

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ALLOPATHIC BOARD OF MEDICAL EXAMINERS

PREAMBLE

1. Sections Affected

R4-16-501
R4-16-502
R4-16-503
R4-16-504
R4-16-505

Rulemaking Action

New Section
New Section
New Section
New Section
New Section

(Other Sections may be added, deleted, or modified as necessary.)

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

Authorizing statutes: A.R.S. §§ 32-1403(A)(8) and 32-1404(D)

Implementing statutes: A.R.S. §§ 32-1403(A)(2), (3), and (5), and 32-1451. This rules package is exempt from the rulemaking provisions of Title 41, Chapter 6, Arizona Revised Statutes pursuant to Laws 2002, Ch. 37, § 6.

3. The effective date of the rules:

To be determined—upon future filing of Notice of Final Exempt Rulemaking with the office of the Secretary of State.

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

None

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

Name: Legislative Liaison
Address: Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2712
Fax: (480) 551-2828
E-mail: comments@azmdboard.org

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

The Arizona Medical Board ("Board") is adopting rules to establish written guidelines to impose sanction on its licensees. The intent of these rules is to provide the public and allopathic physicians with insight into how the Board determines whether there will be discipline and what the discipline will be. These rules are exempt from Title 41, Chapter 6 of the Arizona Revised Statutes pursuant to Laws 2002, Ch. 37, § 6.

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

None

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

These rules do not diminish any previous grants of authority of a political subdivision of this state.

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

Because these rules are exempt from Title 41, Chapter 6 of the Arizona Revised Statutes pursuant to Laws 2002, Ch. 37, § 6, they are also exempt from the requirement to prepare an economic, small business, and consumer impact report. However, the Board believes that any impact on the economy, small businesses, or consumers will be positive because these rules provide information to the public and allopathic physicians on disciplinary and nondisciplinary actions taken by the Board when an act of unprofessional conduct has been found by the Board.

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

Not applicable

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

Written comments will be accepted Monday through Friday from 8:00 a.m. to 5:00 p.m. at the address listed in item #5, or via e-mail to comments@azmdboard.org.

Oral proceedings at which members of the public may appear and make comments regarding the rules will occur as follows:

Date: June 9, 2003
Time: 5:00 p.m.
Location: Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

The public record will close at the end of the public hearing held on June 9, 2003.

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

This rules package is exempt from the rulemaking provisions of Title 41, Chapter 6, Arizona Revised Statutes pursuant to Laws 2002, Ch. 37, § 6.

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

Reference is made to the Arizona Medical Board's Substantive Policy Statement No. 9, Explanation of Board Actions and Overview of Complaint Categories, within proposed rule R4-16-501. This document is available and open to public inspection Monday through Friday from 8:00 a.m. to 5:00 p.m. at the offices of the Arizona Medical Board, 9545 E. Doubletree Ranch Road, Scottsdale, AZ. The document is also available through the agency's web site at www.azmdboard.org.

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

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ALLOPATHIC BOARD OF MEDICAL EXAMINERS

ARTICLE 5. DISCIPLINARY ACTIONS

Section

R4-16-501. Intent
R4-16-502. Application
R4-16-503. Acts of Unprofessional Conduct
R4-16-504. Aggravating Factors Considered in Disciplinary Actions
R4-16-505. Mitigating Factors Considered in Disciplinary Actions

ARTICLE 5. DISCIPLINARY ACTIONS

R4-16-501. Intent

The intent of these disciplinary rules is to provide the public and licensees with insight into how the Arizona Medical Board ("Board") determines whether there will be discipline and what the discipline will be. The Board has adopted Substantive Policy Statement No. 9, Explanation of Board Actions and Overview of Complaint Categories, which explains Board actions and provides an overview of complaint categories.

R4-16-502. Application

When the Board finds that a physician committed an act of unprofessional conduct the Board will then decide if the conduct rises to the level of discipline or merits a non-disciplinary action. Once the Board makes this determination, it will apply the

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rules contained in this Article and consider the aggravating and mitigating factors and the nature of the complaint. Because of factual circumstances, greater or lesser discipline than that listed in rule may be imposed in a particular case. Cases involving the same issue or conduct may not result in the same discipline because of aggravating and mitigating factors and factual differences in the cases.

R4-16-503. Acts of Unprofessional Conduct

A physician commits an act of unprofessional conduct when the physician violates one or more subparagraphs of A.R.S. § 32-1401(24). These statutory violations are referenced under the categories that follow.

1. “Violations Of Law” include those actions or omissions that violate A.R.S. § 32-1401(24)(a), (d), or (s).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
2. “False Representations” include those action or omissions that violate A.R.S. § 1401(24)(m), (t), (v), (aa), (bb), (jj), (mm), or (qq).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
3. “Fee Issues” include those action or omissions that violate A.R.S. § 32-1401(24)(u), (v), or (w).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
4. “Sexual Conduct With Patient” includes those action or omissions that violate A.R.S. § 32-1401(24)(z).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
5. “Failure To Comply With A Board Investigation” includes those action or omissions that violate A.R.S. § 32-1401(24)(n), (dd), or (ee).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
6. “Failing To Disclose A Financial Connection” includes those actions or omissions that violate A.R.S. § 32-1401(24)(ff).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
7. “Failing To Report Unprofessional Conduct” includes those actions or omissions that violate A.R.S. § 32-1401(24)(oo) or (pp).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
8. “Prescribing Violations” include those actions or omissions that violate A.R.S. § 32-1401(24)(h), (i), (j), (k), (hh), (kk), or (ss).
 - a. A one-time offense may result in a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include Probation.
 - b. Repetitive or egregious offenses may result in Decree of Censure, possibly with Probation, or Suspension, Revocation, or a request for Voluntary Surrender of License.
9. “False Advertising” includes those actions or omissions that violate A.R.S. § 32-1401(24)(c).
 - a. A one-time occurrence of a minor nature may be issued an advisory letter.
 - b. Repetitive, egregious, or non-remediable offenses may result in a minimum penalty of a Letter of Reprimand.
10. “Medical Records Issues” includes those actions or omissions that violate A.R.S. § 32-1401(24)(e) or (rr).
 - a. A one-time occurrence of a minor nature that does not depart from the standard of care may be issued an Advisory Letter.
 - b. Repetitive, egregious, or non-remediable offenses may result in a minimum penalty of Letter of Reprimand.

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11. “Violations Of Board Orders” includes those actions or omissions that violate A.R.S. § 32-1401(24)(r) or (nn).
 - a. A one-time offense may result in a minimum penalty of a Letter of Reprimand.
 - b. Repetitive or egregious offenses may result in a Decree of Censure with Probation, or Suspension, Summary Suspension, and/or Revocation.
12. “Actions Taken By Other Entities Against A Physician’s License” includes those actions listed in A.R.S. § 32-1401(24)(o) or (p).
 - a. A one-time occurrence of a minor nature that does not depart from the standard of care may be issued an Advisory Letter.
 - b. Repetitive or egregious offenses may result in a minimum penalty of a Letter of Reprimand.
13. “Intentionally Disclosing Privileged Information” includes those actions or omissions that violate A.R.S. § 32-1401(24)(b).
 - a. A one-time occurrence of a minor nature that does not depart from the standard of care may be issued an Advisory Letter.
 - b. Repetitive or egregious offenses may result in a minimum penalty of a Letter of Reprimand.
14. “Connection With, Or Enhancing Activities Of, Illegal Practitioner Or Medicine” includes those actions or omissions that violate A.R.S. § 32-1401(24)(cc).
 - a. A one-time offense may result in either a Letter of Reprimand or Decree of Censure, the latter penalty for serious violations. Either may include probation.
 - b. Repetitive, egregious, or non-remediable offenses may result in Suspension, Revocation, or a Request for Voluntary Surrender of License.
15. “Use Of Chelation Therapy Outside Scope Of Statute” includes those actions or omissions that violate A.R.S. § 32-1401(24)(gg).
 - a. A one-time occurrence of a minor nature that does not depart from the standard of care may be issued an Advisory Letter.
 - b. Repetitive or egregious offenses may result in a minimum penalty of a Letter of Reprimand.
16. “Use Of Experimental Forms Of Diagnosis And Treatment Outside Scope Of Statute And Fetal Experiments In Violation Of A.R.S. § 36-2302” includes those actions or omissions that violate A.R.S. § 32-1401(24)(y) or (x).
 - a. A one-time occurrence may result in Probation with a provision for remedial training or an Advisory Letter if the Physician appears to be otherwise competent and there are no aggravating factors.
 - b. Repetitive or egregious offenses may result in a Letter of Reprimand or a Decree of Censure with Probation. Offenses that are not, or are unlikely to be remediated, may result in Suspension or Revocation.
17. “Improper Direction Of Licensed, Certified Or Registered Healthcare Providers” includes those actions or omissions that violate A.R.S. § 32-1401(24)(ii).
 - a. A one-time occurrence may result in Probation with a provision for remedial training or an Advisory Letter if the Physician appears to be otherwise competent and there are no aggravating factors.
 - b. Repetitive or egregious offenses may result in a Letter of Reprimand or a Decree of Censure with Probation. Offenses that are not, or are unlikely to be remediated, may result in Suspension or Revocation.
18. “Departures From The Standard Of Care” includes those actions or omissions that violate A.R.S. § 32-1401(24)(l), (q), or (ll).
 - a. Technical Errors:
 - i. When there has been a technical error, the Board may consider the following factors:
 - (1) Whether the procedure otherwise performed within the standard of care;
 - (2) Whether the complication that occurred is a complication that is documented to occur when the procedure is otherwise competently performed;
 - (3) Whether the complication was recognized in a timely fashion and then treated appropriately;
 - (4) Whether the patient and/or the patient’s family was informed of the complication/error in a timely fashion; and
 - (5) Whether the proper informed consent was obtained from the patient prior to the procedure or surgery.
 - ii. A one-time technical error that answers the above questions in the affirmative may be adjudicated with an Advisory Letter to trend the specific error.
 - iii. A one-time technical error that does not answer the above questions in the affirmative may result in a Letter of Reprimand or a Decree of Censure.
 - iv. Repetitive or egregious technical errors may result in a Letter of Reprimand, Decree of Censure, Probation, Suspension or Revocation or any combination, depending on severity, frequency, the potential for remediation and other aggravating circumstances. The Board may also consider instituting emergency proceedings to restrict an area of a physician’s practice that is in question.
 - b. System Errors:
 - i. A one-time occurrence that is isolated and is not egregious may not typically rise to the level of discipline and may warrant an Advisory Letter to trend the complaint.

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- ii. Repetitive or egregious offenses may result in Probation with remediation measures and may also result in a Letter of Reprimand or a Decree of Censure.
 - c. Departures Caused By Cognitive Issues Involving The Physician:
 - i. A one-time occurrence may warrant an Advisory Letter to trend the complaint if the physician appears to be otherwise careful and competent and there are no aggravating factors or may result in Probation with a provision for remedial training.
 - ii. Repetitive or egregious offenses may result in a Letter of Reprimand or a Decree of Censure with Probation. Offenses that are not, or are unlikely to be remediated, may result in Suspension or Revocation.
 - d. Departures Caused By Physical Or Mental Health Issues And The Physician Will Not Agree To Voluntarily Enter Treatment:
 - i. A one-time offense may be resolved with Probation if the physical or mental health issue is treatable and remediable.
 - ii. Repetitive or egregious offenses involving a physical or mental health issue that is unlikely to be remediated may result in Suspension, Revocation or voluntary Surrender of License.
19. “Departures From The Standard Of Care Caused By Chemical Dependency Or Substance Abuse” includes those actions or omissions that violate A.R.S. § 32-1401(24)(f) or (g).
- a. A one-time offense may be resolved with Probation. A violation with a significant departure from the standard of care may result in a minimum of a Letter of Reprimand and Probation.
 - b. Repetitive or egregious offenses may result in a minimum of Decree of Censure and Probation. Suspension or Revocation may be appropriate in some cases.

R4-16-504. Aggravating Factors Considered in Disciplinary Actions

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

- 1. Prior disciplinary offenses;
- 2. Dishonest or selfish motive;
- 3. Pattern of misconduct; multiple offenses;
- 4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the board;
- 5. Submission of false evidence, false statements or other deceptive practices during the investigative or disciplinary process;
- 6. Refusal to acknowledge wrongful nature of conduct; and
- 7. Vulnerability of the victim.

R4-16-505. Mitigating Factors Considered in Disciplinary Actions

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

- 1. Absence of prior disciplinary record;
- 2. Absence of dishonest or selfish motive;
- 3. Timely good faith effort to rectify consequences of misconduct;
- 4. Interim rehabilitation;
- 5. Remoteness of prior offenses; and
- 6. How much control the physician has of processes in the specific practice setting.

NOTICE OF EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

1. Sections Affected

R4-30-103
R4-30-106
R4-30-107
R4-30-270
R4-30-271
R4-30-272
R4-30-305

Rulemaking Action

New Section
Amend
Amend
New Section
New Section
New Section
New Section

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

Authorizing statutes: A.R.S. §§ 32-106(A) and 12-1001(D)

Implementing statutes: A.R.S. §§ 12-1001(D); 32-112(D); 32-122.03; 32-122.04; and 32-122.05

3. The effective date of the rules:

April 15, 2003. Immediately upon filing with the Office of the Secretary of State. Laws 2002, Ch. 297 (HB 2595) exempted the Board from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes to develop rules under A.R.S. §§ 12-1001(D), 32-112(D), 32-122.03, 32-122.04, and 32-122.05. These statutes become effective June 30, 2003 and make it unlawful to practice these regulated occupations pursuant to amendments to A.R.S. § 32-145.

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

Not applicable

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

Name: Melinda Baughman
Address: Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4954
Fax: (602) 364-4931
E-mail: btrmkb@yahoo.com

6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from regular rulemaking:

Laws 2002, Ch. 297 (HB 2595), amended the Board of Technical Registration's statutes to provide for the certification and registration of clandestine drug laboratory remediation firms, supervisors, and on-site workers who perform remediation of clandestine drug laboratories that manufacture methamphetamine, LSD, or ecstasy. Laws 2002, Ch. 297, § 1 requires the Board to adopt, by rule, best standards and practices for performing clandestine drug laboratory remediations. The statutes requiring registration and certification by the Board before conducting these occupations become effective June 30, 2003. Pursuant to Laws 2002, Ch. 297, § 15, the Board is exempt from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes for one year after the effective date of the act to implement the act.

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

Not applicable

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

Not applicable

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

Not applicable under an exemption pursuant to Laws 2002, Ch. 297, § 15.

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

Not applicable

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

Not applicable

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

Not applicable

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

40 CFR 763.92	R4-30-103(2)
R18-11-406	R4-30-103(3)
40 CFR 261.3	R4-30-103(6)
29 CFR 1910.120 (e)	R4-30-103(27)
R18-7-201	R4-30-103(53)
29 CFR 1926.62	R4-30-271(A)(7)

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

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-30-103. ~~Repealed~~ Drug Laboratory Site Remediation Definitions
- R4-30-106. Fees
- R4-30-107. Registration and Certification Expiration Dates

ARTICLE 2. REGISTRATION PROVISIONS

Section

- R4-30-270. ~~Reserved~~ Drug Laboratory Site Remediation Firm Registration
- R4-30-271. ~~Reserved~~ On-site/Remediation Supervisor Certification
- R4-30-272. ~~Reserved~~ On-site Worker Registration

ARTICLE 3. REGULATORY PROVISIONS

Section

- R4-30-305. ~~Reserved~~ Drug Laboratory Site Remediation Best Standards and Practices

ARTICLE 1. GENERAL PROVISIONS

R4-30-103. ~~Repealed~~ Drug Laboratory Site Remediation Definitions

In addition to the definitions provided in A.R.S. §§ 12-990, 32-101, and R4-30-101, the following definitions shall apply only to drug laboratory site remediation requirements in this Chapter:

1. "ADHS" means the Arizona Department of Health Services.
2. "AHERA" means the Asbestos Hazard Emergency Response Act of 1986 training provisions contained in 40 CFR 763.92, effective November 15, 2000, 65 FR 69216, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at the office of the Board of Technical Registration.
3. "AWQS" means the Arizona Aquifer Water Quality Standards contained in R18-11-406, effective December 31, 2002, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.
4. "Background concentration" means the level of naturally occurring contaminant in soil.
5. "Certificate" or "certificates" means registrations or certifications issued to on-site workers or on-site/remediation supervisors by the Board.

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6. “Certified Industrial Hygienist” means a person certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene.
7. “Certified Safety Professional” means a person certified in safety practices and procedures by the Board of Certified Safety Professionals.
8. “Chain-of-custody protocol” means a procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, and the time of possession of each person.
9. “Characterize” means to determine the quality or properties of a material by sampling and testing to determine the concentration of contaminants, or specific properties of the material such as flammability or corrosiveness.
10. “Combustible” means vapor concentration from a liquid that has a flash point greater than 100° F.
11. “Confirmation sampling of remedial projects” means collecting materials after a remedial effort to confirm that the remedial effort reduced contaminant concentrations or material properties to below the remedial standard.
12. “Contamination” or “contaminated” means the state of being impacted or polluted by hazardous or petroleum substances or chemicals.
13. “Corrosive” means a material such as acetic acid, acetic anhydride, acetyl chloride, ammonia (anhydrous), ammonium hydroxide, benzyl chloride, dimethylsulfate, formaldehyde, formic acid, hydrogen chloride/hydrochloric acid, hydrobromic acid, hydroiodic acid, hydroxylamine, methylamine, methylene chloride (dichloromethane, methylene dichloride), methyl methacrylate, nitroethane, oxalylchloride, perchloric acid, phenylmagnesium bromide, phosphine, phosphorus oxychloride, phosphorus pentoxide, sodium amide (sodamide), sodium metal, sodium hydroxide, sulfur trioxide, sulfuric acid, tetrahydrofuran, or thionyl chloride that increases or decreases the pH of a material and may cause degradation of the material.
14. “Delineated” means to determine the extent of a contaminant by sampling, testing, and showing the size and shape of the contaminant plume on a drawing.
15. “EPA” means the United States Environmental Protection Agency.
16. “EPA Method 8015B” means the EPA approved method for determining the concentration of various non-halogenated volatile organic compounds and semi-volatile organic compounds by gas chromatography/flame ionization detector.
17. “EPA Method 6010B” means the EPA approved method for determining the concentration of various heavy metals by inductively coupled plasma.
18. “EPA Method 8260B” means the EPA approved method for determining the concentration of various volatile organic compounds by GC/MS.
19. “Exposed” means open to the atmosphere and not covered by a non-porous material.
20. “Final report” means the report required in R4-30-305(R).
21. “FID” means flame ionization detector.
22. “Flammable” means vapor concentration from a liquid that has a flash point less than 100° F.
23. “GC/MS” means gas chromatograph/mass spectrometer.
24. “Hazardous chemical decontamination projects” means work or services related to the remediation, removal, or clean-up of hazardous chemicals, hazardous substances, petroleum substances, or other hazardous materials.
25. “Hazardous substance” means red phosphorous, iodine crystals, tincture of iodine, methamphetamine, ephedrine, pseudoephedrine, volatile organic compounds, corrosives, LSD, ecstasy, lead, mercury, and any other chemical used at a clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
26. “Hazardous waste” means toxic materials to be discarded as defined in 40 CFR 261.3, effective December 3, 2001, and 66 FR 60153, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available in the office of the Board of Technical Registration.
27. “HAZWOPER” means Hazardous Waste Operations Training as defined in 29 CFR 1910.120(e), effective November 7, 2002, and 67 FR 67964, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.
28. “HEPA” means high-efficiency particulate air.
29. “Highly suggestive of contamination” means visible or olfactory indication of contamination, or locations within 10 feet of areas where hazardous substances were stored or used to manufacture methamphetamine, LSD, or ecstasy and could likely be contaminated with hazardous substances, unless separated by a full-height, non-porous wall with no openings.
30. “Impacted groundwater” means water present beneath ground surface that contains hazardous or petroleum substances at concentrations above background concentrations.
31. “Impacted soil” means soil that contains hazardous or petroleum substances at concentrations above background concentrations.
32. “Inaccessible” means unable to be reached without removal of a construction material or component.
33. “LEL/O₂” means lower explosive limit/oxygen.

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34. “Laboratory detection limit” means the lowest concentration of a hazardous or petroleum substance that can be reliably quantified or measured by an analytical laboratory under ideal operating conditions for a particular test method on a sample.
35. “Negative pressure enclosure” means an air-tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.
36. “Non-porous” means resistant to penetration of hazardous substances or non-permeable substance or materials, such as concrete floors, wood floors, ceramic tile floors, vinyl tile floors, sheet vinyl floors, painted drywall or sheet rock walls or ceilings, doors, appliances, bathtubs, toilets, mirrors, windows, counter-tops, sinks, sealed wood, metal, glass, plastic, and pipes.
37. “On-site/remediation supervisor” means an employee of a drug laboratory site remediation firm who is authorized to oversee on-site workers in the performance of their duties.
38. “On-site supervisor” has the same meaning as “on-site/remediation supervisor.”
39. “Personal protective equipment” means various types of clothing such as suits, gloves, hats, and boots, or apparatus such as face masks or respirators designed to prevent inhalation, skin contact, or ingestion of hazardous chemicals.
40. “Personnel decontamination procedures” means procedures used to clean or remove potential contamination from personal protective equipment.
41. “PID” means photo ionization detector.
42. “Porous” means easily penetrated or permeated by hazardous substances or permeable substances or materials such as carpets, draperies, bedding, mattresses, fabric covered furniture, pillows, drop ceiling or other fiber-board ceiling panels, cork paneling, blankets, towels, clothing, and cardboard.
43. “Properly disposed of” means to discard at a licensed facility in accordance with all applicable laws and not reused or sold, or metal recycled by giving or selling to a licensed recycling facility for scrap metal.
44. “Remedial standard” or “remediation standard” means the level or concentration to be achieved by the drug laboratory site remediation firm as defined in R4-30-305(C)(2) or (C)(3).
45. “Remediated” or “remediation” means treatment of the residually contaminated portion of the real property by a drug laboratory site remediation firm to reduce contaminant concentrations below the remedial standards.
46. “Residual contamination” means contamination resulting from spills or releases of hazardous or petroleum substances.
47. “Return air housing” means the main portion of an air ventilation system where air from the livable space returns to the air handling unit for heating or cooling.
48. “Reusable” means not disposable or equipment that can be used more than one time for sampling after cleaning.
49. “Sample location” means the actual place where an environmental sample was obtained.
50. “Shoring plan” means a written description or drawing that shows the structural supports required to safely occupy the building during remediation.
51. “Seepage pit” means a hole in the ground used to dispose of septic fluids.
52. “Services” means the activities performed by the drug laboratory site remediation firm in the course of remediating residual contamination from the manufacturing of methamphetamine, ecstasy, or LSD, or from the storage of chemicals used in manufacturing methamphetamine, ecstasy, or LSD.
53. “SRL” means the Arizona residential soil remediation levels contained in A.A.C. R18-7-201, effective September 30, 2002, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of this rule are available at the office of the Board of Technical Registration.
54. “Temporary filter media” means a device used to filter or clean air.
55. “Toxic” means hazardous substances that can cause local or systemic detrimental effects to people.
56. “VOA” means volatile organic analyte.
57. “VOCs” means volatile organic compounds or chemicals that can evaporate at ambient temperatures such as acetone, acetonitrile, aniline, benzene, benzaldehyde, benzyl chloride, carbon tetrachloride, chloroform, cyclohexanone, dioxane, ethanol, ethyl acetate, ethyl ether, Freon 11, hexane, isopropanol, methanol, methyl alcohol, methylene chloride, naphtha, nitroethane, petroleum ether, petroleum distillates, pyridine, toluene, o-toluidine, and any other volatile organic chemical used at the clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
58. “Waste” means refuse, garbage, or other discarded material.

R4-30-106. Fees

- A. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change

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6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. The Drug Laboratory Site Remediation Firm initial registration fee, and annual renewal fee, is \$1000.00.
13. The On-Site Worker initial registration fee, and annual renewal fee, is \$300.00.
14. The On-Site/Remediation Supervisor initial certification fee, and annual renewal fee, is \$300.00.

- B. No change
- C. No change
- D. No change

R4-30-107. Registration and Certification Expiration Dates

- A. No change
- B. No change
- C. No change
- D. Drug Laboratory Site Remediation Firm Registration, On-Site Worker Registration and On-Site/Remediation Supervisor Certifications shall expire one year from the date of issuance.

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-270. Reserved Drug Laboratory Site Remediation Firm Registration

An applicant for drug laboratory site remediation firm registration shall submit the following application package to the Board:

1. An original completed application, containing the following information:
 - a. Name of business, business address, business telephone number, and mailing address, if different than the business address;
 - b. Description of the applicant's services offered to the public;
 - c. Name and certification number of each on-site supervisor who is authorized and responsible for the services being offered;
 - d. Legal status of business, such as corporation, partnership, sole proprietorship, or other status;
 - e. Name and address of the responsible individual in the firm to whom notices and correspondence from the board should be mailed; and
 - f. Certification that the information provided to the Board is accurate, true, and complete;
2. Copy of a current license issued by the Registrar of Contractors, the scope of which permits the applicant to perform the activities required of drug laboratory site remediation firms certified pursuant to this Chapter;
3. The applicable fee.

R4-30-271. Reserved On-site/Remediation Supervisor Certification

- A. An applicant for on-site supervisor certification shall submit an original and one copy of a completed application package containing the following information:
 1. Name, residence address, and residence telephone number;
 2. Date of birth and social security number of the applicant;
 3. Citizenship or legal residence;
 4. Jurisdiction in which any other certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
 5. The name of the state or jurisdiction, the type of certification, registration, or license the applicant is seeking, and the status of any application pending in any state or jurisdiction;
 6. A detailed explanatory statement, regarding:
 - a. Refusal of certification, registration or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any registration, certification or license held by the applicant in any state or jurisdiction;
 7. Certification that the information provided to the Board is accurate, true, and complete;
 8. A copy of a current 40-hour HAZWOPER training certificate or a copy of a current 8-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;

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9. Documentation of 12 months or more of on-site experience in hazardous chemical decontamination projects and a copy of a HAZWOPER certificate that shows the applicant held valid HAZWOPER certification during the 12 months of experience;
 10. Documentation of current AHERA contractor or supervisor certification or a copy of a current AHERA refresher certificate and a copy of an AHERA contractor or supervisor training certificate;
 11. Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:
 - a. Drug laboratory site remediation Best Standards and Practices contained in R4-30-305;
 - b. Chemical and physical hazards of a drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a drug laboratory;
 - e. Potential sharps and biohazards at a drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a drug laboratory;
 12. Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:
 - a. Hazardous and precautionary measures for initial entry into a drug laboratory site;
 - b. Assessment of residual contamination;
 - c. Preparation of work plans for remediation of drug laboratory;
 - d. Assessment of the structural stability for safe entry;
 - e. Characterizing wastes from the remediation of drug laboratory site; and
 - f. Preparing final reports on the remediation of the drug laboratory;
 13. Documentation of successful completion of a lead training course that meets the requirements of 29 CFR 1926.62(l), effective January 8, 1998, 63 FR 1296, the provisions of which are incorporated by reference and on file with the Secretary of State, copies of which are available at the office of the Board of Technical Registration;
 14. A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
 15. The applicable fee.
- B.** The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require a applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

R4-30-272. Reserved On-site Worker Registration

- A.** An applicant for on-site worker registration shall submit an original and one copy of a completed application package containing the following information:
1. Name, residence address, and residence telephone number;
 2. Date of birth and social security number of the applicant;
 3. Citizenship or legal residence;
 4. Jurisdiction in which any other certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
 5. Name of the state or jurisdiction, the type of certification, registration, or license the applicant is seeking, and the status of any application pending in any state or jurisdiction;
 6. A detailed explanatory statement regarding:
 - a. Any refusal of certification, registration, or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any certification, registration, or license held by the applicant in any state or jurisdiction;
 7. Certification that the information provided to the Board is accurate, true, and complete;
 8. Copy of a current 40-hour HAZWOPER training certificate or copy of a current 8-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
 9. Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:

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- a. Drug laboratory site remediation Best Standards and Practices contained in R4-30-305;
 - b. Chemical and physical hazards of a drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a drug laboratory;
 - e. Potential sharps and biohazards at a drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a drug laboratory;
10. A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
11. The applicable fee.
- B.** The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered, the Board staff or committee shall recommend that the Board register the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for registration.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-305. Reserved Drug Laboratory Site Remediation Best Standards and Practices

- A.** Preliminary procedures.
1. The nature and extent of damage and contamination of the residually contaminated portion of the real property shall be determined.
 2. The on-site supervisor shall request copies of any law enforcement, state agency, or other report regarding the nature and extent of illegal drug activity, evidence of what materials were removed from the real property and the location from which they were removed.
 3. The on-site supervisor shall:
 - a. Evaluate all information obtained regarding the nature and extent of damage and contamination;
 - b. Develop procedures to safely enter the residually contaminated portion of the real property in order to conduct a visual assessment;
 - c. Wear the appropriate personal protective equipment for the condition(s) assessed;
 - d. Visually inspect the residually contaminated portion of the real property; and
 - e. Be assisted by at least one on-site worker during the initial entry into the residually contaminated portion of the real property.
 4. The on-site supervisor shall conduct and document appropriate testing for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the residually contaminated portion of the real property, such as a LEL/O2 meter, pH paper, PID, FID, or equivalent equipment.
 5. If there was a fire or explosion in the residually contaminated portion of the real property which appears to have compromised its structural integrity, the drug laboratory site remediation firm shall obtain a structural assessment of the residually contaminated portion of the real property.
 6. The drug laboratory site remediation firm shall prepare a written work plan that contains:
 - a. Complete identifying information of the real property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home, registration number of the drug laboratory site remediation firm, name and certification number of the on-site supervisor, and name and registration numbers of the on-site workers that will be performing remediation services on the residually contaminated portion of the real property;
 - b. Copies of the current certification of the on-site supervisor and registrations of on-site workers that will be performing remediation services on the residually contaminated portion of the real property;
 - c. Photographs or drawings, and a written description of the residually contaminated portion of the real property that depicts the location and type of any residual contamination;
 - d. A description of the personal protective equipment to be used at the residually contaminated portion of the real property;
 - e. The health and safety procedures that will be followed in performing the remediation of the residually contaminated portion of the real property;
 - f. A list of emergency contacts and telephone numbers;
 - g. The route and location of the nearest hospital with emergency service facilities;
 - h. A detailed summary of the work to be performed by the drug laboratory site remediation firm including:
 - i. Any and all materials or articles to be removed or cleaned;

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- ii. All procedures to be employed to remove the residual contamination;
 - iii. All processes used to cover or encapsulate contaminants;
 - iv. All procedures for decontamination or disposal of contaminated materials;
 - v. All containment and negative pressure enclosure plans; and
 - vi. Personnel decontamination procedures to be used;
 - i. The shoring plan, if an assessment of the structural integrity was conducted and it was determined that shoring was necessary; and
 - j. A complete list of the proposed post-decontamination testing of the residually contaminated portion of the real property and the name(s) of the individual(s) conducting the sampling and the laboratory(ies) performing the analytical testing.
7. The written work plan shall be:
- a. Approved in writing by the owner of the real property or the owner's agent;
 - b. Submitted to the county health department of the county in which the property is located; and
 - c. Retained by the drug laboratory site remediation firm for a minimum of three years.
- B.** Remediation procedures for the residually contaminated portion of the real property.
- 1. All clandestine drug laboratory site remediation firms, on-site supervisors, and on-site workers shall comply with all applicable federal, state, municipal, and local laws, rules, ordinances, and regulations during the remediation of the residually contaminated portion of the real property.
 - 2. An on-site supervisor shall be present on the residually contaminated portion of the real property during the performance of remedial services.
 - 3. On-site workers or on-site supervisors shall conduct the removal of the contamination from the residually contaminated portion of the real property, except for porous materials from areas not highly suggestive of contamination that may be cleaned by a dry cleaning or laundry service.
 - 4. Procedures for areas highly suggestive of contamination:
 - a. All porous materials such as carpets, draperies, bedding, fabric covered furniture, drop ceilings, clothing, and related items, shall be removed and properly disposed of.
 - b. All stained materials from the laboratory operations including wall board (sheet rock), wood furniture, wood flooring, and tile flooring shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post remediation clearance levels contained in subsections (C)(2) and (C)(3) of this rule. If cleaned, the materials shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - c. All non-porous surfaces, such as bathtubs, toilets, mirrors, windows, tile flooring, counter-tops, and sinks, may be cleaned to the point of stain removal and left in place or removed and properly disposed of. If cleaned, these surfaces shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - d. All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed, or may be removed and properly disposed of. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water; and
 - e. All appliances shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post-remediation clearance levels contained in subsections (C)(2) and (C)(3) of this rule. If cleaned, the appliances shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - 5. Procedures for areas not highly suggestive of contamination.
 - a. All porous materials such as carpets, draperies, bedding, fabric covered furniture, clothing, and related items shall be removed and properly disposed of, except for porous drop ceilings, which shall be HEPA vacuumed and left in place. At the owner's discretion, all or some porous materials with no evidence of staining may be cleaned by HEPA vacuuming and one of the following methods:
 - i. Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.
 - ii. Chemical dry cleaning: Porous materials that cannot be washed with detergent and water shall be dry cleaned using a liquid solvent dry cleaning solution in a dry cleaning machine for at least 15 minutes.
 - iii. Detergent and water solution: Porous materials shall be washed in a washing machine with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water.
 - iv. If any porous materials are removed from the real property for cleaning, the materials shall be HEPA vacuumed, and the cleaning facility shall be notified in writing, by the drug laboratory site remediation firm, that the materials being cleaned are from a clandestine drug laboratory.
 - b. All non-porous surfaces such as floors, walls, ceilings, mirrors, windows, doors, appliances, and non-fabric furniture shall be thoroughly HEPA vacuumed and washed with a detergent and water solution and then thoroughly

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- rinsed. This cleaning procedure shall be repeated at least two additional times using a new detergent solution and rinse water.
- c. Doors or other openings to areas with no visible contamination shall be cordoned off from all other areas with at least 4-mil plastic sheeting after being cleaned, to avoid re-contamination during further remediation of the residually contaminated portion of the real property.
 - d. Spray-on acoustical ceilings shall be left undisturbed, and shall be sampled and tested for asbestos and for residual contamination to determine whether ceilings meet the post-remediation clearance levels contained in subsections (C)(2) and (C)(3) of this rule. If the post-remediation clearance levels are exceeded, these materials shall be properly removed and properly disposed of.
 - e. All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
6. Structural Integrity and Security Procedures. If, as a result of the remediation, the structural integrity or security of the real property is compromised, the drug laboratory site remediation firm shall take measures to remedy the structural integrity or security of the real property.
7. Ventilation Cleaning Procedures.
- a. Air registers shall be removed and washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - b. Temporary filter media shall be attached to air register openings.
 - c. A fan-powered HEPA filter collection machine shall be connected to the ductwork to develop negative air pressure in the ductwork.
 - d. Air lances, mechanical agitators, or rotary brushes shall be inserted into the ducts through the air register openings to loosen all dirt, dust and other loose materials.
 - e. The air handler unit, including the return air housing, coils, fan(s), system(s), and drip pan, shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - f. All porous linings or filters in the ventilation system shall be removed and properly disposed of.
 - g. The ventilation system shall be sealed off at all openings with at least 4-mil plastic sheeting to prevent recontamination until the residually contaminated portion of the real property meets the post-remediation clearance levels contained in subsections (C)(2) and (C)(3) of this rule.
8. Procedures for Plumbing, Septic, Sewer, and Soil.
- a. All plumbing inlets to the septic/sewer system, including but not limited to sinks, floor drains, bath tubs, showers, and toilets, shall be visually assessed for any staining or other visible residual contamination. All plumbing traps shall be assessed for VOC concentrations with a PID or FID, and for mercury vapors, by using a mercury vapor analyzer. If VOC concentrations or mercury vapor concentrations exceed the post-remediation clearance levels contained in subsections (C)(2) and (C)(3) of this rule, the accessible plumbing and traps where the excess levels are found shall be removed and properly disposed of, or shall be cleaned and tested to meet the post-remediation clearance levels contained in R4-30-305(C)(2) and (C)(3).
 - b. The on-site supervisor shall determine if the dwelling is connected to a local sewer system or to an on-site septic system. If the dwelling is connected to an on-site septic system, a sample of the septic tank liquids shall be obtained and tested for VOC concentrations.
 - i. If VOCs are not found in the septic tank sample or are found at concentrations less than AWQS or less than 700 micrograms per liter (mg/l) for acetone, no additional work is required in the septic system area, unless requested by the owner of the real property.
 - ii. If VOCs are found in the septic tank at concentrations exceeding the AWQS or exceeding 700 mg/l for acetone the following shall apply:
 - (1) The discharge area such as the leach field, seepage pit, and evaporation mounds shall be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer;
 - (2) The septic system discharge area shall be investigated for VOCs and unless there is clear evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD or ecstasy at the clandestine drug laboratory, the septic system discharge area shall also be investigated for mercury and lead;
 - (3) The vertical extent of any VOCs, mercury, and lead detected in the soil samples shall be delineated to concentrations below laboratory detection limits or to background concentrations, and the horizontal extent of the VOCs, mercury and lead shall be delineated to concentrations below each compound's SRL;
 - (4) If any of the VOCs, mercury, and lead used by the clandestine drug laboratory migrated down to groundwater level, the extent of groundwater contamination shall also be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer and the vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations below the

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AWQS or below 700 mg/l for acetone; and

- (5) After complete characterization of the release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations below the AWQS or below 700 mg/l for acetone.

c. The on-site supervisor shall observe the real property for evidence of burn areas, burn or trash pits, debris piles or stained areas. The on-site supervisor shall test any burn areas, burn or trash pits, debris piles or stained areas with appropriate testing equipment, such as, a LEL/O₂ meter, pH paper, PID, FID, mercury vapor analyzer or equivalent equipment.

i. If the burn areas, burn or trash pits, debris piles, or stained areas are not part of the residually contaminated portion of the real property, the drug laboratory site remediation firm shall recommend to the owner of the real property that these areas be investigated. If the owner advises the drug laboratory site remediation firm not to investigate these areas, the drug laboratory site remediation firm shall take appropriate action pursuant to R4-30-301.

ii. If the burn areas, burn or trash pits, debris piles or stained areas are part of the residually contaminated portion of the real property, these areas shall be investigated and remediated by the drug laboratory site remediation firm.

(1) Any wastes remaining from the operation of the clandestine drug laboratory or other wastes impacted by compounds used by the clandestine drug laboratory shall be characterized, removed, and properly disposed of.

(2) Any potentially impacted soil and/or groundwater shall be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer.

(3) The burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for the VOCs used by the drug laboratory. Unless there is clear evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, the burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for lead and mercury.

(4) The vertical extent of any VOCs, lead, or mercury detected in the soil samples shall be delineated to concentrations below laboratory detection limits or to background concentrations. The horizontal extent of these compounds shall be delineated to concentrations below each compound's SRL.

(5) If any of the compounds used by the clandestine drug laboratory migrated down to groundwater level, the extent of groundwater contamination shall also be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer. The vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations below the AWQS and below 700 mg/l for acetone.

(6) After complete characterization of the release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations below the AWQS and below 700 mg/l for acetone.

9. Waste Characterization and Disposal Procedures.

a. All items removed from the clandestine drug laboratory remediation site, and waste generated during the remediation work, shall be properly characterized and properly disposed of.

b. All suspect asbestos-containing building materials shall be properly sampled and tested for asbestos prior to disturbance or removal.

c. All waste shall be properly characterized by sampling and testing, or the waste shall be considered hazardous waste and properly disposed of pursuant to the applicable law, except the waste shall not be deemed to be household hazardous waste.

d. The drug laboratory site remediation firm shall comply with all federal, state, municipal, county laws, codes, ordinances and regulations pertaining to waste transportation and disposal.

C. Post-Remediation Testing Procedures.

1. Post-remediation sampling shall be conducted under the direct supervision of a Certified Industrial Hygienist, a Certified Safety Professional, Arizona-registered geologist or an Arizona-registered engineer. The individual taking the samples shall have experience with the remediation of hazardous substances, with confirmation sampling of remedial projects, and with evaluating health risks and exposures to chemicals. All sampling used to verify that no additional removal or cleaning is required shall be conducted under the direct supervision of a Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist or an Arizona-registered engineer. All sample locations shall be photographed for documentation purposes, and these photographs shall be included in the final report.

2. The drug laboratory site remediation firm shall conduct sampling and testing for all of the compounds listed below. All remediated areas and materials shall meet the following post-remediation clearance levels:

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<u>Compound</u>	<u>Remediation Standard</u>
<u>Red Phosphorus</u>	<u>Removal of stained material or cleaned pursuant to these standards</u>
<u>Iodine Crystals</u>	<u>Removal of stained material or cleaned pursuant to these standards</u>
<u>Methamphetamine</u>	<u>0.1 µg Methamphetamine/100 cm²</u>
<u>Ephedrine</u>	<u>0.1 µg Ephedrine/100 cm²</u>
<u>Pseudoephedrine</u>	<u>0.1 µg Pseudoephedrine/100 cm²</u>
<u>VOCs in Air</u>	<u>VOC air monitoring < 1 ppm</u>
<u>Corrosives</u>	<u>Surface pH of 6 to 8</u>
<u>LSD</u>	<u>0.1 µg LSD/100 cm²</u>
<u>Ecstasy</u>	<u>0.1 µg Ecstasy/100 cm²</u>

3. The drug laboratory site remediation firm shall conduct sampling and testing for all of the metals listed below in all cases except where there is clear evidence that these metals were not used in the manufacturing of methamphetamine, LSD, or ecstasy at the drug laboratory:

<u>Compound</u>	<u>Remediation Standard</u>
<u>Lead</u>	<u>4.3 µg Lead/100 cm²</u>
<u>Mercury</u>	<u>3.0 µg Mercury/m³ air</u>

4. All sampling and testing shall be conducted in accordance with the following procedures:
- a. All sample locations shall be photographed, and the photographs shall be included in the final report.
 - b. All sample locations shall also be shown on a floor plan of the residually contaminated portion of the real property, and the floor plan shall be included in the final report.
 - c. All samples shall be obtained from areas representative of the materials or surfaces being tested. All samples shall be obtained, preserved, and handled in accordance with industry standards for the types of samples and analytical testing to be conducted and maintained under chain-of-custody protocol.
 - d. The individual conducting the sampling shall wear a new pair of gloves to obtain each sample.
 - e. All reusable sampling equipment shall be decontaminated prior to sampling.
 - f. All testing equipment shall be properly equipped and calibrated for the types of compounds to be analyzed.
 - g. Methamphetamine, ephedrine, pseudoephedrine, ecstasy, and/or LSD sampling and testing:
 - i. Whatman 40 ashless filter paper or equivalent shall be used for all wipe sampling. The filter paper shall be wetted with analytical grade methanol for the wipe sampling. The filter paper shall be blotted or wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area, and the three filter papers combined for analytical testing.
 - ii. Three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from each room of the residually contaminated portion of the real property. The three samples shall be obtained from the non-porous floor, one wall, and the ceiling in each room.
 - iii. Three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from different areas of the ventilation system.
 - iv. If there is a kitchen in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from a combination of the counter top, sink, or stove top, and from the floor in front of the stove top.
 - v. If there is a bathroom in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from a combination of the counter top, sink, toilet, and the shower/bath tub.
 - vi. If there are any cleaned appliances in the residually contaminated portion of the real property, one 10 cm x 10 cm area (100 cm²) shall be wipe sampled from the exposed portion of each appliance. If multiple appliances are present, each wipe sample may be a composite of up to three 100 cm² areas on three separate appliances.
 - vii. After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon-lined lid. The sample jar shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an analytical laboratory licensed in any state in the United States to perform GC/MS testing. The sample shall be analyzed

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- for methamphetamine, ephedrine, pseudoephedrine, LSD, and/or ecstasy, depending upon the type of clandestine drug laboratory, using a GC/MS instrument, or equivalent.
- h. VOC sampling and testing procedures:
- i. A properly calibrated PID or FID capable of detecting VOCs shall be used for testing. The background concentration of VOCs shall be obtained by testing three exterior areas outside the limits of the residually contaminated portion of the real property and in areas with no known or suspected sources of VOCs. All VOC readings shall be recorded for each sample location.
 - ii. At least three locations in each room of the residually contaminated portion of the real property shall be tested for VOC readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading; and
 - iii. All accessible plumbing traps shall be tested for VOCs by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.
- i. pH testing procedures:
- i. Surface pH measurements shall be made using deionized water and pH test strips with a visual indication for a pH between 6 and 8. The pH reading shall be recorded for each sample location.
 - ii. For horizontal surfaces, deionized water shall be applied to the surface and allowed to stand for at least three minutes. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
 - iii. For vertical surfaces, a Whatman 40 ashless filter paper or equivalent filter paper shall be wetted with deionized water and wiped over a 10 cm x 10 cm area at least five times in two perpendicular directions. The filter paper shall then be placed into a clean sample container and covered with deionized water. The filter and water shall stand for at least three minutes prior to testing. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
 - iv. pH testing shall be conducted on at least three locations in each room within the areas with visible contamination and within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property.
- j. Lead Sampling and Testing Procedures:
- i. Unless there is clear evidence that lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, lead sampling shall be conducted as follows:
 - (1) Whatman 40 ashless filter paper or equivalent shall be used for wipe sampling. The filter paper shall be wetted with analytical grade 3% nanograde nitric acid for the wipe sampling. The filter paper shall be blotted or wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area and the three filter papers combined for analytical testing;
 - (2) Three 10 cm x 10 cm areas (100 cm²) shall be sampled in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property; and
 - (3) After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon-lined lid. The sample jar shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an Arizona-licensed analytical laboratory.
 - ii. The sample shall be analyzed for lead using EPA Method 6010B or equivalent.
- k. Mercury Sampling and Testing Procedures:
- i. A properly calibrated mercury vapor analyzer shall be used for evaluating the remediated areas for the presence of mercury. All mercury readings shall be recorded for each sample location.
 - ii. At least three locations in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property shall be tested for mercury vapor readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.
 - iii. All accessible plumbing traps shall be tested for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.
- l. Septic Tank Sampling and Testing Procedures:
- i. The liquid in the septic tank shall be sampled with a new clean bailer or similar equipment.
 - ii. The liquid shall be decanted or poured with minimal turbulence into three new VOA vials properly prepared by the laboratory.
 - iii. The VOA vials shall be filled so that there are no air bubbles in the sealed container. If air bubbles are present, the vial must be emptied and refilled:
 - (1) The sample vials shall be properly labeled with at least the date, time, and sample location;
 - (2) The sample vials shall be placed in a cooler with ice until delivered to an Arizona- licensed analytical laboratory; and

Notices of Exempt Rulemaking

(3) The sample shall be analyzed for acetone and methanol using EPA Method 8015B or equivalent.

D. Final report

1. A final report shall be:
 - a. Prepared by the drug laboratory site remediation firm;
 - b. Submitted to the owner of the remediated property and the county health department of the county in which the property is located; and
 - c. Retained by the firm for a minimum of three years.
2. The final report shall include the following information and documentation:
 - a. Complete identifying information of the real property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home, registration number of the drug laboratory site remediation firm, name and certification number of the on-site supervisor, and name and certification numbers of the on-site workers that performed the remediation services on the residually contaminated portion of the real property;
 - b. A summary of the remediation services completed on the residually contaminated portion of the real property, and any deviations from the approved work plan;
 - c. Photographs documenting the remediation services and showing each of the sample locations, and a drawing or sketch of the residually contaminated areas that depict the sample locations;
 - d. A copy of the sampling and testing results for VOCs and mercury, a copy of any asbestos sampling and testing results, a copy of the laboratory test results on all samples, and a copy of the chain-of-custody protocol documents for all samples from the residually contaminated portion of the real property;
 - e. A summary of the waste characterization work, any waste sampling and testing results, and transportation and disposal documents, including but not limited to, bills of lading, weight tickets, and manifests for all materials removed from the real property;
 - f. A summary of the on-site supervisor's observation and testing of the real property for evidence of burn areas, burn or trash pits, debris piles, or stained areas;
 - g. A copy of any reports provided to the drug laboratory site remediation firm or prepared by the Certified Industrial Hygienist, Certified Safety Professional, an Arizona-registered geologist, and an Arizona-registered engineer; and
 - h. A statement that the residually contaminated portion of the real property has been remediated in accordance with these standards.
3. Within 24 hours after the final report described in subsection (D)(1) of this Article has been prepared, the drug laboratory site remediation firm shall deliver, or send by certified mail, a copy of the final report to those individuals and entities identified in A.R.S. § 12-1000(A)(2), or a separate document stating that the residually contaminated portion of the real property has been remediated pursuant to A.R.S. § 12-1000(D).

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R12-4-804 | New Section |
| 2. <u>The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):</u> | |
| Authorizing statute: A.R.S. § 17-231(A)(1) | |
| Implementing statute: A.R.S. § 17-231(A)(1) | |
| 3. <u>The effective date of the rule:</u> | |
| June 14, 2003 | |
| 4. <u>A list of all previous notices appearing in the Register addressing the exempt rule:</u> | |
| None | |
| 5. <u>The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u> | |
| Name: Mark E. Naugle | |

Notices of Exempt Rulemaking

Address: Arizona Game and Fish Department DORR
2221 W. Greenway Road
Phoenix, AZ 85023-4399

Telephone: (602) 789-3289

Fax: (602) 789-3677

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

A.R.S. § 41-1005(A)(1) exempts the Commission from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for a rule that relates to the use of public works under the jurisdiction of an agency. Based upon this statutory exemption, the Commission adopted R12-4-804 to define a procedure for a member of the public to make application to the Department to conduct a solicitation or event on Department property. This Section prescribes the procedures and time-frames that the public will use to apply for and to conduct a solicitation or event on Department property.

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

None

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

Not applicable

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

There will not be any added costs to agencies or political subdivisions of this state directly affected by the implementation and enforcement of the rulemaking, and there will not be any additional costs or reduction in revenues to businesses resulting from the rulemaking. There is no anticipated effect on the revenues or payroll expenditures of employers in the state as a consequence of the rulemaking. Similarly, no impact to small businesses is anticipated as a result of the rulemaking. The rulemaking will result in minimal administrative costs to the Department and those persons applying for a solicitation or event permit, and the Department has determined that the benefits of the rulemaking outweigh any costs.

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

Not applicable

11. A summary of the principal comments and the agency response to them:

No public comments were received on the rulemaking.

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

Not applicable

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

None

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

No

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

Section
R12-4-804. Public Solicitation or Event on Department Property

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

R12-4-804. Public Solicitation or Event on Department Property

A. For the purposes of this Section, the following definitions apply:

- 1. "Applicant" means a person who makes application to the Department to conduct a solicitation or event on Department property:**

Notices of Exempt Rulemaking

2. "Certificate of Insurance" means an official document issued by the solicitor's or event organizer's insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation (if applicable), auto, real and personal property liability coverage determined by the Director as adequate for the solicitation or event activities;
 3. "Department" means the Arizona Game and Fish Department;
 4. "Department property" means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission;
 5. "Director" means the Director of the Arizona Game and Fish Department or the Director's designated agent;
 6. "Person" has the meaning set forth in A.R.S. § 1-215;
 7. "Solicitation" means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities. The distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes constitutes solicitation;
 8. "Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information;
 9. "Solicitor" means the person or persons conducting a solicitation;
 10. "Work site" means any location on Department property where employees conduct the daily business of the Department. Eating areas and break rooms are work sites.
- B.** All Department property is designated as a non-public forum and shall be closed to solicitation and events unless permitted by the Director.
- C.** Hours of use for Department property shall be as designated by facility.
- D.** A person who would like to conduct a solicitation or event on Department property shall apply for a permit by completing and filing, either in person or by mail, a Department approved solicitation or event application form, available from all Department offices. An applicant shall submit a completed application form for a solicitation or event to either a Regional Department office or to Department Headquarters, Director's Office, at 2221 W. Greenway Rd., Phoenix, AZ 85023, whichever is appropriate for the solicitation or event venue. To allow for the Department to review the application and the applicant to comply with permit requirements, an applicant shall submit an application at least 14 days prior to the scheduled date of the solicitation or event for all solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. An applicant shall submit an application at least 10 days prior to the scheduled date of a solicitation or event for the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. The Director shall approve or deny an application within 10 business days of the receipt of the completed application.
- E.** A completed solicitation or event application is one that is submitted on a Department form specified in subsection (D), and one that is legible and contains, at a minimum, all of the following information:
1. The name, address, and telephone number of the applicant;
 2. Applicant's e-mail address, if available;
 3. A contact person, if the applicant is an organization;
 4. The proposed date of the solicitation or event and the starting and approximate concluding times;
 5. The specific, proposed location for the solicitation or event;
 6. A general description of the solicitation or event's purpose;
 7. Anticipated number of attendees, if applicable;
 8. Amount of fees, if any, that attendees will be charged;
 9. A detailed description of any activity that will occur at the solicitation or event, including a detailed layout of the solicitation or event and any props that will be used (for example, tents, tables, etc.);
 10. Copies of any solicitation materials to be distributed to the public or posted on Department property.
- F.** The Department shall ensure that an application for a solicitation or event on Department property includes provisions to protect the state from liability due to the solicitation or event. The Department shall also ensure that an application includes provisions to protect the Department from costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair. The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred as a result of the solicitation or event. The Department shall hold an applicant responsible for any cleanup or damage costs associated with the solicitation or event.
- G.** A solicitation or event is not considered scheduled or approved until the applicant is notified in writing by the Department.
- H.** A solicitation or event permit shall not be issued earlier than six months prior to the solicitation or event.
- I.** The Department reserves the right at all times to immediately remove, or cause to be removed, any and all items of the solicitation or event that would damage state property, inhibit egress, or pose safety issues. The Department also reserves the right to immediately remove, or cause to be removed, any and all solicitors or event organizers or attendees who are found to be damaging state property, inhibiting egress, or posing safety issues.
- J.** The Director may take one or more of the following actions to the extent it is necessary and in the best interests of the state:
1. Impose additional conditions not specified in this Section on the conduct of the solicitation or event in the permit;

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2. Require the applicant to post a deposit against damage and cleanup expense;
 3. Require the applicant to carry adequate liability insurance and provide a certificate of insurance; and
 4. Require the applicant to provide medical support, sanitary services (including toilets), and security.
- K.** The Director may consider the following criteria to determine whether one or more of the actions in subsection (J) is necessary and in the best interests of the state:
1. Previous experience with similar solicitations or events;
 2. Deposits required for similar solicitations or events in Arizona;
 3. Risk data;
 4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
 5. The applicant's ability to pay a deposit, an insurance premium, or a service provider.
- L.** The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- M.** If the Director requires insurance for a solicitation or event, the applicant shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.
- N.** The applicant is liable to the Department for any damage done to Department property and for any expense arising out of the solicitor's or event organizer's use of Department property.
- O.** The Director shall deny an application for one or more of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the agency;
 2. The solicitation or event conflicts with the time, place, manner, or duration of other events or solicitations for which applications have been approved or are pending;
 3. The content of the solicitation or event is unrelated to the Department's activities or its mission;
 4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; and
 5. The applicant has not complied with the requirements of the application process or this Section.
- P.** When the Director denies an application, the Department shall send the applicant a written notice explaining:
1. The reason for denial;
 2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq., to appeal the denial; and
 3. The time periods for appealing the denial.
- Q.** The Director may revoke a permit for an approved application due to emergency circumstances, or for an applicant's failure to comply with this Section or other applicable laws. When the Director revokes a permit, the Department shall send the applicant written notice explaining the reason for revocation.
- R.** An applicant who is denied a solicitation or event permit, or whose solicitation or event permit is revoked, may appeal to the Commission as provided under A.R.S. § 41-1092, et seq.
- S.** A person shall not conduct partisan political activity on Department property or in Department work sites.
- T.** A person shall not post solicitation material on Department property without obtaining a permit from the Department. Solicitation material shall be posted only in designated posting areas.
- U.** A solicitor or event organizer bringing a vehicle onto Department property shall only park in designated parking areas.
- V.** A solicitor or event organizer on Department property shall follow all posted requirements and restrictions and shall designate one monitor for every fifty persons expected to be in attendance at a solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
- W.** A solicitor or event organizer shall ensure that all safety standards, guidelines, and requirements are followed when conducting a solicitation or event on Department property. The solicitor or event organizer shall implement additional safety requirements upon request by the Department. If an applicant fails to comply with a safety requirement or request from the Department, the Department shall cancel or terminate the solicitation or event. At a minimum, a solicitor or event organizer shall comply with the following safety requirements:
1. All activities shall be performed in compliance with federal, state, and local laws, ordinances, statutes, rules, and regulations, including those of OSHA;
 2. Layout of the solicitation or event shall ensure that emergency vehicles will have access at all times;
 3. An applicant shall allow the Department to make periodic safety checks throughout the solicitation or event;
 4. Obstructions and hazards shall be eliminated;
 5. Trash and waste disposal is required throughout the solicitation or event.
- X.** A solicitor or event organizer shall ensure that a solicitation or event on Department property causes a minimum amount of degradation of Department property and a minimum infringement of use to the general public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.
- Y.** An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- Z.** An applicant shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- AA.** This Section does not apply to government agencies.