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Arizona Mining Permitting Guide



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TABLE OF CONTENTS

Section 1

Foreword and Overview

Foreword: Bureau of Land Management	2
Disclaimer.....	3
Permitting Suggestions.....	4
Some Common Myths About Permitting.....	6
Overview of Major Federal Environmental Laws.....	8
Arizona Geological Survey	14

Section 2

Land Use

Private Lands	16
Mined Land Reclamation Plan	17
Aggregate Mined Lands Reclamation Plan.....	18
State Lands	19
Exploration Permit, Locatable Minerals	19
Mineral Leases, Locatable Minerals	20
Common Variety Mineral Materials, Salable Minerals	21
Federal Lands	23
Addresses and Phone Numbers	23
Bureau of Land Management (BLM).....	23
Forest Service (F.S.).....	24
County Recorders' Offices.....	26
Mining Claims, all Federal Lands	27
BLM Notices, Plans of Operation and Occupancy	29
F. S. Notice of Intent to Operate and Plans of Operation.....	32
Surface Mining Regulations, F.S. and BLM	34
BLM Salable Minerals - Mineral Materials Contracts	38
F. S. Salable Minerals - Mineral Material Contracts.....	40
Leasing of Solid Minerals (Other than Coal or Oil Shale).....	42
Coal Leasing on Federal Lands.	44
Bonding Requirements	45
County Aggregate Mining Operations Zoning Districts	48

Section 3

Drilling and Water Use

Notice of Intention to Drill	50
Permit to Drill in Helium-producing Regions	52
Appropriations of Surface Water.....	53
Withdrawal and Use of Groundwater	55
Construction, Enlargement, Repair, Alteration, or Removal of Dams.....	57

TABLE OF CONTENTS

Reclaimed Water Permit.....	60
Dry Well Registration.....	62
Injection Wells Used to Extract Minerals	64

Section 4

Explosives, Fuel and Oil

Manufacturer License or User Permit	66
Transportation of Explosives.....	67
Magazine Construction.....	71
Above-ground Fuel Storage Tanks.....	72
Underground Storage Tank - Notification.....	77
Underground Storage Tank - Closure Notification	78
Underground Storage Tanks - Release Reporting Requirements.....	79
Used Oil Collection Center - Registration.....	80
Used Oil Handlers - EPA Identification Number	82
Used Oil Handler - Quarterly Reports.....	84
Used Oil Burner - Annual Reports	86

Section 5

Air Quality Permits

State Air Quality Control Permit.....	89
Maricopa County Air Quality Permit.....	91
Pima County Air Quality Control Permit.....	92
Pima County Activity Permit	93
Pinal County Unitary Air Quality Permit.....	94
Pinal County Open Burning Permit.....	96
Asbestos Demolition and Renovation	97

Section 6

Water Quality Permits

Individual Aquifer Protection Permit	100
208 Consistency Review	102
Section 401: State Water Quality Certification	104
AZPDES Permit (402 Permit) for Storm Water Discharges	106
AZPDES Permit (402 Permit) for Point Sources of Pollution	108
NPDES Permit for Activity on Tribal Lands	110
Section 404 Permit (Dredge and Fill).....	110
Section 10 Permit (Rivers and Harbors).....	113

Section 7

Native Plants

TABLE OF CONTENTS

Notice of Intent to Clear Land.....	114
-------------------------------------	-----

Section 8

Hazardous Materials

General Information	118
Bevill Amendment.....	118
Hazardous Waste, Treatment, Storage and Disposal Permit	122
EPA Identification Number	124
Risk Management Plan.....	125
Pollution Prevention Plan	126
Voluntary Remediation Plan	128
Hazardous Waste Management - Annual Registration	130
Toxic Data - Annual Report (Federal).....	131
Toxic Data - Annual Report (State).....	133
Special Waste Annual Report.....	135

Section 9

Waste Disposal

Solid Waste or Special Waste Facilities Plan	138
Solid Waste Notification	140
Burial of Mining Industry Off-Road Motor Vehicle Waste Tires.....	142

Section 10

Drinking and Waste Water Permits

Approval for Individual Wastewater On-Site Disposal System.....	144
Water and/or Wastewater Facilities - Approval of Construction	146
Water and/or Wastewater Facilities - Approval to Operate	148
Pima County - Drinking Water Permit	149

Section 11

Flood Control and Building Codes

County Addresses	151
Building Codes and Flood Control.....	152
Maricopa County Mining Exemption.....	153
Yavapai County Mining Exemption.....	154

Section 12

Mine Health and Safety

State Regulatory Requirements, Notice of Start Up.....	156
Federal Regulatory Requirements, Administrative Form 2000-7	158

TABLE OF CONTENTS

Section 13

Wildlife

Arizona Game and Fish Department	160
Endangered Species Act Consultation.....	161

Section 14

Cultural Resources

Private Lands	164
State Lands	165
Federal Lands	168

Section 15

Nuclear Regulation

Uranium Milling License	171
Authority to Process Radioactive Tailings	172

Section 16

Communication

Radio Station License, Wireless Communication	174
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Section 17

Taxes, Incorporation and Professional Registration

Transaction Privilege and Affiliated Excise Tax License	176
Severance Tax	178
Authority and Articles of Incorporation	179
Professional Registration.....	180

Section 18

Index and Glossary

Index	182
Glossary/Acronyms	186

FOREWORD AND OVERVIEW

Section 1

Foreword

Bureau of Land Management

The intent of this publication is to provide individuals and companies anticipating mineral exploration or mining in Arizona with a clear picture of the permitting process.

This document is an honest attempt to present all the permits that may be required by a mining operator in Arizona. Despite our best efforts, it is probably not complete. As an operator, it is your responsibility to obtain all necessary permits. Guides such as this will help, but we recommend you contact the federal, state, county and local agencies in the area where you plan to locate your operations.

In addition to listing and describing the permits you may need, we have also provided suggestions on how to navigate the permitting process. Our suggestions focus on two crucial elements: 1) Have a good, well thought out exploration or mine plan, and 2) Communicate with regulatory agencies. Communication is essential and will save you time, money, and frustration in permitting your operations.

The preparation of this text involved considerable effort. It is important that all of us, agencies, operators and concerned citizens alike - make an effort to keep it current and accurate.

As you begin to work with this document and you find data missing, inaccurate, or out of date, we ask you to relay this information to:

Bureau of Land Management
Arizona State Office Attn: Mining Law Program Lead
One North Central Ave., Ste. 800
Phoenix, AZ 85004-4427
Ph: 602-417-9349

Revised editions of this guide are anticipated as time, money and staff allow. The information you provide will insure that this document contains current, accurate facts.

Finally, we would like to thank all of the contributing agencies for their valuable input.

This publication replaces the *Arizona Mining Summit, Guide to Permitting Mining Operations* printed in 1999.

The digital edition of this document contains bookmarks to aid navigation.

Permitting Suggestions

The following procedures are highly recommended. Although not required by law or regulations, these steps will assure a greater degree of success in obtaining your necessary permits. As each situation has unique circumstances, some deviations from the following steps may be required.

Step 1 Ask questions. This is the single most important step in the process. Before submitting any applications, consult with all of the permitting agencies to determine exactly what is required in a complete permit application. Inquire about background and baseline environmental data. This is very important because much of this data can only be collected over time, often during specific seasons and can greatly affect the operation start-up date.

Step 2 Develop a thorough exploration or mine plan and project description. The exploration or mine plan should contain all of the information required for as many permit applications as possible. Use this document as the basis for a single permit application package. Remember, it is better to send an agency more information about the project than is needed, rather than not enough. Incomplete applications ALWAYS SLOW DOWN THE PROCESS.

Do not expect or depend on the permitting agency to do significant design or engineering work to complete your application. Agencies are generally staffed to perform review work and asking them to “fill in the blanks” in your design is often more work than they are prepared to handle.

Assemble your exploration or mine plan in a three-ring binder. Further into the process, you will be required to make changes and a 3-ring binder will make changing pages easy. Use decimal page numbers (e.g. Page 1, 1.1, 2, 2.1 etc.). As changes are made, decimal page numbers will prevent you from changing the entire document simply to correct page numbers. For instance, if design elements on page 11 change, and this requires you to replace page 11 with 3 pages, number them 11, 11.1, and 11.2. Simply submit these new pages with a cover letter to each agency that has a copy of your exploration or mine plan requesting that page 11 be replaced with the new pages.

As agencies review your exploration or mine plan it is a certainty that one or more of them will require more information or will ask specific questions about your proposal. Be prompt with your response and provide all of the information requested. Remember, when an agency asks for this type of information, your application is often “put on hold” until the information is received.

Step 3 Apply for as many permits as your operation may require as soon as possible. This is particularly true for agencies that must employ a public notification and disclosure process as part of the permitting process. Federal agencies are required to perform a National Environmental Policy Act (NEPA) review. This process, for example, is required by law

Permitting Suggestions - Continued

for each agency and involves specific time frames required for all applications. Submitting applications to the Bureau of Land Management, Forest Service, Environmental Protection Agency and Army Corps of Engineers at the same time allows these agencies to coordinate their NEPA review, saving time and money.

- Step 4** During the permitting process, avoid making changes to your project, other than those requested by the permitting agencies. Making radical design changes often sets the permitting process back to the beginning. Remember, it is your responsibility to have a well designed, complete exploration or mine plan that you believe will work. While some agencies are required by regulation to assist you in the development of such a plan, this greatly slows the process and can add significantly to the overall processing time. **DO NOT ATTEMPT TO DESIGN YOUR ENTIRE OPERATION DURING THE PERMIT APPLICATION PROCESS. DO NOT EXPECT THIS PROCESS TO DESIGN YOUR OPERATION.**
- Step 5** Changes to the exploration or mine plan will be inevitable; be prepared. As your plan is studied by the agencies, certain modifications and/or design changes will be suggested or mandated by the permitting agency. When you are notified that such changes are required, consult with the agency as soon as possible. **REMEMBER TO KEEP ALL OF THE AGENCIES REVIEWING YOUR EXPLORATION OR MINE PLAN INFORMED OF ANY CHANGES YOU MAKE.** Each agency must have a complete and up-to-date version of your proposal. Communications between the agencies is essential and you should take every opportunity to enhance communications.
- Step 6** Finish by obtaining as many of the permits you need at the same time. Remember, generally, you cannot begin your operation until you have obtained all necessary permits. Unless you have all of your permits, having most of them is of very little benefit.
- Step 7** Read and understand the conditions and requirements of your specific permits. It is essential that your operations conform to these conditions and requirements at all times.
- Step 8** Keep your exploration or mine plan “alive.” Often, as operations proceed, there are better ways of doing things. By submitting exploration or mine plan changes using the procedures in Step 2, you can amend or modify your exploration or mine plan as conditions dictate. Be advised, however, that individual state or federal permitting agencies may require you to modify your permits when mine plan changes are proposed. Consult with these agencies early when planning changes to your operation.

Some Common Myths about Permitting

The following is a compilation of typical misconceptions or “myths” that people hold concerning the permitting process. They are presented here to dispel these myths and assist you in understanding your role and responsibilities:

Myth: “I’ve been out here for 20 years and my operation is ‘Grandfathered’.”

Reality: The term “grandfathered” refers to the idea that an operation established before changes in the law is not governed by those changes. This is rarely the case. Generally, environmental laws require all operators to comply. Occasionally the law will provide a “grace period” or a limited amount of time to allow the operator to bring his/her operations into compliance with the law, but these periods were of a specific duration and in most cases have long since expired.

Myth: “They (land management agency) will tell me what permits to get.”

Reality: Few, if any, of the agencies involved in the permitting process are aware of all the permits that you will need to operate your mine. Each agency has only a piece of the permit puzzle. It is your responsibility to obtain the permits you will need to operate your mine. Resources such as this manual will help, but it is your responsibility to contact regulatory agencies to determine if they will require you to obtain any permits. When in doubt, ask!

Myth: “I have approval from the land management agency to mine (Notice, Plan of Operations, Lease, etc.) so I can start mining.”

Reality: This is almost never the case. An approval or acknowledgment for notices, from the land management agency is a necessary step in the permitting process. Such an approval alone does not allow you to begin operations. You must obtain all necessary environmental and health and safety permits before beginning operations.

Myth: “I called the agency and someone there said it was okay for me to mine.”

Reality: Verbal authorizations are always suspect. Get the name of the person you are talking to and as much pertinent information as you can. Always ask for a follow-up letter to confirm your conversation. Given the complexity of the permitting process, it is doubtful that any single agency or any single individual can give you the “go ahead” to mine. The decision to begin mining is a business decision that you must make, given your legal obligation to obtain all necessary environmental and health and safety permits and on your personal knowledge of the status of your permit applications.

Myth: “I can change something in my mine plan (or notice) without going through the trouble of changing my APP application, my 404 application, my AZPDES application etc.”

Some Common Myths about Permitting - Continued

Reality: Agencies routinely work together on the permitting of a mine plan (or notice). A change made in a mine plan (or notice) that is not reflected in other applications (or vice versa) is usually discovered by the agencies. In addition, members of the interested public often discover these discrepancies in the review of documents during the NEPA process. These discrepancies always slow the permitting process down and often cast serious doubt in the mind of the public concerning the integrity of the mining company and the permitting process itself.

Myth: “Once I’ve started, I can get the permits I need. The government won’t shut me down.”

Reality: Permitting agencies have a responsibility to enforce their regulations. Operators who knowingly and willfully operate without the necessary permits are subject to civil penalties, fines and possibly even prison terms in addition to being shut down. Few, if any, regulatory agencies have the authority to grant a “grace period” or interim term to allow you to operate without benefit of a permit. Once you are discovered in violation, the regulatory agencies, by law, are mandated to act.

Myth: “There is no need to make my proposal technically accurate or detailed; the agencies reviewing my mine plan (or notice) will just change everything anyway.”

Reality: All mine and exploration plans must be technically accurate and detailed. Mine plans or notices should be well engineered and complete. Never assume that the permitting process will substitute for a well engineered project. In fact, most of the time delays involved in the permitting process are due to poor or inadequate designs and proposals. Agencies are forced to ask for more information and/or reevaluate constantly changing designs as new information is gathered. This is extremely inefficient, confusing and frustrating.

Myth: “I don’t need to perform any environmental studies unless I am ordered to by an agency that is reviewing my mine plan (or notice) or permit application.”

Reality: Agencies require that mine plans (or notices) are designed and engineered to minimize environmental impacts. To prepare a well engineered mine plan (or notice) it is essential that you perform environmental studies and gather baseline data. You should use this data to develop your mine plan (or notice) prior to seeking your permits. If you wait until you begin the permit process to do this work, your project will almost certainly change to reflect the data gathered.

Myth: “My property is private land so permits aren’t needed.”

Reality: The only laws and regulations that do not apply to private land are those relating to surface use such as MBL 3809, 3715 and F.S. 228 and the accompanying NEPA analysis.

Overview of Major Federal Environmental Laws

The following is a brief overview of the *major* federal laws affecting the permitting of mining operations.

Endangered Species Act (ESA) of 1973. 7 U.S.C. §§ 136; 16 U.S.C. §§ 1531 et seq.

Section 7 of the ESA directs all federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with USFWS, to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Civil penalties for violation of provisions under ESA range up to \$25,000. Criminal penalties reach up to \$50,000 and one year in prison. Refer to Arizona Fish and Game and U.S. Fish and Wildlife Service in the wildlife section of this handbook for more information.

National Historic Preservation Act of 1966 (NHPA) as amended. 16 U.S.C. §§ 470 et seq.

The National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their actions on historic properties. Historic properties may include prehistoric and historic archaeological sites and places of traditional religious or cultural importance. Section 106 of the NHPA mandates a process under which an agency must consider the effect on any property listed or eligible for listing in the National Register of Historic Places, before it authorizes or funds any undertaking. The intent is to fully identify such properties, assess the effects of the proposed action or authorization, and seek ways to avoid, minimize, or mitigate any adverse effects. The NHPA stresses the importance of active consultations with the public, Indian tribes, State Historic Preservation Office, and other interested parties and provides the Advisory Council on Historic Preservation with the opportunity to comment on a project's potential to affect historic properties.

Archaeological Resources Protection Act of 1979. 16 U.S.C. §§ 470aa et seq.

This act provides felony-level penalties for the actual *or attempted* unauthorized excavation, removal, damage, alteration, or defacement of any archaeological resource, more than 100 years of age, found on public lands or Indian lands. The Act also prohibits the sale, purchase, exchange, transportation, receipt or offering of any archaeological resource obtained from public lands or Indian lands in violation of any provision, rule, regulation, ordinance or permit under the Act, or under any Federal, State or local law.

A conviction under this Act, if it is a first offense with under \$500 in damages, can bring up to one year imprisonment and/or \$100,000 in fines. Subsequent offenses, or a first offense exceeding \$500 in damages, can bring up to five years imprisonment and/or \$250,000 in fines.

Bald and Golden Eagle Protection Act of 1940. 16 U.S.C. §§ 668c et seq.

The Bald and Golden Eagle Protection Act, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." A violation of the Act can result in a fine of \$100,000 (\$200,000 for organizations), imprisonment for one

Overview of Major Federal Environmental Laws - Continued

year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

Migratory Bird Treaty Act of 1918. 16 U.S.C. §§ 703 et seq.

The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests except as authorized under a valid permit. Penalties under the Act include a maximum of two years imprisonment and \$250,000 fine for a felony conviction and six months imprisonment or \$5,000 fine for a misdemeanor conviction. Fines double if the violator is an organization rather than an individual. Persons pursuing mining activities that involve cyanide, acid, oiled ponds or sumps and that result in take or kill could be subject to the above penalties.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). 25 U.S.C. §§ 3006 et seq.

This act established Native American rights of ownership of Native American human remains and associated funerary (burial) objects, and “sacred objects and objects of cultural patrimony” and established criteria for determining the cultural (tribal) affiliation of such items and for resolving related disputes as well as penalties for possession, sale and exchange of the protected objects. The act requires inventories of all such items and objects held by museums, federal agencies, and other institutions holding collections taken from federal lands and addresses procedures for determining the treatment of such items when they are discovered during scientific excavations, construction projects, or “unanticipated discovery” situations as well as procedures for the repatriation (return) of these remains and objects to affiliated tribes. The associated consultation process may cause temporary work stoppages that may affect project schedules.

Surface Mining Control and Reclamation Act of 1977 (SMCRA). 30 U.S.C. §§ 1201 et seq.

This law created a nationwide framework for regulating the effects of active surface coal mines and the surface effects of underground coal mining. This law does not apply to surface mining of any mineral other than coal. Title V of the Act establishes a permitting system for all surface coal mines. The enforcement and administration of the Act has been delegated to the Office of Surface Mining, Reclamation and Enforcement (OSMRE).

Federal Water Pollution Control of 1972. 33 U.S.C. §§ 1251 et seq.

The Federal Water Pollution Control Act was amended in 1977 and is now commonly referred to as the Clean Water Act. The main focus of the Act is to improve water quality by regulation of discharges of pollutants into navigable waters at the source. The discharge of any pollutant into navigable waters from any point source except in compliance with the Act is unlawful. For purposes of the Act, a “point source” is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged. The term “navigable waters” is so broadly defined in the Act that any discharge from a point source that enters a dry or flowing gully, wash, arroyo, creek, stream, river or lake should be presumed to be covered. The Act was amended by Pub. L. 110-288 (7/9/08) to

Overview of Major Federal Environmental Laws - Continued

address certain discharges incidental to the normal operations of a recreation vessel and was amended by Pub. L. 107-303 (11/27/02) to authorize the Administrator of the EPA to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

Under Section 208 of the Act each state must identify the areas within the state that have substantial water quality problems. Areas identified as having such problems are subject to area-wide waste treatment plans. These plans provide for the treatment and control of all point and non-point pollution sources. Section 208 has significance for mining operations because no permit under Section 402 (National Pollutant Discharge Elimination System) can be issued that conflicts with an area-wide waste treatment plan. Please refer to the entry titled “208 Consistency Review” in this handbook for more information.

A permit is required for any discharge of pollutants subject to the Act. This requirement establishes the National Pollutant Discharge Elimination System (NPDES). NPDES permits are required for all existing and new sources of pollution governed by the Act. An EIS is not required for existing sources, but a full NEPA analysis is required for new sources. Some states have the authority to administer this program. This is the case in Arizona where the Arizona Department of Environmental Quality have responsibility for AZPDES permits. Refer to the entry titled “Stormwater Discharges from Industrial Activities” and “Point Sources Discharge to Surface Waters” in this handbook for more information.

Discharges of harmful quantities of hazardous substances or oil in harmful quantities are prohibited by Section 311 of the Act. Hazardous quantities for hazardous substances are specified in 40 C.F.R. 117. A hazardous quantity of oil is an amount that “causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.” A spill prevention control and countermeasures (SPCC) plan is required for facilities with buried oil-storage tanks greater than 42,000 gallons or surface tanks larger than 1320 gallons.

Section 404 of this Act regulates the discharge of dredged or fill material into waters of the U.S. This Act authorizes the U.S. Army Corps of Engineers to issue permits for the discharge of dredged or fill materials into waters of the U.S. The definition given to waters of the U.S. is so broad that any operations conducted in any dry or flowing gully, wash, arroyo, creek, stream, river or lake or wetland should be presumed to be covered in the definition. Always consult with the Corp of Engineers before conducting operations in such areas. A NEPA analysis is required for the issuance of new individual 404 permits. Refer to the entry titled “Section 404 Permit (Dredge and Fill)” in this handbook for more information.

Violations causing a “knowing endangerment of human life” can be punished with a fine of up to \$250,000 and/or a 15-year sentence.

Overview of Major Federal Environmental Laws - Continued

Safe Drinking Water Act of 1974 as amended. 42 U.S.C. §§ 300f *et seq.*

The Act requires that national health standards be established for water quality in public water systems. The Act sets drinking water standards and standards applicable to public water systems. A mine would have to comply with the Act if it provides water to more than 15 service connections or if the system regularly services at least 25 individuals on a daily basis, including miners, 60 days out of the year. The Act also provides for the protection of underground drinking water sources. Underground injections which could endanger underground drinking sources are tightly regulated. Refer to the entries titled “Individual Aquifer Protection Permits” and “Injection Wells Used to Extract Minerals” in this handbook for more information.

National Environmental Policy Act of 1969 (NEPA). 42 U.S.C. §§ 4321 *et seq.*

This law serves a fundamental role in environmental protection and applies to projects involving a Federal decision such as approval of a Plan of Operations. The purpose of the Act is to declare a national policy which will encourage productive and enjoyable harmony between man and his environment and to establish a Council of Environmental Quality. NEPA forms the basis of the federal government’s decision making process by requiring full and complete disclosure of the impacts of the proposed action on the human environment.

Generally, the NEPA process begins with an initial review of the project. If the project proposed does not have readily apparent environmental consequences and is not categorically excluded from the NEPA analysis, the agency will prepare an Environmental Assessment (EA). This document analyzes the environmental impacts of the project and ends with either a Finding of No Significant Impact (FONSI) or a finding that there are significant impacts, which requires the preparation of an Environmental Impact Statement (EIS) with full public disclosure of those impacts. A FONSI would lead to the approval of the proposal without further NEPA analysis. If the agency anticipates that an undertaking may significantly affect the environment, or if a project is environmentally controversial, the agency may choose to prepare an EIS without first preparing an EA.

NEPA is not the decision making authority, it is the disclosure authority. Other statutes provide the basis for making the “decision” based on the NEPA analysis.

Resource Conservation and Recovery Act of 1976 (RCRA). 42 U.S.C. §§ 6901 *et seq.*

Management of solid wastes, including those generated by the minerals industry, are regulated under RCRA. RCRA is designed to provide a “cradle to grave” management of solid wastes disposed of through land disposal. Regulations promulgated under RCRA are at 40 C.F.R. 240.

RCRA uses a very broad definition of “solid waste.” Because of this broad definition, essentially all mining, minerals processing and materials recycling operations, fall under the jurisdiction of the Act. Most waste materials used in ancillary minerals production facilities such as shops and warehouses producing such wastes as used oil, solvents and shop wastes are regulated under the Act.

Overview of Major Federal Environmental Laws - Continued

Clean Air Act of 1970 with amendments in 1977 and 1990. 42 U.S.C. §§ 7401 *et seq.*

The Act establishes implementation plans for National primary and secondary Ambient Air Quality Standards (NAAQS), permit requirements, performance standards for new primary sources, emission standards for new hazardous air pollutants, air toxic standards and restriction preventing significant deterioration of clean air areas. Pollutant emissions from such sources as conveyor belts, wash plants, mills, smelters, refineries and fugitive dust from mining operations makes the mining industry subject to the provisions of the Act.

Penalties: civil up to \$25,000 per day per violation, criminal penalties up to \$25,000 per day per violation and/or one year in jail, doubling on the second offence.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). 42 U.S.C. §§ 9601 *et seq.*

This law focuses on the discharge of hazardous substances to the environment. The term “hazardous substance” is extremely broad covering materials that are a substantial danger to public health or the environment. These materials can exist in mine water, leachates, waste piles, mill tailings and other chemicals used in mining, mineral processing and related activities. A list of hazardous substances is published in 40 C.F.R. 302.

The law specifically relates to abandoned or inactive operations but also applies to the unpermitted discharge of any listed substance. Discharges of hazardous solid waste at active sites are governed by RCRA. CERCLA applies to discharges of “hazardous substances” at inactive sites occurring through the effects of natural processes on discarded materials. Once a site has been identified by the EPA as a possible source of discharges of hazardous substances, further evaluation and cleanup procedures begin. **CERCLA is designed to put the obligation to pay for these procedures on those who are responsible for putting the hazardous substances at the site in the first place or on those who now own the land where the site is located. Simply obtaining an interest in mined lands such as staking a mining claim, may make you liable for the entire cost of cleanup of the land should it be shown that the site is discharging hazardous substances.** The scope of liability associated with CERCLA is enormous. Land owners may be responsible for activities that took place decades in the past.

The act allows for a civil liability for a share of the costs of cleaning up a waste site. Damage to natural resources can be assessed for up to \$50 million. Civil penalties of up to \$25,000 per day per violation for specified provisions of the Act can be assessed. For criminal violations, fines up to \$250,000 per day per violation and/or three years in jail for failing to notify appropriate agencies or falsely reporting an emergency spill. Subsequent violations can result in up to five years in jail.

Federal Land Policy Management Act of 1976 (FLPMA). 43 U.S.C. §§ 1701 *et seq.*

The Act provides the basis for the Bureau of Land Management (BLM) surface management regulations 43 C.F.R. 3809. It directs the Secretary of the Interior to take any action necessary by regulation or otherwise to prevent unnecessary or undue degradation of the public lands. The Act provides the basis for mining claim surface management regulations. It also set forth the requirements for mining claim recordation.

Overview of Major Federal Environmental Laws - Continued

Section 302 (Title 3) of the Act allows the Secretary of the Interior to authorize use, occupancy, and development for federal lands. This section provides the foundation for the BLM's 43 C.F.R. 3715 Mining Claim Use and Occupancy regulations.

Arizona Geological Survey

Arizona Geological Survey (AZGS)
416 W. Congress St., Suite 100
Tucson, Arizona 85701-1381
520-770-3500 / 520.770.3505 (fax)
www.azgs.az.gov

Phoenix Office:
1520 West Adams, 1st Floor
Phoenix, AZ 85007
602-771-1601

ROLL OF ARIZONA GEOLOGICAL SURVEY

The AZGS is a source of geologic and mining information and assistance. As charged by A.R.S. § 27-152, the agency encourages the wise and prudent use of land and mineral resources to enhance development in the State. The staff is familiar with problems incidental to new or existing operations.

The objectives of the Arizona geological survey are to:

1. Serve as a primary source of geologic information in this state to enhance public understanding of the state's geologic character, geologic hazards and limitations and mineral resources.
2. Inform, advise and assist the public in matters concerning the geological processes, materials and landscapes and the development and use of the mineral resources of this state.
3. Encourage the wise use of the lands and mineral resources of this state toward its development.
4. Provide technical advice and assistance in geology to other state and local governmental agencies engaged in projects in which the geologic setting, character or mineral resources of the state are involved.
5. Provide technical advice and assistance in geology to industry toward the wise development and use of the mineral and land resources of this state.

On July 1, 2011, the Arizona Department of Mines and Mineral Resources (ADMMR) was consolidated with the AZGS and AZGS acquired all of their mining records, archives, and library. As such, the AZGS maintains a repository of mineral and mining information, including databases, books, periodicals, individual mine files, mine map repository files, mining district data and an archive of mine data.

AZGS will continue to provide quality mining data, evaluation, and assistance relating to mineral development to the legislature, federal, state and local governmental agencies, industry, and the public. Additionally, since 1915, the AZGS has produced hundreds of publications and maps as part of a number of publication serials – bulletins, circulars, geologic and digital geologic maps, special papers, and open-file reports pertinent to mineral exploration, mine permitting and mine development. A publication list is available at www.azgs.az.gov.

After the July 1, 2011 transition, mining claim forms will be available for download at the AZGS website.

LAND USE

Section 2

Private Lands - Land Use Authorizations (Agreements)

In General:

Privately held minerals are most often developed through contractual arrangements between the land or mineral estate owner and the operator. These contracts vary widely in levels of sophistication and detail. The most obvious matter is the price. For many products such as sand and gravel or decorative rock, the price - commonly termed the royalty - is usually expressed as an amount per ton or cubic yard.

For metal bearing material the price is usually based on net smelter royalty, which considers the metal produced from the ore less certain processing costs. Other considerations include minimum annual payments, responsibilities for site permitting under the various regulatory agencies, surface disturbance considerations, reclamation of the site when the material is removed, access, insurance, limits of liabilities, guarantee of ownership, ownership of waste or by-products and any other circumstances the parties feel should be addressed formally.

Provisions for the exploration for private minerals vary widely also. These may range from relatively informal “hand shake” arrangements, to formal contracts specifying any number of details and provisions. Options to purchase or lease are often contingent on the quality and quantity of the material discovered. As with any property matters, participants should equip themselves with a thorough understanding of the situation or seek out sound professional advisors well versed in the field.

Reclamation of private lands is regulated by the Arizona State Mine Inspector through the Mined Land Reclamation Plan or the Aggregate Mined Land Reclamation Plan.

**Private Lands
Mined Land Reclamation Plan**

Arizona State Mine Inspector (ASMI)
1700 West Washington Street, Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

**PERMITS AND AUTHORIZATION:
Mined Land Reclamation Plan**

LEGAL AUTHORITY:

A.R.S. § 27-901 et seq.
A.A.C. R11-2-101 through R11-2-822

CONDITIONS REQUIRING PERMIT:

Reclamation plans, associated costs, and financial assurance mechanisms must be submitted and approved for all metalliferous mining units and exploration operations with surface disturbances on private lands greater than five acres. The amount of financial assurance is based on the actual estimated costs of reclamation. Financial assurance can be provided in any one of several forms, including: surety bond, certificate of deposit, cash deposit and corporate guarantee.

EXEMPTIONS:

Smelting, refining, fabricating, or other metal processing facilities and materials associated with these facilities are exempt. Surface disturbances located on state lands are exempt. Surface disturbances created prior to and not active since January 1, 1986 are exempt. Surface disturbances less than five acres in extent are exempt.

FEES:

A one-time submission fee, equal to three dollars per acre of surface disturbances covered by the plan, is assessed. Substantial changes require an amendment to the plan with a fee. A status report (yearly) is required within 60 days after the anniversary day which the original plan was approved.

AVERAGE PROCESSING TIME:

Notification of administrative completeness or incompleteness is given within thirty days of plan submittal. A plan is either approved or disapproved within 120 days of an administratively complete determination.

FORMS:

www.asmi.az.gov/documents_forms/default.asp

Private Lands

Aggregate Mined Land Reclamation Plan

Arizona State Mine Inspector (ASMI)
1700 West Washington Street, Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

PERMITS AND AUTHORIZATION:

Aggregate Mined Land Reclamation Plan

LEGAL AUTHORITY:

A.R.S § 27-1201 et seq.

CONDITIONS REQUIRING PERMIT:

Reclamation plans, associated costs, and financial assurance mechanisms must be submitted and approved for all aggregate mining units and exploration operations with surface disturbances on private lands greater than five acres. The term ‘aggregate’ includes cinders, crushed rock or stone, decomposed granite, gravel, pumice, pumicite and sand. The amount of financial assurance is based on the actual estimated costs of reclamation. Allowable financial assurance mechanisms include any or a combination of and of several forms including surety bond, certificate of deposit, trust fund with pay-in period, letter of credit, insurance policy, certificate of self-insurance, cash deposit with the state treasurer, evidence of ability to meet a corporate financial test or corporate guarantees as provided by 40 Code of Federal Regulations section 264.143(f), annuities, bonding pools, additional financial assurance mechanisms that are acceptable to the inspector.

EXEMPTIONS:

Surface disturbances located on state lands are exempt. Surface disturbances created prior to and not active since April 1, 2007 - are exempt. Surface disturbances less than five acres in extent are exempt. Some specific government intermittent-use projects disturbing less than 20 acres are exempt, if meeting qualifications per A.R.S. § 27-1203.01.

FEES:

The state mine inspector may establish by rule a fee from the owner or operator of each exploration operation and aggregate mining unit at the time the owner or operator submits a plan.

AVERAGE PROCESSING TIME:

Notification of administrative completeness or incompleteness is given within thirty days of plan submittal. A plan is either approved or disapproved within 120 days of an administratively complete determination.

FORMS:

www.asmi.az.gov/documents_forms/default.asp

State Lands - Locatable Minerals

Arizona State Land Department
1616 West Adams Street
Phoenix, AZ 85007
602-542-4628
www.land.state.az.us

PERMITS, AUTHORIZATIONS OR FILINGS:

Exploration Permit

LEGAL AUTHORITY:

A.R.S. §§ 27--231 through 27-256

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Description: The exploration permit is issued for a period of one year subject to renewal on an annual basis and for an aggregate period not to exceed five years. During the period the permit is in effect, the permittee has the exclusive right to conduct exploration type activities on the state land covered by the permit. An exploration permit covers all or part of an individual section.

Authorization: Prior to conducting any exploration activities on the land encompassed by the permit, the permittee must receive authorization from the department in the form of an approved exploration plan of operation. Dependent on the activities proposed, archaeological and native plant clearances may be required.

FEES:

An application fee of \$500 is required to obtain an exploration permit. A rent in the amount of \$2 per acre is required for the first year of the permit, no rent for the second year of the permit, and a rent of \$1 per acre for years three, four, and five of the permit (A.R.S. § 27-251 and A.R.S. § 27-253). Although, not a fee, there is a required minimum work expenditure for each exploration permit of \$10/acre per year years 1 and 2 and \$20/acre per year for years 3 through 5. Exploration expenditures do not include travel, lodging and similar expenses. If no work is performed, the permittee pays the required annual amount to the Department.

AVERAGE PROCESSING TIME:

Permit issuance requires 30 to 45 days (A.R.S. § 27-251). Approval of an exploration plan requires 30 to 60 days.

FORMS:

www.land.state.az.us/programs/natural/mineral_leasing.htm
www.land.state.az.us/programs/operations/applications.htm#appMineral

State Lands - Locatable Minerals

Arizona State Land Department
1616 West Adams Street
Phoenix, AZ 85007
602-542-4628
www.land.state.az.us

PERMITS, AUTHORIZATIONS OR FILINGS:

Mineral Leases - Locatable Minerals (base and precious metals and certain industrial minerals)

LEGAL AUTHORITY:

A.R.S. §§ 27-231 through 27-256

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Mineral Lease:

Description: Mineral leases are issued for a period of 20 years with a preferred right to renew the lease for an additional term of twenty years. Mineral leases grant the exclusive right to conduct mining operations on the land covered by the lease.

A Mineral Development Report, which is a comprehensive document, comprised of a geologic evaluation, economic feasibility, environmental assessment, mine operation and reclamation and closure plans, must be submitted with the mineral lease application. An archaeological survey and biological evaluation is required.

Authorization: Prior to conducting any mining operations on the land covered by the lease, the lessee must receive authorization from the Department in the form of approved Mine Operation and Reclamation and Closure Plans.

FEES:

An application fee of \$500 is required for each mineral lease application. The lessee is also required to pay for an appraisal of the property (A.R.S. § 27-234). Appraisal costs can vary but typically cost between \$5,000 and \$8,000. Rents and royalties are based on the aforementioned appraisal and in the case of rents will vary directly with surface values. Rents are typically assessed at 5 percent of land value while production royalties range from two percent to eight percent of gross mineral values. A minimum annual royalty, based on the proposed production, is required.

AVERAGE PROCESSING TIME:

The issuance of a mining lease generally requires six to nine months from the time of application. Approval of a Mine Operation and Reclamation and Closure Plans may require 60 days from the date of receipt.

FORMS:

www.land.state.az.us/programs/natural/mineral_leasing.htm
www.land.state.az.us/programs/operations/applications.htm#appMineral

State Lands - Common Variety Mineral Materials

Arizona State Land Department
1616 West Adams Street
Phoenix, AZ 85007
602-542-4628
www.land.state.az.us

PERMITS, AUTHORIZATIONS OR FILINGS:

Common Variety Mineral Materials (Salable Minerals)

LEGAL AUTHORITY:

A.R.S. § 27-271 - 276

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

As defined by A.R.S. § 27-271, “Common Variety Minerals:”

- Deposits of petrified wood, stone, pumice, pumicite or cinders, decomposed granite, sand, gravel, boulders, common clay, fill dirt and waste rock.
- Deposits that, although they may have value for use in trade, manufacturing and the construction, landscaping and decorative rock industries, do not possess a distinct, special economic value for those uses beyond the normal uses of those deposits.
- Material used as road base material, rip-rap, ballast, borrow, fill, facing stone, landscaping or ornamental uses and other similar uses.
- Does not include limestone suitable for use in producing cement, metallurgical or chemical grade limestone or gypsum.

If the Department determines that leasing of Common Variety Minerals is in the best interest of the Trust, the state’s Constitution and Enabling Act require that natural products must be sold to the highest bidder at public auction. When a sale occurs, the Department issues a “Common Variety Minerals Lease” authorizing the mining, processing and sale of Common Variety Minerals.

A Mineral Development Report (MDR) must be submitted in support of the application process. The MDR includes a geologic assessment, economic feasibility, environmental assessment, mine operating plan, and reclamation and closure plan. A thirty (30) day comment period is required, soliciting review and input from other Department sections, other State and Federal agencies, and interested parties.

Common Variety Mineral Material Leases - Continued

EXEMPTIONS:

None

FEES/COSTS:

Application Filing Fee: \$500 for any single parcel located in the same section or across two contiguous sections (noncontiguous parcels located within the same section or in other sections require separate application).

Advertising Fees: Range between \$2,000 and \$3,000. It is required that each sale be advertised in two separate newspapers for 10 weeks. Each sale is always advertised in the Arizona Capitol Times and the newspaper located the closest to the proposed mining operation.

Archaeological Surveys: Cost varies. Surveys are the responsibility of the applicant and are usually handled through contract with an archeologist qualified through the Arizona State Museum.

Appraisal Fees: Paid for by the applicant generally cost between \$5,000 and \$8,000 and contracted through the Department.

Royalties: Paid for products sold (normally valued on a per ton basis). The Department is required to obtain fair market value for products sold which is accomplished through the public auction process.

Rents: Based upon a percentage of the appraised land value.

Bonds and Indemnity Insurance: Amounts vary with the scope and location of the operation.

PROCESSING TIME:

Processing time can vary between nine months and one year. Statute requires 10 weeks of advertising. Other factors impacting processing time are: environmental and cultural issues, mine operating plan approval and land-use conflicts.

FORMS:

www.land.state.az.us/programs/natural/Archive%20mineral%20pdfs/Mineral_Materials_Prog_Info.pdf

www.land.state.az.us/programs/natural/mineral_leasing.htm

www.land.state.az.us/programs/operations/applications.htm#appMineral

Federal Lands

Addresses - U.S. Department of the Interior, Bureau of Land Management, Arizona Offices

Arizona State Office

One North Central Ave., Suite 800
Phoenix, AZ 85004-4427
602-417- 9200
www.blm.gov/az

District and Field Offices

Arizona Strip District

345 E. Riverside Dr.
St. George, UT 84790-6714
435-688-3200

Arizona Strip Field Office

345 E. Riverside Dr.
St. George, UT 84790-6714
435-688-3200

Colorado River District

2610 Sweetwater Ave.
Lake Havasu City, AZ 86406-9071
520-505-1200

Kingman Field Office

2755 Mission Blvd.
Kingman, AZ 86401-5308
928-718-3700

Lake Havasu Field Office

2610 Sweetwater Ave.
Lake Havasu City, AZ 86406-9071
520-505-1200

Yuma Field Office

2555 E. Gila Ridge Rd.
Yuma, AZ 85365-2240
928-317-3200

Gila District

1763 Paseo San Luis
Sierra Vista, AZ 85635-4611
520-439-6400

Safford Field Office

711 14th Ave.
Safford, AZ 85546-3337
520-348-4400

Tucson Field Office

12661 E. Broadway
Tucson, AZ 85748-7208
520-258-7200

Phoenix District

21605 N. 7th Ave.
Phoenix, AZ 85027-2929
623-580-5500

Hassayampa Field Office

21605 N. 7th Ave.
Phoenix, AZ 85027-2929
623-580-5500

Lower Sonoran Field Office

21605 N. 7th Ave.
Phoenix, AZ 85027-2929
623-580-5500

Federal Lands - U.S. Department of Agriculture, Forest Service

U.S. Forest Service
Southwestern Regional Office
 517 Gold Ave.
 Albuquerque, NM 87102
 505-842-3275
www.fs.fed.us/r3

National Forests and Ranger Districts in Arizona

Apache-Sitgreaves National Forest P.O. Box 640 Springerville, AZ 85938 928-333-4301 www.fs.fed.us/r3/asnf	Coconino National Forest 1824 S. Thompson St. Flagstaff, AZ 86001 928- 527-3600 www.fs.fed.us/r3/coconino	Coronado National Forest 300 W. Congress, 6th Fl. Tucson, AZ 85701 520-670-4552 www.fs.fed.us/r3/coronado
Alpine Ranger District P.O. Box 469 Alpine, AZ 85920 520-339-5000	Mogollon Rim Ranger District 8738 Ranger Rd. Happy Jack, AZ 86024 928-477-2255	Douglas Ranger Dist. 1192 W. Saddleview Rd. Douglas, AZ 85607 520-364-3468
Black Mesa Ranger District P.O. Box 968 Overgaard, AZ 85933 928-535-7300	Peaks/Mormon Lake Ranger District 5075 N Highway 89 Flagstaff, AZ 86004 928-526-0866	Nogales Ranger Dist. 303 Old Tucson Rd. Nogales, AZ 85621 520-281-2296
Clifton Ranger District 397240 AZ 75 Duncan, AZ 85534 928-687-8600	Red Rock Ranger Dist. P.O. Box 20429 Sedona, AZ 86341-0429 8375 State Route 179 928-203-7500	Safford Ranger Dist. 711 14th Ave., Suite D Safford, AZ 85546 520-428-4150
Lakeside Ranger District 2022 W White Mtn. Blvd. Lakeside, AZ 85929 928-368-2100		Santa Catalina Ranger Dist. 5700 N. Sabino Canyon Rd. Tucson, AZ 85750 520-749-8700 Sierra Vista Ranger Dist. 5990 S. Highway 92 Hereford, AZ 85615 520-378-0311

Continued on next page

National Forests and Ranger Districts in Arizona - Continued

Kaibab National Forest 800 S. 6th St. Williams, AZ 86046 928-635-8200 www.fs.fed.us/r3/kai/	Prescott National Forest 344 S. Cortez St. Prescott, AZ 86303 928-443-8000 www.fs.fed.us/r3/prescott	Tonto National Forest 2324 E. McDowell Rd. Phoenix, AZ 85006 602-225-5200 www.fs.fed.us/r3/tonto
N. Kaibab Ranger Dist. P.O. Box 248 430 South Main St. Fredonia, AZ 86022 928-643-7395	Chino Valley Ranger Dist. 735 N. Hwy 89 Chino Valley, AZ 86323 928-777-2200	Cave Creek Ranger Dist. 40202 N. Cave Creek Scottsdale, AZ 8 5262 480-595-3300
Tusayan Ranger Dist. P.O. Box 3088 176 Lincoln Log Loop Tusayan, AZ 86023 928-638-2443	Verde Ranger Dist. P.O. Box 670 300 East Highway 260 Camp Verde, AZ 86322 928-567-4121	Globe Ranger Dist. 7680 S. Six Shooter Canyon Rd. Globe, AZ 85501 928-402-6200
Williams Ranger Dist. 742 South Clover Rd. Williams, AZ 86046 928-635-5600		Mesa Ranger Dist. 5140 E. Ingram St. Mesa, AZ 85205 480-610-3300
		Payson Ranger Dist. 1009 E. Highway 260 Payson, AZ 85541 928-474-7900
		Pleasant Valley Ranger Dist. P.O. Box 450 Forest Road 63 Young, AZ 85554 928-462-4300
		Tonto Basin Ranger District 28079 N. Arizona Highway 188 Roosevelt, AZ 85545 928-467-3200

Federal Lands - Mining Claims

Addresses for the Recordation of Mining Claims:

Bureau of Land Management One North Central Ave. Suite 800 Phoenix, AZ 85004-4427 602-417-9200 www.blm.gov/az/		
Apache County Recorder 75 West Cleveland St. P.O. Box 425 St. Johns, AZ 85936 928-337-7514 www.co.apache.az.us/recorder/	Greenlee County Recorder 5th and Leonard St. P.O. Box 1625 Clifton, AZ 85533 928-865-2632 www.co.greenlee.az.us/recorder/	Pima County Recorder 115 North Church Tucson, AZ 85701 520-740-4350 www.recorder.pima.gov/
Cochise County Recorder 1415 Melody Lane, Bldg. B Bisbee, AZ 85603 520-432-8350 www.cochise.az.gov/cochise_recorder.aspx?id=378	La Paz County Recorder 1112 Joshua Ave., Ste. 201 Parker, AZ 85344 928-669-6136 www.co.la-paz.az.us/	Pinal County Recorder 31 North Pinal St., Bldg. E P.O. Box 848 Florence, AZ 85232 520-866-6830 www.pinalcountyaz.gov/Departments/Recorder/Pages/Home.aspx
Coconino County Recorder 110 East Cherry Ave. Flagstaff, AZ 86001 928-679-7850 http://coconino.az.gov/services.aspx?id=977#DeptNums	Maricopa County Recorder 111 South Third Ave. Phoenix, AZ 85003 602-506-3620 http://recorder.maricopa.gov/web/recorder.aspx	Santa Cruz County Recorder 2150 North Congress Dr. Nogales, AZ 85621 520-357-7990 www.co.santa-cruz.az.us/recorder/index.html
Gila County Recorder 1400 East Ash St. Globe, AZ 85501 928-402-8731 http://co.gila.az.us/recorder/default.html	Mohave County Recorder 700 West Beale St. P.O. Box 70 Kingman, AZ 86402-0070 928-753-0701 www.co.mohave.az.us/ContentPage.aspx?id=129	Yavapai County Recorder 1015 Fair St. Prescott, AZ 86305 1852 928-771-3244 www.co.yavapai.az.us/recorder.aspx
Graham County Recorder 921 Thatcher Blvd. Safford, AZ 85546 928-428-3560 www.graham.az.gov/Graham_CMS/Recorder.aspx?id=2414	Navajo County Recorder 100 East Carter Dr. P.O. Box 668 Holbrook, AZ 86025 928-524-4194 www.navajocountyaz.gov/recorder/	Yuma County Recorder 410 South Maiden Ln., Ste. B Yuma, AZ 85364-2311 928-373-6020 www.co.yuma.az.us/index.aspx?page=79

PERMITS, AUTHORIZATIONS OR FILINGS:

Mining Claims (Lode and Placer)

Millsite Claims

LEGAL AUTHORITY:

Mining Law of 1872 as amended 30 U.S.C. § 22 et seq.
43 C.F.R. 3830 Location of Mining Claims
43 C.F.R. 3833 Recordation of Mining Claims
A.R.S. Title 27

CONDITIONS TO ESTABLISH A CLAIM:

In general the following procedures apply to locating a mining claim:

Lode Claims:

1. Discover (locate) minerals in place (in solid rock).
2. Place a location monument containing a location notice on the centerline and within the boundaries of the claim. The location monument may not be a corner monument.
3. Place monuments at each corner of the claim and at the center of each claim end line. Angle points are considered to be corners.
4. May not exceed 1500 feet in length or 600 feet in width (300 ft on either side of the centerline).

Location of Placer Claims:

1. Discover minerals not in solid rock but “loose” as in free gold in gravel.
2. Place location monument containing a location notice at one corner and within the boundaries of the claim. This monument cannot be a corner monument.
3. Place location monuments at each corner of the claim and angle point of the claim.
4. May not exceed 20 acres per locator with up to 8 locators. If possible, the claim must be located by legal subdivision.

Millsites

1. Must be located on ground which is non-mineral in character.
2. Cannot exceed five acres.
3. Must be located and monumented in the same manner as a placer claim.
4. The number of millsites is limited to one per lode mining claim.

Monuments:

Monuments may be a post 1.5 inches in cross section and projecting four feet above the surface of the ground or a stone monument three feet high. Monuments must be marked to identify the corners of the claim or end corner for which they were erected.

Mining Claims - Continued

Recordation:

1. Draw a map or sketch of each claim to be filed in the county together with your location notice.
2. File your location notice in the county where the claims are situated within 90 days of the date of location.
3. File an exact copy of the location notice in the BLM State Office within 90 days of the date of location.

FEES: AS OF 2010

New claim fees: Location fee \$34, Service fee \$15 and Maintenance Fee \$140. These fees are paid to the BLM at the time of filing.

By August 31st of each year you must pay a \$140 maintenance fee for the subsequent assessment year or;

File a waiver from the payment of the maintenance fee if you have 10 or fewer claims nationwide. If qualified for this waiver, you must complete \$100 worth of assessment work prior to September 1 and you must file an Affidavit of Labor with the BLM and in the county where the claim is located by December 30th of the same year. There is a \$10 per claim fee required by the BLM to file an Affidavit of Labor or Notice of Intent to Hold.

BLM fees are increased from time to time. Check with the Arizona State Office for any fee increases.

The fees charged by the counties varies. Consult the Recorders Office in the county where your claim is located for more information.

FORMS:

Additional Information:

www.blm.gov/az/st/en/prog/mining/requirements.html

Forms:

www.azgs.az.gov

**Federal Lands, Bureau of Land Management (BLM)
BLM Notices, Plans of Operation and Occupancy (Mining Claims)**

PERMITS, AUTHORIZATIONS OR FILINGS:

Notices, Plan of Operations, Concurrence for Occupancy

LEGAL AUTHORITY:

Mining Law of 1872 as amended, 30 U.S.C. § 22 et seq.
Pub. L. -167 of 1955, 30 U.S.C. § 601 et seq.
Federal Land Policy Management Act of 1976, 43 U.S.C. § 1701 et seq.
43 C.F.R. 3715 and 43 C.F.R. 3802, 3809.

Note:

Locatable minerals are those minerals that may be located and removed from federal lands under authority of the general Mining Law of 1872, as amended. They include all “valuable mineral deposits” not specifically excluded by various statutes enacted subsequent to 1872. In general, the locatable minerals are those hardrock minerals which are mined and processed for the recovery of metals. They also include certain nonmetallic minerals and uncommon varieties of mineral materials.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Activities that ordinarily result in no or negligible disturbance of the public lands or resources are termed “casual use.” In general, the operator may engage in casual use activities without consulting, notifying or seeking approval from the BLM.

For exploration activity greater than casual use and which causes surface disturbance of five (5) acres or less of public lands; the operator must file a complete Notice with the responsible BLM Field Office. Notice is for exploration only and only 1000 tons may be removed for testing.

A Plan of Operations is required for surface disturbance greater than casual use, unless the activity qualifies for a Notice filing. Surface disturbance greater than casual use on certain special category lands always require the operator to file a Plan of Operations and receive BLM approval (i.e., the Notice provision of the regulations at 43 C.F.R. 3809.21 do not apply). Special category lands include the following:

- Lands in the California Desert Conservation Area (CDCA) designated by the CDCA plan as “controlled” or “limited” use areas.
- Areas in the National Wild and Scenic Rivers System, and areas designated for potential addition to the system.
- Designated Areas of Critical Environmental Concern (ACEC). This does not include lands merely nominated for ACEC designation, but lands that have been designated through the land use planning process.

BLM Notices, Plans and Occupancy for Mining Claims - Continued

Areas designated as part of the National Wilderness Preservation System administered by BLM. Because such lands are withdrawn, the processing of a Plan of Operations is also subject to the mineral examination procedures under 3809.100.

- Areas designated as “closed” to off-road vehicle use, as defined in 43 C.F.R. 8340.0-5. However, a Plan of Operations is not required for areas with a “limited” designation, even if such a designation limits travel to existing roads and trails and the surface disturbance would occur off-road. An accepted Notice or approved Plan of Operations constitutes OHV authorization in limited or closed areas, respectively. A separate authorization is not required for operations in these areas.
- Any lands or waters known to contain Federally proposed or listed threatened or endangered species or their proposed or designated critical habitat, unless BLM allows for other action under a formal land-use plan or threatened or endangered species recovery plan.
- National Monuments and National Conservation Areas administered by BLM. A Plan of Operations is always required for surface disturbance greater than casual use in these areas. In addition, many of these areas are withdrawn and the processing of a Plan of Operations is also subject to the mineral examination procedures under 3809.100.
- Lands patented under the Stock Raising Homestead Act (SRHA) with Federal minerals. A Plan of Operations is always required for activity greater than casual use on these lands where the operator does not have the written consent of the surface owner. The requirements at 43 C.F.R. 3814 are also applicable for processing these Plans.
- On split estate lands other than those patented under the SRHA, either a Notice or Plan of Operations must be filed with BLM regardless of whether the operator has surface owner consent.

Concurrence for occupancy is required whenever residential occupancy is proposed or when fences, gates or signs will be used to restrict public access or when structures (permanent or temporary) that could be used for shelter in nonemergency situations are placed on a mining claim, millsite, or federal lands. To obtain concurrence, a claimant must submit a 43 C.F.R. 3715 filing.

BLM Notices, Plans and Occupancy for Mining Claims - Continued

It is the claimant or operator's responsibility to prepare a complete notice or plan of operations or 43 C.F.R. 3715 filing. BLM is required to assist the claimant in developing methods to prevent unnecessary or undue degradation.

EXEMPTIONS:

Concurrence for Occupancy is not required for split estate lands or Federal lands administered by an agency other than the BLM.

FEES:

An applicant for a plan of operations must pay a processing fee on a case-by-case basis as described in 43 C.F.R. §3000.11 whenever BLM determines that consideration of the plan of operations requires the preparation of an Environmental Impact Statement.

An applicant for any action for which a mineral examination, including a validity examination or a common variety determination, and their associated reports, is performed under 43 C.F.R. §3809.100 or 43 C.F.R. §3809.101 must pay a processing fee on a case-by-case basis as described in section 3000.11 for such examination and report.

AVERAGE PROCESSING TIME:

Within fifteen (15) calendar days of receipt of a Notice, the Field Office will review the filing to determine if it is complete. If the Field Manager takes any of the following actions, operations may not begin fifteen (15) calendar days after filing a complete Notice and providing BLM with an acceptable financial guarantee.

- Notifies the operator that BLM needs additional time, not to exceed 15 calendar days, to complete its review.
- Notifies the operator that he/she must modify the notice to prevent unnecessary or undue degradation.
- Requires the operator to consult with BLM about the location of existing or proposed access routes.
- Determines that an on-site visit is necessary.
- BLM determines the operation qualifies as a notice -level operation

Operations may not commence until an acceptable financial guarantee has been submitted, accepted and obligated by the BLM.

The amount of time required to review and approve a Plan of Operations will vary considerably depending upon the type and complexity of the activity being proposed, the resources potentially affected, the required level of NEPA analysis, the amount of interagency coordination needed, and the level of public controversy.

Federal Lands, U.S. Forest Service (F.S.)

F.S. - Notice of Intent of Operate and Plans of Operation

Forest Service Minerals and Geology Management website:
www.fs.fed.us/geology/mgm_minerals.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Notice of Intent to Operate, Plan of Operations

LEGAL AUTHORITY:

Mining Law of 1872 as amended 30 U.S.C. § 22 et seq.
Pub. L. -167 of 1955, 30 U.S.C § 601 et seq.
Federal Land Policy Management Act of 1976, 43 U.S.C. § 170 et seq.
36 C.F.R. 228, Subpart A for “locatable” minerals

Note:

Locatable minerals are those minerals that may be located and removed from Federal lands under authority of the general Mining Law of 1872, as amended. They include all “valuable mineral deposits” not specifically excluded by various statutes enacted subsequent to 1872. In general, the locatable minerals are those hardrock minerals which are mined and processed for the recovery of metals. They also include certain nonmetallic minerals and uncommon varieties of mineral materials.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The requirements for mining activities on National Forests are specified in the Code of Federal Regulations (36 C.F.R. 228, Subpart A). These regulations require that anyone proposing to prospect for or mine locatable minerals that might cause disturbance of surface resources to file a “Notice of Intention to Operate” with the local Forest Service office. This will generally be the appropriate District Ranger Office. If the Forest Service determines that such operations will cause a significant disturbance to the environment, the operator must submit a proposed Plan of Operations. The Plan must describe such things as the type of operation proposed and how it will be conducted; proposed roads or access routes and means of transportation; and the time period during which the proposed activities will take place. All operations must be conducted in a manner that will minimize adverse environmental impacts and take into consideration requirements for meeting air and water quality standards and solid waste disposal, harmony with scenic values, protection of fish and wildlife habitats and minimization of road construction damage. The Plan of Operations must also indicate the measures to be taken to rehabilitate areas where mining activities have been completed. An operator shall also be required to furnish a bond commensurate with the expected cost of rehabilitation. Details of the requirements for a Plan of Operations are given in 36 C.F.R. 228, subpart A or 36 C.F.R. 228.4 (c).

F. S. Notice of Intent to Operate and Plans of Operation (Mining Claims) Continued

EXEMPTIONS:

The numerous statutes and associated rules and policies governing mining on National Forests are comprehensive in nature and generally do not allow for exemptions.

FEES:

There are no fees associated with processing notices of intent or plans of operations needed for locatable minerals. A bond is required for a plan of operations, in an amount that would be adequate to reclaim the surface resources. In addition, the Forest Service may require an applicant to submit environmental information and may authorize an applicant to prepare an environmental assessment (40 C.F.R. 1506.5) to expedite the review and approval of a plan.

AVERAGE PROCESSING TIME:

The length of time required to analyze and render a decision varies considerably depending on the type of operation proposed, public issues, and potential environmental impacts. The Forest Service must comply with the National Environmental Policy Act (NEPA) and the appeal regulations at 36 C.F.R. 251 Subpart C concerning notice, comment and appeal procedures for projects on National Forest System lands. The hardrock “locatable” regulations at 36 C.F.R. 228, subpart A, contain time limits under which the Forest Service must respond to operating proposals. The Forest Service appeal regulations however, published in 1993, can supersede the timing limits set out in the locatable regulations. If the proposal is large in scope, controversial with the public, could potentially impact important Forest resources, and requires the involvement of numerous other agencies, the process can take a number of years.

FORMS:

http://www.fs.fed.us/geology/fs_2800_5%202009.rtf

U.S. Bureau of Land Management

Surface Mining Regulations Forest Service and BLM

TOPIC	FOREST SERVICE	BUREAU OF LAND MANAGEMENT
Regulations	36 CFR 228, Subpart A (locatable minerals)	43 CFR 3802 (Wilderness Study Areas - only two in Arizona) 43 CFR 3809 (All other Public Land including Designated Wilderness Areas in conjunction with Wilderness Regulations) also 43 CFR 3809 standards apply Split Estate Lands. 43 CFR 3715 All Public Lands where BLM is the managing agency for both the surface and mineral estates.
Casual Use	N/A	Casual use definition applicable only to 43 CFR 3809. Activities causing no or negligible surface disturbance, which require no notice to or approval from the BLM. No definition of casual use under 43 CFR 3802. Occupancies over 15 days in any 90 day period require concurrence under 43 CFR 3715 regardless of surface disturbing activities.
Notice	All activities that might cause surface disturbance require a Notice of Intent to Operate (36 CFR 228.4 (a)). Such notice of intent shall be submitted to the District Ranger having jurisdiction over the area in which the operations will be conducted. If the District Ranger determines that such operations will likely cause <u>significant disturbance</u> of surface resources, the operator must submit a proposed Plan of Operations.	Exploration activities exceeding casual use that will disturb five acres or less on lands outside Wilderness, Wild-Scenic Rivers, Areas of Critical Environmental Concern, etc. No Notices allowed under 43 CFR 3802. Contents of a Notice described at 43 CFR 3715.3-2 and 43 CFR 3809.301 and 43 CFR 3715 for occupancies. Review time frame for a complete notice is 15 days. Notices that incorporate 43 CFR 3715 occupancies are not subject to this time frame for concurrence of the occupancy.
Plan	If proposed operations will likely cause significant disturbance of surface resources, a Plan of Operations must be submitted (36 CFR 228.4 (a)). Contents of the	Mining activities greater than Notice level use or that will affect certain protected categories of land; require the submission of a Plan of Operations. Contents of a Plan described at 43 CFR 3715.3-2 and 43 CFR 3802.401. All

TOPIC	FOREST SERVICE	BUREAU OF LAND MANAGEMENT
	Plan of Operations are described at 36 CFR 228.4 (c). A plan of operations can be submitted initially and independently of a notice if significant disturbance of surface resources is anticipated by the proponent.	activities which occur in a Wilderness, Wilderness-Study Area, Wild-and-Scenic River, etc. need a Plan of Operation regardless of their size or type 43 CFR 3809.11.
Bonding	Any operator who conducts operations under an approved plan of operations will be required to furnish a bond in an amount specified by the authorized officer. In calculating bonds, the authorized officer shall consider the estimated cost of stabilizing, rehabilitating and reclaiming areas disturbed by the operations.	If you conduct operations under a notice or a plan of operations then you must provide BLM or the State a financial guarantee that meets the requirements of this subpart before starting operations. 43 CFR 3809.551 through 3809.573.
Closure and Bond Release	The operator and agency should ensure that all requirements of the approved Plan of Operation are met and that the environmental effects of the operations are as predicted in the NEPA document. When all or part of reclamation has been completed in accordance with the approved plan, the authorized officer may release that portion of the reclamation bond which covers the work, providing it meets standards established in the Plan of Operations.	The operator and agency should ensure that all requirements of the notice or approved plan are met. When all of these conditions are met, the authorized officer will release the bond.
NEPA	Forest Service mining regulations contain guidelines for environmental protection, (36 CFR 228.8) and require the Forest Service to conduct an analysis which meets NEPA requirements. This analysis is the	3809 regulations require that at a minimum, an Environmental Assessment (EA) is to be prepared for all plans of operation to determine if an EIS is required. No NEPA review required for casual use or Notice level operations. Unless those operations involve occupancy as defined by 43 CFR 3715. Any

TOPIC	FOREST SERVICE	BUREAU OF LAND MANAGEMENT
	basis upon which the agency requires changes or modifications to the plan of operations if needed and serve as a basis for development of required mitigation measures.	operation involving occupancy under 43 CFR 3715 requires NEPA analysis. Most occupancy at the casual use and notice level in Arizona are covered by a programmatic EA. Operations disturbing more than 640 acres always require an EIS.
Non-Compliance	Operator's failure to comply with 36 CFR 228 regulations or approved operating plans, which results in surface resource damage, will result in being served a Notice of Non-Compliance. Continued non-compliance can result in court actions. In cases where unnecessary or unreasonable damage is occurring and where reasonable attempts fail to obtain an operating plan or to secure compliance with an approved operating plan, the operator may be cited for criminal violation (36 CFR 261 or 262).	BLM may issue various types of enforcement orders, including Noncompliance and Suspension orders under 43 CFR 3809 or an Immediate Suspension, Cessation Order or Notice of noncompliance pursuant to 43 CFR 3715. Failure to comply with a BLM order may result in civil or criminal penalties.
Residential Occupancy	A claimant to an unpatented mining claim is entitled to uses of the surface that are reasonably necessary to the accomplishment of a bona fide prospecting, exploration, mining and processing of locatable minerals. In order for structures to be authorized under the U.S. mining laws and regulations requiring the management of surface resources, two conditions must be met. First, the structure must be reasonably necessary for use in prospecting, mining or processing of locatable mineral resources and, second, the structure must be covered by an approved operating plan. Occupancy is generally not authorized except in special	Can occur at casual use level, under a Notice or a Plan when requirements of 43 CFR 3715 are met. Generally no occupancy authorized except in cases where production is occurring continuously and/or there is a need to protect the public, equipment or valuable minerals from accidents, theft or loss.

TOPIC	FOREST SERVICE	BUREAU OF LAND MANAGEMENT
	cases.	
Resolution of Unauthorized Use and Occupancy.	Upon a finding that the occupancy or use is not reasonably incident to mining, or approved in an approved plan of operations, willing cooperation in resolving the trespass will be sought. A notice of non-compliance and/or legal remedies will be utilized as needed.	Upon a finding that the occupancy or use is not reasonably incident to mining, four avenues for resolution of trespass: 1) Temporary Suspension Order 2) Cessation Order 3) Notice of Non-Compliance 4) Authorization by other means
Appeals	Related NEPA decisions are subject to appeal in accordance with 36 CFR 215 regulations for those actions on Forest Service lands. Decisions affecting authorization for mining activities are subject to appeal by the proponent under 36 CFR 251 regulations. The proponent may appeal under 251 or 215, but not both. Matters such as mining claim validity are heard before the Department of the Interior, Office of Hearings and Appeals.	Appeal filed with the decision issuing office. The appeal by an operator is reviewed by the State Director under 43 CFR 3809.801. Decisions of the State Director appealed to the Interior Board of Land Appeals (43 CFR Part 4). Where questions of fact need to be resolved in 3809 cases, there is a hearing before Administrative Law Judge, with appeal of adverse decision to the IBLA. 3802 appeals go directly to IBLA. 3715 Notices of Non-Compliance, Suspension Orders and Cessation Orders are appealed directly to IBLA. Appeals filed by a third party for a 3809 action are sent directly to IBLA.
Undue or Unnecessary Degradation	N/A	Surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas or creation of a nuisance may constitute unnecessary or undue degradation.

Federal Lands - BLM
Salable Minerals

PERMITS, AUTHORIZATIONS OR FILINGS:

Salable Minerals, Mineral Materials Contract

Sampling and Testing, Free Use Permits, Nonexclusive Sales, Sales Contracts for Salable Materials

LEGAL AUTHORITY:

Materials Act of 1947, 30 U.S.C. § 601, as amended

Pub. L. -167 of 1955, 30 U.S.C §§ 601 et seq.

Federal Land Policy Management Act of 1976, 43 U.S.C. § 1701 et seq.

43 C.F.R. 3600

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Materials Act authorizes the Secretary of the Interior to sell “common varieties” of sand, stone, gravel, pumice, pumicite, cinders and clay. In 1955, Public Law 167 (P.L.167) was passed to prohibit further location of common variety minerals under the mining law. Pub. L.167 states that common varieties of sand, stone, gravel, pumice, pumicite or cinders and no deposit of petrified wood (as specified by the Petrified Wood Act of 1962) shall be deemed a valuable deposit within the meaning of the mining law and cannot be used to give effective validity to any mining claim. In other words, these materials cannot be located with a mining claim but must be purchased with a mineral materials sales contract issued by the BLM. Prices are set by an appraisal based on the market price for similar types of minerals.

A letter of authorization is required whenever an entity wishes to extract a bulk sample for examination and/or testing from BLM administered lands, prior to pursuing a free use permit or sales contract.

Mining and reclamation plans are normally be required by the authorized officer prior to allowing extractions. Mineral material sales are discretionary actions.

EXEMPTIONS:

Free use permits may be issued to non-profit or governmental agencies. There are no other exemptions from obtaining rights from BLM to sample, test and mine sand, gravel, decorative landscape rock, cinders, clay, scoria or other mineral materials.

FEES:

The BLM is authorized to collect fees and to require reimbursement of its costs. BLM will charge the purchaser under a contract a processing fee on a case-by-case basis depending upon the associated cost to the BLM.

BLM Salable Minerals - Mineral Materials Contracts - Continued

When purchasing material from a community pit or common use area, you may be required to pay a reclamation fee based on the amount of mineral materials you extract from the community pit or common use area. The reclamation fee you pay is a proportionate share of the total estimated cost of reclamation, determined by using the ratio of the material that you extract under your permit or contract to the total volume of the material BLM estimates will be extracted from the site.

AVERAGE PROCESSING TIME:

Processing a request for a Letter of Authorization to conduct sampling and testing, and a free use permit or non competitive sale involving five acres or less and no more than 50,000 cubic yards, often takes less than 30 days to process. This is because only minimal environmental documentation is required.

In addition, sales from BLM designated “community pits,” where BLM has prepared the necessary environmental review work in advance, can be processed quickly.

Larger sales or free use permits may take as little as two months to as much as several years depending on the level of environmental documentation that is required to analyze the proposal.

Federal Lands - Forest Service - Salable Minerals

PERMITS, AUTHORIZATIONS OR FILINGS:

F.S. Salable Minerals - Mineral Material Contracts

Prospecting Permits, Free Use Permits, Nonexclusive Sales, Sale Contracts for Mineral Materials.

LEGAL AUTHORITY:

Materials Act of 1947, 30 U.S.C. § 601, as amended

Pub. L. -167 of 1955, 30 U.S.C § 601 et seq.

Federal Land Policy Management Act of 1976, 43 U.S.C. § 1701 et seq.

36 C.F.R. 228 Subpart C

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Materials Act authorizes the Secretary of the Interior to sell “common varieties” of sand, stone, gravel, pumice, pumicite, cinders and clay. In 1955, Public Law 167 was passed to prohibit further location of common variety minerals under the mining law. Public Law 167 states that “common varieties of sand, stone, gravel, pumice, pumicite or cinders and no deposit of petrified wood (as specified by the Petrified Wood Act of 1962) shall be deemed a valuable deposit within the meaning of the mining law and cannot be used to give effective validity to any mining claim. In other words, these materials cannot be located with a mining claim but must be purchased with a mineral materials sales contract issued by the Forest Service. Prices are set by an appraisal based on the fair market value for similar types of minerals. Uncommon varieties of these minerals may qualify as locatable under the Mining Law of 1872.

The Forest Service has the authority to dispose of common varieties of mineral materials from lands under its jurisdiction and to specify the terms and conditions of operations. A Forest Service permit is required prior to any exploration activity for these minerals. If a suitable deposit is located, the Forest Service weighs the relative values of the surface and mineral resources and determines if the site should be operated. The Forest Service sets the terms and conditions of operation and enters into sale contracts.

EXEMPTIONS:

Under certain circumstances the Forest Service may issue free use permits for the disposal of mineral materials to a non-profit entity or agency.

AVERAGE PROCESSING TIME:

The length of time required to analyze and render a decision varies considerably depending on the type of operation proposed, public issues and potential environmental impacts. The Forest Service must comply with the National Environmental Policy Act (NEPA). If the proposal is simple in nature, such as the removal of relatively small quantities of a mineral material such as sand, the entire process may be categorically excluded from documentation in an environmental impact statement or environmental assessment (Forest Service Handbook 1909.15). If the proposal is large in scope, controversial with the public, could potentially

F.S Salable Minerals - Continued

impact important Forest resources, and require the involvement of numerous other agencies, the process can take a number of years.

FORMS:

Contract for sale of mineral materials:
www.fs.fed.us/geology/FS-2800-9.doc

Federal Lands

(Other than Coal or Oil Shale - BLM Lands and Lands administered by other Federal Agencies, including the Forest Service, National Park Service, and the Department of Defense.

PERMITS, AUTHORIZATIONS OR FILINGS:

Leasing of Solid Minerals

**Prospecting Permit, Preference Right Lease, Exploration License,
Competitive Lease**

LEGAL AUTHORITIES

Mineral Leasing Act of 1920, as amended, 30 U.S.C § 181 et seq.

Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C § 351 et seq.

Section 402 of Reorganization Plan No. 3 of 1946

43 C.F.R. 3500

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Solid Leasable Minerals are those minerals which are subject to leasing under the authority of the statutes listed above. Included in this group of minerals are phosphate; chlorides, sulfates, carbonates, borates, silicates and nitrates of sodium and potassium; sulfur (in Louisiana and New Mexico); gilsonite, including all vein type hydrocarbons; all minerals (except salable minerals) on acquired lands; and, asphalt (in Oklahoma). Acquired lands are those lands, including mineral estates, which are not public domain lands and which the United States obtained through purchase, donation or condemnation, and includes lands previously disposed of under the public land laws including the General Mining Law of 1872, as amended.

In areas where prospecting or exploratory work is necessary to determine the existence of mineral deposits, prospecting permits and preference right (noncompetitive) leasing procedures are involved. In areas which are known to be valuable for the occurrence of mineral deposits, exploration licenses may be issued. Exploration licenses authorize exploration of known, unleased deposits to obtain geologic, engineering, and mineral reserve data. Such lands may be leased only by competitive bidding to the qualified bidder who offers the highest acceptable bonus bid. If the surface is administered by a federal agency other than the BLM, permits or leases shall only be issued after the BLM has consulted with the appropriate land management agency.

EXEMPTIONS:

None

FEES:

The BLM is authorized to charge fees to recover the costs of providing services, i.e. reasonable filing and service fees for applications and other documents, based on a fee schedule or on case-by-case basis.

Leasing of Solid Minerals (Other than Coal or Oil Shale) - Continued

AVERAGE PROCESSING TIME:

The length of time required to process applications for prospecting permits, preference right leases, exploration licenses, and competitive leases will vary, depending on the type of operation proposed, public issues and the potential environmental effects. The process may take several years, in some cases.

Federal Lands

(For a list of lands not available for leasing, please refer to Federal Regulations 43 C.F.R. 3400.2)

PERMITS, AUTHORIZATIONS OR FILINGS:

Coal Leasing on Federal Lands

Exploration License, Competitive Lease, Lease by Application

LEGAL AUTHORITIES:

Mineral Leasing Act of 1920, as amended, 30 U.S.C § 181 et seq.

Federal Coal Leasing Amendments Act of 1976, as amended, 90 Stat. 1083-1092

43 C.F.R. 3400

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Coal exploration licenses authorize exploration of known, unleased coal deposits to obtain geologic, engineering, and reserve data. Exploration licenses authorize removal of only such quantities of coal which are necessary for analysis and study.

The Federal Coal Lease Amendments Act of 1976 requires that all federal coal be leased competitively, either on government initiative or in response to applications. Such lands may be leased only by competitive bidding to the qualified bidder who offers the highest acceptable bonus bid. Specific tracts are delineated, analyzed for environmental impacts and scheduled for lease sale by Departmental initiative. The Secretary of Interior makes the final leasing decisions after considering the recommendations of the Regional Coal Team, and consulting with state governors, affected Indian Tribes and any other surface management agencies.

The lease by application process is designed to make coal available for leasing in response to applications submitted by private industry. Leasing by application may occur outside of designated coal production regions, or within designated coal production regions under emergency situations.

The leasing process for federal coal is very complicated and beyond the scope of this publication. Please refer to Federal Regulations 43 C.F.R. 3400 for additional information.

EXEMPTIONS:

None

FEES:

Fees associated with exploration licenses and coal leases include filing fees, rental payments, production royalties and bonus bids.

AVERAGE PROCESSING TIME:

The length of time required to analyze and render a decision and issue exploration licenses and leases will vary considerably, depending on the type of operation proposed, public issues and potential environmental impacts. The entire process can take several years.

**Federal Lands
Operations Conducted on Mining Claims**

**PERMITS, AUTHORIZATIONS OR FILINGS:
Bonding Requirements, Federal Lands**

General

Presently, the only agencies with authority to require a bond for operations conducted on lands administered by the BLM in Arizona are the BLM and the ADEQ. The ADEQ requires a bond for operations that require an Aquifer Protection Permit (APP). This bond is required to ensure that operations conducted under an APP are closed (ended) in a manner to prevent contamination or degradation of ground water resources. BLM requires a bond for the protection and restoration of surface resources. Because these two bonds are for the protection of different resources and they are administered by different agencies with different bond release standards, BLM Arizona does not consider these bonds to represent a case of “double bonding.” Double bonding occurs when two different agencies require a bond for essentially the same reclamation.

Bureau of Land Management

The regulations at 43 C.F.R. 3809 use the term “financial guarantee” in reference to the contracted document and any financial instrument used to guarantee an operator will perform reclamation required by the regulations. The financial guarantee requirements apply to all operations authorized by the Mining Law on public lands where the mineral interest is reserved to the United States.

Operators of activities that are considered by the BLM to be casual use are not required to provide the BLM with a financial guarantee. Casual use is defined at 43 C.F.R. 3809.5 as activities ordinarily resulting in no or negligible disturbance of the public lands or resources.

Prior to commencing operations under a notice or plan of operations, an operator must provide the BLM with an acceptable financial guarantee. The financial guarantee can cover only the cost of reclaiming areas disturbed under a single notice or plan of operations or a blanket financial guarantee covering statewide or nationwide operations may be provided. An individual financial guarantee must cover the estimated reclamation cost as if BLM were hiring a third-party contractor to perform reclamation of an operation after a project area has been abandoned. The financial guarantee must include construction and maintenance cost for any treatment facilities necessary to meet Federal and State environmental standards and must also cover any interim stabilization and infrastructure maintenance costs needed to maintain the area of operations in compliance with applicable environmental requirements while third-party contracts are developed and executed.

Bonding Requirements - Continued

Forest Service

Any operator required to file a Plan of Operations, must furnish a bond (36 C.F.R. 228.13) prior to approval of the plan. The purpose of the bond is to assure compliance with the reclamation provisions of the regulations [36 C.F.R. 228.8 (g)] and the operating plan. The amount of the bond will be determined on a case by case basis, and shall be based on the estimated cost of the work needed to stabilize, rehabilitate and reclaim surface resources disturbed by the mining operation.

If the operator fails to do the work, the bond will be used by the Forest Service to do the work or have it done. The Forest Service will accept several different types of bonding instruments including: certificates of deposits, savings accounts, irrevocable letters of credit, and corporate sureties shown on the latest approved list issued by the U.S. Treasury Department and executed on an approved standard form, cash, and Negotiable securities of the United States.

Throughout the life of the Plan of Operations, the bond will be reviewed for adequacy and, if necessary, adjusted to conform to changing conditions as needed. When a portion of the reclamation has been satisfactorily completed, the amount of the bond may be reduced. When all reclamation work has been completed, the bonding instrument will be released by the Forest Service. Where other agencies require bonds for reclamation purposes within the National Forests, every effort is made to avoid double bonding.

Forest Service reclamation bonding guide: www.fs.fed.us/geology/bond_guide_042004.pdf

Operations Conducted with a Mineral Materials Contract:

Bureau of Land Management

For contracts of \$2,000 or more, BLM requires a performance bond of an amount sufficient to meet the reclamation standards provided for in any contract, but at least \$500. Bonding for Free Use Permits is discretionary. BLM may require a performance bond for contracts of less than \$2,000 but will not require a bond amount greater than 20 percent of the total contract value.

Forest Service

The Forest Service requires a bond to ensure performance of payment and reclamation. For sales of 10,000 cubic yards or more, a bond of not less than 10 percent of the total contract price or value of estimated production, plus reclamation costs is required. For sales under 10,000 cubic yards, bond requirements are at the discretion of the authorized officer.

Bonding Requirements - Continued

Operations Conducted on Federal Leases:

Coal Leases: BLM does not have responsibility for reclamation bonds on a Federal Coal Lease. Reclamation bonds are under the jurisdiction the Surface Mine Control and Reclamation Act (SMCRA) administered by the Office of Surface Mining (OSM). The bond held by BLM in the case of a federal coal lease is to protect against default on the terms and conditions of the lease (rents and royalties). Lease bond amounts are calculated on the basis of rents and royalties and are to protect the government in case the lease holder defaults on the terms of the lease.

Non Coal Leases: Individual permit and lease bond amounts are established on a case by case basis by the BLM. Minimum bond amounts are set forth in the regulations for specific minerals. All permits and leases require a bond.

County Aggregate Mining Operations Zoning Districts

The main purpose of this provision is to address complaints of residents near sand and gravel operations. Title 11 - 830 of the Arizona Revised Statutes states that “the board of supervisors of any county with a population of more than two million persons shall designate and establish the boundaries of an aggregate mining operations zoning district on the petition of at least one hundred persons who reside within one-half mile of an existing aggregate mining operation.”

In addition, the board of supervisors of any county may establish, in its discretion and on the board's initiative, one or more aggregate mining operations zoning districts. Aggregate mining operations zoning districts may only be located in areas that are inventoried and mapped as areas of known reserves or in areas with existing aggregate mining operations.

It was further established that a county and the state mine inspector may jointly adopt, as internal administrative regulations, reasonable aggregate mining operations zoning district standards.

The State Mine Inspector's office has oversight over the aggregate mining operations zoning districts and acts as an advisor.

At this time, only one aggregate mining district has been established, the West Valley Aggregate Mining District in Maricopa County, which was formed in January of 2004. The district boundary of the district is a 1 mile radius from the Agua Fria River Floodway between Grand Avenue and the CAP Canal.

The West Valley Mining District Recommendation Committee consists of five industry members and five community members. They make recommendations based on a majority vote, must adhere to Public Meeting rules, and meet once per quarter at a public facility. New operations are required to file a Community Notice that must be approved before mining may commence.

Residents within 1/2 mile of operation have right to file complaints with the mine operator, and if those complaints are not addressed to the resident's satisfaction, to the State Mine Inspector. The Zoning Committee may hear the complaints and the State Mine Inspector investigates complaints. The State Mine Inspector may issue compliance order, may withdraw or revoke a notice, or may take court action.

DRILLING AND WATER USE

Section 3

Notice of Intention to Drill

Arizona Department of Water Resources (ADWR)
3550 N. Central Avenue
Phoenix, AZ 85012
602-771-8500
www.azwater.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Notice of Intention to Drill and Abandon an Exploration/Specialty Well

Notice of Intention to Drill, Deepen, Replace, or Modify a Well Notice of Intent to Drill, Deepen, or Modify a Monitor / Piezometer / Environmental Well, Notice of Intent to Abandon a Well

LEGAL AUTHORITY:

A.R.S. § 45 Waters, Article 10 Wells

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

A notice of intent is required for any manmade openings in the earth through which water may be withdrawn or obtained from beneath the surface of the earth, including water wells, monitor wells and piezometer wells. It shall also apply to geothermal wells to the extent provided by A.R.S. § 45-591.01 and all exploration wells and grounding or cathodic protection holes greater than 100 feet in depth. Also, please note that all well drillers must be Arizona licensed. Licensing is done through ADWR.

EXEMPTIONS:

A Notice of Intent is not required for the following activities:

1. Manmade openings in the earth not commonly considered to be wells, such as construction and mining blast holes, underground mines and mine shafts, open pit mines, tunnels, septic tank systems, caissons, basements and natural gas storage cavities.
2. Injection wells and vadose zone wells which are subject to regulation by the Arizona Department of Environmental Quality.
3. Oil, gas and helium wells drilled pursuant to the provisions of Title 27, A.R.S..
4. Drilled bore holes in the earth **less than 100 feet** in depth which are made for purposes other than withdrawing or encountering groundwater, such as exploration wells and grounding or cathodic protection holes; **except in the event that groundwater is encountered** in the drilling of the bore hole.

FEES:

The filing fee for a Notice of Intent to Drill is \$150, except wells located outside Active Management Areas to be used for domestic purposes only have a filing fee of \$100. There is no filing fee for a Notice of Intent to Abandon a Well.

Notice of Intention to Drill - Continued

AVERAGE PROCESSING TIME:

ADWR has a maximum of 15 days to process notices, except the Notice of Intent to Drill and Abandon an Exploration/Specialty Well and the Notice of Intent to Abandon a Well have 30 days. When a variance, or request to deviate from the minimum construction standards, is submitted review period increases to 50 days.

FORMS:

General Permits:

www.azwater.gov/AzDWR/PermitsFormsApplications/PermitsFormsApplications.htm?it=#well

Well Drilling Permits:

www.azwater.gov/azdwr/WaterManagement/NOI/documents/PermitsFormsApplicationsNOI.htm

Notice of Intention to Drill:

www.azwater.gov/azdwr/WaterManagement/NOI/documents/documents/55-40NOIDrev6_10fZ.pdf

ARIZONA OIL AND GAS CONSERVATION COMMISSION

Arizona Geological Survey (AZGS)
416 W. Congress St., Suite 100
Tucson, Arizona 85701-1381
520-770-3500
www.azogcc.az.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Permit to Drill or Re-enter in Helium-producing Regions

LEGAL AUTHORITY:

[A.R.S. § 27-516](#)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Stratigraphic wells drilled for potash in the known helium producing region in the Holbrook Basin require a permit from the Arizona Oil and Gas Conservation Commission. Before drilling or re-entering any well or conducting any surface disturbance associated with such activity, the operator shall submit to the Commission an application for permit to drill or re-enter and obtain approval pursuant to [A.A.C. R12-7-104](#).

EXEMPTIONS:

Any hole drilled for stratigraphic, core, or seismic purposes shall comply with all rules in 12 A.A.C. 7 pertaining to the drilling of a well except the spacing provisions of R12-7-107.

FEES:

A filing fee of \$25.00 per well

AVERAGE PROCESSING TIME:

Average processing time is 5 to 10 working days.

FORMS:

<http://azogcc.az.gov/forms>

Appropriations of Surface Water

Arizona Department of Water Resources
3550 N. Central Avenue
Phoenix, AZ 85012
602-771-8500
www.azwater.gov

PERMITS, AUTHORIZATIONS OR FILINGS: Appropriations of Surface Water

LEGAL AUTHORITY:

Appropriable water as defined in A.R.S. § 45-141(A) is subject to appropriation and beneficial use by the public. Its use is governed by the provisions of Title 45, Chapter 1, A.R.S. Appropriation of water for mining purposes, a recognized beneficial use in Arizona, requires that an application for permit to appropriate be made to ADWR. The application requirements are discussed in A.R.S. § 45-152. If reservoir construction is contemplated, the applicant must also comply with A.R.S. § 45-161.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

In addition to the universal application requirements listed in A.R.S. § 45-152(A), an application for a permit to appropriate public water for mining purposes must include the location and character of the mine to be served and the methods of supplying and utilizing the waters (A.R.S. § 45-152 [B]5). If the water use includes reservoir storage, the application must include a description of the retention structure, the capacity of the reservoir, and a description of the lands to be submerged. If the size of the dam falls within the jurisdiction of the Dam Safety Section of ADWR, a permit for storage will not be issued until the dam is approved by that Section.

Applications for permit to appropriate public water must be approved by the Director and are assessed on the following grounds:

1. Potential conflicts with vested water rights.
2. Potential threats to public safety.
3. Potential threats to public interest and welfare. A.R.S. § 45-153 [A].

The approval or rejection of a permit to appropriate is an administrative action which is subject to the Uniform Administrative Appeal Procedure statutes.

Individuals initiating new uses are also encouraged to register their new water rights under Title 45, Chapter 1, Article 9. These statutes govern General Stream Adjudications in Arizona and require that all potential claimants in a general stream adjudication register their claims by filing a Statement of Claimant (A.R.S. § 45-254).

Appropriations of Surface Water - Continued

FEES:

A.A.C. R12-15-151 establishes various fees for processing applications for permits. To appropriate surface water for an application in excess of 50 acre-feet per year, the application fee is \$75 plus \$50 for issuance of the certificate. An application to sever and transfer a water right is \$500.

AVERAGE PROCESSING TIME:

A permit to appropriate water must be reviewed for completeness within 30 days and a substantive review must be completed in 420 days, totaling an overall time frame of 450 days. Permits for reservoir storage must be reviewed for completeness within 30 days and substantive review completed by 420 days. Severance and transfer of water rights must be completed in an overall time frame of 420 days, including 30 days for completeness review and 390 days for substantive review.

FORMS:

www.azwater.gov/azdwr/SurfaceWater/SurfaceWaterRights/documents/ApplicationGuidelines.pdf

Withdrawal and Use of Groundwater

Arizona Department of Water Resources (ADWR)
3550 N. Central Avenue
Phoenix, AZ 85012
602-771-8500
www.azwater.gov

PERMITS, AUTHORIZATIONS OR FILINGS: **Withdrawal and Use of Groundwater**

LEGAL AUTHORITY:

Use of groundwater in Arizona is subject to Chapter 2 of the A.R.S. § 45 and is administered by the Arizona Department of Water Resources.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Outside of active management areas, the use of groundwater may be used for any reasonable and beneficial use. Inside active management areas groundwater use may be withdrawn and used only in accordance with the allocation and use concepts described in the Groundwater Code. Groundwater rights for mines may be obtained through the acquisition of a Groundwater Withdrawal Permit, a Type 1 Non-Irrigation Grandfathered Right (GFR), or a Type 2 Non-Irrigation GFR. Before a new well may be drilled, a well construction permit must be obtained pursuant to A.R.S. § 45-599.

Groundwater Withdrawal Permits are issued for a specific duration and amount of water when GFRs are not available. A specific category of groundwater withdrawal permit is for mineral extraction and metallurgical processing (A.R.S. § 45-514). A mineral extraction permit is issued when other sources of supply are insufficient or would incur an unreasonable cost.

A Type 1 Non-Irrigation GFR applies to land that has been retired from irrigation after January 1, 1965 in anticipation of specific non-irrigation use (A.R.S. § 45-463). A Type 1 GFR may not be transferred to another location, although water pumped from the original location may be transported to a new location. A Certificate of Grandfathered Right is issued for these rights by the Arizona Department of Water Resources.

A Type 2 Non-Irrigation GFR is a right to use non-irrigation withdrawals of groundwater equal to the maximum groundwater withdrawal and use for any one year during the five year period prior to 1980 (A.R.S. § 45-4640). Certificates of Grandfathered Rights for Type 2 Non-Irrigation GFRs are transferrable anywhere within the active management area.

Withdrawal and Use of Groundwater - Continued

Conservation Requirements for Mines Inside AMAs

Chapter 2, Article 9 of the A.R.S. § 45 establishes a series of management plans applicable within the five active management areas (AMA). These plans establish conservation requirements for all water users within the AMAs. One of the regulated sectors is mining. Conservation requirements in the management plans for metal mines include provisions to:

1. Regulate transport tailings density.
2. Reduce water loss from tailings impoundments.
3. Minimize water use in leaching processes.
4. Prepare a long-range conservation plan.

Exemptions are provided when these requirements conflict with other environmental regulations. An alternative program is also provided if the mine demonstrates that the best available conservation technologies consistent with reasonable economic return are being applied to the mine.

FEES:

There are various fees associated with groundwater withdrawal applications and well drilling set forth in A.A.C. R12-15-151, including an application for groundwater withdrawal permit (\$150 submitted with the application and \$50 with the issuance of the permit), application for hydrologic testing (\$50), conveyance of a groundwater withdrawal permit (\$35) and the registration of an existing well (\$10). A notice of intent to drill a new non-exempt well is \$10. A permit for a new non-exempt well or the enlargement of an existing well is \$80.

AVERAGE PROCESSING TIME:

The deadlines for processing Type 1 and Type 2 GFRs are 120 days, including 30 days to determine completeness and 90 days for substantive review. The time frame for processing groundwater withdrawal permits are 30 days for completeness and 70 days for substantive review. The time frame for processing a Notice of Intention (NOI) to drill, deepen or modify a well is 15 days (A.R.S. § 45-596.D.) after receipt of a complete and correct notice. The time frame for processing a non-exempt well permit is 60 days (A.R.S. § 45-599.D.) after receipt of a complete and correct application.

FORMS:

www.azwater.gov/AzDWR/WaterManagement/AMAs/PhoenixAMA/AMAWithdrawalandUseAnnualReport.htm

Dam Construction

Arizona Department of Water Resources (ADWR)
3550 N. Central Avenue
Phoenix, AZ 85012
602-771-8649
www.azwater.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Construction, Enlargement, Repair, Alteration, or Removal of Dams

LEGAL AUTHORITY:

Chapter 6 of the A.R.S. delineates the responsibility of the Arizona Department of Water Resources regarding the supervision of dams and reservoirs. A.R.S. § 45-1202 states that “All dams shall be under the jurisdiction of the director of water resources.”

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

A dam is defined in A.R.S. § 45-1201 as:

“Any artificial barrier, including appurtenant works for the impounding or diversion of water except those barriers for the purpose of controlling liquid borne material, 25 or more feet in height or the storage capacity of which will be more than 50 acre feet, but does not include any such barrier which is or will be less than six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of 15 acre feet, regardless of height.”

A.R.S. § 45-1202 states that: “It is unlawful to construct, repair, operate, maintain, enlarge, remove or alter any dam except upon approval of the director.” Application procedures and inspection procedures during construction are specified in subsequent sections. A.R.S. § 45-1212.A, states that: “Supervision over maintenance and operation of dams to safeguard life and property is vested exclusively in the director.” A.R.S. § 45-1212 continues by defining the ability of the director to enforce remedial actions when a dam is determined to be dangerous.

JURISDICTIONAL DAMS:

A jurisdictional dam is either 25 feet or greater in height or has capacity to store more than 50 acre-feet, except that:

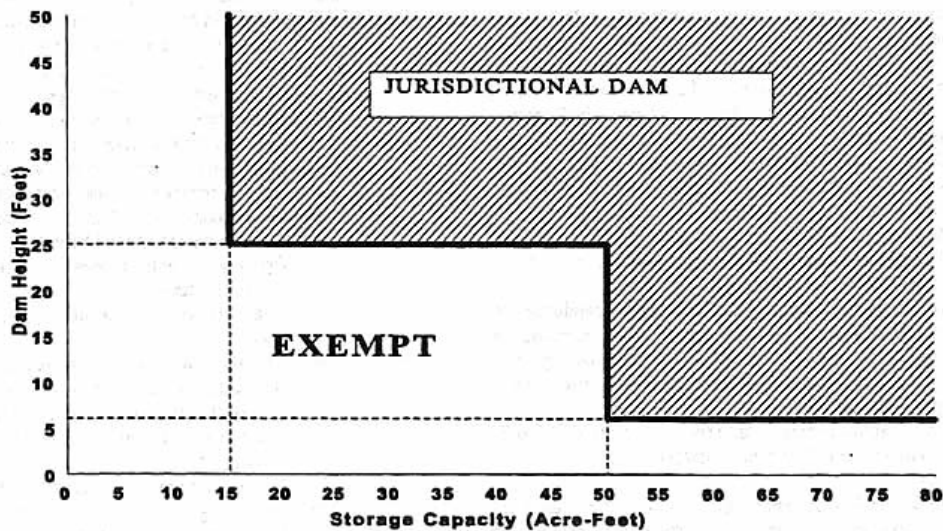
If a dam is less than six feet in height, regardless of storage capacity, it is exempt and is not jurisdictional.

If a dam has 15 acre-feet or less of storage capacity, regardless of height, it is exempt and is not jurisdictional.

Construction, Enlargement, Repair, Alteration, or Removal of Dams - Continued

Height: Equals the vertical distance measured from the lowest elevation of the outside limit of the dam (usually the downstream toe) to the emergency spillway crest, or top of emergency spillway gates if so equipped. In unusual circumstances where a dam does not have an emergency spillway, the height is measured to the crest of the dam.

Capacity: Equals the storage capacity of the reservoir when the storage level is at the crest of the emergency spillway, or at the top of permanently mounted emergency spillway gates in closed position. In usual circumstances where a dam does not have an emergency spillway, the capacity is measured to the crest of the dam.



FEES:

A.R.S. § 45-1204 authorizes the director to collect a filing fee “based on the estimated cost of the dam but in no event shall the fee exceed two percent of the estimated cost.” A.A.C. R12-15-151 sets the application filing fee for the first \$100,000 of dam cost at two percent of the estimated cost, 1.5 percent for the next \$400,000, one percent of the next \$400,000, and one half percent for the remainder over \$1,000,000. The fee for a safety inspection is \$100 plus \$2 per foot of dam height per inspection.

Construction, Enlargement, Repair, Alteration, or Removal of Dams - Continued

AVERAGE PROCESSING TIME:

Completeness review for the construction, enlargement, repair, alteration, or removal of a dam must be completed within 120 days and substantive review within 60 days (R12-15-401).

FORMS:

Instructions for preparing an application package:

www.azwater.gov/AzDWR/SurfaceWater/DamSafety/documents/Instructions_for_Filing_a_Dam_Safety_Application.pdf

Reclaimed Water Permit

Arizona Department of Environmental Quality (ADEQ)
Groundwater Section
1110 West Washington Street, 5415B-3
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Reclaimed Water Permit

LEGAL AUTHORITY:

A.R.S. §49-203(a)(6)
A.A.C. Title 18, Chapter 9, Articles 6 and 7
A.A.C. R18-11-301 through R18-11-309

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Regulations apply to wastewater treatment facilities supplying reclaimed water and to the sites where reclaimed water is applied or used. Gray water use is also regulated under the reclaimed permit rules. No permit is required for the construction or operation of conveyances of reclaimed water, but technical standards are prescribed in rule under Article 6. A reclaimed water individual permit is required for reclaimed water uses that do not otherwise fall into one of the general permit categories. A reclaimed water individual permit is also required for the application of industrial wastewater if it is used in the processing of any human or animal food crop or substance, or if reclaimed water is blended with industrial wastewater. A general permit based on best management practices is available for residential use of gray water. Larger gray water systems are regulated under a Type 3 general permit or an individual reclaimed water permit. End users who cannot qualify for a general permit should seek an individual permit.

EXEMPTIONS:

Direct reuse does not include the use of water after discharge under an AZPDES permit; after discharge under an APP; or in a workplace subject to a federal program that protects workers from workplace exposures.

FEES:

A reclaimed water individual permit requires an initial fee of \$1,000 and is reviewed on an hourly basis up to a maximum fee of \$32,000. Flat fees apply to the general permits.

AVERAGE PROCESSING TIME:

Administrative completeness reviews for individual reclaimed water permits are 35 business days and time frames for substantive reviews for standard and complex facilities range from 186 to 294 business days, depending on the complexity of the project and whether a public

Reclaimed Water Permit - Continued

hearing is held. Public notice and a 30 day comment period are required. Type 1 general permits required no notification to ADEQ. Type 2 general permits are approved upon receipt of a complete notice of intent. The overall time frame for Type 3 general permits is 81 days. Reclaimed water individual and general permits must be renewed every five years to continue coverage.

FORMS:

Water permits site:

www.azdeq.gov/environ/water/permits/index.html

Individual Reclaimed Water Permit:

www.azdeq.gov/environ/water/permits/download/individual.pdf

Type 1 General Permit:

www.azdeq.gov/environ/water/permits/reclaimed.html#1

Type 2 General Permit:

<http://www.azdeq.gov/environ/water/permits/reclaimed.html#2>

Type 3 General Permit

www.azdeq.gov/environ/water/permits/reclaimed.html#3

Dry Well Registration

Arizona Department of Environmental Quality (ADEQ)
Groundwater Section
1110 West Washington Street, 5415B-3
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Dry Well Registration

LEGAL AUTHORITY:

A.R.S. § 49-245-02
A.R.S. § 49-331-336
A.R.S. § 49-250.23
A.R.S. § 49-201.5

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of registration is to minimize groundwater impacts and ensure that only storm water enters a dry well.

New dry wells must be registered with ADEQ within 30 days of starting operation. Closure of dry wells must follow ADEQ's Dry Well Decommissioning Guidelines. Aquifer Protection Permit (APP) requirements apply to dry wells that drain areas where hazardous substances are used, stored, loaded or treated or where motor fuels are dispensed. Any dry well that is used for industrial wastewater disposal either solely or in conjunction with storm water is an injection well, and an APP is required for operation or closure.

EXEMPTIONS:

Exemption from obtaining an APP for closure can be secured if "clean closure" can be demonstrated. In addition, certain discharges to dry wells in combination with storm water are exempt from the APP requirements under A.R.S. § 49-250(23).

FEES:

A \$100 fee is charged per dry well registration. APP fees are required if a Type 2 general APP or an individual APP is required.

AVERAGE PROCESSING TIME:

Registration must be complete within 30 days of the completion of the well. Review time for the registration varies with the complexity of the submittal.

Dry Well Registration - Continued

FORMS:

Dry Well Permit information:

www.azdeq.gov/function/forms/appswater.html#drywell

Dry Well Registration form:

www.azdeq.gov/environ/water/permits/download/dwreg.pdf

Injection Wells Used to Extract Minerals

U.S. Environmental Protection Agency (EPA)
75 Hawthorne Street, WTR-9
San Francisco, CA 94105
415 744-1835
www.epa.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Injection Wells Used to Extract Minerals

Class III and Class V Underground Injection Control (UIC) Permits for Injection Wells Used to Extract Minerals

LEGAL AUTHORITY:

Safe Drinking Water Act, 42 U.S.C. § 300(f) et seq.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

UIC permits are required for all Class III mining activities described under 40 C.F.R. parts 144 and 146. Class III facilities use injection wells for: 1) mining of sulfur by the Frasch process; 2) in situ production of uranium, copper, and other metals from ore bodies that have not been conventionally mined; and, 3) solution mining of salts and potash. If the mining zone is protected as an Underground Source of Drinking Water (USDW), a permit applicant may have to apply for an aquifer exemption and be able to demonstrate that the project meets the criteria established at 40 C.F.R. 146.4.

Class V mining wells include all mining injection wells not described as Class III, above. UIC permits are issued on a case-by case basis for Class V injection wells. Pursuant to 40 C.F.R. 144.26, all Class V injection wells that are authorized by rule (i.e., wells allowed to operate without a permit) must be inventoried with EPA.

EXEMPTIONS:

None

FEES:

None

AVERAGE PROCESSING TIME:

Individual permits are issued for the life of the facility. Permit review may take from six months to more than two years to complete, depending on the complexity of the project, the extent of public involvement and the responsiveness of the applicant.

FORMS:

Regulations: <http://water.epa.gov/type/groundwater/uic/regulations.cfm>
Guidance: <http://water.epa.gov/type/groundwater/uic/guidance.cfm>
Forms: <http://water.epa.gov/type/groundwater/uic/reportingforms.cfm>

EXPLOSIVES, FUEL AND OIL

Section 4

Manufacturers License or User Permit

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Regulatory Enforcement
201 E. Washington Street, Suite 940
Phoenix, AZ 85004
602-776-5400
www.atf.gov/field/phoenix

PERMITS, AUTHORIZATIONS OR FILINGS:

Manufacturers License or User Permit

LEGAL AUTHORITY:

Organized Crime Control Act of 1970, Title XI, 18 U.S.C. §§ 1102 et seq.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Manufacturers' License: Any person, partnership, corporation or association, which engages in the business of manufacturing explosives materials for purposes of sale or distribution or for his own use, must first obtain a manufacturer's license from the ATF. Combining non-explosive components to produce an explosive material (such as the mixing of ammonium nitrate and fuel oil) is also considered manufacturing.

A licensed manufacturer may also receive and transport explosive materials in interstate or foreign commerce and deal in explosive materials.

User Permit: Any person, partnership, corporation or association, having been issued a user's permit, may acquire and use explosives in-state as well as acquire for their own use, explosive materials from a state other than the state in which they reside or from a foreign country; and transport explosive materials in interstate or foreign commerce.

EXEMPTIONS:

Contact the ATF.

FEES:

Original and renewal licenses and permits are valid for a period of three years. Fees and validity periods were effective December 22, 1998.

Original Manufacture's License: \$200; Renewal: \$100.

Original User's Permit: \$100; Renewal: \$50.

AVERAGE PROCESSING TIME:

Properly completed applications are acted upon within 45 days of receipt.

FORMS:

www.atf.gov/forms/download/atf-f-5400-13.pdf

Transportation of Explosives

Bureau of Alcohol, Tobacco, Firearms,
and Explosives (ATF)
Industry Operations
201 East Washington Street, Suite 940
Phoenix, AZ 85004
602-776-5400
www.atf.gov

Department of Transportation
(DOT)
1200 New Jersey Avenue SE
Washington D.C. 20590
202-366-4000
www.dot.gov

Mine Safety and Health Administration
(MSHA)
63 East Main Street, Suite 402
Mesa, AZ 85201
480-649-5452
www.msha.gov

Arizona State Mine Inspector
(ASMI)
1700 West Washington Street,
Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

PERMITS AND AUTHORIZATION: Transportation of Explosives

LEGAL AUTHORITY:

27 C.F.R. 555 (ATF)
29 C.F.R. 1910.109 (MSHA)
49 C.F.R. 171-173 (DOT)
A.R.S. § 27-121 et seq.
A.A.C. R11-1-230 through 243

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Refer and review latest ATF Publication 5400.7 of the Federal Explosives Law and Regulations.

Some local use permits may be required. Always check with the county where blasting will take place or city when transporting explosive within city limits.

In General:

No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives. [29 C.F.R. 1910.109(d)(1)(i)]

Explosives shall not be transferred from one vehicle to another within the confines of any jurisdiction (e.g., city, county, state) without informing the local fire and police departments.

Transportation of Explosives - Continued

In the event of breakdown or collision, the local fire and police departments shall be promptly notified. Explosives shall be transferred from the disabled vehicle to another only, when proper and qualified supervision is provided. [29 C.F.R. 1910.109(d)(1)(iii)]

Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with explosives. [29 C.F.R. 1910.109(d)(1)(iv)]

TRANSPORTATION VEHICLES

Vehicles used to transport explosives shall meet the following conditions [29 C.F.R. 1910.109(d)(2)(i)]: strong enough to carry the load without difficulty and be in good mechanical condition.

If the vehicle does not have a closed body, it shall be covered with a flameproof and moisture proof tarpaulin or other effective protection against moisture and sparks.

Tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives.

Packages of explosives shall not be loaded above the sides of an open-body vehicle.

VEHICLE PLACARDING AND MARKING

Every vehicle used to transport explosives shall be marked or equipped as follows:

Exterior placards must be placed on each side and each end of any vehicle carrying Division 1.1, 1.2, or 1.3 explosives (formerly Class A and B) regardless of the quantity being transported. [29 C.F.R. 1910.109(d)(2)(ii)(a) and 49 C.F.R. 172.504(a)]

Exterior placards must be placed on each side and each end of any vehicle carrying 1,001 pounds or more of Division 1.4, 1.5, or 1.6 explosives (formerly Class C). [29 C.F.R. 1910.109(d)(2)(ii)(a) and 49 C.F.R. 172.504(c)]

Placard color and markings shall be as specified in 49 C.F.R. 172.522 through 172.525.

Numerous other Department of Transportation regulations apply in regards to shipping papers, driver training, and packaging of explosives. See 49 C.F.R. 171-173 for additional information.

Transportation of Explosives - Continued

VEHICLE PREPAREDNESS AND INSPECTION

Two fire extinguishers listed or approved by a nationally recognized laboratory each having a rating of 10-BC shall be located near the driver's seat. The extinguishers shall be inspected annually by a competent person. [29 C.F.R. 1910.109(d)(2)(iii) and 1910.157(e)(3)]

Any vehicle used for transporting explosives shall be inspected for the following to determine that it is in proper condition [29 C.F.R. 1910.109(d)(2)(iv)]:

- (a) Fire extinguishers full and in good working order.
- (b) All electrical wiring completely protected and securely fastened to the chassis to prevent short-circuiting.
- (c) Chassis, motor, pan, and underside of body reasonably clean and free of excess oil and grease.
- (d) Fuel tank and feedline secure and no leaks.
- (e) Tires checked for proper inflation and defects.
- (f) All other aspects of the vehicle shall be in proper condition and acceptable for handling explosives.

VEHICLE OPERATION

Vehicles transporting explosives shall only be driven by a driver who is familiar with traffic regulations, state law, and OSHA's explosives regulations in 29 C.F.R. 1910.109. [29 C.F.R. 1910.109(d)(3)(i)]

Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any place where people work. [29 C.F.R. 1910.109(d)(3)(ii)]

Every vehicle transporting any quantity of Division 1.1, 1.2, or 1.3 explosive shall, at all times, be attended by a driver or properly trained attendant. Attended means the driver or attendant is physically on or in the vehicle, or has the vehicle within their field of vision and can reach it quickly without any interference. It also means the employee is awake, alert and not engaged in other duties or activities which may divert their attention from the vehicle. However an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled areas with all gates or entrances locked where parking of such vehicle is otherwise permissible or at a magazine site established solely for the purpose of storing explosives. [29 C.F.R. 1910.109(d)(3)(iii)]

Transportation of Explosives - Continued

No spark-producing metal or tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials or corrosive compounds shall be carried in the body of any vehicle transporting explosives unless all applicable DOT regulations are complied with. [29 C.F.R. 1910.109(d)(5)(iv)]

Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed. [29 C.F.R. 1910.109(d)(5)(v)]

Delivery shall only be made to authorized persons and into authorized magazines or authorized temporary storage or handling areas. [29 C.F.R. 1910.109(d)(5)(vi)]

Magazine Construction

Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)
Industry Operations
201 East Washington Street, Suite 940
Phoenix, AZ 85004
602-776-5400
www.atf.gov/field/phoenix

Department of Transportation
(DOT)
1200 New Jersey Avenue SE
Washington D.C. 20590
202-366-4000
www.dot.gov

Mine Safety and Health Administration
(MSHA)
63 East Main Street, Suite 402
Mesa, AZ 85201
480-649-5452
www.msha.gov

Arizona State Mine Inspector
(ASMI)
1700 West Washington Street,
Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

PERMITS AND AUTHORIZATION:

Magazine Construction

Permits required with the Bureau of Alcohol, Tobacco and Firearms.

LEGAL AUTHORITY:

27 C.F.R. 555 (ATF)
29 C.F.R. 1910.109 (MSHA)
49 C.F.R. 171-173 (DOT)
A.R.S. § 27-121 et seq.
A.A.C. R11-1-230 through 243

TYPES OF MAGAZINES, LOCATIONS AND THE CONSTRUCTION OF MAGAZINES:

Refer and review latest ATF Publication 5400.7 of the Federal Explosives Law and Regulations. www.atf.gov/publications/download/p/atf-p-5400-7.pdf

FORMS:

www.atf.gov/forms/download/atf-f-1370-2
<http://www.atf.gov/forms/dcof/>

Above-Ground Fuel Storage Tanks

Arizona State Mine Inspector (ASMI)
1700 West Washington Street, Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Permits may be required within city limits.

LEGAL AUTHORITY:

A.R.S. Title 27
Uniform Fire Code (UFC) 79.400 through 79.510
29 C.F.R. 1910
30 C.F.R. 56.44
40 C.F.R. 112.3

CONDITIONS FOR ABOVE-GROUND (outside) FUEL STORAGE:

The following is a summary of key design elements compiled from the various regulations for the storage of combustible liquids in outside storage facilities. Fuel storage of more 60 gallons, left in place for more than seven consecutive days is considered a permanent storage facility and is subject to the following standards. All design elements are based on the stricter of the Uniform Fire Code, NFPA or 29 C.F.R. 1910 or 30 C.F.R. 56.44.

A Spill Prevention Control and Countermeasures (SPCC) plan must be prepared for any facility with a combined aboveground oil or fuel storage capacity greater than 1320 gallons or with one or more oil storage containers greater than 660 gallons. Requirements for an SPCC are found at 40 C.F.R. 112.3(a) - 112.3(d).

Flammable liquids shall be stored in accordance with the standards of the National Fire Protection Association or other recognized agencies approved by the Arizona State Mine Inspector (ASMI). (R11-1-306)

All tanks, whether shop built or field erected, shall be strength tested before they are placed in service. (29 C.F.R. 1910.106 (7))

Flammable Liquid storage when not buried shall not be stored within 100 feet of mine openings, buildings connected to mine openings, fan installations or housings or hoist houses. (R11-1-310)

Tanks shall be designed and built in accordance with recognized good engineering standards for the material of construction, and compatible with the liquid to be stored. (29 C.F.R. 1910.106(b))

Above-Ground Fuel Storage - Continued

All above-ground tanks over 100 gallons shall bear a label and/or placard in accordance with their U.L. 142 listing. Signs shall be posted in the storage areas prohibiting open flames and smoking. (UFC 79.407)

Plans shall be submitted with each application for use of above-ground fuel storage tanks greater than 5000 gallons. The plans shall indicate:

1. All the details of installation.
2. Quantities of the flammable or combustible liquids to be stored.
3. Distances from building and/or building openings, and property lines, access ways, electrical lines.
4. Provisions for drainage and runoff details, diking, type of building construction within 50 feet of installation and any associated equipment required, i.e.; piping, pumps, etc. (UFC 79.403)

Where end failure of horizontal tanks can expose property to any fire or explosion danger, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure. (Buildings, highways, or public roads.) (UFC Sec.79.503 (h))

A maximum of 1,100 gallons of fuels in closed containers and portable tanks may be stored adjacent to buildings located on the same premises and under the same management. In this case, the building may not exceed one story in height. Such buildings shall be of fire-resistant construction and must be devoted principally to the storage of liquids or the exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two hours, having no opening to above-grade areas within 10 feet horizontally of such storage and no openings to below-grade areas within 50 feet horizontally of such storage. (UFC 79.404 29 C.F.R. 1910.106 (d)(5)(vi)(a))

The distance between any two flammable or combustible liquid storage tanks shall not be less than three feet. (29 C.F.R. 1910.106 (b) (2) (ii))

Storage areas shall be protected against tampering or trespassers by fencing and/or other control measures. The area shall be kept free of weeds, debris and other combustible materials. A distance of not less than 15 feet shall be maintained between the storage tanks and any combustible material. (UFC 79.406)

LOCATION OF ABOVE-GROUND TANKS (DISTANCES): (UFC Sec 79.403)

CLASS	DISTANCE TO PROPERTY LINE (ft)	DISTANCE TO PUBLIC WAY, BLDG. (ft)
I-A	(50)	(10)
I-E	(50)	(10)
I-C	(50)	(10)
II	(25)	(5)
III	(10)	(5)

Above-Ground Fuel Storage - Continued

SUPPORTS, FOUNDATIONS, AND ANCHORAGE:

Tanks at grade shall rest on foundations made of concrete, masonry, piling or protected steel. (UFC 79.505, 29, C.F.R. 1910.106(b)(5)(i) and (iv))

Tank foundations shall be designed to minimize corrosion and the possibility of uneven settling of the tank. (UFC 79.505)

Tanks above grade shall be securely supported. Their foundations shall be of concrete, masonry or protected steel. (If steel is more than 12 inches high.) (UFC 79.505(b))

Where a tank is located in an area that is subject to flooding, consult 29 C.F.R. 1910.106 (vi). In General, each horizontal tank so located that more than 70 percent of its storage capacity will be submerged during flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete of sufficient weight to provide adequate load for the tank when filled with flammable liquid and submerged by flood waters to the established flood stage, or adequately secured by other means. (29 C.F.R. 1910.106 (vi)(d)).

DRAINAGE & DIKES FOR ABOVE-GROUND TANKS:

The area surrounding a tank or group of tanks shall be provided with drainage or shall be diked to prevent accidental discharge of liquid from entering adjacent tanks, adjoining property or reaching water-ways. (UFC 79.507 (a))

Drainage:

Where protection of adjacent tanks, adjoining property or waterways is by means of a natural or man-made drainage system, such system shall comply with the following:

Drainage shall be provided at a slope of not less than one percent away from the tank toward an impounding basin or an approved means of disposal having a capacity greater than that of the largest tank served. This termination area and the route of the drainage system shall be so located that a fire occurring in the drainage system will not seriously endanger tanks or adjoining property. (UFC 79.507 (b))

Dikes:

The volumetric capacity of the diked area shall be not less than the greatest amount of liquid that can be released from the largest tank within the diked area. The capacity of the diked area enclosing more than one tank, shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike. (UFC 79.507 (c) (1))

Walls of the diked area shall be of earth, steel, concrete, or solid masonry, all to be designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls three feet or more in height shall have a flat section at the top of not less than two feet wide. The minimum distance between tank and toe of the interior dike walls shall be at least five feet. (UFC 79.507 (c) (2))

Above-Ground Fuel Storage - Continued

Maximum height of the dikes walls shall be six feet, unless otherwise approved by the Arizona State Mine Inspector. (UFC 79.507 (c) (3))

Each diked area containing two or more tanks shall be subdivided by drainage channels leading to an impounding basin or by intermediate curbs or spill dikes in order to prevent spills from endangering adjacent tanks within the diked area. Tanks storing class III liquids do not require special drainage. (UFC 79.507 (c) (5))

Provisions shall be made for draining or removing excess water from a drainage system or diked area. Such drains shall not discharge to adjoining property, natural water courses, public sewers or public drainage channels unless the drain is so designed as to prevent the release of flammable or combustible liquids. (UFC 79.507 (d))

TANK VALVES:

Each connection to an above-ground tank located below normal liquid level or through which a liquid can normally flow, shall be provided with an internal or external control valve located as close as practicable to the shell of the tank. All valves at tanks to be impact-type valving. (UFC Sec 79.508 (a))

Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards. (R11-1-306)

VENTING & TANK CONNECTIONS:

Storage tanks shall be vented or otherwise constructed to prevent development of pressure or vacuum as a result of filling, emptying, or atmospheric temperature changes. (30 C.F.R. 56.4430(a))

Every aboveground storage tank shall have some form of construction or device that will relieve excessive internal pressure caused by exposure fires. (29 C.F.R. 1910.106 (2)(iv))

Normal vents shall be sized in accordance with nationally recognized engineering standards or shall be at least as large as the filling or withdrawal connection, whichever is larger, but in no case less than one and one quarter inch nominal inside diameter. (UFC 79.509 (a))

Vent pipe outlet shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings or property lines. (29 C.F.R. 1910.106 (iv))

Filling and emptying connections shall be properly identified. (29 C.F.R. 1910.106(b)(2)(vii)(f))

Above-Ground Fuel Storage - Continued

The manifolding of tank vent piping shall be avoided except where required for special purposes such as vapor recovery, vapor conservation or air pollution control. (UFC 79.509 (4))

PIPING, VALVES AND FITTINGS:

All piping and related fluid handling components and supports for above-ground applications where subject to external corrosion shall be fabricated from non corrosive materials, coated or provided with corrosion protection. Dissimilar metallic parts which promote galvanic action shall not be joined together. (UFC Division VII)

Piping systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion or contraction. (UFC Division VII)

Swing joints shall be installed on all liquid, vapor and vent piping that is rigidly supported or connected between fixed points and which is subject to thermal expansion or differential movements. (UFC Division VII)

Pipe joints shall be made liquid tight and shall be welded, flanged or threaded. (UFC Division VII)

Pipe and tubing shall not be bent in excess of 90 degrees nor at a radius less than five diameters of the nominal trade size of the pipe when the radius is measured from the inside edge of the pipe. (UFC Division VII)

Underground Storage Tanks - Notification

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division Support Section
1110 West Washington Street
Phoenix, AZ 85007
ADEQ UST Release Reporting - 602-771-4316 or 1-800-234-5677 ext. 771-4316
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS: **Underground Storage Tanks - Notification**

LEGAL AUTHORITY:

A.R.S. § 49-1002
40 C.F.R. 280

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Owners of Underground Storage Tanks (USTs) are required to notify ADEQ of their USTs on forms prescribed by the department. Owners and operators of existing USTs are to notify ADEQ of all changes at a facility within thirty (30) days of that change, and owners of new USTs are required to notify ADEQ within 30 days of bringing the USTs into operation. Please contact ADEQ for the appropriate form. The information required on the form includes, but is not limited to, tank age, size, type, location and use. A guidance document for completing the notification form is also available. [Note: Public Law 99-499 requires disclosure of hazardous chemicals.]

EXEMPTIONS:

See A.R.S. § 49-1001.17 and 1002.B. and C., and 40 C.F.R. 280. 10. For specific information on deferred or exempt tanks, contact ADEQ at the number above.

FEES:

An annual fee of \$100 per tank is required, payable to ADEQ annually by March 15.

AVERAGE PROCESSING TIME:

The review period for the notification form is one week.

FORMS:

www.azdeq.gov/environ/waste/ust/download/notif.pdf

Underground Storage Tank - Closure Notification

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division Support Section
1110 West Washington Street
Phoenix, AZ 85007
ADEQ UST Closure Notification - 602-771-4316 or 1-800-234-5677 ext. 771-4316
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Underground Storage Tank - Closure Notification

LEGAL AUTHORITY:

A.R.S. § 49-1004

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Owners and operators are required to notify ADEQ at least thirty (30) days prior to initiating closure activities of Underground Storage Tanks (UST). Following notification, ADEQ issues a closure number to the owner and operator, which can then be used to obtain closure permits from the jurisdictional fire authority. The written notification to ADEQ is to contain the name and address of the UST facility, the number of tanks that will be closed, the sizes of each tank to be closed, and the substance stored in each tank. A guidance document outlining closure procedures is available from ADEQ.

EXEMPTIONS:

See A.R.S. §§ 49-1001.17 and 1002.B. and C., and 40 CFR 280.10. For specific information on deferred or exempt tanks, contact ADEQ at the number above.

FEES:

None

AVERAGE PROCESSING TIME:

ADEQ **sends** out the letter notifying the owner and operator of the assigned closure number within one week of receiving the intent to close letter from the owner and operator.

FOMRS:

Underground storage tank permanent closure guidance document:
www.azdeq.gov/environ/waste/ust/download/closure.pdf

Underground Storage Tanks, Notification of Release or suspected Release

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division Support Section
1110 West Washington Street
Phoenix, AZ 85007
ADEQ UST Release Reporting - 602-771-4289 or 1-800-234-5677, ext. 771-4289
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Underground Storage Tanks, Notification of Release or Suspected Release

LEGAL AUTHORITY:

A.R.S. § 49-1004

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The owner and operator of an UST are required to notify the department of each release or suspected release from a UST as soon as practicable but no later than twenty-four (24) hours after the release or suspected release has been discovered. The Notice may be made orally or in writing but shall be followed within fourteen (14) days by a written report to the department that a release or suspected release has been discovered and reported to ADEQ. A guidance document outlining general UST reporting requirements is available from ADEQ.

EXEMPTIONS:

See A.R.S. §§ 49-1001.17 and 1002.B. and C., and 40 C.F.R. §280.10. For specific information on deferred or exempt tanks, contact ADEQ at the number above.

FEES:

None

AVERAGE PROCESSING TIME:

ADEQ sends out a 14-day and Site Characterization Report request letter within three calendar days of receiving the notification of a release or a suspected release. This letter includes information that informs the UST owner and/or operator of what information is needed in the written report that is due to the department 14 days after the release or suspected release is discovered and reported to ADEQ. The request letter also provides a release confirmation and 14-day report form that can be used to provide the information required within the 14-day time frame.

FORMS:

Release reporting technical guidance:
www.azdeq.gov/environ/waste/ust/lust/tg.html
Release reporting form:
www.azdeq.gov/environ/waste/ust/lust/rbca/appca.pdf

Used Oil Center Registration

Arizona Department of Environmental Quality (ADEQ)
Attention: Used Oil Program Coordinator
1110 West Washington Street
Phoenix, AZ 85007
Mail Drop: 4415A-2
602-771-2300
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS

Used Oil Center, Registration

LEGAL AUTHORITY:

A.R.S. § 49-802.C.1
40 C.F.R. 279.31

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Owners and operators of facilities that accept used oil from any other generators of used oil, other than individual households, must register the facility with ADEQ. ADEQ has an application form for this purpose. Used oil collection centers may also accept used oil from household do-it-yourselfers. For clarification regarding the applicability of this requirement, contact ADEQ at the above address or phone number.

Owners/operators of used oil collection centers must provide information regarding:

A used oil collection center, as defined in 40 CFD, Part 279, shall register with the department by obtaining an identification number from the department. A request for an identification number shall include:

- (a) The company name.
- (b) The name of the owner of the company.
- (c) The mailing address and telephone number of the company.
- (d) The location of the collection center.
- (e) A description of the type of used oil activity at the company.

Used Oil Center, Registration - Continued

EXEMPTIONS:

Used oil transfer facilities, used oil processors/re-refiners, household do-it-yourselfer collection centers, and used oil aggregation points.

FEES:

None

AVERAGE PROCESSING TIME:

Usual processing time for reviewing application and issuing registration certificate is fifteen days.

FORMS:

Application for a Used Oil Collection Center

www.azdeq.gov/enviro/waste/solid/download/usedapp.pdf

Used Oil Handlers - EPA Identification Number

Arizona Department of Environmental Quality (ADEQ)
Attention: Used Oil Program Coordinator
1110 West Washington Street
Phoenix, AZ 85007
Mail Drop: 4415A-2
602-771-2300
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Used Oil Handlers - EPA Identification Number

Requirements for Transporters, Processors/Re-Refiners, Marketers and Burners
EPA Identification Number.

The EPA Form 8700-12: RCRA Subtitle C Site Identification Form (Notification of Regulated Waste Activity Instructions and Form Booklet) can be downloaded at the web link listed below. Once completed, the document (**with an original signature**), should be mailed to the address listed above. Once processed, ADEQ will send the facility confirmation of registration.

Used oil transportation, processing, burning and marketing activities should not commence until receipt of the ADEQ confirmation of the EPA ID Number assignment.

LEGAL AUTHORITY:

A.R.S. Title 49, Chapter 4, Article 7, § 49-802 through § 49-818.
40 C.F.R. 279.42 (Notification for Transporters/Transfer Facilities)
40 C.F.R. 279.51 (Notification for Processors/Re-refiners)
40 C.F.R. 279.62 (Notification for Burners)
40 C.F.R. 279.73 (Notification for Marketers)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

An EPA identification number is required for transporters/transfer facilities, processors/re-refiners, marketers and burners of used oil, prior to activity.

EXEMPTIONS:

A used oil burner of "on-specification" used oil fuel is not required to obtain an EPA ID number; however, the burner may want to consider obtaining an EPA ID number in the event he would accidentally burn "off-specification" used oil fuel. (Anyone who burns "off-specification" used oil fuel without an EPA ID number, or the appropriate air quality permit, is subject to enforcement action by ADEQ.)

FEES:

None

Used Oil Handlers, EPA Identification Number - Continued

AVERAGE PROCESSING TIME:

Usual processing for the receipt of an EPA Identification Number is about one week.

FORMS:

EPA Form 8700-12: RCRA Subtitle C Site Identification Form (Notification of Regulated Waste Activity Instructions and Form Booklet)

www.epa.gov/wastes/inforesources/data/form8700/8700-12.pdf

Used Oil Handler - Quarterly Reports

Arizona Department of Environmental Quality (ADEQ)
Solid Waste Section, Used Oil Program
1110 West Washington Street
Phoenix, AZ 85007
602-771-2300
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Used Oil Handler - Quarterly Reports **Transporters, Processors/Re-Refiners, Marketers**

LEGAL AUTHORITY:

A.R.S. § 49-802.C.3
40 C.F.R. 279.46 (Transporters)
40 C.F.R. 279.56 (Processors/Re-refiners)
40 C.F.R. 279.74 (Marketers)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Each used oil transporter, processor/re-refiners, and marketers is required to submit a written quarterly report of its used oil activities to ADEQ. Each quarterly report shall provide information about the company's used oil activities for the preceding calendar quarter.

ADEQ has developed “standardized” reporting forms but, the following general reporting requirements are offered as guidance.

Each written report shall provide the following information for the preceding calendar quarter:

- 1) Total volume of used oil transported, processed or re-refined, or sold.
- 1) Names and addresses of the facilities to which the used oil was transported.
- 2) Names and addresses of the transporters used to transport the used oil.
- 4) Summary of the tracking information required to be kept pursuant to 40 C.F.R. 279.

EXEMPTIONS:

None

FEES:

None

Used Oil Handler, Quarterly Reports - Continued

AVERAGE PROCESSING TIME:

Quarterly reports are due within thirty (30) calendar days following the end of the calendar quarter to which the reports apply (e.g., the report for the period October through December, 1999, is due by January 30, 2000).

FORMS:

Forms for used oil transporters, processors, and refiners quarterly reports:
www.azdeq.gov/environ/waste/solid/6l.html

Used Oil Burner - Annual Report

Arizona Department of Environmental Quality
Attention: Used Oil Program Coordinator
1110 West Washington Street
Mail Drop: 4415A-2
Phoenix, AZ 85007
602-771-2300
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:
Used Oil Burner - Annual Report

LEGAL AUTHORITY:
A.R.S. § 49-802.C.4

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Each used oil burner is required to submit a written annual report of its used oil activities to ADEQ. Each annual report shall provide information about the company's used oil activities for the preceding calendar year.

ADEQ has developed a “standardized” reporting form that can be downloaded at the web link listed above; however, if the used oil burner wishes to use a different form for the reporting requirement, each written report must provide the following information for the preceding calendar quarter.

The report shall be submitted to the department by February 1 for the previous calendar year and shall contain the following information:

- (a) The name, address and telephone number of the person reporting.
- (b) The name, address and telephone number of the burner facility.
- (c) The United States environmental protection agency identification number of the burner facility.
- (d) The total volume of on-specification used oil burned.
- (e) The period being reported.
- (f) The total volume of self-generated used oil burned on site.
- (g) The total volume of used oil fuel burned.

Used Oil Burner, Annual Report - Continued

- (h) A summary of the tracking information required to be kept pursuant to 40 Code of Federal Regulations Part 279.

Once completed, the document **(with an original signature)**, should be mailed to the address listed above. After the initial receipt of the originally signed document, then the report can be faxed or e-mailed to the ADEQ Used Oil Program Coordinator.

EXEMPTIONS:

None

FEES:

None

AVERAGE PROCESSING TIME:

Annual reports are due by the first of February each year for the preceding calendar year.

FORMS:

A standardized annual report form may be downloaded at the following link, under 'Solid Waste,'

www.azdeq.gov/function/forms/appswaste.html#solid

AIR QUALITY PERMITS

Section 5

Air Quality Control Permit

Arizona Department of Environmental Quality (ADEQ)
Air Quality Permits Section
1110 West Washington Street
Phoenix, AZ 85007
602 771-2308
www.azdeq.gov/environ/air/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Air Quality Control Permit

LEGAL AUTHORITY:

A.R.S. § 49-421 et seq.
A.R.S. § 49-471 et seq.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Air Quality Permits Program ensures that the air pollutants emitted from various sources do not exceed National Ambient Air Quality Standards or cause significant deterioration in areas which presently have clean air. The program also ensures the preservation of air quality in our wilderness areas and controls risks caused by the emission of hazardous air pollutants.

Any source that releases, into the air, a regulated air pollutant above specified levels will be required to first obtain an air quality permit or permit revision to construct, operate or make a modification.

Arizona Revised Statutes § 49-402 allows counties to assume jurisdiction over stationary sources of air pollutants, with the exception of refineries, copper smelters, coal-fired power plants and Portland cement plants. In Arizona, three counties (Maricopa, Pima and Pinal) issue air quality permits for mining. Elsewhere in the state, ADEQ issues air quality permits for mining.

EXEMPTIONS:

Some situations that are exempt from the permitting process include: new residential wood heaters, some asbestos demolition and renovation projects, and agricultural equipment used in normal farm operations.

FEES:

Permit fees are based on the size and type of facility, applicability of state and federal rules and regulations, and the type of permit or permit revisions applied for.

Air Quality Control Permit - Continued

AVERAGE PROCESSING TIME:

The time required to obtain an Air Quality Control permit is dependent on the size and complexity of the facility, but usually requires a minimum of four months to process. Permits are valid for five years.

FORMS:

www.azdeq.gov/environ/air/permits/index.html

www.azdeq.gov/function/forms/appsair.html#permit

Maricopa County Air Quality Permit

Maricopa County Air Quality Department
1001 North Central Avenue
Phoenix, AZ 85004
602-506-6010
www.maricopa.gov

PERMITS, AUTHORIZATIONS OR FILINGS: **Maricopa County Air Quality Permit**

LEGAL AUTHORITY:

Maricopa County issues air quality control permits under the Federal Clean Air Act, A.R.S. and the Maricopa County Air Pollution Control Regulations.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Any source that releases, into the air, a regulated air pollutant above specified levels will be required to first obtain an air quality permit or permit revision to construct, operate or make a modification.

EXEMPTIONS:

In accordance with A.R.S. §49-402, the State has the jurisdiction over sources such as “Smelting of Metal Ore”, and “Portland Cement Plants”, and over all portable sources which might opt to operate at some point outside of Maricopa County.

In addition, any source that releases or has the potential to release, into the air, a regulated air pollutant, to the extent which the described limits are not exceeded. Limits are described by the Maricopa County Air Pollution Control Rule 200, Section 303.3, c.

FEES:

Any source that causes or contributes to air pollution is subject to the prescribed fees in Rule 280. Rule 280 prescribes fees for filing, processing and renewal of all types of permits including Title V and Non-Title V. These fees also cover revisions to existing permitted sources.

AVERAGE PROCESSING TIME:

For small sources, such as gas stations and dry cleaners, processing time is generally eight weeks. This eight week period includes a 30 day public notice period and four weeks for filing, reviewing, billing and issuance of the permit. Larger sources usually require a minimum of three months to process.

FORMS:

Permit Applications:
www.maricopa.gov/aq/divisions/permit_engineering/applications/Default.aspx

Pima County Air Quality control Permit

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701
520-243-7400
www.deq.pima.gov

PERMITS, AUTHORIZATIONS OR FILINGS: **Pima County Air Quality Control Permit**

LEGAL AUTHORITY:

A.R.S. § 49-402
A.R.S. § 49-480
40 C.F.R. part 70
Pima County Code 17.12.140

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Any source that releases, into the air, a regulated air pollutant above permitting thresholds outlined in Pima County Code (PCC) will be required to first obtain an air quality permit or permit revision to construct, operate or make a modification.

EXEMPTIONS:

In accordance with A.R.S. § 49-402, the State has jurisdiction over sources such as “Smelting of Metal Ore”, and “Portland Cement Plants”. Sources which are not subject to 40 C.F.R. 60, 61, or 63 and do not have the potential to emit significant levels of regulated pollutants as defined in the Pima County Code are exempt.

FEES:

Any source that causes or contributes to air pollution is subject to the prescribed fees in PCC. PCC 17.12.510 & PCC 17.12.520 prescribe fees for filing, processing and renewal of Title V as well as Non-Title V permits including any subsequent permit revision, permit transfer, compliance inspection, stack sampling tests and emissions fees.

AVERAGE PROCESSING TIME:

Processing time depends on the size and complexity of the facility, but typically takes up to nine months. Permits are five years in duration.

FORMS:

www.deq.pima.gov/permits/AQPermits.html

Pima County Activity Permit

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701
520-243-7400
www.deq.pima.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Pima County Activity Permit

Single Activity Permit (SAP) or Multiple Activity Permit (MAP)

LEGAL AUTHORITY:

A.R.S. § 49-112
Pima County Code (PCC) 17.12.470

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Use of equipment for the purpose of land stripping, earthmoving, blasting (except blasting associated with an individual source permit issued for mining), trenching or road construction.

EXEMPTIONS:

See PCC 17.12.470.F.

FEES:

Refer to Pima County Code Table 17.12.540.

AVERAGE PROCESSING TIME:

One working day or less. Permits are valid for one year from the date of issue.

FORMS:

www.deq.pima.gov/air/FugitiveDustProgram.htm

Pinal County Unitary Air Quality Permit

Pinal County Air Quality Control District
31 North Pinal Street, Building F.
P.O. Box 987
Florence, Az 85132
520-866-6920
<http://pinalcountyaz.gov>

PERMITS, AUTHORIZATIONS OR FILINGS:

Pinal County Unitary Air Quality Permit – “Industrial Permit”

LEGAL AUTHORITY:

40 C.F.R. 60

40 C.F.R. 61

A.R.S. § 49-471 et seq.

A.R.S. § 49-402

Based on the above authority, the Pinal County Board of Supervisors has adopted a “Code of Regulations,” defining local rules in Pinal County. Pinal County also has program approval and/or delegation from the EPA to administer several programs under the Clean Air Act, including authority to issue major and minor New Source Review (NSR) permits, issue Title V permits, and administer the Environmental Protection Agency’s New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT) standards.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Unitary Air Quality Permits (Industrial Permits) are generally required if operations of the source, on a continuous basis for a full year, will produce one ton or more of regulated pollutants. As a practical matter, that means that virtually any mining operation in Pinal County will require such an air quality permit. The length and complexity of the pertinent regulations makes checking with Pinal County the only safe way to assure compliance with these regulations.

EXEMPTIONS:

www.azleg.state.az.us/ars/49/00402.htm

Under A.R.S. § 49-402, ADEQ has jurisdiction over certain sources located in Pinal County. In relevant part, that includes smelting operations, petroleum refineries, coal-fired power plants, Portland cement plants, portable sources and mobile (highway) sources. However, where a source has stationary operations that require a permit from Pinal County, additional portable equipment is not exempted, but falls subject to regulation at the County level.

Pinal County Unitary Air Quality Permit - Continued

FEES:

The County issues new permits on a time and material basis reflecting the cost of acting on the application. The resulting fee is subject to the ceiling established by ADEQ's fee rules. The first time fee, based on application processing time, could range from a few hundred dollars for a very small source up to several thousand dollars for a large complex facility.

A typical mining operation could expect a fee in the range of \$500 to 3,000, depending on whether or not it triggers regulation under EPA's NSPS and whether its potential emissions have to be limited to stay under "major source" status. There will also be a recurring annual fee for each year of the five year permit. Additionally, for large sources, the permittee will be obligated to pay a permit fee that reflects the quantity of actual emissions during the preceding year.

AVERAGE PROCESSING TIME:

The thirty (30) day public notice required under Arizona law means that a valid permit cannot be issued in less than about forty five (45) days. Typically, the County issues permits for small sources in a sixty (60) to ninety (90) day time frame. Where a member of the public invokes the right to request a public hearing, that will potentially add another forty five (45) to sixty (60) days. Permits for larger operations will also require EPA review, which will substantially add to the time required. The largest sources, particularly those near wilderness areas or Indian lands, will also require possible review by the managers of those lands.

FORMS:

<http://pinalcountyaz.gov/Departments/AirQuality/Pages/IndustrialPermits.aspx>

Pinal County Open Burning Permit

Pinal County Air Quality Control District
31 North Pinal Street, Building F
P.O. Box 987
Florence, AZ 85132
520-866-6920
<http://pinalcountyaz.gov>

PERMITS, AUTHORIZATIONS OR FILINGS:

Open Burning Permit (typically, a mining operation that holds an industrial permit with Pinal County Air Quality can have their “burn permit” requirements included in the industrial permit, in order to avoid having to obtain a separate permit when they have to conduct burning).

LEGAL AUTHORITY:

A.R.S. § 49-471 et seq.

Based on the above authority, the Pinal County Board of Supervisors has adopted a “Code of Regulations,” defining local rules in Pinal County.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

All open burning in Pinal County requires an open burning permit, or an industrial air quality permit which contains open burning provisions.

EXEMPTIONS:

Fires set in response to an order from a government official do not require a permit. Please check §3-8-700.A.2 for specific exemptions.

FEES:

Commercial open burning permits can range from \$5 to \$100, depending on the nature of the material being burned.

AVERAGE PROCESSING TIME:

Except for open burning permits for the burning of debris or dangerous materials, open burning permits are issued on an over-the-counter basis.

FORMS:

<http://pinalcountyaz.gov/Departments/AirQuality/Pages/BurnPermits.aspx>

Asbestos Demolition and Renovation

Arizona Department of Environmental Quality (ADEQ)
Asbestos NESHAP Program
1110 West Washington Street
Phoenix, AZ 85007
602-771-2333 or 1-800-234-5677 ext. 2333 or 4553
www.azdeq.gov/environ/air/asbestos

PERMITS, AUTHORIZATIONS OR FILINGS:

Asbestos Demolition and Renovation

Facility Inspection

LEGAL AUTHORITY:

40 C.F.R. 61, Subpart M
A.R.S. § 49-421 et seq.
A.R.S. § 49-471 et seq.
A.A.C. R18-2-1101

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Prior to beginning demolition or renovation of a facility, a certified Asbestos Hazard Emergency Response Act (AHERA) building inspector should thoroughly inspect the affected facility or part of the facility where the demolition or renovation operations will occur for the presence of asbestos, including friable and non-friable asbestos-containing materials.

"Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site.

For all counties in Arizona contact ADEQ except in Maricopa, Pima and Pinal. In Maricopa, Pima and Pinal Counties contact the counties directly. For work on Tribal Lands in Arizona contact EPA Region 9.

EXEMPTIONS:

Residential structures having four or fewer dwelling units (unless classified as an installation meaning any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator or owner or operator under common control).

Asbestos Demolition and Renovation - Continued

FEES:

There are no ADEQ fees involved with this program. However, cities and counties may have permit requirements for building renovation and demolition activities. Consult local city and county governments for specific permit and fee information.

AVERAGE PROCESSING TIME:

For all demolitions, even when no asbestos is present, and for renovations involving threshold amounts of Regulated Asbestos Containing Materials (RACM), provide the NESHAP agency overseeing the job with written notice at least 10 days prior to beginning work. Threshold amounts of RACM are: 260 linear feet or more on pipes; 160 square feet or more on other facility components; or 35 cubic feet or more off facility components.

FORMS:

Information on compliance:

www.azdeq.gov/function/compliance/download/asbestos.pdf

WATER QUALITY PERMITS

Section 6

Individual Aquifer Protection Permit

Arizona Department of Environmental Quality (ADEQ)
Groundwater Section
1110 West Washington Street, 5415B-3
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Individual Aquifer Protection Permit (APP)

LEGAL AUTHORITY:

A.R.S. § 49-241 et seq.
A.A.C. R18-9 Articles 1-4

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

An aquifer protection permit is needed if you own or operate a facility that discharges either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer. In addition, the following facilities are categorized as discharging facilities:

- Surface impoundments, pits, ponds and lagoons
- Solid waste disposal facilities, except for mining overburden and wall rock that has not been subject to mine leaching operations
- Injection wells
- Land treatment facilities
- Facilities adding pollutants to a salt dome, salt beds or salt formations, drywells, underground caves, or mines
- Mine tailings piles and ponds
- Mine leaching operations
- Underground water storage facilities (if reclaimed water is recharged)
- Sewage treatment facilities, including on-site wastewater treatment facilities
- Wetlands designed and constructed to treat wastewater for underground storage

The applicant for an individual APP must demonstrate the following: that Best Available Demonstrated Control Technology (BADCT) will be utilized to prevent or eliminate the discharge of pollutants, that aquifer water quality standards will not be violated in groundwater at the point of compliance, that the applicant has financial and technical capability to comply with the permit, and that the property has been properly zoned for the activity. BADCT guidance is available on the ADEQ website.

Aquifer Protection Permit - Continued

EXEMPTIONS:

Under A.R.S. § 49-250 there are currently 24 types of facilities that are specified as exempt from requiring an APP. In addition there are three class exemptions and five activities to which the program does not apply, see A.A.C. R-18-9-102 & 103.

FEES:

The statutory authority governing fees for applications under the APP program was amended twice in 2010. In the Second Regular Session, the Legislature passed permanent changes to the statutory authority governing fees (Laws 2010, Chapter 265, House Bill 2767). The initial fee for an individual APP application is \$1,000 for individual permits, amendments to individual permits, clean closures and other approvals (services subject to an hourly rate fee). ADEQ charges a flat fee for general permits, Determinations of Applicability (\$1,000) and Subdivision Approvals Initial fees and flat fees are paid when the application is submitted. For all services subject to an hourly rate fee, final billing or refund is based on the number of hours ADEQ technical staff spend in processing the permit or clean closure approval at \$122 per hour. Applicants must pay a fee for the service even if the department denies the application or if the applicant withdraws the application.

For additional information on fees:

www.azdeq.gov/environ/water/permits/app.html#fees

AVERAGE PROCESSING TIME:

Individual permits are issued for the operational life of the facility. Individual permits review may take from six months to more than a year to complete, depending on the complexity of the project, the extent of public involvement, and the responsiveness of the applicant. Permits can be processed more quickly if an application is submitted that is complete and technically sufficient to meet program requirements. You also have the option to request a review of your application by a consultant under contract to ADEQ.

FORMS:

Information and links to forms:

www.azdeq.gov/environ/water/permits/app.html

208 Consistency Review

Arizona Department of Environmental Quality
Regional Water Quality Planner, Surface Water Permits Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4606 or 1-800-234-5677 ext. 771-4606
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

208 Consistency Review

LEGAL AUTHORITY:

Clean Water Act, 33 U.S.C. §§ 1251 et seq., 1313 (Federal Water Pollution Control Act§303)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of the 208 Consistency Review process, as required by Section 303 of the Federal Clean Water Act (CWA), is to assure that the proposed facility or usage will be consistent with the existing Certified Regional Water Quality Management Plan (WQMP). The WQMP is the composite planning document for a region that addresses municipal and industrial waste water treatment facilities, point and non-point source management, waste management, planning description, water quality issues, drinking water, and implementation measures for the regional continuing planning process. The WQMP is reinforced by the Continuing Planning Process (CPP) manual, which contains procedures for planning and implementing water quality management programs in Arizona. The CPP is required by Section 303 (e) of the Federal CWA.

A consistency review form will be filed with the applicable Permit and/or Engineering Unit. This form is required for all domestic wastewater facilities requiring an Individual AZPDES permit, an Individual Aquifer Protection Permit (APP), and modifications to existing APP or AZPDES facilities. A 208 Review is not a requirement for issuance of an industrial APP and most industrial AZPDES permits. Contact your permitting program or ADEQ Regional Water Quality Planner for guidance.

EXEMPTIONS:

None

FEES:

There is no ADEQ fee at this time.

AVERAGE PROCESSING TIME:

Consistency review can usually be completed within one month, if all necessary information is provided.

208 Consistency Review - Continued

FORMS:

208 Consistency Review Form:

www.azdeq.gov/enviro/water/watershed/download/208.pdf

Water Quality Certification, Section 401

Arizona Department of Environmental Quality (ADEQ)
Surface Water Section; Mailstop: 5415A-1
1110 West Washington Street
Phoenix, AZ 85007
602-771-4502 or 1-800-234-5677 ext. 771-4502
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS: **Water Quality Certification, Section 401**

LEGAL AUTHORITY:

Clean Water Act, 33 U.S.C. §§ 1251 et seq., §1341 (Federal Water Pollution Control Act §401)
A.R.S. § 49-202
A.R.S. § 49-221
A.R.S. § 49-222
A.R.S. § 49-225

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

This certification is issued to ensure that federally permitted or licensed activities do not cause a violation of state water quality standards when an activity may result in a discharge to waters of the state. ADEQ may also review federal actions for consistency with state-adopted plans and rules. Each review is specific to the proposed project and the project's site. A State Water Quality Certification is necessary before a permit may be issued by a federal agency. For more information see the Clean Water Act, Section 404.

Contact ADEQ during the preliminary planning for your activity or project to determine if water quality certification is needed. If certification is needed, you can access online (<http://www.azdeq.gov/environ/water/permits/dredge.html>) or request to be sent an application form requesting specific project and contact information. Facilities requiring permit approvals by ADEQ may be subject to a consistency review with the applicable local and/or regional Water Quality Management Plan.

EXEMPTIONS:

Contact the U.S. Army Corps of Engineers for information about permits under Clean Water Act Section 404.

FEES:

There is no ADEQ fee at this time.

Water Quality Certification - Continued

AVERAGE PROCESSING TIME:

Review time depends upon the completeness of the information provided to ADEQ, the complexity and size of the proposed activity, and the sensitivity of the impacted watercourse. Typical processing time is 30 days; a complex project with changes may take longer.

FORMS:

Information and links to forms:

www.azdeq.gov/environ/water/permits/download/401app2.pdf

AZPDES Permit, 402 Permit for Stormwater Discharge

Arizona Department of Environmental Quality
Surface Water Section, Stormwater and General Permits Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4501 or 1-800-234-5677 ext. 771-4501
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Stormwater Discharges from Industrial Activities (402 permit)
Arizona Pollution Discharge Elimination System (AZPDES)

LEGAL AUTHORITY:

Clean Water Act, 33 U.S.C. §§ 1251 et seq., §1342 (Federal Water Pollution Control Act §402)
40 C.F.R. 122
A.R.S. § 255.01
A.A.C. R18-9-B901

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Industrial Activities within the categories at 40 C.F.R. 122.26(b)(14) with stormwater discharges are required to obtain a AZPDES stormwater permit.

Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw material storage areas at an industrial plant.

Industrial facilities include those facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active, or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 C.F.R. 434.11 (1), because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990, and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites **do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim**).

AZPDES Stormwater Permit - Continued

EXEMPTIONS:

For the categories at 40 C.F.R. 122.26(b)(14), no permit is needed if industrial activities are not exposed to stormwater.

FEES:

There is no ADEQ fee at this time.

AVERAGE PROCESSING TIME:

For coverage under ADEQ's general stormwater permit, discharges are authorized 48 hours after notice of intent is postmarked, unless otherwise notified by ADEQ.

FORMS:

Guidance and forms:

www.azdeq.gov/environ/water/permits/stormwater.html

AZPDES Permit, 402 Permit for Point Sources Discharges

Arizona Department of Environmental Quality
Surface Water Section, Permits Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4616 or 1-800-234-5677 ext. 771-4689
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Point Sources Discharges to Surface Waters (402 Permit)
Arizona Pollution Discharge Elimination System Permit (AZPDES)

LEGAL AUTHORITY:

Clean Water Act, 33 U.S.C. §§ 1251 et seq., §1342 (Federal Water Pollution Control Act §402)
40 C.F.R. 122
40 C.F.R. 440
A.R.S. § 255.01
A.A.C. R18-9-B901

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

SAND AND GRAVEL: Discharges from mining operations involving sand and gravel, such as gravel pit dewatering, are covered under the Multi-Sector General Permit (refer to AZPDES stormwater programs).

HARD ROCK MINING: In general, for mining operations described in 40 C.F.R. Part 440 (mines or mills that use dump, heap, cyanidation, flotation, in-situ leach, or vat-leach processes to extract copper, lead, zinc, gold, silver, and molybdenum, as well as gold placer operations), discharges of pollutants from point sources into waters of the U.S. will require an AZPDES permit. Allowable discharges from mining facilities can generally be classified as either stormwater or mine drainage. Mine drainage is defined as any water drained, pumped or siphoned from a mine (40 C.F.R. 440.132(h)). Stormwater includes runoff which does not come into contact with other mine drainage.

REGULATORY REQUIREMENTS: Both categories of discharges (mine drainage and stormwater) are required to comply with the state established Arizona Water Quality Standards. Discharges of mine drainage are also subject to the technology based effluent guidelines promulgated for mining facilities at 40 C.F.R. 440. In general, water quality standards are usually more stringent than the effluent guidelines.

Prior to EPA's settlement with the National Mining Association (Federal Register Notice August 7, 1998), runoff from waste rock dumps was classified as mine drainage and therefore subject to the technology guidelines promulgated for mining facilities at 40 C.F.R. 440. As

AZPDES Arizona Pollution Discharge Elimination System Permit – Continued

per the settlement, runoff from waste rock dumps and haul roads constructed of waste rock, which does not mix with other mine drainage, is now classified as stormwater and is therefore no longer subject to compliance with the federal requirements promulgated at 40 C.F.R. 440.

TYPES OF PERMITS: The two basic types of AZPDES permits that can be issued are individual and general permits. An individual permit is a permit specifically tailored for an individual facility. A general permit covers multiple facilities within a specific category. EPA has developed a general permit for industrial facilities discharging stormwater into waters of the U.S. - the stormwater Multi Sector General Permit (MSGP). Mining operations discharging only stormwater may apply for coverage under the MSGP. For discharges of mine drainage, or for discharges of mine drainage mixed with stormwater, an individual AZPDES permit is required. In any case, ADEQ has the discretion to determine which type of permit (individual vs. general) would be most appropriate for a specific discharge and may require a specific facility to apply for an individual permit for discharges of stormwater.

Definitions:

A “point source” may be defined as any pipe, channel, ditch, conduit or other discrete conveyance through which pollutants are or may be discharged into waters of the U.S.

“Waters of the U.S.” are defined by EPA to include navigable waters, tributaries of navigable waters, interstate waters, and intrastate lakes, rivers and streams. This includes ephemeral streams (dry washes) and wetlands but generally not ground water. However, if there is a discharge to ground water which results in a hydrologic connection to nearby surface waters, ADEQ may require the discharger to apply for an AZPDES permit.

EXEMPTIONS:

Discharge of dredged or fill material regulated under section 404 of the Clean Water Act.

Any discharge in compliance with the instructions of an on-scene coordinator under 40 C.F.R. 300 or 33 C.F.R. 153.10(e).

Discharges from conveyances used for collecting precipitation runoff from mining operations which are composed entirely of non-contact stormwater uncontaminated by mining operations and mine site materials except waste rock as noted above.

FEES:

There is no ADEQ fee at this time.

AVERAGE PROCESSING TIME:

Once a complete AZPDES permit application is received, processing time is generally between six months to one year, depending on the complexity of the project.

FORMS:

Guidance and forms:

www.azdeq.gov/environ/water/permits/azpdes.html

NPDES Permit

U.S. Environmental Protection Agency
U.S. EPA Region 9
75 Hawthorne Street, WTR-9
San Francisco, CA 94105
415 947-8000
www.epa.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

National Pollutant Discharge Elimination System (NPDES)

(For Activity on Tribal Lands)

LEGAL AUTHORITY:

Clean Water Act Section 402 (b) and 40 C.F.R. Part 123

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The U.S. EPA re-issued a Multi-Sector General Permit (MSGP 2008) that became effective on September 29, 2008. This permit only applies to facilities in states and territories that are not authorized to implement the National Pollutant Discharge Elimination System (NPDES) program. The Arizona Department of environmental Quality was delegated to administer this program in December 2003; therefore U.S. EPA's MSGP 2008 is only applicable in Arizona to facilities located in certain tribal lands.

If mining activity is planned for Tribal Lands a NPDES Permit may be required from the EPA if the tribe is not administering its own approved NPDES program.

For additional information:

<http://cfpub1.epa.gov/npdes/statestribes/astatus.cfm>
www.azdeq.gov/environ/water/permits/msgp.html

Section 404 Permit, Dredge and Fill Permit

U.S. Army Corps of Engineers
Regulatory Division, Arizona Branch
3636 North Central Avenue, Suite 900
Phoenix, AZ 85012-1936
602-640-5385
Los Angeles District:
www.spl.usace.army.mil/regulatory/

PERMITS, AUTHORIZATIONS OR FILINGS:

Section 404 Permit (Dredge and Fill Permit)

NOTE: Additional Nationwide Permits from the Army Corps of Engineers that may pertain to mining activities include: 14, Linear Transportation Projects; 21, Surface Coal Mining; 44, Mining Activities 49, Coal Remining Activities; and 50, Underground Coal Mining.

LEGAL AUTHORITY:

Clean Water Act, 33 U.S.C. §§ 1251 et seq., §1344 (Federal Water Pollution Control Act §404)
33 C.F.R. 320-332

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of Section 404 is to maintain and restore the chemical, physical, and biological integrity of the nation's waters. Any person or entity proposing a project that will result in a discharge of dredged or fill material into waters of the United States, including wetlands, must obtain a Section 404 permit from the Corps. Anyone proposing operations (including operations conducted exclusively with hand tools), in dry or flowing rivers, streams, creeks or arroyos, or wetlands should contact the Corps before beginning operations.

Definitions:

Waters of the U.S. include lakes, rivers, streams, ponds, wetlands, washes, arroyos, and special aquatic sites, such as wetlands.

Fill Material - any material used for the primary purpose of replacing an aquatic area with dry land or for changing the bottom contours of a waterbody.

Discharge of dredged material - any addition of dredged material, including any redeposit of dredged material within waters of the U.S.

Types of permits - A project may qualify for a general permit, an individual permit, or a Letter of Permission. Permit applicants will be required to demonstrate that the proposed project has been designed in a manner that avoids impacts to waters of the U.S. to the maximum extent possible. A Section 401 state water quality certification from the Arizona Department of Environmental Quality is required prior to issuance of a 404 permit from the Corps. The Environmental Protection Agency issues water quality certification on tribal lands.

Section 404 Permit (Dredge and Fill) - Continued

EXEMPTIONS:

Exemptions are limited, assume that a Section 404 permit is required and consult with the Corp of Engineers.

FEES: n

There is no application filing fee. A fee is charged upon issuance of an individual permit (\$10 for non-commercial projects, \$100 for commercial/industrial projects). No fee is charged for general permit authorizations or Letters of Permission.

AVERAGE PROCESSING TIME:

It takes 30-60 days for most general permits and letters of permission. Individual permits typically require 180 days processing time. Longer processing times may be expected for complex projects or instances where there are endangered species or cultural resource concerns.

FORMS:

www.spl.usace.army.mil/regulatory/eng4345a.pdf

Additional Nationwide Permits

www.usace.army.mil/CECW/Pages/nw_permits.aspx

Rivers and Harbors Permit, Section 10 Permit

U.S. Army Corps of Engineers
Regulatory Division, Arizona Branch
3636 North Central Avenue, Suite 900
Phoenix, AZ 85012-1936
602-640-5385
Los Angeles
www.spl.usace.army.mil/regulatory/

PERMITS, AUTHORIZATIONS OR FILINGS:
Section 10 Permit (Rivers and Harbors)

LEGAL AUTHORITY:
Rivers and Harbors Act - § 10

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:
The purpose of Section 10 is to prevent obstruction or alteration of the nation's navigable waters. Any person, agency, or entity, either public or private, proposing construction activity in or near or altering any navigable water of the United States must obtain a Section 10 permit. In Arizona, Section 10 applies only to the Colorado River and its impoundments (i.e. Lake Havasu, Lake Mead and Lake Powell).

EXEMPTIONS:
None

FEES:
There is no application filing fee. A fee is charged upon issuance of an individual permit (\$10 for non-commercial projects, \$100 for commercial/industrial projects). No fee is charged for general permit authorizations or Letters of Permission.

AVERAGE PROCESSING TIME:
The individual permit review process typically takes 180 days. Longer processing times may be expected in more complex projects, or instances where there are endangered species or cultural resource concerns.

FORMS:
www.spl.usace.army.mil/regulatory/eng4345a.pdf

NATIVE PLANTS

Section 7

Notice of Intent to Clear Land

Arizona Department of Agriculture (ADA)
1688 West Adams Street
Phoenix, AZ 85007
602-542-6408
<http://azda.gov/>

PERMITS, AUTHORIZATIONS OR FILINGS:

Notice of Intent to Clear Land (please note exemptions below)

LEGAL AUTHORITY:

A.R.S. § 3-904

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

A.R.S. § 3-904 requires the property owner, when clearing undisturbed land, to submit a Notice of Intent to Clear Land (Notice), which notifies the Arizona Department of Agriculture (ADA) of the intended destruction of protected native plants. The Notice must be submitted at least:

Twenty days before the plants are destroyed on an area of less than one acre; or thirty days before the plants are destroyed on an area of one acre or more, but less than forty acres; or sixty days before the plants are destroyed over an area of forty acres or more.

The ADA is obligated by statute to oversee the enforcement of Arizona's Native Plant laws. In this charge, ADA is responsible for tracking the destruction and salvage of Arizona's protected native plants. According to the A.R.S. § 3-904, the Arizona Department of Agriculture is required to oversee the destruction of protected native plants on both public and private land by the landowner or landowner's agent. When an individual or organization wishes to clear the land, in this case for the purpose of establishing a mining operation, they must take into consideration the presence of protected native plants.

EXEMPTIONS:

One exception to the Notice requirement is when plant destruction occurs during the normal course of mining, commercial farming, and stock raising operations. This exception applies to the normal and routine maintenance of improvements which may cause the inadvertent or unavoidable destruction of protected native plants.

However, should a mining operation decide to expand its operations to another or additional location on the same or different parcel of land, it must file an additional Notice of Intent to Clear Land with the Department within the prescribed time frames.

Notice of Intent to Clear Land - Continued

FEES:

None

AVERAGE PROCESSING TIME:

Once submitted, the Department will return a confirming copy of the Notice to the landowner. The landowner may not begin the destruction of protected native plants until he receives the confirmation from the Department and twenty days have elapsed for notices of less than one acre, thirty days have elapsed for notices greater than one acre but less than forty acres, or sixty days have elapsed for notices involving more than forty acres.

HAZARDOUS MATERIALS

Section 8

Hazardous Material - General Information

Exclusions

Under A.R.S. Sec. 49-922, 49-929 and 49-930 the state refers to the requirement to establish a hazardous waste program equivalent to and consistent with the federal hazardous waste program promulgated under subtitle C, of the Resource Conservation and Recovery Act (RCRA). The 1980 amendment (Bevill Amendment) to this act temporarily excluded extraction waste, beneficiation waste and processing waste under subtitle C. This subtitle establishes reporting requirements for the generation, storage, handling, transport and disposal of hazardous waste. The Bevill Amendment exclusions become exemptions from state permitting by A.R.S.'s own language. The Bevill Amendment only applies to RCRA.

Bevill Amendment

The Solid Waste Disposal Act of 1980 amended the RCRA to temporarily **exclude** extraction and beneficiation waste from regulations under subtitle C of RCRA. Mining overburden returned to the mine site is also excluded from subtitle C. If a facility is conducting "mineral processing" as defined in the September 1, 1989 Federal Register (54 C.F.R. 36592) any waste from those facilities may be subject to RCRA subtitle C hazardous waste regulation. The following 20 mineral processing waste streams are **excluded** from subtitle C (see 40 C.F.R. 261.4 (b) (7)). They are:

- A) Slag from primary copper processing.
- B) Slag from primary lead processing.
- C) Red and brown muds from bauxite refining.
- D) Phosphogypsum from phosphoric acid production.
- E) Slag from elemental phosphorus production.
- F) Gassifier ash from coal gassification.
- G) Process wastewater from coal gassification.
- H) Calcium sulfate wastewater treatment sludge from primary copper processing.
- I) Slag tailings from primary copper processing.
- J) Fluorogypsum from hydrofluoric acid production.
- K) Processing wastewater from hydrofluoric acid production.
- L) Air pollution control dust/sludge from iron blast furnaces.
- M) Iron blast furnace slag.
- N) Treated residue from roasting/leaching of chrome ore.
- O) Process wastewater from primary manganese processing by the anhydrous process.
- P) Process wastewater from phosphoric acid production.
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production.
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production.
- S) Chloride process waste solids from titanium tetrachloride production.
- T) Slag from primary zinc processing.

General Information, Bevill Amendment - Continued

Definitions:

RCRA has “exact” regulatory definitions for extraction, beneficiation and processing. These definitions are given in the September 1, 1989 Federal Register (54 FR 36592). The following definitions are included here as general guidelines:

Extraction - Process of removing ore and minerals from the ground. Examples are overburden, waste rock and low grade ore.

Beneficiation - Generally, these are processes that separate mineral or element from, waste: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining, or the removal of water and/or carbon dioxide, roasting in preparation for leaching (except where the roasting/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), autoclaving and or chlorination in preparation for leaching, gravity concentration, magnetic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat, tank, and in-situ leaching.

Processing - Waste and residue from applications beyond beneficiation which causes a physical/chemical change in the ore, chemical (acid digestion), electrolytic (copper electroplate refining) and pyrometallurgical processing (smelting).

Although the Bevill Amendment exempts much of the waste generated at mining facilities, hazardous waste generators activities that are “not unique” to the mining industry are subject to RCRA Subtitle C. For example, hazardous waste generated from equipment servicing and repair and laboratory wastes meet the criteria for hazardous waste under 40 C.F.R. 261. On site accumulation in excess of the requirements under 40 C.F.R. 262.34 would require a storage permit. Similarly, some forms of treatment and on-site disposal would require a hazardous waste permit.

Most wastes from smelters are not excluded except some slags.

General Information, Bevill Amendment - Continued

It is important to work with the Environmental Protection Agency (EPA) Region or the authorized state agency to identify whether a waste is or is not subject to RCRA subtitle C.

Land Disposal Restrictions (LDR):

May 26, 1998, Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes: Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preservation Wastewaters.

What Wastes Does the May 26, 1998 LDR Rule Cover?

- EPA considers mineral processing hazardous wastes to be newly identified or listed for purposes of determining when LDR prohibitions apply, since their status as hazardous wastes was not established until after 1984. The final rule applies the Universal Treatment Standards (UTS) to the newly identified characteristic mineral processing waste.
- The rule only applies to primary mineral processing. The rule made no changes to the regulatory status of extraction/beneficiation wastes.
- EPA has amended the rules to define which secondary materials from mineral processing are considered to be wastes and potentially subject to Land Disposal Restrictions. The intended effect is to encourage safe recycling of mineral processing secondary materials by reducing regulatory obstacles to recycling, while ensuring that hazardous wastes are properly treated and disposed.
- The rule eliminates the current regulatory distinctions between mineral processing sludges, by-products and spent materials and creates a new class of materials referred to as mineral processing secondary materials eligible for a conditional exclusion from the definition of solid waste.
- EPA is not reopening in any respect the Bevill determinations previously made by the Agency, including the Agency's articulation in 1989 of the functional distinctions between beneficiation and mineral processing (61 Federal Register 2354).
- The mineral processing section of the final rule does not alter in any way the regulatory status of listed wastes or wastes from secondary mineral processing facilities.

Rule Implementation Dates

The requirements related to mineral processing wastes published in the final rule became effective as of August 24, 1998, with the following exceptions:

General Information, Bevill Amendment - Continued

- Prohibition on underground injection of certain wastes at 40 C.F.R. 148.18, which is effective May 26, 2000;
- Definition of solid waste provisions at 40 C.F.R. 261.2, 261.4(a)(15), and 261.4(b), which became effective November 27, 1998;
- Prohibition on land disposal of wastes from elemental phosphorus processing and on mixed radioactive wastes at 40 C.F.R. 268.34(b), which are effective May 26, 2000.

Basic Steps in Making Bevill Determinations

The answers to these questions should not be used to make formal determinations of the status of how wastes at a particular facility are regulated under 40 C.F.R. 261.4(b)(7). Such opinions should be secured from the RCRA authorized state or the EPA Regional office.

- 1) Determine whether the material is considered a solid waste under RCRA.
- 2) Determine whether the facility is using a primary ore or mineral to produce a final or intermediate product and also whether less than 50 percent of the feedstocks on an annual basis are from secondary sources.
- 3) Establish whether the material and the operation that generates it are uniquely associated with mineral production.
- 4) Determine where in the sequence of operations beneficiation ends and mineral processing begins.
- 5) If the material is a mineral processing waste, determine whether it is one of the 20 special wastes from mineral processing.

This analytical sequence will result in one of three outcomes:

- A. the material is not a solid waste and therefore not subject to RCRA;
- B. the material is a solid waste but is exempt from RCRA Subtitle C because of the Mining Waste Exclusion; or
- C. the material is a solid waste that is not exempt from RCRA Subtitle C and is subject to regulation as a hazardous waste if it is a listed or characteristic hazardous waste.

For more information:

www.epa.gov/compliance/assistance/sectors/minerals/processing/bevillquestions.html

Hazardous Waste, Treatment, Storage and Disposal Permit

Arizona Department of Environmental Quality (ADEQ)
Hazardous Permits Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4160
www.azdeq.gov/environ/waste/

PERMITS, AUTHORIZATIONS OR FILINGS:

Hazardous Waste, Treatment, Storage and Disposal Permit

LEGAL AUTHORITY:

A.R.S. § 49-921
A.A.C. R18-8-260 through 273; 40 C.F.R. 260 through 273

CONDITION REQUIRING PERMITS:

A hazardous waste permit is required for any facility that accepts hazardous waste from offsite for the purpose of treatment, storage or disposal. A hazardous waste permit is also required for facilities that generate and store their hazardous waste for longer than specified time periods. Determining the need for a hazardous waste treatment, storage, and disposal permit is complex due to numerous requirements and exemptions in EPA rules. Please contact ADEQ's Hazardous Waste Permits Unit to discuss your specific needs prior to preparing a permit application.

A permit application consists of two parts:

- (a) Notification of Regulated Waste Activity (EPA Form 8700-12) and a RCRA Hazardous Waste Part A Permit Application (EPA Form 8700-23).
- (b) A description of the applicant's waste, waste management units, management procedures, waste analysis plan, procedures to respond to emergencies, and a plan to clean up the facility at the time of closure.

More information is available on ADEQ's website.

EXEMPTIONS:

There are numerous exemptions from hazardous waste permitting requirements based on treatment methods, recycling and reclamation methods, and waste quantities. For more details on exemptions, please contact ADEQ.

FEES:

Fees are based on the time required to process the permit as well as the cost of public notices and hearing. The initial fee for a hazardous waste permit is \$10,000; fees may

Hazardous Waste, Treatment, Storage and Disposal Permit - Continued

exceed \$100,000 for a complex permit. Other fees may be assessed for permit renewal and major modifications or for partial closure of hazardous waste management units.

AVERAGE PROCESSING TIME:

Permit processing time may take 24 months or more, based on the size and complexity of the project. Arizona licensing timeframes apply pursuant to A.R.S. § 41-1072 through 1079 and A.A.C. R18-1-501 through 525.

FORMS:

Notification of Regulated Waste Activity (EPA Form 8700-12) and a RCRA Hazardous Waste Part A Permit Application (EPA Form 8700-23).

www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf

Notification of Regulated Waste Activity - EPA Identification Number

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, GIS & IT Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4232 or 1-800-234-5677, ext. 771-4232
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Notification of Regulated Waste Activity - EPA Identification Number

Notification of RCRA Subtitle C Activity EPA Form 8700-12

LEGAL AUTHORITY:

A.R.S. § 49-922

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of this notification is to provide a system that tracks hazardous materials from their point of generation to their ultimate disposal site. Persons who manage hazardous wastes, including small and large quantity generators, or owners of treatment, storage, and disposal facilities, or transporters and most recycling facilities must have an EPA ID number.

See ADEQ's website for more information.

www.azdeq.gov/environ/waste/hazwaste/index.html

EXEMPTIONS:

Hazardous waste rules do provide certain exemptions from this registration. The exemptions exist for recyclers of specific hazardous wastes types. Consult ADEQ for more information.

FEES:

There is no ADEQ fee.

AVERAGE PROCESSING TIME:

Usual processing time from submittal of the application to receipt of the ID number is about one week.

FORMS:

Notification of RCRA Subtitle C Activity EPA Form 8700-12

www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf

Risk Management Plan

U.S. EPA Office of Emergency Management
Ariel Rios Building (5104A)
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
202-564-8600
www.epa.gov/osweroe1/content/rmp/#info

PERMITS, AUTHORIZATIONS OR FILINGS:

Risk Management Plan

LEGAL AUTHORITY:

Clean Air Act, Section 112(r)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Chemical Accident Prevention Provisions require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA. Covered facilities were initially required to comply with the rule in 1999, and the rule has been amended on several occasions since then, most recently in 2004.

A list of chemicals regulated under the RMP rules:

<http://frwebgate.access.gpo.gov/cgi-bin/get-C.F.R..cgi?TITLE=40&PART=68&SECTION=130&TYPE=TEXT>

EXEMPTIONS:

None

FEES:

None

AVERAGE PROCESSING TIME:

NA

FORMS:

Guidance Documents:

www.epa.gov/osweroe1/guidance.htm#rmp

Pollution Prevention Plan

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, Sustainability Programs Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4203 or 800-234-5677, ext. 771-4203
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Pollution Prevention Plan

LEGAL AUTHORITY:

A.R.S. § 49-961 through §49-973

CONDITIONS REQUIRING A PERMIT:

A Pollution Prevention Plan must be filed by December 31, of the following year by facilities or State agencies that:

- (a) Were required to file an annual toxic chemical release inventory report Form R pursuant to Section 313 of the Superfund Amendments and Reauthorization Act of 1986, also known as Emergency Planning and Community Right to Know Act, Section 3113; or
- (b) Shipped off-site, for purposes other than recycling, an average of one kilogram or more per month (cumulative total) of acutely hazardous wastes; or
- (c) Shipped off-site, for purposes other than recycling, more than 12,000 kilograms (cumulative total) of hazardous wastes in calendar year 1993 or 10,000 kilograms cumulative total of hazardous waste in calendar year 1994; or
- (d) Used more than 10,000 pounds of a toxic substance in a calendar year after December 31, 1994.

A format guidance document, training, and technical assistance are offered by ADEQ.

EXEMPTIONS:

Household hazardous waste collection facilities; agricultural permit holders; permitted treatment, storage and disposal facilities that primarily receive wastes from off-site; agricultural pesticide applications subject to A.R.S. §49-305 or §-3-363. **For the purpose of Pollution Prevention Plan filing requirements, "Toxic substance" does not include material used or produced in connection with a mining or metallurgical operation.**

FEES:

There is no fee for pollution prevention certification. In fact, facilities with certified pollution prevention plans will receive a 50 percent reduction of the required hazardous waste fee (A.R.S. § 49-931.A.4). Facilities not required to prepare a pollution prevention plan may voluntarily comply and receive the hazardous waste fee discount.

Pollution Prevention Plan - Continued

AVERAGE PROCESSING TIME:

Review time is 90 days.

FORMS:

Guidance for preparing a pollution prevention plan or plan amendment
www.azdeq.gov/environ/waste/p2/download/first.pdf

Submittal forms for a pollution prevention plan or plan amendment
www.azdeq.gov/environ/waste/p2/download/first.doc

Voluntary Remediation Plan

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, Cleanups: Voluntary Remediation Program
1110 West Washington Street
Phoenix, AZ 85007
602-771-4229
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Voluntary Remediation Plan

Application for acceptance into the Voluntary Program

LEGAL AUTHORITY:

A.R.S. § 49-104.A.17
A.R.S. § 49-282.05 through § 49-282.06
A.R.S. § 49-285.B
A.R.S. § 49-287.03.C

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of this program is to provide an expedited process for the review of remedial actions undertaken by a volunteering party. These remedial actions can include investigation, characterization, remedial design, and remediation of soils, surface water, and groundwater.

Information on the program can be found at:
www.azdeq.gov/environ/waste/cleanup/vol.html

The application is required to fulfill all substantive requirements for the program which has regulatory authority over the remediation activity. Administrative requirements may be waived if requested in writing and deemed appropriate by the department. Substantive program requirements cannot be waived.

EXEMPTIONS:

Anyone can participate in VRP except those conducting:

- Remedial activities subject to corrective action at or closure of a facility, as defined in A.R.S. § 49-921(2), which has qualified for hazardous waste interim status or to which a hazardous waste permit has been issued pursuant to A.R.S. § 49-922;
- Remedial activities pursuant to a written agreement between the applicant and the director;
- Remedial activities subject to a judicial judgment or decree;
- Remedial activities required by an administrative order issued by the director prior to the submission of a VRP application;

Voluntary Remediation Plan - Continued

- Remedial activities pursuant to a judicial action filed and served by the state prior to the submission of a VRP application;
- Remedial activities at a site listed on, or proposed to be listed on, the WQARF Registry [see A.R.S. § 49-287.01(D)];
- Corrective actions being taken pertaining to a regulated underground storage tank (UST) pursuant to A.R.S. § 49-1005, unless a waiver of state assurance fund reimbursement is completed.

FEES:

Effective February 09, 2001, the VRP interim fee rules:

- Establish a \$2,000 non-refundable application fee;
- Establish an hourly VRP oversight rate of \$110 per hour;
- Provide for an initial deposit of \$4,000, to be submitted with the participant's work plan or request for an NFA;
- Provide for additional deposits of \$4,000, if an account drops below \$1,000;
- Provide small businesses with the opportunity to pay the application fee in installments under an agreement with the department;
- Provide for quarterly billing statements.

AVERAGE PROCESSING TIME:

After receipt of the application, the VRP will promptly review the application and approve, deny, or request modifications in order to determine the applicant's eligibility to participate in the VRP. An application shall be deemed complete unless the department, within sixty days of receipt, notifies the applicant that the application is incomplete or has been denied.

FORMS:

www.azdeq.gov/environ/waste/cleanup/download/agency.pdf

Hazardous Waste Management Facilities - Annual Registration

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, GIS & IT Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4232 or 1-800-234-5677, ext. 771-4232
www.azdeq.gov/environ/waste/

PERMITS, AUTHORIZATIONS OR FILINGS:

Hazardous Waste Management Facilities - Annual Registration

LEGAL AUTHORITY:

A.R.S. § 49-929
A.R.S. § 49-930

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Owners of new or existing hazardous waste management facilities are required to register annually with ADEQ. Registration is required for the following:

- Any facility that received waste for treatment or storage for more than ten days, or for disposal during the proceeding calendar year.
- Any hazardous waste transporter that either delivered or picked up hazardous waste in the State of Arizona.
- Any generator of hazardous waste that generated over 100 kilograms of hazardous waste in any month during the proceeding calendar year.
- Any facility that received 50 or more tons per year of hazardous waste for material resource recovery, generated by a facility not owned by the receiving facility.

EXEMPTIONS:

None

FEES:

The following fees apply and are due annually by March 1:

- For treatment, storage, and disposal facilities, the fee is \$1,500 plus \$2 per ton of hazardous waste received.
- For hazardous waste transporters, the fee is \$200.
- For large quantity generators, the fee is \$1,500 plus \$2 per ton of hazardous waste received, up to a maximum of \$10,000 per site or \$25,000 per entity.

AVERAGE PROCESSING TIME:

Usual processing time is four weeks.

FORMS:

www.azdeq.gov/environ/waste/permits/reg.html

Toxic Data - Annual Report, Federal

Arizona Emergency Response Commission
5636 East McDowell Road
Phoenix, AZ 85008
602-464-6345

www.azserc.org/AZSERCHome/tabid/36/Default.aspx

U.S. Environmental Protection Agency
EPCRA Reporting Center
P.O. Box 348
Merrifield, VA 22116-3348
415-744-1093
EPCRA Hotline - 800-535-0202

PERMITS, AUTHORIZATIONS OR FILINGS:

Toxic Data - Annual Report (Federal) Toxic Release Inventory
Emergency Planning and Community Right-To-Know (EPCRA § 313)
Annual submission of a Toxic Chemical Release “Form R” Report

LEGAL AUTHORITY:

Emergency Planning and Community Right to Know, 42 U.S.C. §§ 11001 et seq., § 11023
(EPCRA § 313)
40 C.F.R. 372

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Form R Reports are due each year on the first of July for the prior year’s chemical use. Forms should be sent to the address listed on the form and to the state agency listed on the form. Report forms are available by calling EPA at the EPCRA Hotline number or through their website.

All facilities submitting Federal Form R to the EPA are also required to submit a copy to the Arizona Department of Environmental Quality (ADEQ) and the Arizona Emergency Response Commission (AERC). Please note that Arizona has some additional requirements that may require a facility to file Form R with just state agencies.

A facility is subject to the provisions of Section 313 of EPCRA if it meets all three of the following criteria:

1. Is in a covered Standard Industrial Classification (SIC) code, which are:

- * 10 - Metal Mining (except 1011, 1081, and 1094).
- * 12 - Coal Mining (except 1241).
- * 20 through 39 - Manufacturing Industries.
- * 4911, 4931, 4939 - Electric Generating Facilities, limited to facilities that combust coal and / or oil for the purpose of generating power for distribution in commerce.
- * 4953 - Treatment, Storage and Disposal (TSDs) regulated under RCRA.
- * 5169 - Chemical Distributors.
- * 5171 - Petroleum Bulk Distributors.
- * 7389 - Solvent Recovery Services.

Toxic Data - Annual Report (Federal) Toxic Release Inventory - Continued

2. Has 10 or more employees (or the equivalent of 20,000 hours per year).

3. Manufactures, imports, processes, or otherwise uses any of the listed toxic chemicals in amounts greater than the threshold quantities. The threshold for manufacturing, importing, or processing is 25,000 pounds per year, and the threshold for otherwise using (defined as non-incorporative activities such as the use of cleaning solvents, catalysts, process aides) an individually listed toxic chemical is 10,000 pounds per year.

Specific guidance materials are available through the EPA to assist you with report filing. Some of these guidance materials are specific to the mining industry. Contact EPA for further assistance.

EXEMPTIONS:

Certain uses of listed Section 313 chemicals are specifically exempted. If your facility meets the three reporting requirements discussed above and has questions regarding exempted chemical use activities, contact the EPCRA Hotline at 800 535-1212.

FEES:

None

AVERAGE PROCESSING TIME:

NA

FORMS:

Information and forms:

www.epa.gov/tri/report/rfi/ry2010rfi_010511.pdf

Toxic Data Annual Report, State

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, Sustainability Programs Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4170, or 1-800-234-5677, ext. 4170
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Toxic Data, Annual Report

LEGAL AUTHORITY:

A.R.S. § 49-963

A.R.S. § 49-964

A.R.S. § 49-973

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Certain hazardous waste generators and toxic substance users are required to submit an annual toxic data report, which includes the Toxic Chemical Release Inventory Report Form (Form R) and a pollution prevention progress report. A Form R reports on the release of listed toxic chemicals. A progress report describes the progress made towards achieving the goals outlined in the Pollution Prevention Plan. The toxic data report is required for annual renewal of the Pollution Prevention Plan.

A facility must file a toxic data report on the first of July for the preceding calendar year if the facility was required to file a Form R, or if during the preceding calendar year, the facility generated an average of one kilogram per month of acutely hazardous waste or an average of 1,000 kilograms per month of hazardous waste exclusive of an episodic, accidental, or remediation related release. The Form R, instruction manual, training and assistance are offered by the ADEQ.

EXEMPTIONS:

Household hazardous waste collection facilities; agricultural permit holders; permitted treatment, storage and disposal facilities that primarily receive wastes from off-site and agricultural pesticide applicators.

FEES:

None.

Recertification allows the facility to continue to receive a 50 percent reduction in their hazardous waste fee, if they have an approved Pollution Prevention Plan.

AVERAGE PROCESSING TIME:

Review time is 90 days.

Toxic Data, Annual Report - Continued

FORMS:

Pollution prevention analysis and plan guidance manual:

www.azdeq.gov/environ/waste/p2/download/first.pdf

A guide to help facilities perform a pollution prevention analysis:

www.azdeq.gov/environ/waste/p2/download/startpln.pdf

Pollution prevention plan submittal forms:

www.azdeq.gov/function/forms/appswaste.html#p2

Special Waste Annual Report

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division Inspections and Compliance Section
Solid Waste Inspections and Compliance Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4673, or 1-800-234-5677, ext. 771-4673
www.azdeq.gov/environ/waste

PERMITS, AUTHORIZATIONS OR FILINGS:

Special Waste Annual Report

- Facilities that generate, transport, receive or dispose of special waste must register with ADEQ. The registration form is available at the website listed above.
- Special waste transportation and disposal must be documented on a special waste manifest. Special Waste Manifests are available at ADEQ.
- Facilities that generate, transport, receive or dispose of special waste must submit an annual report to ADEQ.

LEGAL AUTHORITY:

A.R.S. § 49, Chapter 4, Article 9
A.A.C. Title 18, Chapter 13, Articles 13 and 16

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The purpose of this registration, manifesting, and annual reporting process is to enable the Special Waste Program to have a check and balance system for the tracking of special waste

For a shipper required to comply with special waste manifesting procedures, the following information must be reported to ADEQ:

- 1) A shipping description of the special waste shipped during the preceding year
- 2) The volume or weights of each type of special waste shipped during the preceding year; and,
- 3) The facility to which the special waste was shipped, identified by name, address, location and groundwater quality protection permit number, if applicable.

A facility or person that receives a special waste from off-site, for treatment, storage or disposal must report the following information to ADEQ:

- 1) The shipping descriptions of each special waste received during the preceding year.
- 2) The volume or weight of each type of special waste received during the preceding year.
- 3) For each special waste type, the identity by generator name, address, location, telephone number and amount of that special waste sent to the facility during the preceding year.

Special Waste Annual Report – Continued

4) For each special waste type received, a description of the methods and practices used by the receiving facility or person to treat, store or dispose of the special waste.

Generators who treat, store or dispose of special waste must keep records of the volume or weights of each type of special waste handled.

Generators who treat, store or dispose of special waste must report to ADEQ for each facility:

- a) The volume or weight of each type of special waste treated, stored or disposed of on-site for the preceding year;
- b) The volume or weight of each type of special waste treated, stored or disposed of off-site for the preceding year;
- c) For each type of special waste disposed, a description of the methods and practices used to minimize the amount or toxicity of the waste before disposal or reuse that constitutes disposal;
- d) The volume or weight of waste received pursuant to A.R.S. § 49-863.G.

EXEMPTIONS:

A generator who treats, recycles, stores or disposes of special waste on site at a facility that is manager or operated by the generator is exempt from the special waste management fee.

FEES:

The Department shall collect a \$0.66 per cubic yard for uncompacted shredder residue, \$1.50 per cubic yard for compacted shredder residue, and \$2.00 per ton for petroleum contaminated soils from the special waste treatment, storage, or disposal facility that firsts receives the waste. This fee is not more than \$20,000 per special waste generator.

AVERAGE PROCESSING TIME:

Annual reports are due the first of March of each year.

FORMS:

Special waste receiving facility annual report form:

www.azdeq.gov/environ/waste/solid/download/swrf.pdf

Application for Arizona Special Waste Identification Number

www.azdeq.gov/environ/waste/solid/download/app.pdf

Special waste generator annual report form:

www.azdeq.gov/environ/waste/solid/download/swg.pdf

Special waste shipper annual report form:

www.azdeq.gov/environ/waste/solid/download/sws.pdf

WASTE DISPOSAL

Section 9

Solid Waste or Special Waste Facility Plan Approval

Arizona Department of Environmental Quality (ADEQ)
Waste Programs Division, Solid Waste Plan Review Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4123 or 1-800-234-5677, ext. 771-4123
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Solid Waste or Special Waste Facility Plan or Aquifer Protection Permit

LEGAL AUTHORITY:

A.R.S. § 49-761(c) and 40 C.F.R. Part 257 for Non-Municipal Landfills
A.R.S. § 49-762 for Solid Waste Facility Plan Review
A.R.S. § 49-857.01 for Special Waste Plan Review
A.R.S. § 49-241 for the Aquifer Protection Permit Program

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

For any non-municipal solid waste landfill, an Aquifer Protection Permit (APP) must be obtained prior to facility construction and operation. The application must also demonstrate compliance with the requirements of A.A.C. Title 18 Article 9 for aquifer protection and 40 C.F.R. Part 257 for solid waste requirements. (Refer to the Section on Water Quality Permits for information on the Aquifer Protection Permit).

For any special waste management facility, a solid waste facility plan approval must be obtained prior to facility construction and operation.

Please contact the ADEQ Solid Waste Plan Review Unit for details prior to submitting a permit or facility plan application and see ADEQ's website for more information.
<http://www.azdeq.gov/environ/waste/solid/index.html>

EXEMPTIONS:

Municipal solid waste landfills are exempt from APP requirements; other APP exemptions are listed in A.R.S. § 49-250.

FEES:

APP and solid waste fees apply. Initial fees for the Solid Waste Facility Plan Approval range from \$1,609 to \$5,936 (see A.A.C. R18-13-701 through 706). Initial fees for APP are \$1,000 (See A.A.C. Title 18, Article 14). Final billing is based on the time spent by ADEQ staff reviewing the application and preparing the permit. The facility may also be subject to certain registration fees pursuant to A.R.S. § 49-747.

Solid Waste or Special Waste Facility Plan or Aquifer Protection Permit - Continued

AVERAGE PROCESSING TIME:

Review time is 6 to 18 months based on the complexity of the facility and the type of permit. Arizona licensing timeframes apply pursuant to A.R.S. § 41-1072 through 1079 and A.A.C. R18-1-501 through 525.

FORMS:

Guidance and forms:

www.azdeq.gov/environ/waste/solid/plan.html

Solid Waste Notification

Arizona Department of Environmental Quality
Waste Programs Division, Solid Waste Plan Review Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4123 or 1-800-234-5677 ext. 771-4123
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Solid Waste Notification

LEGAL AUTHORITY:

A.R.S. § 49-762.07
A.R.S. § 49-701.29

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Notification is required for any facility that meets the definition of solid waste facility (§ 49-701.29). A solid waste facility is a transfer facility and any site owned, operated or utilized for the storage, processing, treatment or disposal of solid waste.

A notification is provided to ADEQ, wherein owners/operators provide the following information:

- 1) Facility name and mailing address.
- 2) Legal description by township, range and section, and county assessor's book, map and parcel number.
- 3) Description of waste storage and treatment equipment, and methods of waste management, including types and volumes of waste handled, and time the waste remains on site.
- 4) Description of waste management practices used at the facility, including measures taken to protect public health and the environment.
- 5) A diagram of the property, showing the location of the solid waste facility.

EXEMPTIONS:

There are several exemptions to the definition of solid waste facility. See A.R.S. § 49-701.29(a) through (s) for a complete list. These exemptions include:

- 1) A site at which solid waste that was generated on site is stored for 90 days or less.
- 2) A site at which non-putrescible solid waste that was generated on site in amounts of less than 1,000 kilograms per month per type of non-putrescible solid waste is stored and contained for 180 days or less.
- 3) A site that stores, receives, source separates, processes or reduces recyclable solid waste, and that has no significant adverse effect on the environment.

Solid Waste Notification - Continued

4) An agricultural site where sludge from a wastewater treatment facility is applied to the land as a fertilizer or beneficial soil amendment.

FEES:

None

AVERAGE PROCESSING TIME:

Notices must be submitted no later than 30 days prior to beginning operation.

FORMS:

Guidance (no form needed):

www.azdeq.gov/environ/waste/solid/plan.html

Burial of Mining Industry Off-Road Motor Vehicle Waste Tires

Arizona Department of Environmental Quality
Waste Programs Division Inspections and Compliance Section
Solid Waste Inspections and Compliance Unit
1110 West Washington Street
Phoenix, AZ 85007
602-771-4673 or 1-8000234-5677 ext. 771-4673
www.azdeq.gov/environ/waste/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Burial of Mining Industry Off-Road Motor Vehicle Waste Tires

Notice of Commencement

A.R.S. § 44-1304.01(A)(8) applies to mining tire storage sites where the tires are outside the burial cell. Sites that store 100 or more used motor vehicle tires outdoors must register with ADEQ. Registration forms are available at the website listed above.

LEGAL AUTHORITY:

A.R.S. § 44-1304.01(A)(8)
A.A.C. R18-13-1201

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

A one-time notice of commencement of burial of mining industry off-road motor vehicle waste tires, a map of the mining facility which clearly identifies the location and dimensions of the burial cell(s) and the estimated number of mining industry off-road motor vehicle waste tires which will be buried in each cell. New burial cell(s) not previously included in a notice, require submission of an additional notice. An annual report, which documents the location of each burial cell established during the preceding calendar year, the alphabetical or numerical identifier of each burial cell and the number of off-road motor vehicle waste tires which were placed in each burial cell for burial during the preceding calendar year must be filed by March 30 of each year, until a burial cell closure certification is filed with ADEQ. A burial cell closure certification must be filed after placement of final cover, and records which document the number of tires buried in each cell must then be maintained for at least three years. The closure certificate shall contain a statement by the operator that no additional tires will be buried in the burial cell and a statement by an Arizona registered engineer certifying that the cover requirements of A.A.C. R18-13-1203 have been met. The applicable rules allow storage for no more than 500 mining industry off-road motor vehicle waste tires at the mining facility, outside of a burial cell, unless the mining facility has ADEQ approval to operate a waste tire collection site.

EXEMPTIONS:

None

FEES:

None

DRINKING AND WASTE WATER

Section 10

Discharge Authorization for a Type 4 General Aquifer Protection Permit

Arizona Department of Environmental Quality (ADEQ)
Groundwater Section
1110 West Washington Street, 5415B-3
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Discharge Authorization for a Type 4 General Aquifer Protection Permit (APP)

Individual On-Site Wastewater Treatment System, Sewage Collection System

LEGAL AUTHORITY:

A.R.S. § 49-104.B
A.R.S. § 49-241.B
A.A.C. R18-9-A301 et seq.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Under the Aquifer Protection Permit (APP) program, ADEQ issues a Construction Authorization (CA) and Discharge Authorization (DA) for 22 categories of on-site wastewater treatment systems under the APP Type 4 General Permit program. An on-site wastewater treatment facility means a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater, predominantly of human origin, generated at that site. The various categories of on-site wastewater treatment infrastructure can often be combined to provide tailored sewage disposal solutions for a particular site or property. The APP Type 4 General Permit program is limited to such facilities with a design flow of less than 24,000 gallons per day. Wastewater treatment facilities that discharge more than that amount must apply for an Individual Aquifer Protection permit.

ADEQ has created a Completeness Review Guide for Engineering Review available from the ADEQ website that provides a quick overview of the requirements for application submittals for Sewage Collection Systems and On-site Wastewater (Septic) Treatment Facilities. A CA must be obtained prior to construction of a sewage collection system or on-site wastewater treatment system. The CA expires 2 years following issuance and cannot be extended. If the CA expires, the applicant must reapply to obtain a new one. Once construction is completed and upon receipt of an engineer's certificate of completion, a DA is issued to allow for operation of the sewage collection system or on-site wastewater treatment system.

Some county health departments have been delegated responsibility to process Type 4 General APPs. An applicant should consult the Delegation Agreement Matrix on the ADEQ website (www.azdeq.gov/environ/water/permits/download/appsub.pdf) to determine where

Discharge Authorization for a Type 4 General Aquifer Protection Permit - Continued

the Notice of Intent should be submitted. All other applications should be submitted to ADEQ for processing.

EXEMPTIONS:

None

FEES:

Application fees vary depending on the type of on-site wastewater treatment components or size of sewage collection system. An applicant should consult the ADEQ website to determine the applicable fee.

AVERAGE PROCESSING TIME:

Review may take 73 to 136 business days depending on the Type 4 General APP. Additional time may be added for more complex facilities.

FORMS:

Information:

www.azdeq.gov/environ/water/engineering/ltf.html

Information and links to forms:

www.azdeq.gov/environ/water/permits/app.html

Water and/or Wastewater Facilities - Approval to Construct

Arizona Department of Environmental Quality
Groundwater Section
1110 West Washington Street
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Water and/or Wastewater Facilities - Approval to Construct

LEGAL AUTHORITY:

A.R.S. § 49-104
A.R.S. § 49-351
A.R.S. § 49-361

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

This approval ensures that proposed plans and specifications for construction of new or modified water and/or wastewater facilities comply with ADEQ rules, engineering guidelines and policies, and can be constructed. Site and facility specific conditions are considered to ensure the protection of public health, safety and the environment. If the application and plan documents are complete and all requirements are satisfied, ADEQ or the delegated county will issue a Certificate of Approval to Construct for the project.

An application (including water or sewer system information, description of project, engineer, plan documents, and construction agreement); design report; and four sets of plans and specifications for the proposed facilities shall be submitted to the ADEQ Engineering Review Desk. Plans, specification and design reports must be of construction quality and sealed by a Professional Engineer registered in the State of Arizona.

Applications are rejected if the design documentation/plans/specifications are:

- 1) Inconsistent with ADEQ Engineering Bulletins, rules, or field conditions documented by ADEQ or the delegated county.
- 2) Incomplete.
- 3) Not of construction quality.
- 4) Insufficient in detail.
- 5) Otherwise problematic for efficient review.

At the conclusion of project construction, an Approval of Construction (Approval to Operate) must be obtained from ADEQ. Facilities requiring permit approvals by ADEQ may be subject to consistency review with applicable local and/or regional Water Quality Management Plans (208 Plan).

Water and or Wastewater Facility Approval to Construct - Continued

EXEMPTIONS:

See A.R.S. § 49-353 for potable water systems, and A.R.S. § 49-361 for wastewater collection and treatment. Please contact the Engineering Review Desk for information on how these exemptions may apply to your project.

FEES:

Fees are charged for facilities requiring an ADEQ Approval to Construct certificate and/or an Aquifer Protection permit.

Maricopa, Pima and Yavapai counties and the cities of Kingman, Phoenix, Prescott and Sierra Vista (which have delegated authority to review and issue construction approval certificates) may also charge fees. Initial fees for ADEQ wastewater engineering reviews range from \$500 to \$1,000.

AVERAGE PROCESSING TIME:

Routine projects are typically processed within 45 to 90 days. Emergency projects to correct an imminent health danger can be processed within 48 hours. Complex projects with multiple changes may take up to two years to process. Time frames are affected by type of proposal, size, application completeness, the quality of submitted documents and the need for site inspection.

FORMS:

Guidance regarding approval to construct wastewater treatment facilities:

www.azdeq.gov/environ/water/permits/download/222.pdf

Information regarding where to submit applications:

www.azdeq.gov/environ/water/permits/download/appsub.pdf

General information and forms for Approval to Construct:

www.azdeq.gov/environ/water/engineering/oss.html#forms

Water and/or Wastewater Facilities - Approval to Operate

Arizona Department of Environmental Quality
Groundwater Section
1110 West Washington Street
Phoenix, AZ 85007
602-771-4428
www.azdeq.gov/environ/water/index.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Water and/or Wastewater Facilities - Approval to Operate (Approval of Construction)

LEGAL AUTHORITY:

A.R.S. § 49-353
A.R.S. § 49-361

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

This approval ensures that new or modified water and/or wastewater facilities are constructed in accordance with plans and specifications approved by the ADEQ, as described by an Approval to Construct Certificate.

A submittal of the following by a Professional Engineer registered in the State of Arizona, responsible for project construction supervision:

- 1) Engineer's Certificate of Completion.
- 2) As-built plans.
- 3) Final Operation and Maintenance Manual (if required).
- 4) Construction and pre-operational inspection and testing data.
- 5) Other support information to demonstrate proper construction.

Facilities requiring permit approvals by ADEQ may be subject to review for adherence to the applicable local and/or regional Water Quality Management Plan (208 Plan).

EXEMPTIONS:

None

FEES:

Initial fees range from \$500 to \$1,000. Final billing and refund is based on the time spent by ADEQ in processing the application.

AVERAGE PROCESSING TIME:

Typically from two to eight weeks. Simple projects without operation and maintenance manuals typically are permitted within two weeks. Complex projects receive final approval within four to eight weeks. Projects with incomplete documentation and major construction deficiencies should expect a processing time of eight weeks or more.

FORMS:

www.azdeq.gov/environ/water/engineering/oss.html#forms

Pima County Drinking Water Permit

Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
520-243-7400
Tucson, AZ 85701
www.deq.pima.gov

PERMITS, AUTHORIZATIONS OR FILINGS: **Pima County Drinking Water Permit**

LEGAL AUTHORITY:

A.R.S. § 49-112
Pima County Code - 7.37.040

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

This is the operating permit for drinking water quality for facilities subject to county jurisdiction.

EXEMPTIONS:

Facilities which are not subject to regulations under state code and the delegation agreement.

FEES:

Minimum fee of \$125 with additional fees depending upon the number of service connections and sources.

AVERAGE PROCESSING TIME:

Minimum processing time is approximately two weeks.
Permit is valid for one year

FLOOD CONTROL & BUILDING CODES

Section 11

County Addresses

Apache County

Planning and Zoning
75 W. Cleveland
P.O. Box 238
St. Johns, AZ 85936
928-337-7526

www.co.apache.az.us/Department/s/CommDevelope/Planning.htm

Cochise County

1415 Melody Lane
Bisbee, AZ 85603
Flood Control
520-432-9300

www.cochise.az.gov/cochise_highways_floodplain.aspx?id=1522

Planning & Zoning
520-432 9240

www.cochise.az.gov/cochise_planning_zoning.aspx?id=302

Coconino County

Community Dev. Dept.
2500 N. Fort Valley Rd, Bldg. 1.
Flagstaff, AZ 86001
928-679-8850

<http://coconino.az.gov/comdev.aspx?id=141>

Gila County

1400 E. Ash
Globe, AZ 85501
Building
928-425-3231 ext. 4224

<http://co.gila.az.us/communitydevelopment/buildingsafety/permits.html>

Floodplain
928-425-3231 ext. 4224

<http://co.gila.az.us/communitydevelopment/floodplain/default.html>

Graham County

Planning and Zoning
921 Thatcher Blvd.
Safford, AZ 85546
928-428-0410

www.graham.az.gov/Graham_CM/S/PZ.aspx?id=620

Greenlee County

Planning & Zoning Dept.
253 Fifth Street
P.O. Box 908
Clifton, AZ 85533
928-465-4762

www.co.greenlee.az.us/pz/Default.aspx

La Paz County

Community Development Dept.
1112 Joshua Ave., Ste. 202
Parker, AZ 85344
928-669-6138

www.co.la-paz.az.us/

Maricopa County

Environ. Services Dept.
1001 N. Central, Ste. 200
Phoenix, AZ 85004
602-506-6623

www.maricopa.gov/EnvSvc/AboutUs/Contacts.aspx

Mohave County

3250 E. Kino Avenue
P.O. Box 7000
Kingman, AZ 86401
Flood Control
928-757-0925

www.co.mohave.az.us/ContentPage.aspx?id=124&cid=392

Planning & Zoning
928-757-0903

www.co.mohave.az.us/ContentPage.aspx?id=124&cid=360

Navajo County

Dept. of Public Works
100 East Carter Drive
P.O. Box 668
Holbrook, AZ 86025
928-524-4100

www.navajocountyaz.gov/pubworks

Pima County

Environmental Quality
33 N. Stone Avenue, Ste. 700
Tucson, AZ 85701
520-243-7363

www.deq.pima.gov

Pinal County

31 Pinal Street
Florence, AZ 85232
Building
P.O. Box 1610
520-868-6405

www.pinalcountyaz.gov/Departments/BuildingSafety/Pages/Home.aspx

Flood Control District
P.O. Box 727
520-509-6511

www.pinalcountyaz.gov/Departments/PublicWorks/FloodControlDistrict/Pages/StormWaterManagement.aspx

Priority Express Permitting

www.pinalcountyaz.gov/ed/incentivesprograms/Pages/ProgramDescription.aspx

Santa Cruz County

Public Works Dept.
2150 N. Congress Drive
Nogales, AZ 85621
520-375-7800

www.co.santa-cruz.az.us/public_works/index.html

Yavapai County

500 S. Marina St.
Prescott, AZ 86303
Flood Control
928-771-3197

www.co.yavapai.az.us/Content.aspx?id=15924

Planning & Building
928-771-3214

www.co.yavapai.az.us/Content.aspx?id=15936

Yuma County

2351 W. 26th Street
Yuma, AZ 85364
928-817-5000

Development Services

www.yumacountyaz.gov/index.aspx?page=221

County Building Codes and Flood Control

PERMITS, AUTHORIZATIONS OR FILINGS:

Flood Control Permits, Building Codes

LEGAL AUTHORITY:

A.R.S. § 11-830

A.R.S. § 48-3601 - § 48-3627

Federal Executive Order 11-988

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Building Codes: Generally no permits are required, unless operations or buildings are established on a property different from the mine.

Flood Control Permits: According to Executive Order 11-988 and A.R.S. § 48-3601- § 48-3627

All federally funded projects or private projects on federal lands must use proper floodplain management techniques. The authority to ensure that suitable techniques are used has been delegated to county flood control districts. Mines proposed for floodplains must be reviewed by the flood district. Operations allowed will be notified in writing that the mode of operation proposed is not detrimental or incompatible with local flood control.

EXEMPTIONS:

Building Codes: Arizona Statute 11-830 severely limits the ability of counties to regulate mining. This statute excludes mines from county building codes if the use or occupancy involves a commercial tract of five acres or more. Since mining claims are tracts of 20 acres, most counties do not enforce building codes on mining claims regardless of the actual size of the operation.

Some aspects of building safety such as electrical hook-up and elevator inspections amongst others are regulated by the State Mine Inspector. Please refer to the Mine Health and Safety section (Section 12) under state regulatory requirements for more information.

Yavapai County, a notable exception, requires mining operators to complete a “Use Exemption Packet for Mining and Metallurgical Projects.” This packet is then reviewed by the Chief Zoning Inspector and approved or denied based on the criteria for a mining exemption.

FEES:

Varies - consult the county where operations are proposed.

AVERAGE PROCESSING TIME:

Varies - consult the county where operations are proposed.

Maricopa County Mining Exemption

Maricopa County Planning and Development Department
501 N. 44th Street, Suite 200
Phoenix, AZ 85008
602-506-3301
www.maricopa.gov/planning/

PERMITS, AUTHORIZATIONS OR FILINGS:

Mining Exemption

LEGAL AUTHORITY:

Chapter 13, Section 1304 of the Maricopa County Zoning Ordinance Exempted Uses

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

“This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres. Property is not exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance unless and until the Maricopa Planning & Development Department has issued a Certificate of Exemption for that property.”

This applies to property located in the unincorporated areas of Maricopa County.

EXEMPTIONS:

NA

FEES:

None

AVERAGE PROCESSING TIME:

Two months

FORMS:

www.maricopa.gov/planning/PlanningServices/Other/docs/pdf/Mining%20Exemption.pdf

Yavapai County Mining Exemption

Yavapai County
500 South Marina Street
Prescott, AZ 86303
928-771-3214
www.co.yavapai.az.us

PERMITS, AUTHORIZATIONS OR FILINGS:

Mining Exemption

Use Exemption Packet for Mining and Metallurgical Projects

LEGAL AUTHORITY:

A.R.S. § 11-251.08

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Yavapai County requires mining operators to complete a “Use Exemption Packet for Mining and Metallurgical Projects.” This packet is then reviewed by the Chief Zoning Inspector and approved or denied based on the criteria for a mining exemption.

EXEMPTIONS:

NA

FEES:

None

AVERAGE PROCESSING TIME:

30 days

FORMS:

Application for Mining/Metallurgical Exemption
www.co.yavapai.az.us/WorkArea/showcontent.aspx?id=20172

MINE HEALTH AND SAFETY

Section 12

Notice of Start-Up

Arizona State Mine Inspector (ASMI)
1700 West Washington Street, Suite 400
Phoenix, AZ 85007
602-542-5971
www.asmi.az.gov

PERMITS AND AUTHORIZATION:

Notice of Start-up, Move, or Stop for Portable Mining Equipment and Mine Operations

LEGAL AUTHORITY:

A.R.S. § 27
A.A.C. Title 18 and 27

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

- 1) The State Mine Inspector must be notified prior to starting, moving or stopping a mining operation (A.R.S. § 27-303).
- 2) Diesel equipment used underground must be permitted annually by the State Mine Inspector (A.R.S. § 27-365).
- 3) Elevators at mine property must be inspected and permitted annually by the State Mine Inspector (A.R.S. § 27-365 and Rule 11-1-1190, Arizona Mining Code).
- 4) New electrical equipment shall be installed, maintained and used in accordance with the National Electrical Code.
- 5) Above ground fuel storage. The State Mine Inspector enforces applicable provisions of the Uniform Fire Code. Standards of the National Fire Protection Association or other recognized agencies approved by the Inspector at mine sites.
- 6) Mined Land Reclamation Plan. Please see Section 2, Land Use.

EXEMPTIONS:

Variances may be applied for, alternate methods must have equal to or better protection provided for any exposed personnel.

FEES:

None

AVERAGE PROCESSING TIME:

The Mine Inspector will notify the mine operator by mail, email or fax that the notice has been received and provide the operator with an ASMI ID number. Diesel permits are issued within 30 to 45 days.

Elevator permits are issued upon the correction of any deficiencies found. If no deficiencies are found, permits are issued on completion of the inspection.

Fuel storage does not require a permit, only inspections are necessary.

Notice of Start-Up - Continued

FORMS:

www.asmi.az.gov/documents_forms/default.asp

Mine Safety and Health Administration Form 2000-7

Mine Safety and Health Administration
63 East Main Street, Suite 402
Mesa, AZ 85201
480 649-5452
www.msha.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Mine Safety and Health Administration Form 2000-7 **Legal Identity**

LEGAL AUTHORITY:

Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq.
30 C.F.R. 41

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

For mine safety and health, operators do not need a permit to begin operations, however, the Mine Safety and Health Administration (MSHA) requires that before starting operations, persons must notify MSHA. In addition, all mine operators must file MSHA Form 2000-7 which serves as notification of a legal identity.

MSHA primarily determines jurisdiction on a case-by-case basis, especially with regard to what constitutes mineral milling. If operators are uncertain as to whether their operation is within the scope of MSHA jurisdiction, they should contact the agency for a specific determination. MSHA generally does not have jurisdiction at abandoned milling operations which are no longer an integral part of ongoing mining activities. Also, MSHA jurisdiction generally ends once a mine ceases operation, the operator has complied with any statutory requirements for the sealing of the mine, and the land has been reclaimed.

With regard to exploratory operations, MSHA's general position is that even if the activity is purely exploratory and takes place on mine property, MSHA exercises jurisdiction. In all other cases, operators should contact MSHA for a specific determination.

EXEMPTIONS:

Exemptions are determined on a case-by-case basis. Consult with the local MSHA office for more information.

FEES:

None

AVERAGE PROCESSING TIME:

None

FORMS:

<http://www.msha.gov/FORMS/2000-7.pdf>

WILDLIFE

Section 13

Arizona Game and Fish Department

Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, AZ 85086-5000
602 942-3000
www.azgfd.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

The Department issues Hunting/Fishing Licenses and Scientific Collecting Permits (for handling of animals). No actual permits are issued for mining. The Department acts as a consultant in the mine permitting process to ensure project impacts to wildlife resources are avoided and/or minimized to the extent possible.

LEGAL AUTHORITY:

A.R.S. § 17
A.A.C. Title 12

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The Department manages resident wildlife and fish populations and has primary regulatory responsibility to promulgate regulations for the harvest of these resources. The Department also shares management authority for migratory and threatened and endangered species with the U.S. Fish and Wildlife Service.

The Department becomes involved in the permits or authorizations required for mining operations through various pieces of federal legislation, such as the National Environmental Policy Act, Clean Water Act and Endangered Species Act, which require coordination with the state wildlife agency. The Department may be asked to review mining permits, authorizations and associated projects to ensure that potential impacts to fish and wildlife resources are adequately addressed. There have been delays when proposed mining projects are in some way controversial. When delays are due to controversy over fish and wildlife resource issues, the Department works closely with the involved regulatory agencies and project proponents to address the issues in the most expeditious manner possible.

Endangered Species Act, Section 7, Consultation

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021
602-242-0210
www.fws.gov/southwest/es/arizona

PERMITS, AUTHORIZATIONS OR FILINGS:

Endangered Species Act, Section 7 Consultation

LEGAL AUTHORITY:

Endangered Species Act - 16 U.S.C. §§ 1531 et seq., §1536 (ESA § 7)
Migratory Bird Treaty Act of 1918 - 16 U.S.C. §§ 703 et seq.
Fish and Wildlife Coordination Act as amended - 16 U.S.C. §§ 2901-2911

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

The U.S. Fish and Wildlife Service (Service) is not involved in the issuance of mining permits, nor does it authorize mining operations. However, the Service may become indirectly involved within the framework of Section 7 of the Endangered Species Act (ESA) as amended. This section of the ESA requires that federal agencies consult with the Service on any actions the agency authorizes, funds, or carries out that “may affect” a species listed as endangered or threatened under the ESA, or any designated critical habitat.

Consultation is an interagency cooperative process that can either be carried out in conjunction with the permitting agency’s National Environmental Policy Act review, or as a separate process. In this regard, permitting agency time lines for the issuance of permits and/or authorizations may be affected by their consultation with the Service.

The ESA requires that if formal consultation is initiated, the consultation be concluded in 90 days, and the Service’s biological opinion be issued within 135 days. Deviations from the normal Section 7 schedules can result when interagency disagreement develops over the alternatives and/or measures needed for the protection of species and habitats in the affected area. These alternatives and/or measures are worked through the Section 7 process.

Although there is no direct permitting process, persons who “take” a threatened or endangered animal may be subject to civil or criminal penalties under section 9 of the ESA. The term “take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly

Endangered Species Act Consultation - Continued

disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

Limited protection of listed plants from take is provided to the extent that the ESA prohibits the removal and reduction to possession of Federally listed endangered plants or the malicious damage of such plants on areas under Federal jurisdiction or the destruction of endangered plants on non-Federal areas in violation of State law or regulation or in the course of any violation of a State criminal trespass law.

The mission of the U.S. Fish and Wildlife Service is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The ability to achieve their mission depends on active cooperation with others. FWS is committed to a collaborative approach to conservation.

CULTURAL RESOURCES

Section 14

Cultural Resources, Private Lands

Arizona State Museum (ASM)
The University of Arizona
1013 E. University Boulevard
Tucson, AZ 85721
520-621-4795
www.statemuseum.arizona.edu/

LEGAL AUTHORITY:

A.R.S. § 41 - 865

PERMITS, AUTHORIZATIONS OR FILINGS:

Cultural Resources, Private Lands - Notification

A.R.S. § 41- 865 requires operators on private lands who discover burial sites, human remains, or what may be human remains, as well as funerary objects to cease all activity that will disturb the remains or funerary objects and to immediately notify the director of the Arizona State Museum of the discovery. Funerary objects are objects or items that may have accompanied a burial. After an initial assessment of the existence of the remains or funerary objects, the director of the ASM will determine the procedures to follow that will determine the appropriate treatment of any human remains identified in consultation with the landowner and appropriate tribes.

Cultural Resources, State Lands

Arizona State Museum (ASM)
The University of Arizona
1013 E. University Boulevard
Tucson, AZ 85721
520-621-2096 or 520-621-4795
www.statemuseum.arizona.edu

State Historic Preservation Officer (SHPO)
Arizona State Parks
1300 West Washington Street
Phoenix, AZ 85007
602-542-2684
<http://azstateparks.com/SHPO/index.html>

Arizona State Land Department (ASLD)
Cultural Resources Manager
1616 West Adams Street
Phoenix, AZ 85007
www.land.state.az.us

PERMITS, AUTHORIZATIONS OR FILINGS:

Arizona Antiquities Act Permit

State Lands, Cultural Resources

LEGAL AUTHORITY:

Arizona State Historic Preservation Act, A.R.S. § 41-861, et seq. - administered by SHPO
Arizona Antiquities Act, A.R.S. § 41-841, et seq. - administered by ASM

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Before authorizing activities that have the potential to substantially alter significant prehistoric or historic properties (cultural resources) on State Trust Land, the Arizona State Land Department is obligated to consult with the State Historic Preservation Officer to ensure that significant resources are either avoided or adequately studied before they are impacted.

Proposed ASLD actions that are subject to SHPO review include:

1. Sales of mineral material products.
2. ASLD's approval of Plans of Operation required under mineral exploration permits, mineral leases and oil and gas leases.
3. Issuance of haul road rights-of-way.
4. Issuance of Special Land Use Permits authorizing entry onto surface Trust lands for the purpose of exploring for subsurface federal minerals.

If after consulting with the Arizona State Museum, the ASLD determines that a cultural resources field survey is needed before the ASLD authorizes the proposed activity, the ASLD will require the applicant, permittee or lessee to hire a consultant to provide the study for the ASLD's use in consulting with the SHPO. Consultants performing cultural resource investigations on State Trust Land and must obtain an *Arizona Antiquities Act Permit* from ASM before beginning field work.

Arizona Antiquities Act Permit - Continued

Consultants currently holding the Arizona Antiquities Act permit are listed on the ASM's cultural resources web page at the following address:

<http://www.statemuseum.arizona.edu/crservices/permits/index.html>

If, after reviewing the results of the field survey, the ASLD determines that the inspection adequately covered all the land potentially affected by the proposed activity and that no cultural resources were found, the ASLD may authorize the activity while sending a copy of the survey report to the SHPO. However, if the report indicates that cultural resources are present, the ASLD is obligated to inform the SHPO of how the ASLD intends to manage the resources, and to allow the SHPO an opportunity to review and comment on the ASLD's management strategy before authorizing the activity. The ASLD's cultural resource management recommendations may propose various kinds of treatment measures, including avoidance, monitoring, data recovery ("mitigation") or combinations thereof, depending on the circumstances. Development and implementation of these various treatment options typically requires further consultation between the ASLD and the SHPO before the ASLD authorizes the proposed activity.

If the proposed activity on State Trust Land will require a federal license or permit, such as a Section 404 permit pursuant to the Clean Water Act, the federal agency with authority to grant the permit may be required under the National Historic Preservation Act (NHPA) to consult with the SHPO before granting the permit. In such instances, the federal agency typically requires the permit applicant to provide any cultural resource studies that may be needed to complete NHPA consultation.

Under A.R.S. § 41-844, if archaeological remains or paleontological remains, human remains, or funerary objects are discovered on State Trust Land after the proposed actions have begun, the operator is required to halt work in the area of the discovery, take steps to protect the remains or objects, and notify the director of the Arizona State Museum.

FEES:

The ASM charges fees for conducting archaeological records searches intended to identify cultural resources that may be affected by the proposed activity and charges fees for records management and collections repository agreements. These costs are typically passed on to the applicant. For further information concerning these costs, contact the ASM at 520 621-6281. As noted above, the applicant, permittee, or lessee will be required to pay for the cultural resource survey and all necessary treatment measures.

AVERAGE PROCESSING TIME:

The amount of time it takes for the ASLD, ASM, and SHPO to review proposed ground-disturbing uses of State Trust Land for compliance with applicable statutes varies widely, depending on the results of the records review, field surveys, and management recommendations. In general, however, after the ASLD has initiated consultation with the ASM regarding the need for a field inspection, the ASM typically returns a

Arizona Antiquities Act Permit - Continued

recommendation within 30 working days. In cases necessitating a field survey, the ASLD's review of the survey may take 30 to 90 days. If a SHPO comment is required, statute provides for a response within 30 working days.

FORMS:

Procedural Manual

www.statemuseum.arizona.edu/crservices/permits/permit_manual.pdf

Permit:

www.statemuseum.arizona.edu/crservices/permits/proj_spec.doc

Cultural Resources - Federal lands
Bureau of Land Management and/or Forest Service

Bureau of Land Management
Arizona State Office
One North Central Avenue, Suite 800
Phoenix, AZ 85004
602-417- 9200
www.blm.gov/az/

U.S. Forest Service
Southwest Regional Office
333 Broadway SE
Albuquerque, NM 87102
505-842-3292

PERMITS, AUTHORIZATIONS OR FILINGS:
Cultural Resources Use Permit

LEGAL AUTHORITY:

National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq.
Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470 aa et seq.
Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. § 3001 et seq.
American Indian Religious Freedom Act of 1978, 42 U.S.C. § 1996, 1996 note
Executive Order 13007, Indian Sacred Sites (May 24, 1996)
Executive Order 13175, Consultation and Coordination with Indian tribal Governments
(November 6, 2000)

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Compliance with Section 106 of the National Historic Preservation Act (NHPA) is necessary before the Bureau of Land Management / Forest Service (BLM/FS) approves a mining plan. The operator will ordinarily be required to conduct a cultural resource assessment of the area potentially affected by mining activities. Such assessments will commonly involve archaeological survey, ethnohistoric investigations and archival studies. If significant cultural resources (archaeological or historic sites or places of traditional cultural importance) are found during the survey, the operator must develop a mitigation plan to ensure that the sites are avoided by mining activities or are appropriately studied and recorded before mining activities begin. In some cases, particularly where traditional cultural properties are involved, other mitigating measures may also need to be implemented in addition to archaeological studies.

Cultural resource surveys, ethnohistoric investigations, archival studies, development of mitigation plans, and archaeological studies and recordation must be done by qualified professional archaeologists, historians, ethnographers, and other professionals appropriate to the type of work being performed. Personnel carrying out cultural resource investigations on BLM/FS-administered lands must obtain a Cultural Resource Use Permit prior to beginning field work.

Federal Lands - Cultural Resources BLM/FS - Continued

Where cultural resources are found to be within the area of potential effect, the BLM/FS will need to consult with the State Historic Preservation Officer to determine the significance of the cultural resources involved and the adequacy of the measures proposed to mitigate the impacts of proposed mining activities. If the proposed project is highly complex or controversial, or will result in adverse effects to the cultural resources, the BLM/FS may also need to consult with the Advisory Council on Historic Preservation.

In nearly all cases, the BLM/FS will need to consult with American Indian Tribes to determine whether there are any places of traditional cultural importance to them that might be affected by proposed operations, to determine the significance of such places, and how potential impacts on those places should be mitigated.

If any Native American human remains or objects buried with them are discovered during a survey, prior to approval of a mining plan, the BLM/FS must consult with affiliated Indian tribes regarding the treatment and disposition of any such remains that may be impacted by proposed mining operations. If any Native American human remains or objects buried with them are discovered inadvertently after mining operations have begun, whether under a plan or a notice, the operator must immediately stop activities in the area of the discovery, take steps to protect the remains, and notify the BLM/FS of the discovery. Should human remains be recovered as a result of any mitigative effort or discovery, their treatment and disposition will be determined and carried out according to a plan prepared by BLM/FS.

FEES:

No fee is required for obtaining Cultural Resource Use Permits for lands administered by BLM. Cultural Resource Use Permits on lands administered by the FS are fee permits. Contact the FS for fee information. The operator will normally be required to pay all costs of cultural resource survey and mitigation, including reburial of human remains.

AVERAGE PROCESSING TIME:

A Cultural Resource Use Permit for archaeological survey is usually issued within one week of receiving a complete application.

A Cultural Resource Use Permit for archaeological testing or excavation (data recovery) cannot be issued until any consultation that may be needed with the State Historic Preservation Officer, Advisory Council on Historic Preservation and the effected American Indian Tribe has been completed by the BLM/FS. Once the BLM/FS has completed the necessary consultation and approved the mitigation plan for cultural resources that will be affected by proposed operations, a Cultural Resource Use Permit for archaeological testing or excavation is usually issued within one week of receiving a complete application.

NUCLEAR REGULATION

Section 15

Uranium Milling License

U.S. Nuclear Regulatory Commission (NRC) - Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064
817-860-8100
www.nrc.gov/materials/fuel-cycle-fac/licensing.html

PERMITS, AUTHORIZATIONS OR FILINGS:

Uranium Milling License
Fuel Cycle Facilities License

LEGAL AUTHORITY:

A.R.S. § 30-696
10 C.F.R. Parts 30, 40, 70, 74, 76

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

A company that wishes to operate a fuel cycle material facility must submit an application to the MRC. This application must demonstrate how the facility will be operated to ensure adequate safety and safeguards in accordance with NRC licensing regulations. NRC reviews the application according to procedures and criteria documented in a Standard Review Plan. If the application is approved, a license is issued. The license contains the amount and type of material that the facility is allowed to possess and any special conditions imposed by the MRC. Fuel cycle material licenses are typically issued for 10 years.

EXEMPTIONS:

None

FEES:

\$18,700 for a Class I or Class II. A Class I license includes mill licenses issued for the extraction of uranium ore. A Class II license includes solution mining licenses (In-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses. Special circumstances may incur additional charges prorated at \$259 per hour.

AVERAGE PROCESSING TIME:

Review time depends on the completeness of information provided. Minimum processing time is two years.

FORMS:

Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility:
www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1520/final/index.html

Authority to Process Radioactive Tailings

Arizona Radiation Regulatory Agency (ARRA)
4814 South 40th Street
Phoenix, AZ 85040
602-255-4845
www.azrra.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Authority to Process Radioactive Tailings

A license to process non-radioactive material from radioactive tailings.

LEGAL AUTHORITY:

A.R.S. § 30-651 et seq.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

ARRA is responsible for the conduct of a statewide radiological health and safety program and for the enforcement of State rules and regulations for the control of ionizing radiation.

If primary product is uranium or thorium the processing of the material is licensed by the United States Nuclear Regulatory Commission. If the processing produces uranium, thorium or other radioactive material as a secondary product the licensing is by the ARRA.

EXEMPTIONS:

None

FEES:

Dependent on type of operation.

AVERAGE PROCESSING TIME:

120 days

COMMUNICATION

Section 16

Wireless Communication, Radio Station License

Federal Communications Commission (FCC)
445 12th Street SW
Washington, DC 20554
1-888-225-5322
www.fcc.gov/

PERMITS, AUTHORIZATIONS OR FILINGS:

Radio Station License, Wireless Communication

LEGAL AUTHORITY:

U. S. Communications Act of 1934
Title III, § 3001 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-39), § 8,
revising 47 U.S.C. § 158

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Licensees in the Industrial/Business Radio Pool use radio to support business operations. Their communications systems are used for support of day-to-day business activities, such as dispatching and diverting personnel or work vehicles, coordinating the activities of workers and machines on location, or remotely monitoring and controlling equipment.

Individuals or entities desiring to operate on frequencies listed in the Industrial/Business Pool are required to obtain a radio station license for these frequencies.

FEES:

Fee calculations are based on the usage involved. Fees **MUST** be submitted within 10 days of filing an application.

AVERAGE PROCESSING TIME:

Operation of a radio system may begin 10 days after the application is filed with the FCC. In addition, there is Special Temporary Authority to operate during emergency or other urgent conditions without filing a license application.

FORMS:

Information, tutorials, and contacts for an advisory coordinator can be found at:
http://wireless.fcc.gov/services/index.htm?job=service_home&id=industrial_business

TAXES, INCORPORATION, PROFESSIONAL REGISTRATION

Section 17

Transaction Privilege and Affiliated Excise Tax

Arizona Department of Revenue
License and Registration
1600 West Monroe
Phoenix, AZ 85007-2650
602-255-2060 or toll free from area codes 520 and 928, 800-843-7196
www.azdor.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Transaction Privilege Tax License

LEGAL AUTHORITY:

The state transaction privilege tax license is authorized by A.R.S. § 42-5005. Every person who receives gross proceeds from sales or gross income on which a privilege tax is imposed is required to obtain a transaction privilege tax license. City privilege licenses are authorized by Model City Code Section 300.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Each person engaged in the businesses of metal mining or nonmetaliferrous mineral mining is required to obtain a transaction privilege tax license from the Department prior to engaging in business.

If the mine is located within city limits, the business may also be required to obtain a privilege license from that city.

The Department administers and collects the taxes of some of Arizona's cities ("program cities"). Larger Arizona cities administer and collect their own taxes ("non-program cities"). Mines located in program cities should obtain a city privilege license when obtaining a state transaction privilege tax license. Directly contact non-program cities for information regarding their city privilege licenses.

EXEMPTIONS:

Businesses operated by Indian tribes, tribal corporations or enrolled members of the tribe on the reservation established for that tribe are not required to obtain a transaction privilege tax license or city privilege tax license according to case law.

FEES:

The fee to obtain a transaction privilege tax license is \$40 until June 30, 2011. The fee to obtain a license is \$12 after June 30, 2011. The fee to obtain a non-program city privilege tax license varies from \$1 to \$25.

Transaction Privilege and Affiliated Excise Tax - Continued

AVERAGE PROCESSING TIME:

The length of time for the Department to issue a transaction privilege tax license and city privilege tax license can be between ten to thirty business days.

FORMS:

The Arizona Joint Tax Application is used to apply for transaction privilege tax, use tax, withholding, and unemployment insurance. The application is available from the Department forms link at www.azdor.gov. **E-Business Services** now offers the opportunity to complete the Joint Tax Application online at www.AZTaxes.gov. Once the license registration is completed, and the business is registered to use the site, businesses may file and pay their TPT, use and withholding taxes online.

Severance Tax

Arizona Department of Revenue
License and Registration
1600 West Monroe
Phoenix, AZ 85007-2650
(602) 255-2060 or toll free from area codes 520 and 928(800) 843-7196
www.azdor.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Severance Tax
Not a permit, but necessary to conduct metal mining

LEGAL AUTHORITY:

Pursuant to A.R.S. § 42-5202 the Department collects the affiliated excise tax, denominated as a severance tax.

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Severance taxes are excise taxes on natural resources "severed" from the earth. They are measured by the quantity or value of the resource removed or produced.

The amount of the severance tax levied on a severer (miner) engaged in the business of mining shall be determined by multiplying the net severance base by two and one-half per cent.

The net severance base is fifty per cent of the difference between the gross value of production and the production costs.

EXEMPTIONS:

NA

FEES:

NA

Authority and Articles of Incorporation

Arizona Corporation Commission (ACC)
1300 West Washington Street
Phoenix, AZ 85007
602-542-3026
www.azcc.gov/divisions/corporations

PERMITS, AUTHORIZATIONS OR FILINGS:

Application for Incorporation Authority, Articles of Incorporation.
Corporate Annual Report

LEGAL AUTHORITY:

Arizona Constitution Article XIV Sections 8 and 17
A.R.S. § 10-1501
A.R.S. § 10-202
A.R.S. §10-122
A.R.S. § 10-1622.F
A.R.S. § 10-3122

CONDITIONS REQUIRING PERMITS, AUTHORIZATIONS OR FILINGS:

Required of all corporations established in Arizona

EXEMPTIONS:

None

FEES:

For domestic companies, the start up fee is \$60 for regular filing, \$95 for expedited.
For foreign companies, the start up fee is \$175 for regular filing, \$210 for expedited.
Filing annual reports cost \$45.

AVERAGE PROCESSING TIME:

Approximately six to eight weeks.

FORMS:

Application for authority and articles of incorporation:
www.azcc.gov/divisions/corporations/filings/forms/index.asp
Annual report:
www.azcc.gov/divisions/corporations/electronicallyfiling.asp

Professional Registration

Arizona Board of Technical Registration (BTR)
1110 West Washington Street, Suite 240
Phoenix, AZ 85007
602-364-4930
www.azbtr.gov

PERMITS, AUTHORIZATIONS OR FILINGS:

Professional Registration

This department does not issue permits, but licenses professionals who perform certain mining-related tasks. The BTR function is to regulate certain professions including architects; assayers, certified remediation specialists, drug laboratory site remediation firms, supervisors and workers, engineers, geologists, home inspectors, landscape architects, and surveyors by issuing certificates and seals of professional registration and establishing rules of professional conduct for registrants.

LEGAL AUTHORITY:

A.R.S. § 32-101

ROLE OF BTR:

Some mining permitting agencies require hydrologic, geologic and engineering reports, studies, drawings and maps, specifications, analyses or related data submitted to support the evaluation of applications for permits to be signed and sealed by a professional geologist or qualified professional engineer who is registered in the State of Arizona.

EXEMPTIONS:

NA

FEES:

NA

AVERAGE PROCESSING TIME:

NA

INDEX and GLOSSARY

Section 18

Index

208 Consistency Review - Arizona Dept. of Environmental Quality	102
401 Permit - See Water Quality Certification	
402 Permit - See AZPDES Permit for Stormwater Discharges	
See also: AZPDES Permit for Point Sources	
404 Permit - See Section 404 Permit	
Above-Ground Fuel Storage Tanks - Arizona State Land Department	72
Activity Permit - Pima County	93
Aggregate Mined Land Reclamation Plan (Private Lands) - Arizona State Land Department	18
Air Quality Control Permit - Arizona Dept. of Environmental Quality	89
Air Quality Control Permit - See Pima County, Air Quality Permit	
Air Quality Permit - Maricopa County	91
Air Quality Permit - Pinal County	94
Antiquities Act Permit - See Arizona Antiquities Act Permit	
Application for Incorporation Authority - Arizona Corporation Commission	179
Appropriations of Surface Water - Arizona Department of Water Resources.....	53
Aquifer Protection Permit - See Solid Waste or Special Waste Facility Plan	
Aquifer Protection Permit (APP) - see Individual Aquifer Protection Permit	
Archaeological Resources Protection Act of 1979	8
Arizona Antiquities Act Permit - Arizona State Museum	165
Articles of Incorporation - See Application for Incorporation Authority	
Asbestos Demolition and Renovation - Arizona Dept. of Environmental Quality	96
Authority to Process Radioactive Tailings - Arizona Radiation Regulatory Agency.....	172
AZPDES Permit for Storm Water Discharges - Arizona Dept. of Environmental Quality	106
AZPDES Permit for Point Sources - Arizona Dept. Of Environmental Quality	108
Bald and Golden Eagle Protection Act of 1940.....	8
BADCT – See Best Available Demonstrated Control Technology	
Best Available Demonstrated Controlled Technology	100
Bevill Amendment	115
BLM – See U.S. Bureau of Land Management	
BLM Salable Minerals, Mineral Materials Contract - U.S. Bureau of Land Management	38
Bonding Requirements, Federal Lands - U.S. Bureau of Land Management	45
Building Codes	152
Burial of Mining Industry Off-Road Motor Vehicle Waste Tires - Arizona Dept. of Environmental Quality.....	142
Burning Permit - See Open Burning Permit	
Clean Air Act of 1970.....	12
Clean Water Act.....	9
Coal Leasing on Federal Lands - U.S. Bureau of Land Management	44
Common Variety Mineral Materials (Salable Minerals) - Arizona State Land Department	21
Competitive Lease - See Leasing of Solid Minerals	
Competitive Lease, Coal - See Coal Leasing on Federal Lands	
Comprehensive Environmental Response, Compensation, and Liability Act of 1980.....	13
Concurrence for Occupancy - See Notices, Plan of Operation, Concurrence of Occupancy	
Construction, Enlargement, Repair, Alteration, or Removal of Dams - Arizona Dept. of Water Resources .	57
Corporate Annual Report - See Application for Incorporation Authority	
Cultural Resources Use Permit - U.S. Bureau of Land Management	168
Cultural Resources, Private Lands - Notification - Arizona State Museum	164

Arizona Mining Permitting Guide

Dams - See Construction, Enlargement, Repair, Alteration, or Removal of Dams	
Discharge Authorization for a Type 4 General Aquifer Protection Permit (APP) - Arizona Dept. of Environmental Quality.....	144
Dredge and Fill - See 404 Permit	
Drinking Water Permit - Pima County	149
Dry Well Registration - Arizona Dept. of Environmental Quality	62
Endangered Species Act Consultation - U.S. Fish and Wildlife Service.....	158
Endangered Species Act of 1973	8
Environmental Assessment	35
Environmental Impact Statement	9, 35
EPA Identification Number - See Notification of Regulated Waste Activity	
EPA Identification Number - See Used Oil Handlers	
Exploration License - See Leasing of Solid Minerals	
Exploration License F.S. - See F.S. Leasing of Solid Minerals	
Exploration License, Coal - See Coal Leasing on Federal Lands	
Exploration Permits (Locatable Minerals) - Arizona State Land Department.....	19
Federal Land Policy Management Act of 1976	13
Federal Water Pollution Control Act of 1972.....	9
Leasing of Solid Minerals - U. S. Forest Service.....	20
Finding of No Significant Impact	11
Flood Control Permits, Building Codes - Counties	152
Forest Service Offices in Arizona - U.S. Forest Service	24
Free Use Permit - See BLM Salable Minerals, Mineral Materials Contract	
Free Use Permit F.S. - See F.S. Salable Minerals, Mineral Material Contract	
F.S. Notice of Intent to Operate, Plan of Operation - U.S. Forest Service	32
F.S. Salable Minerals, Mineral Material Contract - U.S. Forest Service	21
Hazardous Waste Management Facilities - Annual Registration, Arizona Dept. of Environmental Quality	130
Hazardous Waste, Treatment, Storage and Disposal Permit - Arizona Dept. of Environmental Quality.....	122
Incorporation.....	179
Industrial Permit - See Pinal County	
Injection Wells Used to Extract Minerals - U.S. Environmental Protection Agency	64
Intent to Operate, F.S. - See F.S. Notice of Intent to Operate, F.S. Plan of Operations	
Land Disposal Restrictions	11
Lease by Application, Coal - See Coal Leasing on Federal Lands	
Leasing of Solid Minerals - U.S. Bureau of Land Management.....	42
Lode Claims - See Mining Claims	
Magazine Construction - U.S. Bureau of Alcohol, Tobacco and Firearms	71
(Also: U.S. Mine Safety and Health Administration, Arizona State Mine Inspector, U.S. Department of Transportation)	
Manufacturers License, - U.S. Bureau of Alcohol, Tobacco and Firearms	66
Maricopa County Air Quality Permit - Maricopa County	91
Migratory Bird Treaty Act of 1918.....	9
Millsite Claims - See Mining Claims	
Mine Safety and Health Administration Form 2000-7 - U.S. Mine Safety and Health Administration.....	158
Mined Lands Reclamation Plan (Private Lands) - Arizona State Mine Inspector	17
Miner Registration Number - see Mine Safety and Health Administration Form 2000-7	
Mineral Exploration Permit - See Exploration Permit (Locatable Minerals)	
Mineral Leases (Locatable Minerals) - Arizona State Land Department	20
Mining Claims - U.S. Bureau of Land Management	27
Mining Exemption - Yavapai County.....	154

Arizona Mining Permitting Guide

Mining Exemption - Maricopa County.....	153
MSHA Number - See Mine Safety and Health administration form 2000-7	
National Environmental Policy Act of 1969.....	11, 35
National Historic Preservation Act of 1966.....	8
National Pollutant Discharge Elimination System.....	10
Native American Graves Protection and Repatriation Act of 1990.....	9
NEPA - see National Environmental Policy Act of 1969	
NESHAP - see Asbestos Demolition and Renovation	
Nonexclusive Sales - BLM See Salable Minerals, Mineral Materials Contract	
Nonexclusive Sales F.S. - See F.S. Salable Minerals, Mineral Material Contract	
Notice of Intention to Drill - Arizona Dept. of Water Resources	50
Notice of Start-up, Move, or Stop for Portable Mining Equipment and Mine Operations - Arizona State Land Department	156
Notice to Clear Land - Arizona Dept. of Agriculture	115
Notices, Plan of Operations, Concurrence for Occupancy - U.S. Bureau of Land Management	29
Notification of Regulated Waste Activity - EPA Identification Number - Arizona Dept. of Environmental Quality	82
Open Burning Permit - Pinal County.....	96
Pima County Activity Permit - Pima County	93
Pima County Air Quality Control Permit - Pima County	92
Pima County Drinking Water Permit - Pima County	149
Pinal County Unitary Air Quality Permit, "Industrial Permit" - Pinal County.....	94
Placer Claims - See Mining Claims	
Plan of Operation - See Notices, Plan of Operation, Concurrence of Occupancy	
Plan of Operation, FS - See F.S. Notice of Intent to Operate, FS, Plan of Operations	
Point Sources Discharge to Surface Waters - Arizona Dept. of Environmental Quality	108
Pollution Prevention Plan - Arizona Dept. of Environmental Quality.....	126
Portable Mining Equipment - See Notice of Start-up, Move, or Stop	
Preference Right Lease - See Leasing of Solid Minerals	
Preference Right Lease F.S. - See F.S. Leasing of Solid Minerals	
Professional Registration - Arizona Board of Technical Registration.....	180
Prospecting Permit - See Leasing of Solid Minerals	
Prospecting Permit F.S. - See F.S. Leasing of Solid Minerals	
Prospecting Permit F.S. - See F.S. Salable Minerals, Mineral Material Contract	
Radio Station License - U.S. Federal Communication Commission	174
Radioactive Tailings - See Authority to Process Radioactive Tailings	172
Ranger Districts - See Forest Service Offices	
Reclaimed Water Permit - Arizona Department of Environmental Quality	60
Resource Conservation and Recovery Act of 1976	11
Risk Management Plan - U.S. Environmental Protection Agency	125
Rivers and Harbors - See Section 10 Permit	
Safe Drinking Water Act of 1974	11
Salable Minerals - See BLM Salable Minerals, Mineral Materials Contract	
Salable Minerals - See Common Variety Mineral Materials	
Salable Minerals F.S. - See F.S. Salable Minerals, Mineral Material Contract	
Sale Contracts for Mineral Materials F.S. - See F.S. Salable Minerals, Mineral Material Contract	
Sales Contract for Salable Minerals - See BLM Salable Minerals, Mineral Materials Contract	
Sampling and Testing - See BLM Salable Minerals, Mineral Materials Contract	
Section 10 Permit, - U. S. Army Corp of Engineers.....	113
Section 401 Certification - See Water Quality Certification	

Arizona Mining Permitting Guide

Section 404 Permit, - U.S. Army Corp of Engineers	111
Section 7 Consultation - See Endangered Species Act	
Severance Tax	178
Solid Waste Notification - Arizona Dept. of Environmental Quality	140
Solid Waste or Special Waste Facility Plan - Arizona Dept. of Environmental Quality	138
Special Waste Annual Report - Arizona Dept. of Environmental Quality	135
Stormwater Discharges from Industrial Activities - Arizona Dept. of Environmental Quality.....	106
Surface Mining Control and Reclamation Act of 1977	9
Surface Mining Regulations, Forest Service and BLM - U.S. Bureau of Land Management	34
Technical Registration - See Arizona Board of Technical Registration	
Toxic Chemical Release “Form R” Report - See Toxic Data - Annual Report (Federal)	
Toxic Data - Annual Report (Federal) - Arizona Emergency Response Commission	131
Toxic Data, Annual Report - Arizona Dept. of Environmental Quality	133
Transaction Privilege Tax License - Arizona Department of Revenue	176
Transportation of Explosives - U.S. Bureau of Alcohol, Tobacco and Firearms (Also U.S. Department of Transportation, U.S. Mine and Health Administration, and Arizona State Mine Inspector).....	67
Type 4 General Aquifer Protection Permit - See Discharge Authorization for a Type 4 General Aquifer Protection Permit	
Underground Storage Tank, Closure Notification - Arizona Dept. of Environmental Quality	78
Underground Storage Tanks - Notification - Arizona Dept. of Environmental Quality.....	77
Underground Storage Tanks, Notification of Release or Suspected Release - Arizona Dept. of Environmental Quality.....	79
Uranium Milling License - U.S. Nuclear Regulatory Commission	171
Used Oil Burner - Annual Report - Arizona Dept. of Environmental Quality	86
Used Oil Center, Registration - Arizona Dept. of Environmental Quality	80
Used Oil Handler - Quarterly Reports - Arizona Dept. of Environmental Quality	84
Used Oil Handlers - EPA Identification Number - Arizona Dept. of Environmental Quality	82
Users Permit - See Manufacturers License	
Voluntary Remediation Plan - Arizona Dept. of Environmental Quality.....	128
Wastewater Facilities - See Water and/or Wastewater Facilities	
Water and/or Wastewater Facilities - Approval to Construct - Arizona Dept. of Environmental Quality ...	146
Water and/or Wastewater Facilities - Approval to Operate - Arizona Dept. of Environmental Quality	148
Water Quality Certification, Section 401 - Arizona Dept. of Environmental Quality	104
Water Quality Management Plan	102
Wireless Communication - See Radio Station License	
Withdrawal and Use of Groundwater - Arizona Dept. of Water Resources	55

Glossary/Acronyms

ABTR - Arizona Board of Technical Registration
ACC - Arizona Corporation Commission
ACE - U.S. Army Corps of Engineers
ADA - Arizona Department of Agriculture
ADEQ - Arizona Department of Environmental Quality
ADMMR - Arizona Department of Mines and Mineral Resources
ADR - Arizona Department of Revenue
ADWR - Arizona Department of Water Resources
AERC - Arizona Emergency Response Commission
AFT - U.S. Bureau of Alcohol, Firearms and Tobacco
AGFD - Arizona Game and Fish Department
AHERA - Asbestos Hazard Emergency Response Act
APP - Aquifer Protection Permit
AMRC - Arizona Emergency Response Commission
ARRA - Arizona Radiation Regulatory Agency
A.R.S. - Arizona Revised Statutes
ASLD - Arizona State Land Department
ASMI - Arizona State Mine Inspector
ASPD - Arizona State Parks Department
AZGS - Arizona Geological Survey
AZPDES - Arizona Pollution Discharge Elimination System
BADCT – Best Available Demonstrated Control Technology
BLM - U.S. Bureau of Land Management
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act of 1980
C.F.R. - Code of Federal Regulations
CWA - Federal Clean Water Act
DOT - U.S. Department of Transportation
EA - Environmental Assessment
EIS - Environmental Impact Statement
EPA - U.S. Environmental Protection Agency
ESA - Endangered Species Act
FCC - U.S. Federal Communication Commission
FLPMA - Federal Land Policy Management Act of 1976
FONSI - Finding of No Significant Impact
F.S. - U. S. Forest Service
FWS - U.S. Fish and Wildlife Service
LDR - Land Disposal Restrictions
MACT - Maximum Achievable Control Technology
MDR - Mineral Development Report
MSHA - U.S. Mine Safety and Health Administration
NAAQS - National primary and secondary Ambient Air Quality Standards
NAGPRA - Native American Graves Protection and Repatriation Act
NEPA - National Environmental Policy Act
NESHAP - National Emissions Standards for Hazardous Air Pollutants
NHPA - National Historic Preservation Act
NPDES - National Pollutant Discharge Elimination System
NSPS - New Source Performance Standards
PCC - Pima County Code
RACM - Regulated Asbestos Containing Materials
RCRA - Resource Conservation and Recovery Act
SMCRA - Surface Mining Control and Reclamation Act
SRHA - Stock Raising Homestead Act
VRP - Voluntary Remediation Plan

The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that take into account the long term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scientific, and cultural values.