miscellaneous Compliance Testing	
a. Total Organic Carbon	~~$45.00~~ $59.00
b. Total Organic Halides	~~45.00~~ 59.00
c. Purgeable Organic Halides	~~68.00~~ 88.00
d. Extractable Organic Halides	~~68.00~~ 88.00
e. Ethylene Glycol	~~91.00~~ 118.00
f. Total Petroleum Hydrocarbon	~~91.00~~ 118.00
g. Oil and Grease	~~45.00~~ 59.00
h. Cyanide; total, direct, and amenable to chlorination	~~91.00~~ 118.00
i. Total Phenols	~~91.00~~ 118.00
j. Lead in paint	~~23.00~~ 30.00
k. Magnesium - gravimetric	~~23.00~~ 30.00
l. Sulfide	~~45.00~~ 59.00
m. Sulfite	~~45.00~~ 59.00
n. Silica	~~45.00~~ 59.00
o. Bulk Asbestos Identification	~~136.00~~ 177.00
p. White Phosphorous	~~69.00~~ 90.00
q. ~~Immunoassay Tests (each)~~ Each Immunoassay Test	~~45.00~~ 59.00
r. Compatibility Test for Wastes and Membrane Liners	~~20.00~~ 26.00
s. Cation-Exchange Capacity of Soil	~~20.00~~ 26.00
~~Director approved methods~~	~~20.00~~
t. Asbestos fiber counting by:	
i. Light microscopy	~~136.00~~ 177.00
ii. Electron microscopy	~~227.00~~ 295.00
iii. Electron ~~Microscopy~~ microscopy with X-Ray Diffraction	~~300.00~~ 390.00
12. Ambient Air Compliance Testing Approved Methods	
a. Carbon Monoxide	~~$181.00~~ $235.00
b. Hydrocarbons	~~181.00~~ 235.00
c. Lead	~~181.00~~ 235.00
d. Nitrogen Dioxide	~~181.00~~ 235.00
e. Ozone	~~181.00~~ 235.00
f. Particulate Matter	~~181.00~~ 235.00
g. Sulfur Oxides	~~181.00~~ 235.00
h. Maximum for ambient air testing~~.~~	~~952.00~~ 1,238.00
13. Air - Stationary Sources and Stack Testing Approved Methods	
a. Carbon Dioxide/Oxygen/Excess Air	~~$181.00~~ $235.00
b. Carbon Monoxide	~~181.00~~ 235.00
c. Carbonyl Sulfide/Carbon Dioxide	~~181.00~~ 235.00
d. Fluoride	~~181.00~~ 235.00
e. Gaseous Organic Compounds	~~181.00~~ 235.00
f. Hydrogen Sulfide	~~181.00~~ 235.00
g. Inorganic Lead	~~181.00~~ 235.00
h. Moisture Content	~~181.00~~ 235.00
i. Nitrogen Oxide	~~181.00~~ 235.00
j. Particulate Emissions:	
i. Asphalt Processing	~~91.00~~ 118.00
ii. Fiberglass Insulation	~~91.00~~ 118.00
iii. Nonsulfate	~~91.00~~ 118.00
iv. Nonsulfuric Acid	~~91.00~~ 118.00
v. Pressure Filters	~~91.00~~ 118.00
vi. Stationary Sources	~~91.00~~ 118.00

vii. Sulfur Dioxide	~~91.00~~ 118.00
viii. Wood Heaters	~~91.00~~ 118.00
ix. Particulate emissions maximum	~~544.00~~ 707.00
k. Sulfur and Total Reduced Sulfur	~~181.00~~ 235.00
l. Sulfur Dioxide	~~181.00~~ 235.00
m. Sulfuric Acid Mist	~~181.00~~ 235.00
n. Toxic Organic Compounds in Ambient Air by Method TO-15	118.00
o. Volatile Matter/Density/Solids/Water	~~181.00~~ 235.00
p. Vapor Tightness - Gasoline Delivery Tank	~~181.00~~ 235.00
q. Volatile Organic Compounds	~~181.00~~ 235.00
r. Wood Heaters Certification and Burn Rates	~~181.00~~ 235.00
s. Stationary Sources and Stack Testing maximum	~~2,720.00~~ 3,536.00
t. Petroleum product analysis:	
i. Hydrometer method	59.00
ii. Sulfur	118.00
iii. Heat of Combustion	59.00
14. Arizona Emission Test Approved Methods ~~Particulate Emissions:~~	
a. Sulfuric Acid Mist/-Sulfur Oxides	~~$181.00~~ $235.00
b. Dry Matter	~~181.00~~ 235.00
15. Hazardous Air Pollutant Approved Methods ~~For~~ for National Emission Standards	
a. Arsenic	~~$181.00~~ $235.00
b. Beryllium	~~181.00~~ 235.00
c. Mercury	~~181.00~~ 235.00
d. Polonium-210	~~181.00~~ 235.00
e. Vinyl Chloride	~~181.00~~ 235.00
f. Maximum for hazardous air pollutants	~~680.00~~ 884.00
16. When an alternate method is a revision of a method listed in A.A.C. R9-14-611 through A.A.C. R9-14-614, the fee is the same as for the listed method, unless the technology of the alternate method is different from that of the listed method. All other alternate method fees are charged as follows:	
a. Alternate Gas Chromatography method	$90.00
b. Alternate Gas Chromatography/Mass Spectrometry method	118.00
c. Alternate miscellaneous method	58.00

D. ~~The laboratory~~ An applicant shall ~~pay~~ submit to the Department a ~~nonrefundable, except as required by A.R.S. §41-1077, handling~~ non-refundable administrative fee of ~~$78.00~~ $101.00 for ~~each~~ all proficiency evaluation ~~audit~~ audits to occur during the license period ~~and the actual cost for proficiency evaluation audit materials, if applicable~~.

E. An applicant for an out-of-state laboratory shall submit to the Department an annual fee of $98.00 if the applicant chooses to receive technical updates from the Department by facsimile transmission.

~~E~~**F.** ~~Except for the appointment of an acting laboratory director, a change in the laboratory name, directorship, or ownership a laboratory which~~ A licensee that requests ~~an amendment or modification to its~~ to change its license by adding a parameter to the license before its expiration date~~,~~ shall pay all applicable ~~licensure~~ licensing fees. ~~Laboratories~~ A licensee ~~shall have 3 free modifications to~~ may delete parameters at no charge 3 times during a ~~licensure~~ license period. Thereafter, ~~each additional deletion shall be charged at a rate of $10.00~~ the Department shall charge $13.00 per parameter for processing each deletion.

~~F. Each out-of-state licensed laboratory shall pay an annual fee of $75.00 if the laboratory chooses to receive technical updates from the Department by FAX.~~

R9-14-608. Payment of Fees

A. Upon receipt of a license application, the Department calculates the amount owed by the applicant by adding together the following:
1. The fees for the methods and instruments for which licensure is requested on the application, as provided in A.A.C. R9-14-607(C);
2. The proficiency evaluation audit fee, as provided in A.A.C. R9-14-607(D); and
3. The technical update fee, as provided in A.A.C. R9-14-607(E), if the applicant is applying for an out-of-state laboratory and has requested to receive technical updates from the Department by facsimile transmission.

B. If a laboratory is owned by a small business, the applicant may submit the amount calculated under subsection (A) to the Department in 12 equal installments, with the 1st installment billed by the Department as described in subsection (C) and an installment due on the 1st day of each month for 11 months thereafter.

C. After calculating the total fee as described in subsection (A), the Department shall send the applicant a notice of administrative deficiencies and a bill showing the following amount due:

1. If the laboratory is owned by a small business, the amount of the 1st installment; or
2. If the laboratory is not owned by a small business, the total amount calculated under subsection (A).

D. If an applicant or licensee for a laboratory owned by a small business fails to submit an installment within 7 days from its due date, the Department shall charge a $20.00 fee for processing the late payment. If an applicant or licensee for a laboratory owned by a small business fails to submit an installment within 30 days from its due date, the Department may initiate action under A.R.S. § 36-495.09.

~~R9-14-607.~~ R9-14-609. Proficiency Evaluation

A. ~~Each~~ Once in each 12-month period, or more often if requested by the Department, each laboratory shall demonstrate proficiency ~~as determined by the Department through proficiency evaluation audits~~ by participating in a proficiency evaluation audit provided by the Principal State Laboratory System~~, if available,~~ or a proficiency evaluation service ~~provider approved by the Department~~. The laboratory shall analyze ~~and report~~ proficiency evaluation ~~audit~~ samples for ~~the testing program, category of testing,~~ each parameter~~, and approved methods~~ for which an initial license or renewal license has been issued or requested and for which proficiency evaluation samples are available. ~~Proficiency evaluation parameters reported by the~~ For a laboratory ~~for subsections (B) through (G) of this Section~~ to demonstrate proficiency for a parameter, test results reported by the laboratory for the parameter shall be within acceptance ~~limits~~ criteria established by the Principal State Laboratory System or proficiency evaluation service ~~or in addition for subsection (B) as required by 40 CFR §§ 141.24, f.17~~.

~~**B.**~~ 1. To maintain ~~licensure~~ a license for the ~~approved~~ methods listed for chemistry in ~~R9-14-609~~ A.A.C. R9-14-611, ~~the~~ a laboratory shall demonstrate ~~continued~~ proficiency ~~through audits provided~~ as described in subsection (A) by participating, every 12 months, in a ~~the EPA's~~ water supply ~~study (WS) audit program, the Principal State Laboratory System~~ proficiency evaluation audit ~~program, if available, or a proficiency evaluation service accepted by the Department~~ as required by the EPA under the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26.

~~**C.**~~ 2. To maintain ~~licensure~~ a license for the ~~approved~~ methods listed for chemistry in ~~R9-14-610 and R9-14-611~~ A.A.C. R9-14-612 and R9-14-613, ~~the~~ a laboratory shall demonstrate ~~continued~~ proficiency ~~through audits provided~~ as described in subsection (A) by participating, every 12 months, in a ~~the EPA's~~ water pollution ~~(WP)~~ proficiency evaluation audit ~~program, the Principal State Laboratory System proficiency evaluation audit program, if available, or a proficiency evaluation service accepted by the Department~~ as required by the EPA under the Clean Water Act, 33 U.S.C. §§ 1251-1387.

~~**D.** To maintain licensure for the approved methods listed for microbiology in R9-14-609 through R9-14-611, the laboratory shall demonstrate continued proficiency through audits provided by the EPA's proficiency evaluation audit program, the Principal State Laboratory System proficiency evaluation audit program, if available, or a proficiency evaluation service accepted by the Department.~~

~~**E.** To maintain licensure for the approved methods listed for radiochemicals in R9-14-609 through R9-14-611, the laboratory shall demonstrate continued proficiency through audits provided by the EPA's radiation assessment proficiency evaluation audit and the Intercomparison studies audit programs.~~

~~**F.** To maintain licensure for the approved methods listed in R9-14-612, the laboratory shall demonstrate continued proficiency through audits provided by the EPA proficiency evaluation audit program, the Principal State Laboratory System proficiency evaluation audit program, if available, or from a proficiency evaluation service accepted by the Department.~~

B. A laboratory analyst shall test each proficiency evaluation sample within the holding times required for its parameter and shall use the same procedures and techniques employed for routine sample testing.

C. The proficiency evaluation service shall provide the evaluation results directly to the Department.

~~**G**~~**D.** The Department may submit blind proficiency evaluation audit samples to a licensed laboratory at any time during the license period.

~~**H.** The laboratory shall test all proficiency evaluation audit samples within holding times required by the approved method for each of the audit parameters and report the results to the proficiency evaluation service. Principal State Laboratory System chemistry proficiency evaluation audit sample results shall be reported to the Department within 2 months from the time of receipt. Principal State Laboratory System microbiology proficiency evaluation audit sample results shall be reported to the Department within 2 weeks from the time of receipt.~~

~~**I.** The Department shall issue a report of Principal State Laboratory System proficiency evaluation audit findings to the laboratory within 2 months of the deadline date for results of the proficiency evaluation audit.~~

E. If a proficiency evaluation audit is provided by the Principal State Laboratory System, a licensee or an applicant shall submit to the Department payment for the actual costs of the proficiency evaluation audit materials.

F. If a proficiency evaluation audit is not provided by the Principal State Laboratory System, a licensee or an applicant shall select a proficiency evaluation service from a list provided by the Department. A licensee or an applicant shall contract with and pay the proficiency evaluation service directly for a proficiency evaluation audit.

~~R9-14-608~~ R9-14-610. Approved Methods and References

A. ~~All compliance samples shall be tested by approved methods and the results shall be validated by reference to the applicable quality assurance requirements listed in the following Key References; or in R9-14-609 through R9-14-612 as appropriate to the sample matrix, and/or as specifically required by ADEQ or EPA.~~ A licensee shall ensure that compliance testing is performed according to an approved method or an alternate method and may use method alterations approved by the Director under subsection (B). The approved methods listed by parameter in A.A.C. R9-14-611 through R9-14-614 are found in the following references, which are incorporated by reference with the modifications described below and are on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. The references published by the EPA, the U.S. Department of Energy, the U.S. Department of Health and Human Services, and the U.S. Department of the Interior are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. The other references are available as provided below.

~~B.~~ ~~If approved methods are not available for a particular testing program, category of testing or parameter, and different methods are required by EPA or ADEQ, a lab may use another method if the method is approved by the Director.~~

~~1. For existing methods which are not approved methods under this Article, a laboratory may submit a petition to the Department requesting approval. The petition shall include reference to the EPA or ADEQ statute or rule which requires the use of the different method.~~

~~2. A laboratory may submit a petition to the Department requesting the approval of a recommended or locally developed procedure.~~

~~a) The petition shall contain:~~

~~i) Name, telephone number, and address of the person submitting the petition;~~

~~ii) Identification of the pollutant or parameter for which approval of a recommended or locally developed procedure is being requested;~~

~~iii) Written justification for using the recommended or locally developed procedure including a detailed description of the recommended or locally developed procedure, together with references to published or other studies confirming the general applicability of the recommended or locally developed procedure to the type of sample matrix for which its use is intended, and reference to the EPA or ADEQ requirement to use a recommended or locally developed procedure; and~~

~~iv) Data which demonstrates the performance of the recommended or locally developed procedure in terms of accuracy, precision, reliability, ruggedness, ease of use and ability to achieve a detection limit appropriate for the proposed use of the method.~~

~~b) The Department may approve a recommended or locally developed procedure if it determines that the criteria listed in R9-14-608(2)(a)(iv) have been demonstrated.~~

~~c) The Department may require that the recommended or locally developed procedure be tested in parallel with a reference laboratory for precision and accuracy.~~

~~C.~~ ~~The following references identified by a capital letter under the heading "Key" contain the approved methods which are listed by parameter in R9-14-609 through R9-14-612. The following approved methods are incorporated by reference and on file with the Office of the Secretary of State and the Department. This incorporation by reference contains no future editions or amendments.~~

Key	Reference
A	~~"Methods for Chemical Analysis of Water and Wastes,"~~ Environmental Monitoring and Support Laboratory–Cincinnati, EPA, Pub. No. EPA-600/4-79-020, Methods for Chemical Analysis of Water and Wastes ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ (~~revised~~ rev. March 1983).
A1	~~"Methods for the Determination of Metals in Environmental Samples-Supplement 1",~~ Environmental Monitoring and Support Laboratory–Cincinnati, EPA, Pub. No. ~~EPA 600/R-94-111~~ EPA/600/R-94/111, Methods for the Determination of Metals in Environmental Samples: Supplement I~~, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ (May 1994).
A2	~~"Methods for the Determination of Inorganic Substances in Environmental Samples",~~ Environmental Monitoring Systems Laboratory, EPA, Pub. No. ~~EPA-600/R-93-100,~~ EPA/600/R-93/100, Methods for the Determination of Inorganic Substances in Environmental Samples (August 1993), modified to increase the maximum holding time from 48 hours to 14 days at 4° C. for chlorinated, unacidified drinking water samples collected for determination of nitrate.
A3	Technicon Industrial Systems, Industrial Method No. 380-75WE, Fluoride in Water and Wastewater (July 1977), available from Bran & Luebbe Analyzing Inc., 1025 Busch Parkway, Buffalo Grove, IL 60089.
A4	Office of Water, EPA, Pub. No. EPA-821-R-99-005, Method 1631, Revision B: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry (May 1999).
B	~~"Interim Radiochemical Methodology for Drinking Water,"~~ Herman L. Krieger, EPA, Pub. No. EPA-600/4-75-008, ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, revised~~ Interim Radiochemical Methodology for Drinking Water (March 1976).

C ~~"Standard Methods for the Examination of Water and Wastewater," APHA-AWWA-WPCF, Washington, D.C.,~~ American Public Health Association et al., Standard Methods for the Examination of Water and Wastewater (19th ~~Edition,~~ ed. 1995), available from American Public Health Association, 1015 15th Street, NW, Washington, DC 20005.

C1 ~~"Hach Handbook of Water Analysis," 1979,~~ Hach ~~Chemical~~ Company, ~~Loveland, CO 80537~~ Hach Water Analysis Handbook (3rd ed. 1997), available from Hach Company, P.O. Box 389, Loveland, CO 80539-0389.

~~C2 "Iron, 1,10-Phenanthroline Method," Method 8008, 1980, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537.~~

D ~~"Methods for the Determination of Organic Compounds in Drinking Water,"~~ Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-88/039, Methods for the Determination of Organic Compounds in Drinking Water ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ (rev. July 1991).

D1 ~~"Methods for the Determination of Organic Compounds in Drinking Water, Supplement I,",~~ Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-90/020, ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ Methods for the Determination of Organic Compounds in Drinking Water: Supplement I (July 1990).

D2 ~~"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II,"~~ Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/R-92/129, ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ Methods for the Determination of Organic Compounds in Drinking Water: Supplement II (August 1992).

D3 National Exposure Research Laboratory–Cincinnati, EPA, Pub. No. EPA/600/R-95/131, Methods for the Determination of Organic Compounds in Drinking Water: Supplement III (August 1995).

~~D3~~D4 ~~"Manual for the Certification of Laboratories Analyzing Drinking Water, 4th Edition,"~~ Office of Ground Water and Drinking Water Technical Support Center, EPA, Pub. No. EPA ~~570/9-90/008~~ 815-B-97-001, Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures Quality Assurance ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, April 1990, and updated September 1992 and~~ (4th ed. March 1997).

~~D4 "The Determination of the Maximum Total Trihalomethane Potential," Method 510.1, EMSL, EPA, Cincinnati, Ohio 45268.~~

D5 ~~"Tetra-through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", EPA-821-B-94-005, October 1994.~~ J.W. Munch and W.J. Bashe, EPA, Method 549.2: Determination of Diquat and Paraquat in Drinking Water by Liquid-Solid Extraction and High Performance Liquid Chromatography with Ultraviolet Detection (rev. 1 June 1997).

D6 Anne M. Pawlecki-Vonderheide and David J. Munch, EPA, Method 515.3: Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Extraction, Derivatization and Gas Chromatography with Electron Capture Detection (rev. 1 July 1996).

E ~~"Appendix A To Part 136 - Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater,"~~ 40 CFR Part 136 app. A~~, 1996~~ (1998).

E1 ~~"Appendix C to Part 136 - Inductively Coupled Plasma - Atomic Emission Spectrometric Method for Trace Element Analysis of Water and Wastes, Method 200.7," 40 CFR Part 136, 1996.~~ Office of Water Engineering and Analysis Division, EPA, Pub. No. EPA-821-R-93-010-A, Methods for the Determination of Nonconventional Pesticides in Municipal and Industrial Wastewater: Volume I (rev. 1 August 1993).

F ~~"Test Methods for Evaluating Solid Waste," EPA SW-846, 3rd Edition, EPA,~~ Office of Solid Waste and Emergency Response, ~~Washington, D.C., September~~ EPA, Pub. No. SW-846, Test Methods for Evaluating Solid Waste (3rd ed. 1986 & Update I, July 1992; Update IIA, August 1993; Update II, September 1994; Update IIB, January 1995; Update III, December 1996)~~, and updated September 1994~~.

F1 ~~"PCB's in Transformer Oil/Waste Oil,"~~ Thomas A. Bellar and James J. Lichtenberg, EPA, Pub. No. EPA-600/4-81-045, The Determination of Polychlorinated Biphenyls in Transformer Fluid and Waste Oils (September 1982).

G ~~"~~National Institute for Occupational Safety and Health ~~Manual of Analytical Methods,"~~ U.S. Department of Health and Human Services, Pub. No. 84-100, NIOSH Manual of Analytical Methods: Volume 1, ~~Cincinnati, Ohio, 3rd Edition,~~ (3rd ed. February 1984), updated May 1985, August 1987, and May 1989.

H ~~"Interim Method for Determination of Asbestos in Bulk Insulation Samples,"~~ Environmental Monitoring Systems Laboratory–Research Triangle Park, EPA, Pub. No. ~~EPA 600/4-82-020~~ EPA-600/M4-82-020, Interim Method for the Determination of Asbestos in Bulk Insulation Samples ~~EPA, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, (March~~ December 1982).

H1 ~~"Analytical Method for Determination of Asbestos Fibers in Water,"~~ Eric J. Chatfield and M. Jane Dillon, EPA, Pub. No. ~~EPA/600/4-83-043~~ EPA-600/4-83-043, Analytical Method for Determination of Asbestos Fibers in Water ~~EPA, Environmental Research Laboratory, Athens, GA,~~ (September 1983).

H2 Kim A. Brackett et al., EPA, Pub. No. EPA/600/R-94/134, Method 100.2: Determination of Asbestos Structures over 10 µm in Length in Drinking Water (June 1994).

I ~~"Annual Book of ASTM Standards,"~~ ASTM, Annual Book of ASTM Standards, ~~Volume~~ Vols. 11.01 and 11.02~~, Water and Environmental Technology, American Society for Testing and Materials, Philadelphia, Pennsylvania~~ (1995), available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.

J ~~"Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", U.S. Department of Interior,~~ U.S. Geological Survey, U.S. Department of the Interior, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," published in Techniques of Water-Resources Investigations of the United States Geological Survey at bk. 5, ch. A1 ~~Washington, D.C., 3rd Edition~~ (3rd ed. 1989).

J1 L.L. Thatcher et al., U.S. Department of the Interior, "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," published in Techniques of Water-Resources Investigations of the United States Geological Survey at bk. 5, ch. A5 (3rd ed. 1989).

K ~~Test Methods for the Determination of: "Ethylene Dibromide and Dibromochloropropane in Water," BLS-127, revised June 1990; "TPH in Soil," 418.1AZ, revised~~ Bureau of State Laboratory Services, Arizona Department of Health Services, Method 418.1AZ: TPH in Soil (September ~~7~~, 1994); ~~"Ethylene Glycol in "Wastewater," BLS-188, revised April 1990~~ Division of State Laboratory Services, Arizona Department of Health Services, Method No. BLS-188, Ethylene Glycol in Waste Water (rev. April 1991); and ~~"Quantitation of Fuel Class Hydrocarbons by GC," BLS-191, issued September 1991~~ Bureau of State Laboratory Services, Arizona Department of Health Services, C10 - C32 Hydrocarbons in Soil -8015AZ (rev. 1.0 September 1998), ~~Department of Health Services, Division~~ available from the Bureau of State Laboratory Services, 1520 W. Adams Street, Phoenix, ~~Arizona~~ AZ 85007-2698.

K1 Office of Water, EPA, Pub. No. EPA-821-R-98-002, Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry (February 1999).

K2 Office of Water, EPA, Pub. No. EPA-821-B-98-016, Analytical Methods for the Determination of Pollutants in Pharmaceutical Manufacturing Industry Wastewater (July 1998).

L ~~"Prescribed Procedures for Measurement of Radioactivity in Drinking Water,"~~ Herman L. Krieger and Earl L. Whittaker, EPA, Pub. No. EPA-600/4-80-032, Prescribed Procedures for Measurement of Radioactivity in Drinking Water ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ (August 1980).

M Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-90/027, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (4th ed. September 1991).

M1 Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-90/027F, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (4th ed. August 1993).

N Cornelius I. Weber et al., EPA, Pub. No. EPA/600/4-89/001, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (2nd ed. March 1989); and Environmental Monitoring and Support Laboratory–Cincinnati, EPA, Pub. No. EPA/600/4-89/001a, Supplement to "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Surface Waters to Freshwater Organisms," (EPA/600/4-89/001) (rev. 1 September 1989).

N1 Environmental Monitoring Systems Laboratory–Cincinnati, EPA, Pub. No. EPA-600-4-91-002, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (3rd ed. July 1994).

O ~~"National Primary and Secondary Ambient Air Quality Standards,"~~ 40 CFR Part 50~~, Subchapter C,~~ (1995).

P ~~"USEPA Manual of Methods for Virology,"~~ Gerald Berg et al., EPA, Pub. No. ~~EPA 600/4-84/013~~ EPA-600/4-84-013, USEPA Manual of Methods for Virology ~~EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio,~~ (February 1984).

P1 Jay Vasconcelos and Stephanie Harris, EPA, Pub. No. EPA 910/9-92-029, Consensus Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA) (October 1992).

P2 G. Shay Fout et al., EPA, Pub. No. EPA/600/R-95/178, ICR Microbial Laboratory Manual (April 1996).

P3 Charles P. Gerba, University of Arizona, UofA2000: Ascaris lumbricoides in Water (1999), available from the University of Arizona, Microbial Analytical Laboratory, Building No. 90, Rm. 406, Tucson, AZ 85721.

Q ~~"Standards of Performance For New Stationary Sources, Appendix A -Test Methods,"~~ 40 CFR Part 60~~, Appendix~~ app. A~~,~~ (1995).

R ~~"Arizona Testing Manual For Air Pollutant Emissions," Arizona~~ Office of Air Quality, ADEQ, Arizona Testing Manual for Air Pollutant Emissions ~~Phoenix, Arizona,~~ (rev. F March 1992~~, Revision F~~), available from the Office of Air Quality, ADEQ, 3033 N. Central Avenue, Phoenix, AZ 85012.

S ~~"National Emission Standards for Hazardous Air Pollutants, Appendix B Test Methods and Appendix C Quality Assurance Procedures,"~~ 40 CFR Part 61~~, Appendix~~ apps. B and C~~,~~ (1995).

S1 Center for Environmental Research Information, EPA, Pub. No. EPA/625/R-96/010b, Compendium Method TO-15: Determination of Volatile Organic Compounds (VOCs) in Air Collected in Specially-Prepared Canisters and Analyzed by Gas Chromatography/Mass Spectrometry (GC/MS) (January 1997).

T ~~Broadway,~~ Susan Broadaway et al., ~~"Final Report of Equivalency Testing for Colisure," Montana State University, Bozeman, MT,~~ Final Report of Equivalency Testing for Colisure (September ~~29,~~ 1992), available from Millipore Corp. Technical Services Department, 80 Ashby Road, Bedford, MA 01730.

~~U "National Primary Drinking Water Regulations," 40 CFR Part 141, Subpart C, Appendix C, 1994.~~

~~V "The Determination of Inorganic Anions in Water by Ion Chromatography," EPA 600/4-84-017, EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, August 1991.~~

~~W~~U Environmental Measurements Laboratory ~~(EML) Procedures Manual, HASL-300, Vol. 1~~, U.S. Department of Energy, Pub. No. HASL-300, EML Procedures Manual, Vol. I ~~27th Edition, 1990, New York, N.Y.~~ (27th ed. rev. February 1992).

~~X~~V ~~Radiochemistry Procedures Manual,~~ Eastern Environmental Radiation Facility ~~(EERF) EPA Montgomery~~, EPA, Pub. No. EPA ~~520/5-84/006~~ 520/5-84-006, ~~Montgomery, AL,~~ Eastern Environmental Radiation Facility Radiochemistry Procedures Manual (~~August 1984~~ 2nd prtg. 1988).

~~Y~~W ~~Radiochemical Analytical Procedures for Analysis of Environmental Samples, EPA,~~ Environmental Monitoring and Support Laboratory ~~(EMSL). EMSL-LV0539-17, Las Vegas, NV,~~ –Las Vegas, EPA, Pub. No. EMSL-LV-0539-17, Radiochemical Analytical Procedures for Analysis of Environmental Samples (March 1979).

~~Z~~X ~~"Test Methods for Escherichia coli in Drinking Water, EC Medium with Mug Tube Procedure, Nutrient Agar with Mug Membrane Filter Procedure,"~~ Office of Ground Water and Drinking Water, EPA, Pub. No. EPA/600/4-91/016, Test Methods for Escherichia Coli in Drinking Water: EC Medium with Mug Tube Procedure, Nutrient Agar with Mug Membrane Filter Procedure ~~EPA, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio,~~ (July 1991).

X1 Bureau of Radiation and Inorganic Analytical Services, New Jersey Department of Environmental Protection, Determination of Ra-228 in Drinking Water (August 1990), available from New Jersey Department of Environmental Protection, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

Y Office of Water, EPA, Pub. No. EPA/821/R-99/013, Method OIA-1677: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry (January 2000).

B. If an approved method or existing alternate method is not available for a particular parameter, or a different method or method alteration is required or authorized by an EPA or ADEQ statute or rule, a licensee may petition the Department for approval of a new alternate method or method alteration.

1. For a method or method alteration required or authorized by an EPA or ADEQ statute or rule, the petition shall include:
   a. The name, address, and telephone number of the licensee submitting the petition;
   b. The name, address, and telephone number of the laboratory for which approval of the method or method alteration is requested;
   c. Identification of the parameter for which approval of the method or method alteration is requested; and
   d. Reference to the EPA or ADEQ statute or rule that requires or authorizes the use of the method or method alteration for which approval is requested.
2. For a method or method alteration that is not required or authorized by an EPA or ADEQ statute or rule, the petition shall include:
   a. The name, address, and telephone number of the licensee submitting the petition;
   b. The name, address, and telephone number of the laboratory for which approval of the method or method alteration is requested;
   c. Identification of the parameter for which approval of the method or method alteration is requested; and
   d. Written justification for using the method or method alteration for which approval is requested, including the following:
      i. A detailed description of the method or method alteration;
      ii. References to published or other studies confirming the general applicability of the method or method alteration to the parameter for which its use is intended;
      iii. Reference to the EPA or ADEQ requirement to test the parameter; and

iv. Data that demonstrate the performance of the method or method alteration in terms of accuracy, precision, reliability, ruggedness, ease of use, and ability to achieve a detection limit appropriate for the proposed use of the method or method alteration.

3. Before approving a new alternate method or method alteration that is not required or authorized by an EPA or ADEQ statute or rule, the Department may require that the method or method alteration be performed by a laboratory designated by the Department to verify that, using the parameter for which its use is intended, the method or method alteration produces data that comply with subsection (B)(2)(d)(iv).

4. The Department may approve a new alternate method or method alteration that is not required or authorized by an EPA or ADEQ statute or rule if the Department determines that use of the method or method alteration is justified as described in subsection (B)(2)(d).

~~R9-14-609~~ R9-14-611. Drinking Water Sample ~~Matrix~~ Methods

~~Every~~ A laboratory ~~which~~ that conducts compliance testing ~~under this rule~~ of drinking water shall follow the guidelines in Key Reference ~~D3~~ D4, listed in A.A.C. R9-14-610(A), excluding requirements for laboratory personnel ~~educational~~ education and experience. ~~requirements, and use the following approved methods, unless a method falls under the alternate specifications pursuant to R9-14-608(A) or (B). To locate the source of the approved method, cross reference the capital letter listed under "Key" to the reference designation listed in R9-14-608. When the identification and measurement of radio nuclides other than those listed in subsections (E)(1) through (11) of this Section are required, Key reference "X" or "Y" is to be used, except in cases where alternative methods have been requested or approved in accordance with R9-14-608 (A) through (C).~~ In addition, when conducting compliance testing of a drinking water sample for a listed contaminant or group of contaminants, a laboratory shall use at least 1 of the corresponding methods listed below, unless the laboratory uses an alternate method approved by the Department for such testing under A.A.C. R9-14-610(B). Where 2 methods listed are joined by the word "and," a laboratory shall use both methods listed. To locate the source of each method listed, cross reference the capital letter listed under the term "Key" below to the corresponding key-reference list in A.A.C. R9-14-610(A).

A.	Microbiology:	Key	~~Approved~~ Method
1.	Total Coliforms:		
	a. Multiple Tube	C	9221B and C
		C1	8001
	b. Membrane Filter	C	9222B, C
	c. ~~Coliert (OMPG-MUG)~~ Colilert	C	9223B
	d. Colisure	T	Broadway et al.
	e. Presence - Absence	C	~~9221E~~ 9221D
2.	Heterotrophic Plate Count	C	9215B
3.	Escherichia coli	~~Z~~X	Tube Procedure
			Membrane Filter Procedure
4.	Fecal coliform	C	9221E, 9222D
		C1	8001
5.	Viruses	P2	600/R-95/178
6.	Giardia and Cryptosporidium	P2	600/R-95/178
B.	Sample preparation for metals:	Key	~~Approved~~ Method
1.	Preliminary Filtration	C	3030B
2.	Acid Extractable Metals	C	3030C
3.	Acid Digestion:		
	a. Nitric Acid	C	3030E
	b. Nitric Acid/Hydrochloric Acid	C	3030F
	c. Nitric Acid/Sulfuric Acid	C	3030G
	d. Nitric Acid/Perchloric Acid	C	3030H
	e. Nitric Acid/Perchloric Acid/Hydrofluoric Acid	C	3030I
~~4.~~	~~Dry Ashing~~	~~C~~	~~3030J~~
~~5.~~4.	Microwave Assisted Digestion	C	3030K
C.	Inorganic chemical and physical characteristics:	Key	~~Approved~~ Method
1.	Alkalinity	C	~~2320~~2320B
		I	D1067-92B
		J	I-1030-85
2.	Aluminum	A1	200.7, 200.8, 200.9
		C	~~3120B, 3113B,~~ 3111D, 3113B, 3120B
		J	I-3051-85

3. Antimony	A	1200.8, 200.9
	C	3113B
	I	D3697-92
4. Arsenic	A1	200.7, 200.8, 200.9
	C	3113B, 3114B, 3120B
	I	D2972-93B, C
	~~J~~	~~I-1062-85~~
5. Asbestos	H1	100.1
	H2	100.2
~~5~~6. Barium	A1	200.7, 200.8
	C	3111D, 3113B, 3120B
~~6~~7. Beryllium	A1	200.7, 200.8, 200.9
	C	3113B, 3120B
	I	D3645-93B
8. Bromate	A2	300.1
9. Bromide	A2	300.0, 300.1
~~7~~10.Cadmium	A1	200.7, 200.8, 200.9
	C	3113B
~~8~~11.Calcium	A1	200.7
	C	3111B, 3120B, 3500-Ca D
	I	D511-93 A, B
~~9~~12.Chloride	A2	300.0
	C	4110B, 4500-Cl D
	I	D4327-91
~~10~~13.Chlorine~~, Total Residual~~	~~A2~~	~~330.1, 330.2, 330.3, 330.4, 330.5~~
	C	4500-Cl D, E, F, G, H, I
	C1	8021, 8167, 8168, 8370
~~11~~14.Chlorine Dioxide	C	~~4500-ClO2~~ 4500-ClO2 C, D, E
15. Chlorite	A2	300.0, 300.1
~~12~~16.Chromium, Total	A1	200.7, 200.8, 200.9
	C	3113B, ~~3120~~ 3120B
~~13~~17.Color	C	2120 B~~,C,D~~
	~~J~~	~~I-1250-84~~
~~14~~18.Copper	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, ~~3120~~ 3120B
	I	D1688-90A, ~~D1688-90C~~ C
~~15~~19.Corrosivity	C	2330B
~~16~~20.Cyanide	A2	335.4
	C	4500-CN C, E, F, G
	I	D2036-91A, B
	J	I-3300-85
~~17~~21.Cyanide, Amenable	C	4500-CN G
	I	D2036-91B
~~18~~22.Fluoride	A2	300.0
	A3	380-75WE
	C	4110B, 4500-F B, C, D, E~~, 4110B~~
	C1	8029
	I	D1179-93B, D4327-91
~~19~~23.Hardness	A1	Sum of Ca and Mg by 200.7as their carbonates.
	C	2340B, C, Sum of Ca & Mg ~~by ICP~~ as their carbonates.
~~20~~24.Iron	A1	200.7, 200.9
	C	3111B, 3113B, 3120B
~~21~~25.Lead	A1	200.8, 200.9
	C	3113B
	I	D3559-90D
~~22~~26.Magnesium	A1	200.7, 200.8, 200.9
	C	3111B, ~~3120~~ 3120B

~~23~~27.Manganese	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, 3120B
	~~I~~	~~D858-90A, D858-90C~~
~~24~~28.Methylene Blue Active Substances	C	5540C
~~25~~29.Mercury	A	245.2
	A1	200.8, 245.1~~, 200.8~~
	C	3112B
	I	D3223-91
~~26~~30.Nickel	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, 3120B
~~27~~31.Nitrate	A2	300.0, 353.2~~, 300.0~~
	C	4110B, 4500-NO_3~~,~~ D, E, F~~, 4110B~~
	I	D3867-90A, ~~D3867-90B~~ B, D4327-91
~~28~~32.Nitrite	A2	300.0, 353.2~~, 300.0~~
	C	~~4500-NO2~~ 4110B, 4500-NO2 B, E, F~~, 4110B~~
	I	D3867-90A, ~~D3867-90B~~ B, D4327-91
~~29~~33.Ortho-Phosphate	A2	300.0, 365.1~~, 300.0~~
	I	~~D 515-88A~~ D515-88A, D4327-91
	C	4110, ~~4500-P-E~~ 4500-P E, F~~, 4110~~
	J	~~I-2601-85~~ I-1601-85, I-2598-85, I-2601-90
~~30~~34.Ozone	C	~~4500-O3~~ 4500-O3 B
~~31~~35.pH (Hydrogen Ion)	A	150.1, 150.2
	C	4500-H B
	C1	8156
	I	D1293-84
~~32~~36.Residue, Filterable ~~(TDS)~~	C	2540C
	~~J~~	~~I-1750-84~~
~~33. Temperature, Degrees Celsius~~	~~C~~	~~2550B~~
~~34. Turbidity, NTU: Nephelometric~~	~~A~~	~~180.1~~
	~~C~~	~~2130~~
~~35~~37.Selenium	A1	200.8, 200.9
	C	3113B, 3114B
	I	D3859-93A, ~~D3859-93B~~ B
	~~J~~	~~I-3667-85~~
~~36~~38.Silica	A1	200.7
	C	4500-Si D, E, F, 3120B
	I	D859-88
	J	~~I-1700-85~~ I-2700-85
~~37~~39.Silver	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, 3120B
	J	I-3720-85
~~38~~40.Sodium	A1	200.7
	C	3111B~~, 3120B, D1428-82A~~
~~39~~41.Specific Conductance	C	2510B
	C1	8160
	I	D1125-91A
~~40~~42.Strontium	A1	200.7
	C	3500-Sr B, C, D
~~41~~43.Sulfate	~~A~~	~~375.2~~
	A2	300.0, 375.2
	C	~~4110~~ 4110B, ~~4500-SO4~~ 4500-SO4 C, D, F
	I	D4327-91
44. Temperature, Degrees Celsius	C	2550B
~~42~~45.Thallium	A1	200.8, 200.9
46. Total Organic Carbon	C	5310B, C, D
47. Turbidity: Nephelometric	A2	180.1
	C	2130B
48. Ultraviolet Absorbing Organic Constituents	C	5910B

~~43~~49.Zinc	A	1200.7, 200.8
	C	3111B, 3120B
D. Organic chemicals:	Key	~~Approved~~ Method
1. Total Trihalomethanes	~~D~~D	3502.2, 524.2, 551.1
	~~D1~~	~~551~~
	~~D2~~	~~524.2~~
2. ~~Halogenated Volatiles~~ Volatile Organics	~~D~~D3	502.2, 524.2
	~~D2~~	~~524.2~~
~~3. Aromatic Volatiles~~	~~D~~	~~502.2~~
	~~D2~~	~~524.2~~
~~4~~3. Chlorinated Pesticides	~~D~~D3	505, 508, 508.1, 525.2
~~5~~4. Polychlorinated Biphenyls ~~(PCBs)~~	D	~~505, 508,~ 508A
	D3	505, 508
~~6~~5. Chlorophenoxy Herbicides	~~C~~	~~6640B~~
	D	515.1
	D2	~~515.2,~ 552.1,~ 555
	D3	515.2
	~~I~~	~~D3478-85~~
~~7~~6. 1,2-Dibromoethane ~~(EDB)~~ and 1,2-Dibromo-3-Chloropropane	~~D~~D3	504.1, 551.1
	~~D1~~	~~551~~
	~~K~~	~~BLS-127~~
~~8. 1,2-Dibromo-3-Chloropropane (DBCP)~~	~~D~~	~~504.1~~
	~~D1~~	~~551~~
	~~K~~	~~BLS-127~~
~~9~~7. Nitrogen and Phosphorus Pesticides	~~D~~D3	507, 508.1, 525.2
~~10~~8.Base/Neutrals and Acids	~~D~~D3	525.2
~~11~~ 9.Carbamates	~~D~~D3	531.1
~~12~~10.Dioxins and Furans	~~D5~~E	1613
~~13~~11.Glyphosate	D1	547
~~14~~12.Endothall	D2	548.1
~~15~~13.Diquat and Paraquat	~~D2~~D5	~~549.1~~ 549.2
~~16~~14.Polycyclic Aromatic Hydrocarbons	~~D~~	~~525.2~~
	D1	550, 550.1
	D3	525.2
~~17~~15.~~DBPs~~ Disinfectant By-products and Chlorinated Solvents	~~D1~~D3	~~551~~ 551.1
~~18~~16.Haloacetic Acids	C	6251B
	~~D1~~	~~552~~
	D2	552.1
	D3	551.1, 552.2
~~19~~17.Phthalate Esters and Adipates	~~D~~D3	506, 525.2
	~~D1~~	~~506~~
~~20~~18.Benzidines and Nitrogen Pesticides	D2	553
~~21~~19.Carbonyl Compounds	D2	554
~~22~~20.Chlorinated Acids	D2	555
	D6	515.3
E. Radiochemical:	Key	~~Approved~~ Method
1. Gross Alpha	B	Gross Alpha
	C	7110B, 7110C
	J1	R-1120-76
	L	900
	V	00-01, 00-02
	W	Gross Alpha
2. Gross Beta	B	Gross Beta
	C	7110B
	J1	R-1120-76
	L	900
	V	00-01
	W	Gross Beta

~~3~~. ~~Total Radium~~	~~B~~	~~Total Radium~~
	~~C~~	~~7500-Ra B~~
	~~L~~	~~903~~
~~4~~3. Radium-226	B	~~Radium-226~~ Radon Emanation, Precipitation Method
	C	7500-Ra B, 7500-Ra C
	I	D2460-90, D3454-91
	J1	R-1140-76, R-1141-76
	L	903, 903.1
	U	Ra-05
	V	Ra-03, Ra-04
	W	Radium 226
~~5~~4. Radium-228	B	Radium 228
	C	7500-Ra D
	J1	R-1142-76
	L	904
	V	Ra-05
	W	Radium 228
	X1	Radium 228
~~6~~5. Cesium~~-134~~	B	Cesium-134
	C	7500-Cs B, 7120
	J1	R-1110-76, R-1111-76
	L	901, 901.1
	U	4.5.2.3
	W	Gamma Spectra
~~7~~6. Iodine~~-131~~	B	~~Iodine-131~~ Precipitation Method, Distillation Method
	C	7500-I B, C, D, 7120
	I	D3649-91, D4785-93
	L	901.1, 902
	U	4.5.2.3
	W	Gamma Spectra
~~8. Radon-222~~	~~L~~	~~Lucas Cell~~
~~9~~7. Strontium	B	Strontium
	C	7500-Sr B
	J1	R-1160-76
	L	905
	U	Sr-01, Sr-02
	V	Sr-04
	W	Strontium
~~10~~8.Tritium	B	Tritium
	C	7500-H B
	I	D4107-91
	J1	R-1171-76
	L	906
	V	H-02
	W	Tritium
~~11~~9.Uranium	~~B~~	~~Uranium~~
	C	7500-U B, C
	I	D2907-91, D3972-90, D5174-91
	J1	R-1180-76, R-1181-76, R-1182-76
	L	908, 908.1
	~~I~~	~~D2907-83~~
	U	U-02, U-04
	V	00-07
	W	Uranium

	~~12~~10.Gamma Emitting Isotopes	C	7120, 7500-Cs B, 7500-I B
		L	901, 901.1, 902
		W	Gamma Spectra
F.	Biological:	Key	Method
	Microscopic Particulate Analysis	P1	910/9-92-029

~~R9-14-610~~ R9-14-612. Wastewater Sample ~~Matrix~~ Methods

~~Every laboratory which conducts compliance testing under this rule shall use the following approved methods, unless a method falls under an alternate method pursuant to R9-14-608(A) or (B). To locate the source of the approved method, cross reference the capital letter listed under "Key" to the reference designation listed in R9-14-608 (C).~~ When conducting compliance testing of a wastewater sample for a listed contaminant or group of contaminants, a laboratory shall use at least 1 of the corresponding methods listed below, unless the laboratory uses an alternate method approved by the Department for such testing under A.A.C. R9-14-610(B). Where 2 methods listed are joined by the word "and," a laboratory shall use both methods listed. To locate the source of each method listed, cross reference the capital letter listed under the term "Key" below to the corresponding key-reference list in A.A.C. R9-14-610(A).

A.	Microbiology:	Key	~~Approved~~ Method
	1. Fecal Coliforms:		
	a. Multiple Tube Fermentation	C	9221E
	b. Membrane Filter	C	9222D
		J	B-0050-85
	2. Total Coliforms:		
	a. Multiple Tube Fermentation	C	9221B
	b. Membrane Filter	C	9222B
		J	B-0025-77
	3. Fecal Streptococcus:		
	a. ~~Multiple Tube~~ Multiple Tube Fermentation	C	9230B
	b. Membrane Filter	C	9230C
		J	~~B0055-85~~ B-0055-85
	4. Viruses	~~P~~	~~Methods for Virology~~
		C	9510
		P	Methods for Virology
		P2	600/R-95/178
	5. Giardia and Cryptosporidium	C	9711B
		P2	600/R-95/178
	6. Ascaris lumbricoides	C	10550
		P3	UofA2000
	7. Common tapeworm	C	10550
	8. Entamoeba histolytica	C	10550
B.	Inorganic chemicals, nutrients and demand:	Key	~~Approved~~ Method
	1. Acidity	A	305.1
		C	2310B
		C1	8010
		I	D1067-92
	2. Alkalinity, Total	A	310.1, 310.2
		C	2320B
		I	D1067-92
		J	I-1030-85, I-2030-85
	3. Aluminum	A	202.1, 202.2
		A1	200.7, 200.8, 200.9
		C	3111D, 3113B, ~~3111D,~~ 3120B
		J	I-3051-85
	4. Ammonia	A	~~350.1,~~ 350.2, 350.3
		A2	350.1
		C	~~4500-NH3~~ 4500-NH3 B, C, D, E, F, G~~, H~~ C18038
		I	~~D1426-89A, D1426-89B~~ D1426-93A, B
		J	I-3520-85, I-4523-85

5. Antimony	A	204.1, 204.2
	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, 3120B~~, 3111B~~
6. Arsenic	A	206.2, 206.3, 206.4, 206.5
	A1	200.7, 200.8, 200.9
	C	3113B, 3120B, 3500-As B, C~~, 3120B~~
	C1	8013
	I	~~D2972-88A, B, C~~ D2972-93A, B, C
	J	I-3060-85, I-3062-85
7. Barium	A	208.1, 208.2
	A1	200.7, 200.8
	C	~~3111~~ 3111D, 3113B, 3120B
	I	D4382-91
	J	I-3084-85
8. Beryllium	A	210.1, 210.2
	A1	200.7, 200.8, 200.9
	C	~~3111,~~ 3111D, 3113B, 3120B, 3500-Be D
	I	~~D3645-84A, D364588B, D419088~~ D3645-94(88)A, B, D4190-82(88)
	J	I-3095-85
9. Biochemical Oxygen Demand	A	405.1
	C	5210B
	C1	8043
	J	I-1578-78
10. Boron	A	212.3
	A1	200.7
	C	3120B, 4500-B B
	J	I-3112-85
11. Bromide	A	320.1
	A2	300.0
	I	~~D1246-88C~~ D1246-82(88)C
	J	I-1125-85
12. Cadmium	A	213.1, 213.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Cd D
	I	D3557-90A, B, C, D, D4190-82(88)
	~~D~~	~~3557-90 A, B, C, D4190-82~~
	J	I-3135-85, I-3136-85, I-1472-85
13. Calcium	A	215.1, 215.2
	A1	200.7
	C	~~3111~~ 3111B, 3120B, 3500-Ca D
	C1	8222
	I	~~D511-92A, D511-92B~~ D511-93A, B
	J	I-3152-85
14. Chemical Oxygen Demand	A	410.1, 410.2, 410.3~~, 410.4~~
	A2	410.4
	C	~~5220B, C,~~ 5220C, D
	C1	8000, 8230
	I	D-1252-88A, B
	J	I-3560-85, I-3561-85, I-3562-85
15. Chloride	A	~~A325.1~~ 325.1, 325.2, 325.3
	A2	300.0
	C	4500-Cl B, C, E
	C1	8225
	I	D512-89A, ~~D512-89B~~ B
	J	I-1183-85, I-1184-85, I-1187-85, I-2187-85~~, I-1184-85~~

16. Chlorine, Total Residual	A	330.1, 330.2, 330.3, 330.4, 330.5
	C	4500-Cl B, C, D, F, G
	C1	8167, 8168, 10014
	I	~~D1253-86~~ D1253-86(92)
17. Chromium, Hexavalent	A	218.4
	C	3111C, 3500-Cr D~~, 3111C~~
	I	D1687-92A
	J	I-1230-85, I-1232-85
18. Chromium, Total	A	218.1, 218.2, 218.3
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Cr D
	C1	8023
	I	~~D1687-92A, B, C, D4190-82~~ D4190-82(88)
	J	I-3236-85
19. Cobalt	A	219.1, 219.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B
	I	~~D3550-90A, B, D4190-82~~ D3558-90A, B, C, D4190-82(88)
	J	I-3239-85
20. Color	A	110.1, 110.2, 110.3
	C	2120B, ~~2120C~~ C, ~~2120E~~ E
	J	I-1250-85
21. Copper	A	220.1, 220.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Cu D, E
	C1	8506
	I	D1688-90A, B, C, ~~D4190-82~~ D4190-82(88)
	J	I-3270-85, I-3271-85
22. Cyanide, Amenable to Chlorination	A	335.1
	C	4500-CN G
	I	D2036-91B
23. Cyanide, Available	Y	OIA-1677
~~23~~24.Cyanide, Total	A	335.2, 335.3
	C	4500-CN C, D, E
	I	D2036-91A
	J	I-3300-85
~~24~~25.Fluoride	A	340.1, 340.2, 340.3
	A2	300.0
	C	4500-F B, C, D, E
	C1	8029
	I	~~D1179-88A, D1179-88B~~ D1179-93A, B
	J	I-4327-85
~~25~~26.Gold	A	231.1, 231.2
	C	3111B
~~26~~27.Hardness	A	130.1, 130.2, Sum of ~~ICP~~ Ca & Mg as their carbonates
	A1	200.7
	C	2340B, ~~2340C~~ C
	C1	8226
	I	~~D1126-86~~ D1126-86(92)
	J	I-1338-85
~~27~~28.Iridium	A	235.1, 235.2
	C	3111B
~~28~~29.Iron	A	236.1, 236.2
	A1	200.7, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Fe D
	~~C2~~C1	8008
	I	D1068-90 A, B, C, D, ~~4190-82~~ D4190-82(88)
	J	I-3381-85

~~29~~30.Kjeldahl, Total Nitrogen	A	351.1, ~~351.2,~~ 351.3, 351.4
	A2	351.2
	C	~~4500-NH3 B, C, E, F, G~~ Combination of 4500-Norg B, C and 4500-NH3 C, D, F, G
	I	D3590-89A, ~~D3590-89B~~ B
	J	I-4551-78
~~30~~31.Lead	A	239.1, 239.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Pb D
	C1	8033 I~~D3559-85 A, B, C, D, D4190-82~~ D3559-90A, B, C, D, D4190-82(88)
	J	I-3399-85
32. Lithium	A1	200.7
~~31~~33.Magnesium	A	242.1
	A1	200.7
	C	3111B, 3120B, 3500-Mg D~~, 3120B~~
	I	~~D511-92B~~ D511-93B
	J	I-3447-85
~~32~~34.Manganese	A	243.1, 243.2
	A1	200.7, 200.8, 200.9
	C	3111B, 3113B, 3120B, 3500-Mn~~,~~ D
	C1	8034
	I	D858-90 A, B, C, D4190-82(88)
	J	I-3454-85
~~33~~35.Mercury	A	245.2
	A1	245.1
	A4	1631
	C	3112B
	I	D3223-91
	J	~~1-3462-85~~ I-3462-85
36. Methylene Blue Active Substances	A	425.1
	C	5540C
	I	D2330-88
~~34~~37.Molybdenum	A	246.1, 246.2
	A1	200.7, 200.8
	C	3111D, 3113B, 3120B
	J	I-3490-85
~~35~~38.Nickel	A	249.1, 249.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B, 3500-Ni D
	C1	8037
	I	D1886-90A, B, C, ~~D4190-82~~ D4190-82(88)
	J	I-3499-85
~~36~~39.Nitrate	A	352.1, 353.1, ~~353.2,~~ 353.3
	A2	300.0, 353.2
	C	~~4500-NO3~~ 4500-NO3 E, F, H
	I	D3867-90A, ~~D3867-90~~ B
	J	I-4545-85
~~37~~40.Nitrite	A	354.1
	A2	300.0
	C	4500-NO_2 B
	C1	~~8607~~ 8507
	J	I-4540-85
~~38~~41.Oil and Grease and Total Petroleum Hydrocarbons	A	413.1
	C	5520B
	K1	1664

~~39~~42.Organic Carbon, Total ~~(TOC)~~	A	415.1
	C	5310B, C, D
	I	~~D2579-85A, D2579-85B~~ D2579-93A, B
~~40~~43.~~Orthophosophate~~ Orthophosphate	A	365.1, 365.2, 365.3
	A2	300.0
	C	4500-~~P,~~ E, F
	C1	8048
	I	D515-88A
	J	I-4601-85
~~41~~44.Osmium	A	252.1, 252.2
	C	3111D
~~42~~45.Oxygen, Dissolved	A	360.1, 360.2
	C	4500-O C, ~~4500-O~~ G
	C1	8229
	I	D888-92A, B
	J	I-1575-78, I-1576-78
~~43~~46.Palladium	A	253.1, 253.2
	C	3111B
~~44~~47.pH (Hydrogen Ion)	A	150.1
	C	4500-H B
	C1	8156
	I	~~D1293-84A, D1293-84B~~ D1293-84(90)A, B
	J	I-1586-85
48. Phenols	A	420.1, 420.2
	C1	8047
~~45~~49.Phosphorus, Total	A	~~365.1,~~ 365.2, 365.3, 365.4
	A2	365.1
	C	4500-P B, E, F
	C1	8190
	I	D515-88A, ~~D515-88B~~ B
	J	I-4600-85
~~46~~50.Platinum	A	255.1, 255.2
	C	3111B
~~47~~51.Potassium	A	258.1
	A1	200.7
	C	3111B, 3120B, 3500-K D~~, 3120B~~
	J	I-3630-85
~~48~~52.Residue, Total	A	160.3
	C	2540B
	J	I-3750-85
~~49~~53.Residue, Filterable ~~(TDS)~~	A	160.1
	C	2540C
	J	I-1750-85
~~50~~54.Residue, Nonfilterable ~~(TSS)~~	A	160.2
	C	2540D
	C1	8158
	J	I-3765-85
~~51~~55.Residue, Settleable Solids	A	160.5
	C	2540F
~~52~~56.Residue, Volatile	A	160.4
	J	I-3753-85
~~53~~57.Rhodium	A	265.1, 265.2
	C	3111B
~~54~~58.Ruthenium	A	267.1, 267.2
	C	3111B

~~55~~59.Selenium	A	270.2
	A1	200.7, 200.8, 200.9
	C	3113B, 3114B, 3120B
	I	~~D3859-88A~~ D3859-93A, B
	J	I-3667-85
~~56~~60.Silica, Dissolved	A	370.1
	A1	200.7
	C	3120B, 4500-Si D~~, 3120B~~
	I	D859-88
	J	I-1700-85, I-2700-85
~~57~~61.Silver	A	272.1, 272.2
	A1	200.7, 200.8, 200.9
	C	3111B, C, 3113B, 3120B
	J	I-3720-85
~~58~~62.Sodium	A	273.1
	A1	200.7
	C	3111B, 3120B
	J	I-3735-85
~~59~~63.Sodium Azide	C	4110C
~~60. Sodium/Potassium Perchlorate~~	~~V~~	~~300.0~~
~~61~~64.Specific Conductance	A	120.1
	C	2510B
	C1	8160
	I	D1125-91A
	J	I-1780-85
~~62~~65.Strontium	A1	200.7
	C	3111, 3120B, 3500-Sr B, C, D ~~3120B~~
~~63~~66.Sulfate	A	375.1, 375.3, 375.4
	A2	300.0
	C	4500-SO_4 C, D
	C1	8051
	I	D516-90
~~64~~67.Sulfide	A	376.1, 376.2
	C	4500-S D, ~~4500-S E~~ F
	C1	8131
	J	I-3840-85
~~65~~68.Sulfite	A	377.1
	C	~~4500-SO3~~ 4500-SO3 B
	C1	8071
~~66. Surfactants (MBAS)~~	~~A~~	~~425.1~~
	~~C~~	~~5540C~~
	~~I~~	~~D2330-88~~
~~67~~69.Temperature Degrees Celsius	A	170.1
	C	2550B
~~67~~70.Thallium	A	279.1, 279.2
	A1	200.7, 200.8, 200.9
	C	3111B, 3120B
~~69~~71.Tin	A	282.1, 282.2
	A1	200.7, 200.9
	C	3111B, 3113B
	J	I-3850-78
~~70~~72.Titanium	A	283.1, 283.2
	C	3111D
~~71~~73.Turbidity~~, NTU~~	~~A~~A2	180.1
	C	2130B
	I	D1889-88A
	J	I-3860-85

	~~72~~74.Vanadium	A	286.1, 286.2
		A1	200.7, 200.8
		C	3111D, 3120B, 3500-V~~, D, 3120B~~
		I	~~D4190-82~~ D3373-93, D4190-82(88)
	~~73~~75.Zinc	A	289.1, 289.2
		A1	200.7, 200.8, 200.9
		C	3111B, C, 3120B, 3500-Zn E, F
		C1	8009
		I	D1691-90A, B, ~~D4190-82~~ D4190-82(88)
		J	I-3900-85
C.	~~Aquatic toxicity and bioassay:~~ Bioassay: ~~Static, Static/Renewal and Flow-Through~~ Toxicity	Key	~~Approved~~ Method
		~~C~~	~~8711, 8910~~
		M	600/4-90/027
		M1	600/4-90/027F
		N	600/4-89-001 and 600/4-89-001a
		N1	600/4-91/002
D.	Organic chemical:	Key	~~Approved~~ Method
	1. ~~Halogenated Volatiles~~ Volatile Organics	D3	524.2
		E	601, 602, 624, 1624
		K2	1666
	~~2.~~ ~~Aromatic Volatiles~~	~~E~~	~~602~~
	~~3~~2. Acrolein and Acrylonitrile	E	603, 624, 1624
	~~4~~3. Phenols	E	604
	~~5~~4. Benzidines	E	605
	~~6~~5. Phthalate Esters	E	606
	~~7~~6. Nitrosamines	E	607
	~~8~~7. Organochlorine Pesticides and ~~PCBs~~ Polychlorinated Biphenyls	E	608
	~~9~~8. Nitroaromatics and Isophorone	E	609
	~~10~~9.Polynuclear Aromatic Hydrocarbons	E	610
	~~11~~10.Haloethers	E	611
	~~12~~11.Chlorinated Hydrocarbons	E	612
	~~13~~12. 2, 3, 7, 8-Tetrachlorodibenzo-p-Dioxin	E	613
	13. Tetra- through Octa-Chlorinated Dioxins and Furans	E	1613
	14. Triazine Pesticides	E	619
	~~15.~~ ~~Purgeables~~	~~E~~	~~624, 1624~~
	~~16~~15.Base/Neutrals and Acids	E	610, 625, 1625
	~~17~~16.Carbamates and Urea Pesticides	E	632
	~~18~~17.Total Petroleum Hydrocarbons	A	418.1
	~~19~~18.Ethylene Glycol in Wastewater	K	BLS-188
	19. Organophosphorus Pesticides	E1	614, 1657
E.	Radiochemical:	Key	~~Approved~~ Method
	1. Gross Alpha	C	7110B
		I	D1943-90
		L	900
	2. Gross Beta	C	7110B
		I	D1890-90
		L	900.0
	3. Total Radium	C	7500-Ra B
		I	D2460-90
		L	903.0
	4. Radium-226	C	7500-Ra C
		I	D3454-91
		L	903.1

~~R9-14-611~~ R9-14-613. Solid, Liquid, and Hazardous Waste Sample ~~Matrix~~ Methods

~~Every laboratory which conducts compliance testing under this rule shall use the following approved methods, unless required by ADEQ or EPA, or unless a method falls under an alternate method pursuant to R9-14-608(A) or (B). To locate the source of the approved method, cross reference the capital letter listed under "Key" to the reference designation listed in R9-14-608(C).~~

When conducting compliance testing of a solid, liquid, or hazardous waste sample for a listed contaminant or group of contaminants, a laboratory shall use at least 1 of the corresponding methods listed below, unless the laboratory uses an alternate method approved by the Department for such testing under A.A.C. R9-14-610(B). Where 2 methods listed are joined by the word "and," a laboratory shall use both methods listed. To locate the source of each method listed, cross reference the capital letter listed under the term "Key" below to the corresponding key-reference list in A.A.C. R9-14-610(A).

A.	Microbiology:	Key	~~Approved~~ Method
1.	Total Coliforms:		
a.	Multiple Tube Fermentation	F	9131
b.	Membrane Filter	F	9132
B.	Hazardous waste characteristics:	Key	~~Approved~~ Method
1.	Corrosivity:		
a.	pH determination	F	~~9040A~~ 9040B, 9041A
b.	~~corrosive~~ Corrosive to steel	F	1110
c.	Dermal	F	1120
2.	Ignitability	F	1010, 1020A, 1030
3.	Reactivity	F	Reactivity
C.	Sample extraction procedures:	Key	~~Approved~~ Method
1.	Extraction Procedure Toxicity ~~(EP TOX)~~	F	1310A
2.	Toxicity Characteristic Leaching Procedure ~~(TCLP)~~	F	1311
3.	Multiple Extraction Procedure	F	1320
4.	Extraction Procedure ~~For~~ for Oily Waste	F	1330A
5.	Synthetic Precipitation Leaching Procedure ~~(SPLP)~~	F	1312
D.	Metals sample preparation:	Key	~~Approved~~ Method
1.	Dissolved in Water	F	3005A
2.	Total Recoverable in Water	F	3005A
3.	Total Metals	F	3010A, 3120A
4.	Oils, Greases, and Waxes	F	~~3040,~~ 3031, 3040A
5.	Sediments, Sludges, and Soils	F	~~3050A~~ 3050B
6.	Microwave Assisted Digestions	F	3015, 3051, 3052
E.	Inorganic chemical:	Key	~~Approved~~ Method
1.	Aluminum	F	~~6010A~~ 6010B, 6020, 7020
2.	Antimony	F	~~6010A~~ 6010B, 6020, 7040, 7041, 7062
3.	Arsenic	F	~~6010A~~ 6010B, 6020, 7060A, 7061A, 7062, 7063~~, 6020~~
4.	Barium	F	~~6010A~~ 6010B, 6020, 7080A, 7081
5.	Beryllium	F	~~6010A~~ 6010B, 6020, 7090, 7091
6.	Cadmium	F	~~6010A~~ 6010B, 6020, 7130, 7131A
7.	Calcium	F	~~6010A~~ 6010B, 7140
8.	Chromium, Total	F	~~6010A~~ 6010B, 6020, 7190, 7191
9.	Chromium, Hexavalent	F	7195, 7196A, 7197, 7198, 7199
10.	Cobalt	F	~~6010A~~ 6010B, 6020, 7200, 7201
11.	Copper	F	~~6010A~~ 6010B, 6020, 7210, 7211
12.	Iron	F	~~6010A~~ 6010B, 7380, 7381
13.	Lead	F	~~6010A~~ 6010B, 6020, 7420, 7421
14.	Lithium	F	~~6010A~~ 6010B, 7430
15.	Magnesium	F	~~6010A~~ 6010B, 7450
16.	Manganese	F	~~6010A~~ 6010B, 6020, 7460, 7461
17.	Mercury	F	7470A, 7471A, 7472
18.	Molybdenum	F	~~6010A~~ 6010B, 7480, 7481
19.	Nickel	F	~~6010A~~ 6010B, 6020, 7520, 7521
20.	Osmium	F	~~6010A~~ 6010B, 7550
21.	Potassium	F	~~6010A~~ 6010B, 7610
22.	Selenium	F	~~6010A~~ 6010B, 7740, 7741A, 7742
23.	Silver	F	~~6010A~~ 6010B, 6020, 7760A, 7761

24. Sodium	F	~~6010A~~ 6010B, 7770
25. Strontium	F	~~6010A~~ 6010B, 7780
26. Thallium	F	~~6010A~~ 6010B, 6020, 7840, 7841
27. Tin	F	~~6010A~~ 6010B, 7870
28. Vanadium	F	~~6010A~~ 6010B, 7910, 7911
29. Zinc	F	~~6010A~~ 6010B, 6020, 7950, 7951
30. White Phosphorus ~~by GC~~	F	7580
F. Sample preparation and extraction:	Key	~~Approved~~ Method
1. Preparation and Extraction	F	~~3500A~~ 3500B
2. Funnel Liquid-Liquid Extraction	F	~~3510B~~ 3510C
3. Continuous Liquid-Liquid Extraction	F	~~3520B~~ 3520C
4. Solid Phase Extraction	F	3535
5. Soxhlet Extraction	F	~~3540B~~ 3540C, 3541
6. ~~Accerated Solvent~~ Pressurized Fluid Extraction	F	3545
7. Sonication Extraction	F	~~3550A~~ 3550B
8. Supercritical Fluid Extraction	F	3560, 3561
9. Waste Dilution	F	3580A, 3585
10. Equilibrium Headspace	F	5021
~~10~~11.Purge and Trap	F	~~5030A~~ 5030B, 5035
12. Distillation	F	5031, 5032
~~11~~13.Sorbent Cartridges from Organic Sampling Train	F	~~5041~~ 5041A
~~12~~14.Cyanide Extraction for Solids and Oils	F	9013
~~13~~15.Bomb Preparation Method for Solid Waste	F	5050
G. Sample cleanup:	Key	~~Approved~~ Method
1. Cleanup	F	~~3600B~~ 3600C
2. Alumina Column	F	~~3610A~~ 3610B
3. Alumina Column - petroleum wastes	F	~~3611A~~ 3611B
4. Florisil Column	F	~~3620A~~ 3620B
5. Silica Gel Cleanup	F	~~3630B~~ 3630C
6. Gel-Permeation Cleanup	F	3640A
7. Acid-Base Partition	F	~~3650A~~ 3650B
8. Sulfur Cleanup	F	~~3660A~~ 3660B
9. Sulfuric Acid/Permanganate Cleanup	F	~~3665~~ 3665A
H. Organic chemical:	Key	~~Approved~~ Method
1. ~~EDB~~ 1,2-Dibromoethane and ~~DBCP~~ 1,2-Dibromo-3-Chloropropane	F	8011
2. Nonhalogenated Volatile Organics	F	~~8015A, 8015M~~ 8015B
3. Volatile Organics	F	~~8021A, 8260A~~ 8021B, 8260B
4. Acrolein/Acrylonitrile/Acetonitrile	F	8316
5. Acrylonitrile	F	8031
6. Acrylamide	F	~~8032~~ 8032A
7. Acetonitrile	F	8033
8. Phenols	F	8041
9. Phthalate Esters	F	~~8061~~ 8061A
10. Nitrosamines	F	~~8070~~ 8070A, 8330
11. Organochlorine Pesticides ~~and PCBs~~	F	~~8081~~ 8081A~~, 8082~~
12. Polychlorinated Biphenyls	F	8082
~~12~~13.~~PCBS~~ Polychlorinated Biphenyls in Waste Oil	F1	~~EPA-600/4-81-045~~ 600/4-81-045
~~13~~14.Nitroaromatics and Cyclic Ketones	F	8091, 8330~~, 8091~~
~~14~~15.Polynuclear Aromatic Hydrocarbons	F	8100, 8310
~~15~~16.Haloethers	F	8111
~~16~~17.Chlorinated Hydrocarbons	F	8121
~~17~~18.Organophosphorus Pesticides	F	8141A
~~18~~19.Chlorinated Herbicides	F	~~8151~~ 8151A
~~19~~20.Semivolatile Organics ~~GC/MS~~	F	~~8270B~~ 8270C, 8275A
~~20~~21.~~Semi-Volatiles~~ Semivolatile Organics ~~by GC/FT-IR~~	F	8410

	~~21~~22.Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans	F	~~8280~~ 8280A, 8290
	~~22~~23.Carbonyl Compounds	F	~~8315~~ 8315A
	~~23~~24.N-Methylcarbamates	F	8318
	~~24~~25.~~Non-Volatile~~ Nonvolatile Organics ~~(HPLC/TSP/MS)(HPLC/PB/MS)~~	F	~~8321~~ 8321A, 8325
	~~25~~26.Tetrazine	F	8331
	~~26~~27.Total Petroleum Hydrocarbons in Soil	F	8440
		K	418.1AZ~~, 8440~~
	~~27~~28.~~Fuel Class~~ C_{10}-C_{32} Hydrocarbons	K	~~BLS-191~~ 8015AZ
	~~28~~29.Trinitrotoluene	F	4050
	~~29~~30.RDX by Immunoassay	F	4051
	~~30~~31.Aniline and Derivatives	F	8131
	~~31~~32.Nitroglycerine	F	8332
	~~32~~33.Bis(2-chloroethyl)Ether Hydrolysis Products	F	8430
I.	Organic chemical screening:	Key	~~Approved~~ Method
	1. Headspace	F	3810~~, 5021~~
	2. Purgeables after Hexadecane Extraction	F	3820
	3. Semivolatile Organics ~~TC/MS~~	F	~~8275~~ 8275A
	4. Immunoassay	F	~~4010~~ 4010A, 4015, 4020, 4030, 4035, 4040, 4041, 4042
	5. Polychlorinated Biphenyls	F	9078, 9079
	6. Trinitrotoluene	F	8515
J.	Miscellaneous:	Key	~~Approved~~ Method
	1. Cyanide	F	~~9010A, 9012~~ 9010B, 9012A, 9213
	2. Total Organic Halides ~~(TOX)~~	F	9020B, 9022
	3. Purgeable Organic Halides ~~(POX)~~	F	9021
	4. Extractable Organic Halides ~~(EOX)~~	F	9023
	5. Sulfides	F	~~9030A~~ 9030B, 9031, 9215
	6. Sulfate	F	9035, 9036, 9038, 9056
	7. pH (Hydrogen ion)	F	~~9040A~~ 9040B, 9041A, ~~9045B~~ 9045C
	8. Specific Conductance	F	~~9050~~ 9050A
	9. Total Organic Carbon ~~(TOC)~~	F	9060
	10. Phenolics	F	9065, 9066, 9067
	11. Total Recoverable Oil ~~an~~ and Grease	F	9070, 9071A
	12. Nitrate	F	9056, 9210~~, 9056~~
	13. Nitrite	F	9056
	14. Chloride	F	9056, 9057, 9212, 9250, 9251, ~~9252A,~~ 9253 ~~9057, 9212~~
	15. Bromide	F	9056, 9211
	16. Fluoride	F	9056, 9214
	17. Total Chlorine in New and Used Petroleum Products	F	9075, 9076, 9077
	18. Cation-Exchange Capacity of Soils	F	9080, 9081
	19. Compatibility Test ~~For~~ for Wastes and Membrane Liners	F	9090A
	20. Paint Filter Liquids Test	F	~~9095~~ 9095A
	21. Liquid Release Test Procedure	F	9096
	22. ~~Saturates~~ Saturated Hydraulic and Leachate Conductivity~~,~~ and Intrinsic Permeability	F	9100
	~~23. Chloride~~	~~F~~	~~9056~~
	~~24~~23.O-Phosphate-P	F	9056
K.	Asbestos:	Key	~~Approved~~ Method
	1. Fiber Counting	G	7400, 7402
	2. Bulk Asbestos	G	9002
		H	Bulk Asbestos

L.	Radiochemical:	Key	~~Approved~~ Method
1.	Gross Alpha and Beta	F	9310
2.	Alpha-Emitting Radium Isotopes	F	9315
3.	Radium-228	F	9320

~~R9-14-612~~ R9-14-614. Air Sample ~~Matrix~~ Methods

~~Every laboratory which conducts compliance testing under this rule shall use the following approved methods, unless a method falls under an alternate method pursuant to R9-14-608(A) or (B). To locate the source of the approved method, cross reference the capital letter listed under "Key" to the reference designation listed in R9-14-608(C).~~ When conducting compliance testing of an air sample for a listed contaminant or group of contaminants, a laboratory shall use at least 1 of the corresponding methods listed below, unless the laboratory uses an alternate method approved by the Department for such testing under A.A.C. R9-14-610(B). Where 2 methods listed are joined by the word "and," a laboratory shall use both methods listed. To locate the source of each method listed, cross reference the capital letter listed under the term "Key" below to the corresponding key-reference list in A.A.C. R9-14-610(A).

A.	Ambient air:	Key	~~Approved~~ Method
1.	Carbon Monoxide	O	Appendix C
2.	Hydrocarbons	O	Appendix E
3.	Lead	O	Appendix G
4.	Nitrogen Dioxide	O	Appendix F
5.	Ozone	O	Appendix D, H
6.	Particulate Matter	O	Appendix B, J, K
7.	Sulfur Oxides	O	Appendix A
8.	Formaldehyde	F	8520
B.	Stationary and stack sources:	Key	~~Approved~~ Method
1.	Carbon Dioxide, Oxygen, and Excess Air	Q	Method 3
2.	Carbon Monoxide	Q	Method 10, 10A, 10B
3.	Carbonyl Sulfide, Hydrogen Sulfide, and Carbon Disulfide	Q	Method 15
4.	Fluoride	Q	Method 13A, 13B, 14
5.	Fugitive Emissions	Q	Method 22
6.	Gaseous Organic Compounds	Q	Method 18, 25, 25A, 25B
7.	Hydrogen Sulfide	Q	Method 11
8.	Inorganic Lead	Q	Method 12
9.	Moisture Content	Q	Method 4
10.	Nitrogen Oxide	Q	Method 7, 7A, 7B, 7C, 7D, 7E, 19, 20
11.	Particulate Emissions:		
a.	Asphalt Processing	Q	Method 5A
b.	Fiberglass Insulation	Q	Method 5E
c.	Nonsulfate	Q	Method 5F
d.	Nonsulfuric Acid	Q	Method 5B
e.	Pressure Filters	Q	Method 5D
f.	Stationary Sources	Q	Method 5, 17
g.	Sulfur Dioxide	Q	Method 19
h.	Wood Heaters	Q	Method 5G, 5H
12.	Petroleum Product Analysis:		
a.	Hydrometer Method	I	D287-92
b.	Sulfur	I	D4294-90
c.	Heat of Combustion	I	D240-92
~~12~~13.	Sulfur and Total Reduced Sulfur	Q	Method 15A, 16, 16A, 16B
~~13~~14.	Sulfur Dioxide	Q	Method 6, 6A, 6B, 6C, 8, 19, 20
~~14~~15.	Sulfuric Acid Mist	Q	Method 8
~~15~~16.	Vapor Tightness Gasoline Delivery Tank	Q	Method 27
~~16~~17.	Volatile Matter, Density Solids and ~~water~~ Water	Q	Method 24, 24A
~~17~~18.	Volatile Organic Compounds	Q	Method 21
		S1	TO-15
~~18~~19.	Wood Heaters Certification and Burn Rates	Q	Method 28, 28A

C.	ADEQ emission tests:	Key	~~Approved~~ Method
1.	Particulate Emissions:		
	a. Sulfuric Acid Mist/Sulfur Oxides	R	Method A1
	b. Dry Matter	R	Method A2
D.	National emission standards for hazardous air pollutants:	Key	~~Approved~~ Method
1.	Arsenic	S	Method 108, 108A, 108B, 108C
2.	Beryllium	S	Method 103, 104
3.	Mercury	S	Method 101, 101A, 102, 105
4.	Polonium-210	S	Method 111
5.	Vinyl Chloride	S	Method 106, 107, 107A

~~R9-14-613~~ R9-14-615. Quality Assurance

A. ~~The laboratory~~ A licensee or an applicant shall ~~have a written quality assurance plan that describes actions to be taken by the lab to~~ ensure that ~~routinely generated~~ the laboratory's analytical data are ~~scientifically valid and defensible and are~~ of known and acceptable precision and accuracy, as prescribed by the approved method for each analysis or as prescribed by the limits established under subsection (C)(8), and are scientifically valid and defensible.

B. ~~The~~ A licensee or an applicant shall have a written quality assurance plan that ~~shall contain~~ contains:

1. A title page identifying the laboratory~~,~~ and date of review~~,~~ and including the laboratory director's signature of approval;
2. A table of contents;
3. A detailed statement of the laboratory organization, including line of authority~~,~~ and identification of principal quality assurance personnel;
4. A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals~~,~~ and the criteria ~~for~~ that the laboratory shall use to judge the acceptability of each testing;
5. Specifications for:
   a. ~~The use of proper sample~~ Sample containers~~;~~,
   b. ~~The proper preparation~~ Preparation of sample containers~~;~~,
   c. ~~The proper preservation~~ Preservation of samples~~;~~, and
   d. ~~Compliance sample maximum~~ Maximum allowable holding times;
6. A procedure for documenting laboratory receipt of samples and tracking of samples throughout laboratory testing;
7. A procedure for analytical instrument calibration ~~and~~, including frequency of calibration;
8. A copy of the laboratory's current license and a list of licensed parameters;
9. ~~A listing of the procedures~~ Procedures for compliance testing data reduction~~,~~ and validation~~,~~ and reporting~~. These procedures shall include~~ of final results, including the identification and treatment of data outliers, the determination of the completeness and accuracy of data transcription, and all calculations;
10. A statement of the frequency of ~~use and acceptance tolerance of~~ all ~~compliance testing~~ quality control checks;
11. A statement of the acceptance criteria for all quality control checks;

~~11~~12. Preventive maintenance procedures and schedules;

~~12~~13. Assessment procedures for data acceptability;

~~13~~14.Corrective action procedures taken when results from analytical quality control checks are unacceptable~~. These procedures shall include~~, including the steps taken to demonstrate the presence of any interference if the precision, accuracy, or ~~the~~ practical quantitation limit of the reported compliance testing result is affected by the interference; and

~~14~~15.Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements listed in this Section.

~~B~~C.~~The laboratory~~ A licensee or an applicant shall:

1. Have available ~~on the premises~~ at the laboratory all methods, equipment, reagents, and glassware necessary for the compliance testing for which the laboratory is licensed or is requesting ~~licensure.~~ a license ~~If the laboratory documents its ability to perform the approved method and ensures that the analytical data generated are scientifically valid and defensible and are of known and acceptable precision and accuracy it may petition for an exemption only from this subsection~~;
2. Use only reagents of a grade equal to or greater than that ~~called for~~ required by the approved methods ~~referenced~~ in ~~R9-14-609~~ A.A.C. R9-14-611 through ~~R9-14-612~~ A.A.C. R9-14-614;
3. Maintain complete and current ~~Standard Operating Procedures~~ standard operating procedures ~~(SOPs)~~ for all licensed methods;
4. Calibrate equipment according to the manufacturer's specifications and as required by the approved method;
5. Maintain calibration ~~logs~~ documentation available for on-site review~~. Calibration and documentation thereof by a laboratory instrument service organization is acceptable~~;

6. Develop, document, and maintain current method detection limits and ~~practical quantitation~~ method reporting limits for each compliance parameter~~, approved method and sample matrix~~ for each instrument ~~of use~~;
7. Maintain all compliance testing equipment in ~~good working order~~ proper operating condition;
~~8. Maintain quality control charts which demonstrate the accuracy and precision of its compliance testing;~~
~~9~~8. ~~If a laboratory tests for a parameter for which quality control acceptance criteria is not specified, the laboratory must statistically~~ Statistically develop limits from historical data~~. The~~, if the laboratory tests for a parameter for which quality control acceptance criteria are not specified in the method or by EPA or ADEQ, by:
   a. Determining the mean and standard deviation for a minimum of 20 data points, excluding statistical outliers, ~~must be determined. The~~ and
   b. Setting the limits ~~shall be~~ no more than 3 standard deviations from the mean and ~~shall be~~ in the detectable range; and

~~10~~9.Discard or segregate all expired standards or reagents from all compliance testing.

D. A licensee or an applicant may submit a written request to the Department for an exemption from subsection (C)(1) if the licensee or applicant:
1. Documents that the laboratory has performed the approved method and that the analytical data generated were scientifically valid and defensible and of known and acceptable precision and accuracy, and
2. Documents the laboratory's ability to obtain the equipment, reagent, or glassware necessary to perform the method.

E. The written request for an exemption under subsection (D) shall include:
1. The name, address, and telephone number of the laboratory;
2. The name, address, and telephone number of the licensee or applicant submitting the request;
3. Identification of the method and the equipment, reagent, or glassware for which the licensee or applicant is requesting an exemption; and
4. The documentation described in subsection (D)(1) and (2).

F. The Department may approve a request for an exemption under subsection (D) if it determines:
1. That the laboratory has performed the approved method;
2. That the analytical data generated were scientifically valid and defensible and of known and acceptable precision and accuracy; and
3. That the laboratory is able to obtain the equipment, reagent, or glassware necessary to perform the method.

~~**R9-14-616. Laboratory Safety**~~

~~Licensed environmental laboratories shall comply with all applicable federal, state, and local regulations regarding occupational safety and health.~~

~~R9-14-614~~ R9-14-616. Operation

A. ~~All samples accepted by a laboratory for compliance testing shall be analyzed by that laboratory, except that samples, other than those submitted for performance evaluation audit purposes, may be forwarded to another laboratory licensed under this Article or certified by EPA for examination.~~ A compliance sample accepted by a laboratory may be analyzed by the accepting laboratory or another laboratory licensed under this Article or exempted under A.R.S. 36-495.02(A) or A.A.C. R9-14-602. A proficiency evaluation audit sample shall be analyzed by the accepting laboratory only.

B. If the laboratory performing ~~an examination~~ analysis is not the accepting laboratory ~~which accepted the sample~~, all reports required by A.A.C. R9-14-617 shall include the name and address of the accepting laboratory ~~accepting the sample~~ and the name and address of the laboratory ~~actually examining~~ analyzing the compliance sample.

C. ~~The~~ Each licensed laboratory shall:
1. Maintain the facility and utilities required ~~for proper~~ to operate equipment ~~operation~~ and ~~use of~~ perform compliance testing ~~approved methods~~;
2. Provide environmental controls ~~such~~ within the laboratory to ensure that laboratory conditions do not affect analytical results beyond ~~established~~ quality control limits established for the approved methods listed in ~~R9-14-609~~ A.A.C. R9-14-611 through ~~R9-14-612~~ A.A.C. R9-14-614;
3. Provide for storage, handling, and disposal of hazardous materials in accordance with all state and federal regulations; and
4. Maintain ~~documentation on all~~ the following information relating to supervisory, quality assurance, and analytical personnel ~~involved in compliance testing. The documentation shall provide that all these personnel have been trained in the test procedures prior to their performance of unmonitored testing and the documentation shall include~~:
   a~~)~~. ~~Summary~~ A summary of each ~~analyst's~~ individual's education and professional experience~~.~~;
   b~~)~~. ~~Verification~~ Documentation of ~~the~~ each ~~analyst's~~ individual's review of the laboratory ~~Quality Assurance Plan,~~ quality assurance plan and the approved methods and laboratory ~~Standard Operating Procedures~~ standard operating procedures ~~used by the analyst for compliance testing.~~ within the area or areas of testing for which the individual has supervisory or quality assurance responsibility or performs testing;

c~~)~~. ~~Verification~~ Documentation of ~~the~~ each analyst's completion of ~~monitored~~ training ~~which includes~~ on the ~~actual~~ use of ~~the~~ equipment and ~~the use~~ of proper laboratory technique~~. Verification shall include~~, including the name of the instructor, the duration of the training, and the date of completion of the training~~.~~;

d~~)~~. ~~Verification~~ Documentation of ~~the~~ each analyst's completion of all training classes, continuing education courses, seminars, ~~and/or~~ and conferences~~, which~~ that relate to the testing procedures used by the analyst for compliance testing~~.~~;

e~~)~~. ~~Verification~~ Documentation of ~~the~~ each analyst's ~~successful~~ completion of Initial Demonstration of Capability as required by the approved methods~~.~~;

f~~)~~. ~~Records of analysis~~ Documentation of proficiency evaluation testing; and

g. Documentation of each individual's applicable certifications and specialized training.

D. A licensee shall comply with all applicable federal, state, and local occupational safety and health regulations.

~~R9-14-615~~ R9-14-617. Laboratory Records and Reports

A. Records and reports required to be maintained by this Article shall be available for inspection and copying during normal business hours by representatives of the Department. ~~Copied records can be removed from the laboratory by the Department.~~ Representatives of the Department may remove copied records from a laboratory.

B. ~~Records~~ A licensee shall maintain records and reports of compliance testing ~~shall be kept by the laboratory~~ and the ability to reproduce all electronic data for at least 5 years from the date of compliance testing. ~~Records~~ A licensee shall maintain records and reports for the most current 2 years ~~shall be kept~~ on-site at the laboratory and may store the remaining records and reports ~~may be stored~~ in a secure ~~and easily accessible~~ storage facility.

C. A licensee shall produce all records and reports requested by the Department within 24 hours of the request. The Department may extend the 24-hour time period if the licensee requires a period longer than 24 hours.

~~C~~**D.** If data from Arizona compliance ~~data is~~ samples are not available for inspection and copying, the ~~laboratory~~ licensee shall make available for inspection and copying any current data from ~~non-Arizona~~ out-of-state compliance ~~data~~ samples when such data are requested by Department representatives ~~to evaluate methods and procedures applied for by the laboratory~~.

~~D~~**E.** ~~Compliance~~ A compliance testing ~~records~~ record shall contain:

1. Sample information, including the following:
   a. ~~a~~ A unique sample identification assigned by the laboratory,
   b. The location or location code of sample collection,
   c. The sample collection date and time,
   d. The type of testing to be performed, and
   e. ~~the~~ The name of ~~person~~ the individual who collected the sample;
2. The name and address of the ~~facility or person~~ client submitting the sample to the laboratory;
3. The name of the individual who submitted the sample to the laboratory;
~~3~~4. The date~~,~~ and time ~~and name of the person who receives~~ of the laboratory's receipt of the sample ~~into the laboratory~~;
5. The name of the individual who received the sample into the laboratory;
~~4~~6. The ~~date~~ dates and ~~time~~ times of testing, including the date and time of each critical step;
~~5~~7. The actual results of compliance testing, including all raw data, work sheets, and calculations performed;
~~6~~8. The actual results of quality control data validating the test results, including calibration and calculations performed;
~~7~~9. The name of the ~~person~~ analyst or ~~persons~~ analysts ~~performing~~ who performed the ~~test~~ testing; and
~~8~~10. A copy of the final report.

~~E. Complete laboratory personnel records shall be maintained as to:~~

~~1. Academic training;~~
~~2. Experience;~~
~~3. Qualifications; and~~
~~4. Applicable certifications and/or specialized training.~~

~~F. Analytical instrumentation performance records shall be maintained to demonstrate consistent standardization performance with standardized reference materials.~~

~~G~~**F.** ~~Reports~~ A final report of compliance testing shall contain:

1. ~~Laboratory~~ The name, address, and telephone number of the laboratory;
2. ~~Laboratory~~ The license number ~~issued~~ assigned to the laboratory by the Department;
3. ~~Result of compliance testing in appropriate units of measure:~~
   ~~a)~~ Actual scientifically valid and defensible results of compliance testing in appropriate units of measure, obtained in accordance with the approved method and the laboratory ~~Quality Assurance Plan~~ quality assurance plan, as described in ~~R9-14-613~~ A.A.C. R9-14-615~~, by use of proper laboratory technique.~~;
4. ~~b)~~ ~~Any result~~ Results of compliance testing not obtained in accordance with the approved method and the laboratory ~~Quality Assurance Plan~~ quality assurance plan ~~by use of proper laboratory technique, shall be documented as such on the report.~~;
~~4~~5. A ~~listing~~ list of ~~each~~ the approved ~~method~~ methods used ~~associated with~~ to obtain the reported ~~result~~ results;

~~5~~6. Sample information, including the following:
   a. ~~the~~ The unique sample identification assigned by the laboratory,
   b. The location or location code of sample collection,
   c. The sample collection date and time,
   d. ~~the~~ The name of the ~~person~~ individual who collected the sample, ~~and~~
   e. ~~the~~ The name of the ~~facility or person who~~ client that submitted the sample to the laboratory~~;~~, and
   f. The name of the individual who submitted the sample to the laboratory;
7. The date of analysis for each parameter reported;
~~6~~8. The date of the final report; and
~~7~~9. The ~~Laboratory~~ laboratory director's or ~~designee~~ designee's signature.

~~R9-14-617~~ R9-14-618. Mobile Laboratories

A. ~~A laboratory~~ An applicant shall obtain a license ~~is required~~ for each mobile laboratory, unless the ~~laboratory owner~~ applicant chooses the single ~~licensure~~ license option ~~described in R9-14-606(B)~~ for multiple laboratories as described in A.A.C. R9-14-603(E). ~~All~~ A mobile laboratory shall meet all of the requirements of this Article ~~shall be met by the mobile laboratory~~.

B. Upon Department request, the ~~owner~~ licensee of ~~the~~ a mobile laboratory shall provide to the Department ~~information of its~~ the mobile laboratory's location and ~~scope of its compliance testing to the Department~~ a list of the parameters it is testing.

~~R9-14-618~~ R9-14-619. Out-of-State Environmental Laboratory ~~Licensure~~ Licensing

A. ~~Out-of-state laboratories~~ An out-of-state laboratory applying for or possessing an initial license or a renewal license shall comply with the requirements of A.R.S. ~~§§ 36-495 through 36-495.15~~ Title 36, Chapter 4.3 and this Article.

B. ~~In addition to licensure fees,~~ The licensee or applicant for an out-of-state laboratory shall pay all actual expenses incurred by the Department as a result of ~~its~~ the laboratory's location in another state~~.~~, including:

~~**C.** An out-of-state laboratory shall pay an amount sufficient to cover:~~

1. The estimated ~~cost~~ costs of ~~all routine inspections~~ each laboratory inspection or investigation at the ~~during the licensure period of that~~ laboratory~~;~~;
2. The amount by which the actual costs of ~~routine lab inspections~~ each laboratory inspection or investigation at a laboratory exceed the estimated costs~~;~~; ~~and~~
3. Additional expenses incurred by the Department for each ~~on-site~~ investigation at the laboratory~~.~~; and
4. A zone fee for each Department representative required to appear at the laboratory to perform the laboratory inspection or investigation, as follows:

a.	For zone 1, including California, Nevada, Utah, Colorado, and New Mexico	$ 88.00
b.	For zone 2, including all states west of the Mississippi River not listed in subsection (4)(a)	$139.00
c.	For zone 3, including all states east of the Mississippi River and Alaska and Hawaii	$225.00.

C. The Department determines the estimated costs and zone fees for a laboratory inspection or investigation after making travel arrangements to visit the out-of-state laboratory. The Department then sends a bill for the estimated costs and zone fees to the licensee or applicant for the out-of-state laboratory. The licensee or applicant for the out-of-state laboratory shall submit to the Department the amount of the estimated costs and zone fees within 20 days from the date that the Department sent the bill.

D. After a laboratory inspection or investigation is completed, the Department determines the actual costs for the laboratory inspection or investigation and any additional expenses incurred for an investigation at a laboratory.

1. If the actual costs and additional expenses exceed the estimated costs and zone fees paid as described in subsection (C), the Department sends a bill to the licensee or applicant for the out-of-state laboratory for the amount by which the actual costs and expenses exceed the estimated costs and zone fees paid. The licensee or applicant for the out-of-state laboratory shall submit to the Department the amount by which the actual costs and expenses exceed the estimated costs and zone fees paid within 20 days from the date that the Department sent the bill.
2. If the actual costs and expenses are less than the estimated costs and zone fees paid as described in subsection (C), the Department shall send a refund or issue a credit to the licensee or applicant for the out-of-state laboratory for the amount by which the estimated costs and zone fees paid exceed the actual costs and expenses. Upon determining that the estimated costs and zone fees paid exceed the actual costs and expenses, the Department shall notify the licensee or applicant and ask whether the licensee or applicant desires a refund or a credit. The Department shall send the refund or issue the credit for the amount by which the estimated costs and zone fees paid exceed the actual costs and expenses within 45 days from the date that the licensee or applicant specified the desired form of payment.

R9-14-620. Time-frames

A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is set forth in Table 1. The licensee or applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.

B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is set forth in Table 1 and begins on the date that the Department receives an application or request for approval.

1. The Department shall mail a notice of administrative completeness or deficiencies to the licensee or applicant within the administrative completeness review time-frame.
   a. A notice of deficiencies shall list each deficiency and the items needed to complete the application or request for approval.
   b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is issued until the date that the Department receives the missing items from the licensee or applicant.
   c. If the licensee or applicant fails to submit to the Department all of the items listed in the notice of deficiencies within 180 days from the date that the Department mailed the notice of deficiencies, the Department shall consider the application or request for approval withdrawn.
2. If the Department issues a license or other approval to the licensee or applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

C. The substantive review time-frame described in A.R.S. § 41-1072 is set forth in Table 1 and begins on the date of the notice of administrative completeness.

1. As part of the substantive review for an initial license application, the Department shall conduct a laboratory inspection and may conduct an investigation or a proficiency evaluation audit, or both.
   a. The Department shall commence the laboratory inspection, investigation, or proficiency evaluation audit, or combination of the 3, no more than 30 days after notice of administrative completeness has been mailed for an in-state laboratory or no more than 60 days after notice of administrative completeness has been mailed for an out-of-state laboratory.
   b. The Department and applicant may mutually agree in writing to extend the laboratory inspection, proficiency evaluation audit, or investigation dates.
2. The Department shall mail written notification of approval or denial of the application or other request for approval to the licensee or applicant within the substantive review time-frame.
3. During the substantive review time-frame, the Department may make 1 comprehensive written request for additional information, unless the Department and the licensee or applicant have agreed in writing to allow the Department to submit supplemental requests for information.
4. If the Department issues a comprehensive written request or a supplemental request for information, the substantive review time-frame and the overall time-frame shall be suspended from the date that the Department issues the request until the date that the Department receives all of the information requested.
5. The Department shall issue an approval unless:
   a. For an initial license application or a regular license renewal application where the regular license is not suspended, the Department determines that grounds to deny the license exist under A.R.S. § 36-495.09;
   b. For a regular license renewal application where the regular license is suspended, the Department determines that the licensee is not in full compliance with the corrective action plan; A.R.S. Title 36, Chapter 4.3; and this Article;
   c. For a request for approval of a new alternate method or method alteration, the Department determines that use of the method is not required or authorized by an EPA or ADEQ statute or rule or is not justified as described in A.A.C. R9-14-610(B)(2)(d); or
   d. For an exemption under A.A.C. R9-18-615(D), the Department determines that the laboratory has not performed the approved method; that the analytical data generated were not scientifically valid and defensible and of known and acceptable precision and accuracy; or that the laboratory is not able to obtain the equipment, reagent, or glassware necessary to perform the method.
6. If the Department disapproves an application or request for approval, the Department shall send to the applicant a written notice of disapproval setting forth the reasons for disapproval and all other information required by A.R.S. § 41-1076.

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Initial License–In-State Laboratory	A.R.S. §§ 36-495.01, 36-495.03	201	21	180
Initial License–Out-of-State Laboratory	A.R.S. §§ 36-495.01, 36-495.03	231	21	210
Regular License Renewal–In-State Laboratory	A.R.S. §§ 36-495.01, 36-495.03	37	14	23
Regular License Renewal–Out-of-State Laboratory	A.R.S. §§ 36-495.01, 36-495.03, 36-495.14	67	14	53
Regular License Renewal–In-State Laboratory with Provisional License	A.R.S. §§ 36-495.01, 36-495.03, 36-495.05	70	21	49
Regular License Renewal–Out-of-State Laboratory with Provisional License	A.R.S. §§ 36-495.01, 36-495.03, 36-495.05, 36-495.14	100	21	79
Alternate Method or Method Alteration–Required or Authorized by EPA/ADEQ	A.R.S. § 36-495.01	105	15	90
Alternate Method or Method Alteration–Not Required or Authorized by EPA/ADEQ	A.R.S. § 36-495.01	210	30	180
Exemption under A.A.C. R9-18-615(D)	A.R.S. § 36-495.01	60	15	45

NOTICE OF PROPOSED RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

PREAMBLE

1. Sections Affected **Rulemaking Action**

Article 5	New Article
R10-4-501	New Section
R10-4-502	New Section
R10-4-503	New Section
R10-4-504	New Section
R10-4-505	New Section

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

Authorizing statute: A.R.S. § 41-2421.J.5

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

Name: Gerald Hardt

Address: 3636 North 7th Street, Suite 260
Phoenix, Arizona 85014

Telephone: (602) 230-0252

Fax: (602) 728-0752

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

The purpose of the Article is to establish the guidelines to be used to govern the Full Service Forensic Crime Laboratory Account Administrative Program. Without the establishment of rules governing the administration of the program, the grant funds cannot be made available, awarded, or properly administered.

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

The promulgation of this rule will not diminish a previous grant of authority of a political subdivision of this state.

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

There will not be any significant economic impact as a result of the implementation of the proposed rules. The benefits from the adoption of the rules, both quantitative and qualitative, far outweigh the potential costs.

Costs/Benefits to implementing agency: The Arizona Criminal Justice Commission will experience a slight increase its supplies and services budget. The personnel budget will not be increased, since the management of the grant funds will be accomplished through the use of existing staff. No significant increase in administrative overhead is anticipated. Since the proposed rules allow the Commission to draw 2% of the available funds annually, budgetary increases for the administration of this grant will be offset and/or negated.

Costs/benefits to other agencies directly affected by implementation: Other state agencies will not be adversely effected by the implementation of the rule governing awarding of grant funds. In fact, the Department of Public Safety will be adversely effected if rules governing the distribution of the Full Service Forensic Crime Laboratory Account are not completed in a timely manner. Since the Department of Public Safety is one of only 5 agencies to operate a full service forensic crime laboratory, they would have a significant interest in applying for grant funding.

The State Treasury Department would not have a significant cost increase as a result of the proposed rules. The department already receives and administers the account into which these funds are deposited upon receipt from the courts. A slight cost increase could result from the issuance of the warrants necessary to transfer funds to the grantees.

Costs/benefits to political subdivisions: There are five law enforcement agencies that could benefit from the distribution of the grant funds. These agencies (Department of Public Safety, Phoenix Police Department, Mesa Police Department, Scottsdale Police Department, and Tucson Police Department) all have full service forensic crime laboratories currently in operation. If awarded funding, they, and the communities they serve, would benefit from improved crime laboratory operations.

There are no significant costs associated with the distribution of grant funds to these agencies. All of the agencies have personnel already assigned to the administration of other grants they receive. The increase costs of administering an additional grant would be in the area of supplies for the completion of the required reports. No other increased costs are anticipated.

Costs/benefits to business: There are not any anticipated costs or benefits to private industry. Due to the small number of full service forensic crime laboratories, increased purchases of consumable laboratory supplies would not generate a significant increase in purchases from the agency-contracted vendors. Even the purchase of large dollar items, (i.e.: specialized laboratory equipment) would not generate a significant increase to the revenues received from a purchase.

The only anticipated cost could be a reduction in outsourcing the processing of biological evidence by the Phoenix Police Department. However, they do not outsource all of their biological evidence processing. Biological evidence processing is only outsourced on an as needed basis. The Phoenix Police Department strives to complete all of their biological evidence testing in house.

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

Name: Gerald Hardt

Address: 3636 North 7th Street, Suite 260
Phoenix, Arizona 85014

Telephone: (602) 230-0252

Fax: (602) 728-0752

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

The Arizona Criminal Justice Commission will schedule a public hearing if it receives written requests for a public hearing from 5 or more persons.

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

None

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

None

11. Full text of the rules follows:

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 5. FULL SERVICE FORENSIC CRIME LABORATORY ACCOUNT ADMINISTRATIVE PROGRAM RULES

Sections

ARTICLE 5. FULL SERVICE FORENSIC CRIME LABORATORY ACCOUNT ADMINISTRATIVE PROGRAM RULES

R10-4-501. Definitions:

In these Rules:

1. "Account" means the Full Service Forensic Crime Laboratories Account established by A.R.S. § 41-2421(J)(5).
2. "Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.

R10-4-502. Application:

A. The Commission shall require a written application for Account money containing the following:
1. The amount of Account money requested;
2. A narrative description:
   a. Detailing how the Account money is to be used; and
   b. The Goals and Objectives to be achieved.
3. The amount of agency funds and resources allocated to the project;
4. A proposed budget outlining how the money will be spent to accomplish stated goals and objectives; and
5. The anticipated fiscal and operational impact the receipt of Account money will have on state and local agencies.

B. The Commission shall publish in the grant announcement:
1. The definition of a "Full Service Forensic Crime Laboratory"; and
2. The requirements for successful completion of the grant application.

R10-4-503. Application process; approval by the Commission:

A. The Commission shall review each application and any other pertinent information submitted with the application.

B. After review, the Commission may:

1. Request additional information;
2. Request application modifications from the applicant;
3. Vote to approve or disapprove, an application in whole or in part.

R10-4-504. Reports

A. Within 20 days after the end of the 1st through 3rd calendar quarters, each grantee shall submit a written report to the Commission. The report shall contain:

1. The amount of Account money available for use at the beginning of the ending quarter;
2. The amount of money spent and encumbered during the quarter;
3. A projected date of expenditure of encumbered Account money;
4. The unspent and unencumbered balance to begin the next quarter.

B. Within 60 days after the end of the each fiscal year, each grantee shall submit a written report to the Commission containing all of the following information:

1. The beginning balance of the Account money;
2. The total amount of Account money expended by the grantee during the fiscal year;
3. The total amount of the encumbrances remaining at the end of the state fiscal year;
4. The amount of Account money expended (including outstanding encumbrances) in relation to the stated goals and objectives; and
5. A narrative assessment of the effective and efficient use of Account money to meet stated goals and objectives during the state fiscal year.

R10-4-505. Administrative Costs

A. The Arizona Criminal Justice Commission shall be entitled to withdraw funds to offset cost incurred for Account administration.

1. The Account revenues shall be annualized at the beginning of each fiscal year.
2. The Commission shall be entitled to 2% of the annualized revenues deposited into the Account, to be withdrawn quarterly.

B. The Commission shall adopt procedures specifically stating the administrative costs that are eligible for payment with the use of Account money.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 2. DEPARTMENT OF REVENUE
INCOME AND WITHHOLDING TAX SECTION
SUBCHAPTER A. GENERAL AND ADMINISTRATIVE

PREAMBLE

1. Sections Affected — **Rulemaking Action**

R15-2A-101 — Repeal

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

Authorizing statute: A.R.S. § 42-1005

Implementing statute: A.R.S. § 43-101

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

Notice of Rulemaking Docket Opening: 6 A.A.R. 3118, August 18, 2000

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

Name: Ernest Powell, Supervisor

Address: Tax Research & Analysis Section
Arizona Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

E-Mail: powelle@revenue.state.az.us

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

This rule stated that the rules in Chapter 2 relate to the income tax act of 1978 which was codified in A.R.S. Title 43. In addition, the rule provided for the special numbering scheme that was used in Chapter 2. However, the reference to the income tax act of 1978 is repetitive of A.R.S. § 43-101 and the numbering scheme is obsolete due to the recodification of Chapter 2, which was published on June 23, 2000 (6 A.A.R. 2308). The Section listed is obsolete, repetitive and no longer needed and will be repealed.

6. Reference to any study that the agency proposes to rely on and its evaluation of or justification for proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

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

Not applicable

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

In accordance with A.R.S. § 41-1055(D)(3), the Department is not required to prepare an economic, small business, and consumer impact statement because the repeal of these rules decreases monitoring, recordkeeping or reporting burdens.

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

Name: Ernest Powell, Supervisor

Address: Tax Research & Analysis Section
Arizona Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

E-Mail: powelle@revenue.state.az.us

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

The Department has not scheduled any oral proceedings. Written comments on the proposed repeals or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023(C), the Department will schedule oral proceedings if 1 or more individuals file written requests for oral proceedings within 30 days after the publication of this notice.

A person may submit written comments regarding the proposed rules by submitting the comments no later than 5:00 p.m., October 10, 2000, to the person listed in #4 and #9.

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

Not applicable

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

None

13. The full text of the rules follows:

TITLE 15. REVENUE

CHAPTER 2. DEPARTMENT OF REVENUE
INCOME AND WITHHOLDING TAX SECTION
SUBCHAPTER A. GENERAL AND ADMINISTRATIVE

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section
R15-2A-101. ~~Title~~ Repealed

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R15-2A-101. ~~Title~~ Repealed

~~**A.** Income Tax Act of 1978. These regulations relate to the Income Tax Act of 1978 which was codified in Title 43 of Arizona Revised Statutes and became effective January 1, 1979.~~

~~**B.** Arrangement and numbering. These regulations are arranged in sequence with the Arizona Revised Statutes; for example, the regulation relating to A.R.S. § Section 43-101 would be R15-2-101. In those areas where the law is considered self-explanatory, the numbering will be noted as reserved. Arizona Revised Statutes will hereinafter be referred to as Section 43-666.~~

~~**C.** Dual references. References made to the "Income Tax Act of 1978", the "Act", or the "Income Tax Code" may include a dual and interchangeable meaning. References to the Income Tax Act of 1978 and the Act in particular can be construed as a substitution for the words, "Income Tax Code" or "Arizona State Income Tax Code".~~

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 2. DEPARTMENT OF REVENUE
INCOME AND WITHHOLDING TAX SECTION
SUBCHAPTER D. CORPORATIONS

PREAMBLE

1. Sections Affected **Rulemaking Action**

R15-2D-201	Repeal
R15-2D-301	Repeal
R15-2D-402	Repeal
R15-2D-802	Repeal

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

Authorizing statute: A.R.S. § 42-1005

Implementing statutes: A.R.S. §§ 43-947, 43-1121, 43-1122, and 43-1145

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

Notice of Rulemaking Docket Opening: 5 A.A.R. 1173, April 23,1999

Notice of Rulemaking Docket Opening: 6 A.A.R. 1807, May 19, 2000

Notice of Recodification: 6 A.A.R. 2308, June 23, 2000

Notice of Rulemaking Docket Opening: 6 A.A.R. 3118, August 18, 2000

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

Name: Jim Bilski, Tax Analyst

Address: Tax Research & Analysis Section
Arizona Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

E-Mail: BilskiJ@revenue.state.az.us

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

R15-2D-201 and R15-2D-301 provide information related to certain corporation income tax additions and subtractions. R15-2D-402 provides information related to consolidated and combined income tax returns. R15-2D-802 provides information related to the denominator of the sales factor.

R15-2D-201, R15-2D-301, and R15-2D-402 are proposed for repeal because the information in the rules is either repetitive of the statutes or inconsistent with the statutes.

R15-2D-802 is proposed for repeal because part of the rule is repetitive of the statutes and R15-2D-801. In addition, the last sentence of the rule is inconsistent with the statutes.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable

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

Not applicable

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

In accordance with A.R.S. § 41-1055(D)(3), the Department is not required to prepare an economic, small business, and consumer impact statement because the repeal of these rules decreases monitoring, recordkeeping or reporting burdens.

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

Name: Jim Bilski, Tax Analyst

Address: Tax Research & Analysis Section
Arizona Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

E-Mail: BilskiJ@revenue.state.az.us

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

The Department has not scheduled any oral proceedings. Written comments on the proposed rulemaking actions or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023(C), the Department will schedule oral proceedings if 1 or more individuals file written requests for oral proceedings within 30 days after the publication of this notice.

A person may submit written comments regarding the proposed rulemaking action by submitting the comments no later than 5:00 p.m., October 10, 2000, to the person listed in #4 and #9.

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

Not applicable

12. Incorporations by reference and their location in the rules:
None

13. The full text of the rules follows:

TITLE 15. REVENUE

CHAPTER 2. DEPARTMENT OF REVENUE
INCOME AND WITHHOLDING TAX SECTION
SUBCHAPTER D. CORPORATIONS

ARTICLE 2. ADDITIONS TO ARIZONA GROSS INCOME

Section
R15-2D-201. ~~Additions to Arizona Gross Income~~ Repealed

ARTICLE 3. SUBTRACTIONS FROM ARIZONA GROSS INCOME

Section
R15-2D-301. ~~Subtractions from Arizona Gross Income~~ Repealed

ARTICLE 4. MULTISTATE DIVISION OF INCOME

Section
R15-2D-402. ~~Consolidated Returns by Controlled Corporations~~ Repealed

ARTICLE 8. SALES FACTOR

Section
R15-2D-802. ~~Sales Factor Denominator~~ Repealed

ARTICLE 2. ADDITIONS TO ARIZONA GROSS INCOME

R15-2D-201. ~~Additions to Arizona Gross Income~~ Repealed

~~A corporation uses the taxable income as computed in accordance with the federal Internal Revenue Code as a starting point in calculating its Arizona taxable income. It is then necessary to make a series of modifications in order to reflect differences between federal and Arizona income tax laws. For subtractions required see R15-2-1122. Additions are as follows:~~

1. ~~Modifications provided in Section 43-1021, paragraphs (8) through (20), (22) and (24). The additions included at Section 43-1021, paragraphs (8) through (20), (22) and (24) are applicable to corporations as well as individuals. In the case of a corporation, the term "adjusted gross income" should be read as "taxable income" wherever it is used in Section 43-1021, paragraphs (8) through (20), (22) and (24).~~
2. ~~Dividends received deduction. Any dividends received deduction claimed in determining federal taxable income under Sections 243, 244 and 245 of the federal Internal Revenue Code must be added back in determining Arizona taxable income. A subtraction is permitted under Section 43-1122, paragraph (2) for dividends received from Arizona corporations if the requirements of Section 43-1052 are met.~~
3. ~~Taxes paid to other states, local governments or foreign governments. All income taxes paid to states other than Arizona, local governments outside the state of Arizona or foreign governments which were deducted in the determination of federal taxable income shall be added back in the determination of Arizona taxable income. These items are specifically not deductible for Arizona purposes.~~
4. ~~Expenses related to tax-exempt income. See R15-2-1122, paragraph (5).~~
5. ~~Reserved.~~
6. ~~Reserved.~~

ARTICLE 3. SUBTRACTIONS FROM ARIZONA GROSS INCOME

R15-2D-301. ~~Subtractions from Arizona Gross Income~~ Repealed

~~Subtractions are as follows:~~

1. ~~Modifications provided in Section 43-1022, paragraphs (7) and (11) through (27) and (29), (30) and (34). In the case of a corporation the term "federal adjusted gross income" should be read as "federal taxable income" wherever it is used in Section 42-1022, paragraphs (13), (14), and (18).~~
2. ~~Dividends from Arizona corporations. See R15-2-1121, paragraph (2).~~
3. ~~Reserved~~
4. ~~Reserved~~

5. Expenses related to tax-exempt income
   a. Since Section 43-1121, paragraph (4) provides for the disallowance (addition) of expenses and interest relating to tax-exempt income for Arizona purposes), Section 43-1122, paragraph (5) eliminates the potential of a double disallowance by permitting a subtraction for any such expenses disallowed by Section 265 of the federal Internal Revenue Code in determining federal taxable income.
   b. Section 43-1121, paragraph (4) and Section 43-1122, paragraph (5) are necessary since there will be cases where the exempt income as determined in accordance with the federal Internal Revenue Code will differ from exempt income as determined in accordance with the Arizona Income Tax Act of 1978. As a result the related expenses would be different for federal purposes as opposed to Arizona purposes.

   Example: Corporation A, an Arizona corporation which carries on all of its business activities within the state of Arizona, incurs indebtedness of $10,000 and with those funds purchases $10,000 of bonds issued by the state of California. Section 265 of the federal Internal Revenue Code would preclude a deduction for the interest expense on the $10,000 indebtedness since the obligation was incurred to purchase and carry an obligation the interest from which was exempt from federal income taxes. However, since for Arizona purposes, the interest income from non-Arizona state obligations is includible in income (Section 43-1021, paragraph (8)), the interest expense would be deductible and should be subtracted from federal taxable income in accordance with Section 43-1122, paragraph (5).
6. Reserved.
7. Reserved.

ARTICLE 4. MULTISTATE DIVISION OF INCOME

R15-2D-402. ~~Consolidated Returns by Controlled Corporations~~ Repealed

~~A.~~ Definitions. For purposes of this Section, the following definitions shall apply:
1. Consolidated return. A consolidated return is a single consolidated income tax return by a group of corporations meeting common ownership standards. The member entities may be engaged in diverse businesses and may or may not be operationally integrated. A consolidated return is a consolidation of the separate returns of each affiliated member of the group. Each member entity operating within and without Arizona will apportion income to Arizona based on a separate apportionment ratio relating only to that member. The net income and losses against member entities will be consolidated, offsetting losses against gains.
2. Combined return. A combined return is required to be filed by a group of commonly owned corporations or businesses which constitute a unitary business because the basic operations of the entities are integrated and interrelated. See R15-2-1132. The total income of the unitary group must be combined and allocated to Arizona for taxation purposes by means of 1 apportionment formula. The combined report has the same purpose and effect as the apportionment of the net income of a unitary business conducted by a single corporation. A group of corporations operating wholly in Arizona may be required to file a combined return if the group constitutes a unitary business. See A.R.S. § 43-942. In the case of such wholly owned Arizona corporations, 100% of the net income of the unitary business is allocated to Arizona.

~~B.~~ This Section provides authority for the Department to require a consolidated return under certain prescribed situations. This Section provides no authority for 2 or more taxpayers which operate wholly within Arizona to file a consolidated return. Two or more taxpayers which comprise a unitary business as defined in R15-2-1131 are required to file a combined, not a consolidated return. Discreet, separate and diverse taxpayers must file separate Arizona income tax returns.

ARTICLE 8. SALES FACTOR

R15-2D-802. ~~Sales Factor Denominator~~ Repealed

Sales factor: denominator. The denominator of the sales factor shall include the total domestic gross receipts derived by the taxpayer from transactions and activity in the regular course of its trade or business, except receipts excluded pursuant to R15-2D-903. The unitary trade or business from which total gross receipts are derived is limited to that business subject to the tax imposed by and computed pursuant to the Internal Revenue Code, except as provided in A.R.S. § 43-1132. Gross receipts from sales of tangible personal property which are not taxable in any state having jurisdiction to tax shall be excluded from the denominator.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION - MOTOR VEHICLE DIVISION

PREAMBLE

1. Sections affected: **Rulemaking Action:**

R17-4-435	Amend
R17-4-435.01	Amend
R17-4-435.02	Amend
R17-4-435.03	Amend
R17-4-435.06	Amend

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

Authorizing statute: A.R.S. § 28-366

Implementing statute: A.R.S. § 28-5204

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice Rulemaking Docket Opening: 6 A.A.R. 1580, April 28, 2000

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

Name: George R. Pavia, Department Rules Supervisor

Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 North Seventh Street, Suite 160
Phoenix, Arizona 85014-5017

Telephone: (602) 712-8446

Cellular: (602) 403-3341

Fax: (602) 241-1624

E-Mail: gpavia@dot.state.az.us

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

MVD engages in this rulemaking for the following reasons:

1. To incorporate indicated Sections of the 1999 edition of the 49 CFR by reference into Arizona Motor Carrier Safety administrative rule.
2. To add a law enforcement-requested clarification on determination of a vehicle's gross vehicle weight rating (GVWR) in the absence of a vehicle's GVWR plate or vehicle identification number (VIN).
3. In R17-4-435.02, this rulemaking corrects an error in the stated required vision acuity appearing in subsection (B)(7) of the current rule version. Also Under subsection (C)(2)(d)(i) a change is made in the number of required notification days for CDL testing to align the rule's provision with current program requirements.
4. To implement minor language changes or deletions to streamline and align Arizona's rule with current 49 CFR codification, Arizona Department of Public Safety internal organizational structure, and the current desired Arizona Secretary of State's publishing style.
5. To correct an inadvertent typographical numeration error of R17-4-435.06 in the previous making of this rule series.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

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

Not applicable

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

Economic costs of the general motor carrier safety requirements of intrastate only entities are not readily quantifiable by this statement. Entity costs to bring vehicles into federal compliance could range from minimal to substantial depending upon necessary vehicle modifications. Subsection (C) of the full economic impact statement will address the difficulties in estimating potential costs to motor carrier entities for compliance to federal regulations.

Three state agencies will share federal funding of approximately $1.3 million allocated under the Motor Carrier Safety Assistance Program (MCSAP) for incorporating and enforcing federal transportation code in this state.

A new law enforcement provision for determining GVWR in the absence of the manufacturer's value and vehicle identification number (VIN) will incur very minimal costs to motor carrier entities in driver recordkeeping and very minimal costs to DPS for training most likely restricted to broadcast memorandum notification.

The cost and benefit provisions added under the rulemaking effective February 1, 2000, remain unchanged in this proposed rule. These provisions are:

a. Drug and alcohol testing procedures for intrastate carriers.

b. The intrastate commercial driver license pilot program for insulin-dependent diabetics.

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

The contact person for questions pertaining to the economic impact statement is the same officer listed in item #4.

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

Date: Tuesday, October 17, 2000

Time: 2:00 p.m.

Locations:

Flagstaff	Phoenix	Tucson
ADOT District Office Board Room 1801 South Milton Rd. Flagstaff, AZ 86001	ADOT Headquarters Board Room, 143 206 South 17th Ave. Phoenix, AZ 85007	ADOT District Office Board Room 1221 South 2nd Ave. Tucson, AZ 85713

Nature: Public hearing by teleconference

Closure: The public record in this rulemaking will close at 4:30 p.m., on November 3, 2000.

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

None

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

Title 49 of the Code of Federal Regulations, October 1, 1999 edition, Parts 40, 382, 390, 391, 392, 393, 395, 396, 397, and 399

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION - MOTOR VEHICLE DIVISION

ARTICLE 4. MOTOR CARRIERS

Sections

ARTICLE 4. MOTOR CARRIERS

R17-4-435. Motor Carrier Safety: Adoption of Federal Regulations; Definitions; Application

A. The Division adopts 49 CFR 40, 382, 390, 391, 392, 393, 395, 396, 397, and 399 published October 1, ~~1996~~ 1999, and no later amendments or editions, incorporated by reference and on file with the Federal Highway Administration, Office of Motor Carriers, the Division, and the Office of the Secretary of State, as amended by R17-4-435 through R17-4-435.06.

B. The following definitions apply for purposes of R17-4-435 through R17-4-435.06 unless indicated otherwise.

1. "Bureau of Motor Carrier Safety"means the United States Department of Transportation.
2. "Co-applicant" means an employer or potential employer.
3. "Commercial driver license" or "CDL" has the meaning prescribed in A.R.S. § 28-3001 (2).
4. "Division" or "MVD" means the Motor Vehicle Division, Arizona Department of Transportation.
5. "Division Director" means the Assistant Director of the Arizona Department of Transportation for the Motor Vehicle Division or the Assistant Director's designated agent.
6. "49 CFR" means Title 49, Code of Federal Regulations.

C. The regulations of 49 CFR, incorporated by subsection (A), apply as amended by R17-4-435.01 through R17-4-435.06 to:

1. Motor Carriers as defined in A.R.S. § 28-5201 except motor carriers transporting passengers for hire in a vehicle with a design capacity of 6 or fewer persons.
2. All vehicles owned or operated by the state, a political subdivision, or a public authority of the state, which are used to transport hazardous materials in an amount requiring the vehicle to be marked or placarded as prescribed in R17-4-436.

R17-4-435.01. Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General Applicability and Definitions; General Requirements and Information

A. 49 CFR 390.3 General applicability is amended as follows:

1. Paragraph (a) is amended to read:
   The regulations adopted in this rule are applicable to all motor carriers operating in Arizona and all vehicles owned or operated by the state, a political subdivision, or a public authority of the state, which are used to transport hazardous materials in an amount requiring the vehicle to be marked or placarded as prescribed in R17-4-436.
2. Paragraph ~~(c)~~ (b) is amended ~~by adding the following sentence at the end of the paragraph~~ to read:
   ~~In addition to the requirements specified in 49 CFR 383, motor~~ Motor carrier drivers domiciled in Arizona who operate Commercial Motor Vehicles as defined in A.R.S. § 28-3001 shall comply with the requirements of A.R.S. Title 28, Chapter 8 and any rules made under that Chapter.
3. Paragraph ~~(d)~~(c) is amended to read:
   Motor carriers operating in Arizona in furtherance of a commercial enterprise, shall comply with the financial responsibility requirements specified in A.R.S. Title 28, Chapter 9, Article 2, and 49 CFR 387.

B. 49 CFR 390.5 Definitions. The definitions listed in 49 CFR 390.5 are amended as follows:

1. If the term "Commercial Motor Vehicle" or "CMV" is used in reference to the controlled substances and alcohol use and testing requirements of 49 CFR 382, the term has the meaning prescribed in 49 CFR 382. If the term "Commercial Motor Vehicle" or "CMV" is used in reference to the licensing requirements ~~of either 49 CFR 383 or~~ prescribed under A.R.S. § 28-3001, the term has the meaning ~~at 49 CFR 383 or~~ prescribed under A.R.S. § 28-3001. If the term "Commercial Motor Vehicle" or "CMV" is not used in reference to the controlled substances and alcohol use and testing requirements of 49 CFR 382 or the licensing requirements ~~of 49 CFR 383 or~~ prescribed under A.R.S. § 28-3001, the term means a self-propelled, motor-driven vehicle or vehicle combination, used on a public highway in this state in furtherance of a commercial enterprise, which:

a. Has a gross vehicle weight rating (GVWR) as a single vehicle or a ~~combination~~ gross combination ~~vehicle~~ weight rating ~~(CGVWR)~~ (GCWR) of 18,001 pounds or more; or
b. Transports passengers for hire and has a design capacity of 7 or more persons; or
c. Transports hazardous materials in an amount requiring marking or placarding as prescribed in R17-4-436.

2. "Exempt intracity zone" is deleted from R17-4-435.01 through R17-4-435.04 and has no application in these rules.
3. "For-hire motor carrier," "private motor carrier", "private motor carrier of passengers (business)" and "private motor carrier of passengers (non-business)" are deleted from R17-4-435.01 through R17-4-435.04 and the term "motor carrier" is used.
4. ~~Combination gross~~ Gross combination ~~vehicle~~ weight rating ~~(CGVWR)~~ (GCWR) ~~and gross vehicle weight rating (GVWR) have~~ has the meaning prescribed ~~in~~ under 49 CFR 390.5, Definitions. The meaning of gross vehicle weight rating (GVWR) as prescribed under 49 CFR 390.5, Definitions, is amended by adding:
In the absence of a value specified by the manufacturer and the vehicle identification number, law enforcement shall use a vehicle's actual gross weight or declared gross weight to determine the GVWR.
5. "Regional Director" means the Division Director.
6. "Special agent" means an officer or agent of the Department of Public Safety, the Division, or of a political subdivision, who is trained and certified by the Department of Public Safety to enforce Arizona's Motor Carrier Safety requirements.
7. "State" means a state of the United States and the District of Columbia.

C. 49 CFR 390.15 Assistance in investigations and special studies. Paragraph (a) is amended to read:
A motor carrier shall make all records and information pertaining to an accident available to a special agent upon request or as part of any inquiry within the time the request or inquiry specifies. A motor carrier shall give a special agent all reasonable assistance in the investigation of any accident including providing a full, true, and correct answer to any question of the inquiry.

D. 49 CFR 390.21 Marking of commercial motor vehicles. Paragraph (a) is amended to read:
This Section applies to all motor carrier vehicles operated in Arizona. A motor carrier not subject to the marking requirements of the U.S. Department of Transportation, shall mark its vehicles with the company name or business trade name and the city and state.

E. 49 CFR 390.23 Relief from regulations.
1. Paragraph (a) is amended to read:
The regulations contained in 49 CFR 390 through 397 do not apply to a motor carrier that is not subject to federal jurisdiction and that operates a commercial motor vehicle used or designated to provide relief during an emergency.
2. Paragraphs (a)(1), (a)(1)(A), (a)(1)(B), and (a)(1)(B)(ii) are deleted.
3. Paragraph (a)(2)(A) is amended as follows:
An emergency has been declared by a federal, state, or local government official having authority to declare an emergency; and
4. Paragraph (a)(2)(B) is amended as follows:
The Arizona Department of Public Safety, ~~Special Services Region~~ Commercial Vehicle Enforcement Bureau, determines a local emergency exists that justifies an exemption from any or all of these Parts. If the Arizona Department of Public Safety, ~~Special Services Region~~ Commercial Vehicle Enforcement Bureau determines relief from these regulations is necessary to provide vital service to the public, relief shall be granted with any restrictions the Arizona Department of Public Safety considers necessary.
5. Paragraph (b) is amended as follows:
"Interstate commerce" means in the furtherance of a commercial enterprise.

F. 49 CFR 390.25 Extensions of relief from regulations - emergencies is amended as follows:
A motor carrier seeking to extend a period of relief from these regulations shall obtain approval from the Arizona Department of Public Safety, ~~Special Services Region~~ Commercial Vehicle Enforcement Bureau. The motor carrier shall give full details of the additional relief requested. Taking into account the severity of the emergency and the nature of the relief services to be provided by the motor carrier, the Arizona Department of Public Safety shall extend a period of relief with any restrictions considered necessary.

G. 49 CFR 390.27 Locations of regional motor carrier safety offices is amended to read:
To make a request for relief from these regulations, the motor carrier requesting relief shall contact the Arizona Department of Public Safety, ~~Special Services Region~~ Commercial Vehicle Enforcement Bureau, Telephone (602) 223-2212.

R17-4-435.02. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers

A. 49 CFR 391.11 Qualifications of drivers. Paragraph (b)(1) is amended to read:
Is at least 21 years of age for interstate operation; and at least 18 years of age for operations restricted to intrastate transportation not involving the transportation of reportable quantities of hazardous substances, hazardous wastes required to be manifested, or hazardous materials in an amount requiring the vehicle to be marked or placarded as prescribed in R17-4-436.

B. 49 CFR 391.49 Waiver of certain physical defects.

1. Paragraph (a) is amended by adding:
   A person not physically qualified to drive as prescribed in 49 CFR 391.41(b)(1), (b)(2), (b)(3), or (b)(10) but otherwise qualified to drive a motor vehicle, may drive a motor vehicle in intrastate commerce if the Division Director grants an intrastate waiver to the person. Application for an intrastate waiver shall be submitted in accordance with subsection (C). If granted, an intrastate waiver shall be for a period not exceeding 2 years. A person granted an intrastate waiver may transfer the intrastate waiver from an original employer to a new employer upon written notification to the Division Director stating the name of the new employer and the type of equipment to be driven.
2. Paragraph (b) is amended by adding:
   To obtain an intrastate waiver, an applicant or an applicant and co-applicant shall submit a letter of application for an intrastate waiver of a physical qualification. The application shall be addressed to the Motor Vehicle Division, Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100. The applicant shall comply with all the requirements of 49 CFR 391.49 (c), "Waiver of certain physical defects", except paragraphs (c)(1)(i) and (c)(1)(iii). The driver applicant shall respond to the requirements of 49 CFR 391.49 (c)(2)(ii) through (c)(2)(v), if the information is known.
3. Paragraph (c)(1)(iv) is amended to read:
   A description of the driver applicant's limb or visual impairment for which waiver is requested.
4. Paragraph (d)(3)(i) is amended to read:
   The medical evaluation summary for a driver applicant disqualified ~~in~~ under 49 CFR 391.41 (b)(1) or (b)(10) shall include:
5. Paragraph (d)(3)(i)(B) is amended by adding:
   Or a statement by the examiner that an applicant for an intrastate waiver has distant visual acuity of at least 20/40 (Snellen), with or without a corrective lens, in 1 eye; a field of vision of at least 70 degrees peripheral measurement of the horizontal meridian of the applicant's dominant eye; and the ability to distinguish the colors of traffic signals and devices showing standard red, green, and amber.
6. Paragraph (d)(3)(iii) is added:
   The medical evaluation for a driver applicant disqualified as prescribed ~~in~~ under 49 CFR 391.41(b)(3) shall include the requirements found in 49 CFR 391.64.
7. Paragraph (j) is amended by adding:
   A person with a distant visual acuity of ~~less~~ greater than 20/40 (Snellen), with or without a corrective lens, in 1 eye; a field of vision of less than 70 degrees peripheral measurement of the horizontal meridian of the person's dominant eye; and the inability to distinguish the colors of traffic signals and devices showing standard red, green and amber, shall not transport any amount of hazardous materials required to be marked or placarded as prescribed ~~in~~ under R17-4-436 nor operate a vehicle for the purpose of transporting passengers as prescribed ~~in~~ under R17-4-435.

C. Waiver procedures for intrastate drivers.

1. The Division Director shall appoint the Division's Medical Review Officer to review requests for physical waivers.
2. The Medical Review Officer shall:
   a. Review an application to ensure all provisions of 49 CFR 391.49 are met;
   b. Take necessary testimony and accept documentation and information about the application;
   c. Ensure that a driver applying for an intrastate waiver of the visual requirements:
      i. Has driven the type of vehicle to be operated as prescribed in the waiver for at least 2 of the previous 5 years, and
      ii. Will not transport passengers for hire or transport reportable quantities of hazardous substances, hazardous wastes required to be manifested, or hazardous material required to be marked or placarded as prescribed ~~in~~ under R17-4-436;
   d. Notify the applicant by mail:
      i. To contact the nearest CDL examiner to schedule a time to take the CDL pre-inspection, off-road, and on-road tests within ~~60~~ 30 days from date of notice.
      ii. Of the decision to approve or deny the waiver within 10 days of the decision.
3. The applicant shall submit an application to the Division as prescribed ~~in~~ under 49 CFR 391.49 (a), (b), (c) and (d) as amended by this rule.
4. Waiver form.
   a. The Division shall ensure that the waiver form reflects the terms, conditions, or limitations of the waiver.
   b. The Division shall maintain the original waiver form.
   c. The motor carrier shall retain a legible copy of the waiver form as long as the driver is employed as a driver and for 3 years thereafter.
   d. A driver granted a waiver form shall keep a legible copy in possession when driving a commercial motor vehicle.

5. Hearings and appeals. If the Division Director denies a waiver application, the applicant may request a hearing with the MVD Executive Hearing Office within 15 days from the date of the notice as prescribed ~~in~~ under R17-4-901 through R17-4-912.
6. The Division Director may suspend for life the commercial vehicle operating privilege of any driver who, after issuance of a waiver as prescribed in this Section, fails to meet the conditions imposed by this Section, or is found to have committed a serious traffic violation as described under A.R.S. § 28-3312(E) or is involved in a reportable accident related to the driver's medical condition.
7. The provisions of this Section are not valid if enforcement of these provisions would result in the loss of or the disqualification of federal funding for any state agency or program.

D. Subpart F - Files and Records.

49 CFR 391.51 Driver qualification files. Paragraph (b)(2) is amended by adding the following text:

or the Division Director's letter of notification, granting an intrastate waiver of physical disqualification, if a waiver is granted as prescribed in this rule.

E. The following Sections are deleted:

1. 49 CFR 391.68 Private motor carrier of passengers (non-business).
2. 49 CFR 391.69 ~~Drivers operating in Hawaii.~~
3. ~~49 CFR 391.71 Intrastate drivers of commercial motor vehicles transporting Class 3 combustible liquids.~~
4. ~~49 CFR 391.73~~ Private motor carrier of passengers (business).

R17-4-435.03. Motor Carrier Safety: 49 CFR 382 - Controlled Substances and Alcohol Use and Testing

A. 49 CFR 382.103 Applicability. Paragraph (a)(1) is amended to read:

The commercial driver's license requirements of the State of Arizona.

B. 49 CFR 382.115 Starting date for testing programs. Paragraph (a) is amended to read:

The controlled substance and alcohol use and testing requirements commence for all motor carriers on the date this rule goes into effect.

C. Paragraphs (b) through ~~(f)~~ (d) are deleted.

~~R17-4-436.06~~ R17-4-435.06. Insulin-Dependent Commercial Driver License Waiver Pilot Study Program

The Division shall create a pilot study program for insulin-dependent diabetics to process, monitor, and evaluate the feasibility of establishing a waiver program for intrastate drivers who are disqualified as prescribed in the provisions of 49 CFR 391.41 (b)(3), but who are otherwise qualified. All requirements of R17-4-435.02 apply except (B)(3) and (B)(4).

1. The Medical Review Officer, authorized to approve or deny waiver applications, shall administer the pilot study program.
2. The study program begins on the effective date of this rule and terminates 2 years from that date.
3. All waivers issued through the study program terminate upon the expiration of the study program.
4. The Division Director may extend the study or establish a permanent waiver process after review of the study program results.
5. An insulin-dependent diabetic may apply for a waiver, restricted to the State of Arizona, for participating in the 2-year pilot study if:
   a. The applicant submits blood glucose logs to the endocrinologist or medical examiner at an annual examination or at any time as directed by the medical review Section.
   b. The applicant has a driving record meeting the minimum requirements of safe driving as specified in applicable federal and state safety regulations and has no serious traffic violation as described under A.R.S. § 28-3312 (E), no period of driver disqualification, and no reportable accident for the 3-year period before submitting the waiver application.
   c. A separate signed statement from an examining ophthalmologist is submitted that the applicant has been examined and does not have unstable proliferative diabetic retinopathy, unstable advancing disease of blood vessels in the retina, and has stable acuity of at least 20/40 Snellen in each eye, with or without corrective lenses.
6. An insulin dependent diabetic commercial driver license applicant shall provide:
   a. A board-certified or board-eligible endocrinologist with a complete medical history including the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies pertaining to the diabetes and follow-up reports, and reports of any hypoglycemic insulin reactions within the prior 12 months or from the date the applicant started using insulin, whichever is later.
   b. An examination by a board-certified or board-eligible endocrinologist. The complete medical examination shall consist of a comprehensive evaluation of the applicant's medical history and current status, including a review of:

i. Fasting blood studies glucose, glycosylated hemoglobin/Hb Alc I including lab reference page and urinalysis performed during the last 6 months; and
ii. Insulin dosages and types, diet utilized for control, and any significant factors such as smoking, alcohol use, and other medications, or drugs taken.

c. A statement prepared and signed by the examining endocrinologist whose status as board-certified or board-eligible is indicated. The signed statement shall include separate declarations indicating the following medical determinations:
i. The endocrinologist is familiar with the applicant's medical history for the past 12 months whether through actual treatment over that time or through consultation with a physician who has treated the applicant during that time.
ii. The applicant is free from insulin reactions including severe hypoglycemia and hypoglycemia awareness, and has had no more than 1 documented hypoglycemic reaction per month in the previous 12 months or from the date the applicant started using insulin injections, whichever is later.
iii. The applicant does not have severe hypoglycemia episodes of altered consciousness requiring the assistance of another person to regain control.
iv. The applicant does not have hypoglycemia unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness.
v. The applicant's diabetic condition will not adversely affect the applicant's ability to operate a commercial motor vehicle; and
vi. The applicant is educated in diabetes and its management and is thoroughly informed of and understands procedures to follow to monitor and manage the applicant's diabetes and procedures to follow if complications arise.

d. An insulin-dependent applicant for a commercial driver license waiver shall meet the following requirements for the last 3 years before application:
i. Have a driving record that contains no suspension or revocation of the applicant's driver license for the operation of any motor vehicle, including personal vehicles, except a suspension or revocation due to nonpayment of fines;
ii. Have no involvement in an accident as defined in 49 CFR 390.5 for which the applicant received a citation for a moving traffic violation while operating a commercial motor vehicle;
iii. Have no conviction for a disqualifying offense described in 49 CFR 383.51, or more than 1 serious traffic violation as described in 49 CFR 383.51 and A.R.S. § 28-3312 (E) while operating a commercial motor vehicle; and
iv. Have no more than 2 convictions for any non-serious moving traffic violations while operating a commercial motor vehicle.

e. The applicant shall immediately report any arrest, citation, or conviction to the MVD Medical Review Program. Failure to do so may result in denial or rescission of the waiver.