	Agencywide Substantive Policy	ADEQ
		Page 1 of 4
	Licensing Time Frames – Administrative Completeness Review	Policy No. 1100.2022
		Effective: 2/1/2022

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

1.0 Purpose

Pursuant to A.R.S. § 41-1001(24), “substantive policy statement” means a written expression which informs the general public of an agency’s current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency’s current practice, procedure or method of action based upon that approach or opinion. The clarification provided in this substantive policy statement has been determined by ADEQ to meet applicable state and federal law and, therefore, ADEQ provides this substantive policy to assist persons in interpreting rules pertinent to ADEQ. Notwithstanding this substantive policy statement, ADEQ may consider alternative approaches to comply with applicable law.

This Policy explains when an application for a permit will be reviewed for completeness by the Agency (ADEQ), in particular, when the Licensing Time Frame Administrative Completeness Review period begins and ends, *i.e.*, when the clock starts and stops. This Policy is based on existing statutes and rules and clarifies the Agency’s position because A.A.C. R18-1-503 has caused confusion as to when exactly the Administrative Completeness Review period begins. This Policy does not change existing statutes or rules. Agency staff must still follow all Licensing Time Frame statutes and rules.

2.0 Definitions

Licensing Time Frame (LTF) – An overall time frame established in rule that lists the number of days after receipt of an application for a license during which an agency determines whether to grant or deny a license. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame. See A.R.S. Title 41, Ch. 6, Article 7.1; A.A.C. Title 18, Ch. 1, Art. 5.

Administrative Completeness Review (ACR) Time Frame - The number of days from agency receipt of an application for a license until an agency determines that the application contains all components required by statute or rule, including all information required to be submitted by other government agencies. The administrative completeness review time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application. See A.R.S. § 41-1072(1). See also A.A.C. R18-1-501(2),R18-1-503.

Substantive Review (SR) Time Frame - The number of days after the completion of the administrative completeness review time frame during which an agency determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. Any public notice and hearings required by law shall fall within the substantive review time frame. See A.R.S. § 41-1072(3). See also, A.A.C. R18-1-501(31), R18-1-504.

Department Receipt of an Application Component - The earliest date of: actual receipt by the clerk if received in person, regardless of whether it was date stamped or opened; five days after the postmark identifying the mailing date if received by mail; or one day after the date of delivery if sent by email. See A.A.C. R18-1-501(13).

3.0 Policy Statement

3.1 Beginning the ACR

ADEQ permitting units should begin the ACR (start the clock) upon receipt of the first submittal that contains all the following items, even if otherwise incomplete:

1. Identification of the applicant.
2. Identification of the facility, if the license is for a facility.
3. Mailing address of the applicant.
4. Facility address, if the license is for a facility, including latitude and longitude, and the Township/Range/Section.
5. Identification of the license category.
6. Initial flat fee if applicable, but not billable hours fees.
7. Initial application form designated by ADEQ, if applicable, but not each component associated with the application.¹

If an applicant's submission is missing any of the above items, ADEQ permitting units shall contact the applicant to assist them in submitting a complete submittal to begin the ACR.

3.2 Conducting the ACR

After the first submittal that contains the above items is received, the ACR begins. During the ACR, staff will work with the applicant to ensure a complete application is submitted. An application is complete when it contains all of the legally required components from A.A.C. R18-1-503 or another applicable statute or rule.

Staff are encouraged to work informally with the applicant to receive additional information (e.g., application review meeting with the applicant), but the ACR time

¹ Although permit issuance times will likely be longer, the absence of a complete application form shall not prevent ADEQ from beginning the Administrative Completeness Review, including starting the clock.

frame should only be suspended after a formal notice of administrative deficiencies letter has been issued. Staff should follow all additional LTF procedures in statute and rule, including providing a notice of administrative deficiencies letter when an application is incomplete, suspending the ACR time frame upon such notification (pause the clock), and denying a license if required information is not received in a timely manner.

3.3 Ending the ACR

The ACR time frame ends (stop the clock) in accordance with A.A.C. R18-1-503 and applicable statutes and rules. Generally, the ACR time frame ends when an application is complete: either, after the last day of the ACR time frame for that license category, or upon a denial of the application.

4.0 Authority

Arizona Revised Statutes § 49-104(a)(1) provides authority for ADEQ to formulate policies, plans and programs to implement Title 49 to protect the environment.

5.0 Audience

ADEQ permitting units and staff
Permit applicants
General public

6.0 Policy Steward

Administrative Counsel

7.0 Communication & Training

This substantive policy will be noticed in accordance with A.R.S. § 41-1091. ADEQ will make this policy available on its external website. The Administrative Counsel will train all permitting managers and staff upon approval of this Policy. Subsequently, this Policy will be communicated to managers and staff once each year, coinciding with the required Agency review of existing policies that is completed by December 1. At that time, the Administrative Counsel will review this Policy with permitting managers who will cascade the Policy and its contents to their permitting staff.






8.0 Annual Policy Review

“This Policy will be reviewed annually during the Agency Annual Policy Review and will be revised or withdrawn as necessary at that time.”

9.0 Additional Documents

None.

10.0 Approval

Title	Name	Signature	Date
ADEQ Director	Misael Cabrera		Feb 3, 2022
Waste Programs Division Director	Laura Malone	<u></u> Laura Malone (Jan 31, 2022 10:01 MST)	Jan 31, 2022
Water Quality Division Director	Trevor Baggione		Feb 2, 2022
Air Quality Division Director	Daniel Czecholinski		Feb 2, 2022
Administrative Counsel, as to form	Edwin Slade	<u></u> Edwin Slade (Feb 3, 2022 13:25 MST)	Feb 3, 2022

11.0 Historical Note

Date	Number, Name, and Issue Date of Previous Version	Replaces Listed Sections/Entire Document	Reason
	N/A		