SUBSTANTIVE POLICY STATEMENT

This substantive policy statement is advisory only. A substantive policy statement does not include 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 procedures 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 § 41-1033 for a review of the statement.

COMPLIANCE WITH ADMINISTRATIVE COMPLETENESS REVIEW AND SUBSTANTIVE REVIEW TIME FRAMES

I. BACKGROUND

In 1996, the Arizona Legislature enacted a statute requiring each administrative agency to establish by rule an overall time frame during which the agency will either grant or deny each type of license that it issues, and to state separately in the rule the administrative completeness review time frame and the substantive review time frame. A.R.S. § 41-1073(A). Under the requirements of this statute, the Arizona Department of Water Resources ("Department") adopted a rule effective January 1, 1999 which prescribes the time frames for processing each permit or license application it receives and specifies the administrative completeness review time frame and the substantive review time frame. A.A.C. R12-15-401.

A.R.S. § 41-1074 provides that if an agency determines that an application for a license is not administratively complete, the agency shall issue a written notice of administrative deficiencies to the applicant within the administrative completeness time frame and include a comprehensive list of the specific deficiencies. The statute further provides that the administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date that the agency receives the missing information from the applicant.

A.R.S. § 41-1075 provides that during the substantive review time frame, an agency may make one comprehensive written request for additional information. The agency and applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The statute provides that if an agency issues a comprehensive written request or a supplemental request by mutual written agreement for additional information, the substantive review time frame and the overall time frame are suspended from the date the request is issued until the date that the agency receives the additional information from the applicant.

Currently, it is the Department's policy that if the Department sends a list of specific deficiencies to an applicant during the administrative completeness review time frame or a comprehensive written request for additional information during the substantive review time frame, and the applicant's written response does not include all of the information

requested by the Department, the time frame begins running again from the date the Department received the incomplete response until the Department sends written notice to the applicant that the response was incomplete or the time frame expires, whichever occurs first. The Department has reviewed this policy, as well as the language in A.R.S. §§ 41-1074 and 41-1075, and has determined that the policy should be revised.

II. REVISED PROCEDURES FOR COMPLIANCE WITH ADMINISTRATIVE COMPLETENESS REVIEW AND SUBSTANTIVE REVIEW TIME FRAME

The Director of the Department hereby adopts the following policy regarding the suspension of the administrative review time frame or the substantive review time frame when the Department sends an applicant a list of specific deficiencies or a comprehensive written request for additional information and the applicant's written response does not include all of the requested information:

1. If the applicant acknowledged in the response that not all of the requested information was being submitted or the Department notifies the applicant within 15 working days after receipt of the response that not all of the requested information was included, then the running of days within the time frame remains suspended from the date the Department first sent the applicant the list of specific deficiencies or request for additional information until the missing information is supplied to the Department.

2. If paragraph 1 above does not apply, the running of days within the applicable time frame resumes upon the Department's receipt of the applicant's response.

III. EFFECTIVE DATE

This substantive policy statement shall become effective immediately. The Director may modify or revoke this policy at any time.

Date: 27 FEBRUARY 2007

Herbert R. Guenther, Director
Arizona Department of Water Resources