

## DELEGATION AGREEMENT

Between

Arizona Department of Environmental Quality

And

Maricopa County, hereinafter, County, a political subdivision of the State of Arizona, acting by and through the Maricopa County Environmental Services Department and the Maricopa County Air Quality Department

Delegation Agreement # 06-0024

Whereas, A.R.S. § 49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, or county health department, any functions, powers, and duties, hereinafter, Functions and Duties, which the Director believes can be competently, efficiently, and properly performed by the local environmental agency, or county health department and

Whereas, the Maricopa County Environmental Services Department and the Maricopa County Air Quality Department are local environmental agencies or county health departments, hereinafter, LA, as set forth in A.R.S. § 49-107, and

Whereas, A.R.S. §§ 11-201(A)(3) and 11-952 authorize the County Board of Supervisors (and by delegation the LA, where the LA is a county environmental or health agency) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas, the LA deems that it is in its best interests to accept such delegation,

Therefore, the Director of ADEQ delegates to the LA, and the LA accepts the delegation of those Functions and Duties described in the Appendices of this Delegation Agreement, hereinafter Agreement, (Appendix A for Wastewater and Drinking Water Delegations, Appendix B for Solid Waste Delegations, Appendix C for Air Quality Delegations and Appendix D for Hazardous Waste Delegations) on behalf of ADEQ and in accordance with the terms and conditions specified in this Agreement.

## A. DELEGATED FUNCTIONS AND DUTIES

The Functions and Duties that are delegated to the LA by this Agreement are identified in Sections A through N, and in Appendices A, B & C of this Agreement. ADEQ statutes, rules, policies and guidance shall be used in implementing the delegated Functions and Duties. The Functions and Duties not specifically delegated by this Agreement are retained by ADEQ.

## B. STANDARDS OF PERFORMANCE

1. The standards of performance required of the LA to perform the delegated Functions and Duties and to fulfill the terms of this Agreement are those provided by statute and duly adopted rule, and are generally the same as those required of ADEQ personnel. The performance of the delegated Functions and Duties by the LA shall conform to ADEQ statutes, rules, policies and guidance. Program-specific standards of performance are identified in the Appendices of this Agreement.
2. ADEQ shall provide the LA with periodic training upon the request of the LA. LA personnel shall be invited to attend ADEQ internal compliance and enforcement training, which will be offered at least twice during a calendar year.
3. ADEQ shall provide operating guidance for use in implementing the terms of this Agreement concurrent with the execution of this Agreement. ADEQ will use its best efforts to provide the LA with new and/or updated guidance prior to or shortly after the effective date of the guidance. The guidance shall, at a minimum, include Engineering Bulletins, program guidance memoranda, substantive policy statements, copies of all applicable forms, policies and procedures, and other material that may assist the LA to carry out the delegated Functions and Duties specified in this Agreement. The LA may contact ADEQ for clarification or guidance on procedural or technical issues.
4. In the event of any dispute between the LA and a third party regarding the LA's interpretation or application of ADEQ statutes, rules, policies and guidance, ADEQ shall, if requested by the LA, provide timely assistance and direction to the LA.

## C. FEE AUTHORITY & TYPES OF FEES

1. To the extent permitted by law, ADEQ delegates the authority to collect fees under its established fee rules to assure the LA may accomplish delegated Functions and Duties according to the applicable standards.

The LA shall annually report delegated program authority fees to ADEQ on or before September 1. The report shall list all permits issued that year and the total revenue for each general permit category. ADEQ shall provide the LA with a template for the report. The report shall be delivered to ADEQ Central Office,

1110 West Washington Avenue, Phoenix, Arizona 85007, to the Office of the Chief Financial Officer.

Unless otherwise provided by statute, fees imposed by the LA shall be limited to the cost of service, including all direct and indirect costs.

2. Fees are authorized by, and shall conform to, the requirements of state laws and rules and county ordinances.
3. All fees collected by the LA pursuant to this Agreement shall be retained by the LA as consideration for performing the Functions and Duties described in this Agreement.

#### D. PERSONNEL QUALIFICATIONS

The required personnel qualifications for exercising each Program's delegated Functions and Duties are identified in the corresponding Appendix to this Agreement.

#### E. RECORD KEEPING AND REPORTING REQUIREMENTS

1. The LA agrees to maintain records relating to its performance of the delegated Functions and Duties as specified in this Agreement, for a period of five years, from the date of expiration, or termination of this Agreement, or from the date of complete resolution any technical dispute, contested case, action against a party or any appealable agency action, whichever is longer, unless a longer period is required by statute or rule.
2. The LA agrees to create and submit reports related to its performance of the delegated Functions and Duties as specified in this Agreement. The reports shall be created and submitted to ADEQ in accordance with the specifications in the Appendices to this Agreement.

#### F. OVERSIGHT ACTIVITIES

1. ADEQ may accompany LA personnel on inspections and may review all records relating to the LA's performance of the delegated Functions and Duties as set forth in this Agreement. ADEQ shall provide prior notice to the LA of its intent to accompany LA employees on inspections. LA representatives may accompany ADEQ inspectors on inspections for purposes of training, information sharing or coordinating LA and ADEQ activities. The LA shall provide prior notice to ADEQ of its request to accompany ADEQ inspectors on inspections.
2. At least once during the term of this Agreement, ADEQ shall conduct an evaluation of the LA's performance of the delegated Functions and Duties. More frequent evaluations may be undertaken at the request of either party to this Agreement. The initial results of

all program evaluations shall be in writing and shall be communicated to the LA in a draft report. The LA is entitled to comment on the draft report. After ADEQ'S response to comments, ADEQ shall finalize the report and transmit a copy to the LA. The final reports of all program evaluations are public documents pursuant to A.R.S. § 39-121 *et seq.*

G. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS

1. This Agreement is subject to the provisions of A.R.S. §§ 49-106.
2. As a supplement to any independent statutory authority an LA may hold, LA is hereby delegated the enforcement authorities pursuant to A.R.S. §§ 44-1307, 49-141 & 142, 49-261 & 262, 49-354 (A) & (B), 49-460 through 463, 49-781 through 783, 49-791, 49-922(B), 49-923 & 924, as applicable to the delegated Functions and Duties specified in this Agreement.
3. The LA shall be responsible for initiating timely and appropriate enforcement actions for alleged violations by individuals and facilities affected under this Agreement. The LA agrees to the extent practical to make compliance determinations and conduct enforcement actions in accordance with ADEQ's Compliance and Enforcement Handbook. The LA shall notify and consult ADEQ regarding compliance determinations and enforcement actions not in accordance with ADEQ's Compliance and Enforcement Handbook. The LA shall use inspection checklists and boilerplate documents provided by ADEQ or such documents that contain the same content as those documents provided by ADEQ.
4. ADEQ retains its authority to take an enforcement action against any individual or facility, the regulation of which, is specified in this Agreement. ADEQ may, at its discretion, refrain from exercising such authority if ADEQ determines that the enforcement action taken by the LA is timely, appropriate and effective. Except in a case involving an immediate threat to the public health, safety or environment, ADEQ shall give the LA 30 days prior written notice of its intent to initiate an enforcement action if the LA fails to initiate such enforcement action. In a case involving an immediate threat to the public health, safety or environment, ADEQ shall make its best efforts to notify the LA prior to its undertaking such an enforcement action.
5. Where appropriate, and if there is no conflict with applicable environmental laws and rules, LA may conduct enforcement action using the authority provided by A.R.S. Title 36 or A.R.S. Title 49, Chapter 3, Article 3. Nothing herein shall preclude LA from independently initiating enforcement action pursuant to its own authority under A.R.S. §§ 36-602 & 603, §§ 49-143 & 144, or any other civil or criminal statute or local ordinance, or from pursuing any other available legal or equitable remedy.

6. In those cases where the Attorney General has exclusive authority to bring an action to collect civil penalties, ADEQ shall timely notify the Attorney General of the LA's intent to initiate an enforcement action and such enforcement action shall be coordinated among the LA, ADEQ, the Attorney General and the LA's County Attorney.
7. Unless the LA has independent statutory enforcement authority, then in cases of civil enforcement, the LA and ADEQ shall coordinate litigation and settlements. The LA and ADEQ may act as co-plaintiffs in order to maximize resources.
8. In cases where LA and ADEQ are co-plaintiffs involving alleged violations that require civil penalties to be deposited in the state general fund, all civil penalties collected shall be forwarded to ADEQ with copies of court documentation for deposit into the state general fund. Unless otherwise required by law, in all other cases where LA and ADEQ are co-plaintiffs, all civil penalties collected shall be divided equally unless other mutually agreeable arrangements are made prior to the commencement of the action.
9. ADEQ may, with 30 days prior written notice to the LA, execute compliance initiatives directed at certain classes of violations or facilities that are alleged to be in violation of applicable statutes or rules. The LA agrees that, when such compliance initiatives involve facilities, the regulation of which has been delegated in by this Agreement, it will, to the best of its ability, cooperate in the successful execution of such compliance initiatives

#### H. APPEALS OF LOCAL AGENCY ACTIONS

1. Unless otherwise provided by statute, LA shall conduct administrative hearings for appeals of licensing decisions and enforcement actions taken by the LA under the delegated functions and duties of this Agreement in accordance with the A.R.S. Title 41, Chapter 6 Administrative Procedures, A.R.S. § 41-1092 *et seq.*, and the Office of Administrative Hearings, Rules of Procedure, A.A.C. R2-19-101 *et seq.* The LA shall use administrative law judges provided by the Office of Administrative Hearings (OAH). If an OAH administrative law judge conducts an administrative hearing under this Agreement, ADEQ shall pay for the LA's OAH hearing related costs. The LA or either the LA's County Attorney or counsel retained by LA may represent the LA at all administrative hearings. Nothing in this agreement mandates the LA contract for the services of administrative law judges with respect to administrative hearings involving matters arising from the LA's independent authority, functions and duties.
2. If OAH grants or denies the relief requested, either the appellant or the LA may file, within 30 days after the decision, a complaint in superior court.
3. The LA shall provide ADEQ a report by July 31<sup>st</sup> of appeals filed and their final resolution during the previous calendar year.

I. LICENSING AUTHORITY

1. Except as provided under A.R.S. § 49-471.13, the LA agrees to comply with the overall time frames set forth in A.A.C. R18-1-525 when issuing licenses pursuant to delegated Functions and Duties under this Agreement. The LA shall provide a quarterly report to ADEQ indicating the number of licenses issued that quarter, by general type of license, and the number of licenses that exceeded the licensing time frame for the licensing decision. If the LA fails to meet a licensing time frame, the quarterly report shall indicate the reason(s) why the licensing time frame was missed and the corrective action the LA has taken. If the LA demonstrates a pattern of failing to meet the required licensing time frames, ADEQ shall assist the LA in correcting the deficiencies in LA's licensing procedures.
2. The LA shall submit the quarterly reports described in subsection 1 of this Section to the ADEQ primary contact person designated in Appendices A through C.

J. LOCAL AGENCY INDEPENDENT AUTHORITY; SUBDELEGATION

1. ADEQ's delegation of Functions and Duties to a municipality within the LA's boundaries shall in no way infringe upon, reduce or usurp the LA's right, authority and responsibility to implement non-delegated locally authorized activities and programs.
2. If LA has its own health and environmental code which covers matters delegated to a municipality by ADEQ it is agreed that such municipal delegations will be executed jointly by ADEQ and the LA.
3. ADEQ shall provide the LA a copy of any delegation agreement it has entered into with a municipality, located in whole or in part, within the LA's boundaries.
4. LA may only subdelegate the functions, powers, and duties delegated pursuant to this Agreement to another local government agency or political subdivision with the prior written approval of ADEQ. Written approval may be provided by the Director, Deputy Director or appropriate Division Director.

K. CONFLICT RESOLUTION PROCEDURES

The parties may resolve a conflict arising under this Agreement through arbitration. If the parties invoke this provision, the parties shall select a mutually acceptable third party as arbitrator. Each party shall bear its own arbitration fees, attorney fees and costs.

L. AMENDMENT AND TERMINATION PROCEDURES

1. Either party at any time may initiate a substantive amendment to this Agreement. An amendment to this Agreement shall be in writing, shall be executed by the Director of ADEQ, the Director of the LA, the Chairman of the LA's Board of Supervisors, the Clerk of the LA's Board of Supervisors and shall be approved as to form by the Attorney General and the LA's County Attorney. Amendments shall be filed with the Secretary of State Amendments shall be effective 30 days after written notice of ADEQ's final decision to amend this agreement
2. This Agreement may be terminated, in whole or in part, by either party upon providing 30 days prior written notice by certified mail to the other party and in compliance with subsection 3 of this section.
3. The LA shall, prior to the termination of all or part of this Agreement, forward to the ADEQ Director all files, public documents or pending applications received by the LA for those delegated Functions and Duties being terminated, a summary status report of those delegated Functions and Duties, and shall provide written notification to all persons with pending applications and to all regulated facilities affected by the termination of this Agreement.
4. The cancellation provisions of A.R.S. § 38-511, the terms of which are hereby incorporated herein, shall apply to this Agreement.

M. TERM OF AGREEMENT

Upon signature of the Director of ADEQ, this Agreement will be effective from December 27, 2006, 30 days from written notice of ADEQ's final decision to enter into this Agreement. The expiration date of this Agreement is June 30, 2012. If a new Agreement is not executed by that date, this Agreement may be extended by mutual agreement of both parties by filing an amendment in accordance with A.R.S. § 41-1081.

N. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS

ADEQ Henry Darwin  
Administrative Counsel  
Arizona Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, AZ 85007  
(602) 771-2328  
[hrd@azdeq.gov](mailto:hrd@azdeq.gov)

LA For Water Quality and Waste Programs  
John A. Power, Director  
Maricopa County Environmental Services Department  
1001 N. Central, Suite 200  
Phoenix, AZ 85004  
(602) 506-6617 or 506-6623  
[jpower@mail.maricopa.gov](mailto:jpower@mail.maricopa.gov)

For Air Quality  
Robert J. Kard, Director  
Maricopa County Air Quality Department  
1001 N. Central, Suite 500  
Phoenix, Arizona 85004  
(602) 506-6701  
[rkard@mail.maricopa.gov](mailto:rkard@mail.maricopa.gov)

The name of a successor to either of the above individuals shall not require the execution of an amendment to this Agreement.

Appendix A

Maricopa County  
Water Quality Management

**A. Delegated Functions and Duties:**

The LA agrees to perform those delegated Functions and Duties listed in the following table:

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>1. General functions and duties pertaining to the administration of <u>Type 1 and Type 4 General Aquifer Protection Permits</u> delegated to the LA pursuant to this table. The extent of the applicable rules for these general functions and duties shall be limited to those relevant to the approvals, authorizations and permits which are herein delegated to the LA. Delegated functions and duties are further limited in Subpart B.</p>	<p>R18-9-101; R18-9-110; R18-9-A301(A)(1), (A)(4), (B) and (D); R18-9-A302 through R18-9-A308; R18-9-A309 except (E); R18-9-A310 except (D)(1)(d) and (H); R18-9-A311 through A313; R18-9-A314 except (3)(b); R18-9-A315; and R18-9-A316 except (B) and (E)(1)<sup>1</sup></p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>
<p>2. Complaint response, compliance assistance, and compliance and enforcement responsibilities for the following <u>Type 1 General Aquifer Protection Permits</u>:</p> <p>1.07 Dockside facilities and watercraft</p> <p>1.08 Earth pit privy</p> <p>1.09 On- site wastewater treatment facilities approved by the Department before January 1, 2001 operating under a general permit before January 1, 2001</p>	<p>R18-9-B301(G), (H), (I), (J), and (K).</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>

<sup>1</sup> Delegation of R18-9-A316 (E)(1) will be authorized by ADEQ on or about September 30th, 2007, subject to the following conditions:

1. Relevant LA personnel satisfactorily complete a training session for ADEQs on-site wastewater facility Notice of Transfer system (OWN).
2. LA agrees to record NOTs using the ADEQ OWN system.

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>with a flow less than 20,000 gallons per day</p> <p>1.10 Sewage collection systems subject to R18-9-B301(J)</p> <p>1.11 Sewage collection systems subject to R18-9-B301(K)</p>			
<p>3. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement tasks for the <u>4.02 General Aquifer Protection Permit for a Septic Tank System with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit</u> with a design flow of less than 3000 gallons per day.</p>	<p>R18-9-E302 and relevant rules listed for Item #1</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>
<p>4. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the following <u>4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities</u> with a design flow of less than 3000 gallons per day (delegation is granted for those general permits that are not stricken):</p> <p>4.03 Composting toilet</p> <p>4.04 Pressure distribution system</p> <p>4.05 Gravelless trench</p> <p>4.06 Natural seal E-T bed</p> <p>4.07 Lined E-T bed</p> <p>4.08 Wisconsin mound</p> <p>4.09 Engineered pad system</p> <p>4.10 Intermittent sand filter</p> <p>4.11 Peat filter</p> <p>4.12 Textile filter</p> <p>4.13 Denitrifying w/separated wastewater streams</p> <p>4.14 Sewage vault</p> <p>4.15 Aerobic system</p>	<p>Relevant rules listed for Item #1 and:</p> <p>R18-9-E303</p> <p>R18-9-E304</p> <p>R18-9-E305</p> <p>R18-9-E306</p> <p>R18-9-E307</p> <p>R18-9-E308</p> <p>R18-9-E309</p> <p>R18-9-E310</p> <p>R18-9-E311</p> <p>R18-9-E312</p> <p>R18-9-E313</p> <p>R18-9-E314</p> <p>R18-9-E315</p>	<p>Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization:</p> <p>C1, C2, C3, C5</p> <p>All other functions and duties:</p> <p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
4.16 Nitrate-reactive media filter	R18-9-E316		
4.17 Cap system 4.18 Constructed wetlands 4.19 Sand-lined trench 4.20 Disinfection devices 4.21 Surface disposal	R18-9-E317 R18-9-E318 R18-9-E319 R18-9-E320 R18-9-E321		
4.22 Subsurface drip irrigation	R18-9-E322		
5. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the <u>4.23 General Aquifer Protection Permit for On-Site Wastewater Treatment Facilities</u> with a design flow from 3000 to less than 24,000 gallons per day	R18-9-E323 and relevant rules listed for Item #4.	Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization: C1, C2, C3  All other functions and duties: C1, C2, C3, C4, C5	D1.1 - D1.4
6. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the <u>4.01 General Aquifer Protection Permit for Sewage Collection Systems</u>	R18-9-E301 and relevant rules listed for Item #1.	Personnel Qualifications same as Item #5	D1.1 - D1.4
7. Complaint response and compliance assistance for private residential <u>Gray Water Systems</u> authorized by the Type 1 Reclaimed Water General Permit	R18-9-701, R18-9-708(A), and R18-9-711 except (C) <sup>2</sup>	C1, C2, C3, C4, C5	D1.1 - D1.4
8. <u>Certificate of Approval for Sanitary Facilities for Subdivisions</u>  • Application review, inspection, and certificate issuance or denial as appropriate  • Compliance and enforcement		Licensing decision for issuance or denial of a certificate: C1, C2, C3  All other functions and duties: C1, C2, C3, C4, C5	D1.1 - D1.4

<sup>2</sup> Per A.R.S. §49-204.

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>9. <u>Public Drinking Water Facilities: Approval to Construct (ATC) and Approval of Construction (AOC)</u></p> <ul style="list-style-type: none"> <li>• Application review, construction inspection, and certificate issuance or denial as appropriate</li> <li>• Compliance and enforcement</li> </ul>	<p>A.A.C. R18-4-101, R18-4-102, R18-4-115, R18-4-119, R18-4-121, R18-4-220 through R18-4-223, R18-4-301 through R18-4-304, R18-5-501 through R18-5-509 as amended R18-5-401 through R18-5-411, and R18-9-A309(A)(8)(c)</p>	<p>Licensing decision for issuance or denial of an ATC or AOC Certificate: C1, C2</p> <p>All other functions and duties: C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4; D2.1</p>
<p>10. <u>Public Drinking Water Systems using surface water treatment and all other systems serving more than 50,000 people</u></p> <ul style="list-style-type: none"> <li>• Conduct Sanitary Surveys (compliance inspections) to ensure proper operation and maintenance of water systems - as appropriate</li> </ul>	<p>A.A.C. R18-4-101 through R18-4-104, R18-4-113 through R18-4-116, R18-4-118, R18-4-119, R18-4-121, R18-4-122, R18-4-124 and R18-4-125</p>	<p>Water Treatment: C1, C2</p> <p>Distribution: C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>
<p>11. <u>Public Drinking Water Systems using only ground water and serving less than 50,000 people</u></p> <ul style="list-style-type: none"> <li>• Conduct Sanitary Surveys (compliance inspections) to ensure proper operation and maintenance of water systems - as appropriate</li> </ul>	<p>A.A.C. R18-4-101 through R18-4-104, R18-4-113 through R18-4-116, R18-4-118, R18-4-119, R18-4-121 through R18-4-125 as amended</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>
<p>12. <u>Public Drinking Water Systems</u></p> <ul style="list-style-type: none"> <li>• Monitoring &amp; Reporting compliance determinations and related enforcement for delegated systems</li> </ul>	<p>A.A.C. R18-4-101 through 107, R18-4-109 through R18-4-113, R18-4-117, R18-4-120, R18-4-121, R18-4-125, R18-4-201 through R18-4-223, R18-4-302, R18-4-303, R18-4-306 through R18-4-317, R18-4-401 through R18-4-403, R18-4-701 through R18-4-710 as amended</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>13. <u>Public and Semipublic Swimming Pools</u> Approval to Construct (ATC) and Approval of Construction (AOC)</p> <ul style="list-style-type: none"> <li>• Application review, construction inspection, and certificate issuance or denial as appropriate</li> <li>• Compliance and enforcement</li> </ul>	<p>A.A.C. R18-5-201 through R18-5-251 A.A.C. R18-4-101, R18-4-102, R18-4-115, R18-4-119, R18-4-121, R18-4-220 through R18-4-223, R18-4-301 through R18-4-304, R18-5-501 through R18-5-509 as amended</p>	<p>Licensing decision for issuance or denial of an ATC &amp; AOC certificates: C1, C2, C3</p> <p>All other functions and duties: C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4 D2.1</p>

**B. Exceptions and Special Provisions**

The delegated Functions and Duties specified in Subpart A of this Appendix shall be subject to the following exceptions and special provisions:

1. ADEQ will provide the LA a copy of the draft Individual Aquifer Protection Permit for review and comment for any sewage treatment facility proposed within the LA’s jurisdictional boundaries.
2. Within 60 days after the effective date of this Agreement, ADEQ and the LA shall jointly develop and approve a schedule of training for administering delegated Functions and Duties.
3. Within 180 days after the effective date of this Agreement, ADEQ and the LA shall jointly develop and approve the process to ensure maintenance of LA proficiencies for the administration and implementation of delegated Functions and Duties in Appendix A, Subpart A.
4. The Director of ADEQ shall not accept, directly from an applicant any application package that involves the performance of a delegated Function or Duty. However, if the Director of ADEQ determines there is a compelling reason for ADEQ to review and/or approve an application package that involves a delegated Function or Duty, the LA shall provide the application package to ADEQ upon written request by the Director of ADEQ. ADEQ shall forward a copy of the completed file to the LA for any application package reviewed by ADEQ.
5. Functions, and Duties of ADEQ related to the following facilities are NOT delegated:
  - a. Drinking water, wastewater or swimming pool facilities (1) owned by the federal government or the State of Arizona, (2) owned or operated by the LA, or (3) owned or operated by districts subject to the control of the LA. A private facility to be dedicated to the LA after completion of construction may be reviewed by the LA if all approvals and licenses are issued to the owner of the private facility prior to the date of the dedication to the LA.
  - b. Those relating to facilities financed, either wholly or in part, with federal grant funds administered by ADEQ. ADEQ shall provide a list of such facilities to the LA.
  - c. Those related to the implementation of A.A.C. R18-9-A312(G) where:
    - i. the request is beyond the scope of the technologies delegated to the LA
    - ii. the request proposes a change to the listed performance criteria or hydraulic loading rates specified in A.A.C. R18-9-E302 through R18-9-E323, A.A.C. R18-9-A309(E) or in any ADEQ approved design reference document.

- iii. the request proposes a change to the relationship between soil absorption rate and either the percolation rate or the soil type, as established in A.A.C. R18-9-A312(D), except for adjustments due to the fraction of rock present in native soil.
  - iv. the request proposes a change to the relationship between the total coliform concentration, and the minimum vertical separation from groundwater or from a subsurface limiting condition, as established in A.A.C. R18-9-A312(E).
- 6. Final approval of any drinking water facility, wastewater facility or swimming pool facility which is designed by or for the LA, or for a capital improvement project, by or for the LA, is NOT delegated to the LA. This exception does not prohibit or otherwise affect later assignment or transfer ownership or responsibility to the LA of a drinking water facility, wastewater facility or swimming pool facility having a construction completion approval issued by the LA.
- 7. ADEQ and LA agree to co-inspect wastewater facilities, where feasible, for training and coordination purposes.
- 8. For purposes of performing and reporting delegated Functions and Duties outlined in Appendix A, the LA shall use forms provided by the ADEQ. The LA may use other forms for the purposes of performing and reporting delegated Functions and Duties provided that the LA receives prior written approval from the Water Quality Division Director.
- 9. ADEQ shall maintain a list of proprietary and other reviewed products that may be used for on-site wastewater treatment facilities in accordance with A.A.C. R18-9-A309 (E) and retains the responsibility to receive and process all requests for product review in connection with this list.
- 10. For the purposes of determining project costs under this agreement, project cost is determined by the sum of the following cost categories:
  - (a) preparation of submittal quality design documents and related application documents for the project proposed for installation,
  - (b) all equipment/components/materials delivered to the construction site,
  - (c) all excavation & backfill,
  - (d) all installation of equipment/components/materials, and
  - (e) all tasks associated with pre-operational testing & startup.
- 11. Within 60 days of the effective date of this agreement, the LA shall provide ADEQ copies of all existing LA written policies utilized by the LA to perform delegated Functions and Duties. The LA shall also provide ADEQ with copies of any new policies relating to the performance of delegated Functions and Duties within 30 days of the policy becoming final.

**C. Personnel Qualifications:**

Subject to Subpart D, the Functions and Duties itemized in Subpart A shall be performed by individuals with specified minimum personnel qualifications. Where more than one personnel qualification category is shown in Subpart A, LA personnel performing the itemized functions and duties may qualify under any listed category, subject to the noted limitations.

Duties shall be performed by:

- 1. A Professional Engineer registered in the State of Arizona (equivalent of ADEQ Environmental Engineer position).

2. An individual who is an Engineer-in-Training candidate (A.A.C. R4-30-222, equivalent to the ADEQ Engineering Aide position), and who is directly supervised by a Professional Engineer registered in the State of Arizona.
3. A Registered Sanitarian with applicable experience or the equivalent of an ADEQ Environmental Program Specialist with applicable experience who is directly supervised by a Professional Engineer registered in the State of Arizona.
4. An individual who is either an Engineer-in-Training candidate (A.A.C. R4-30-222, equivalent to the ADEQ Engineering Aide position) or a Sanitarian-In-Training (A.A.C. R9-16-402); is supervised by Registered PE or Registered Sanitarian, as appropriate.
5. A Registered Sanitarian.

**D. Standards of Performance:**

The LA shall comply with specified standards of performance for the Functions and Duties itemized in Subpart A. The following LA standards of performance apply to this Appendix:

1. General Provisions

- 1.1 The LA shall process applications to reach a licensing decision for delegated Functions and Duties itemized Subpart A of this Appendix under the framework of A.A.C. R18-1-501 through 524, and within the applicable time frames specified in A.A.C. R18-1-525, Tables 5, and 10 as amended.

Permits	Authority	Overall Timeframe (business days)
<b>4.01 General Permit</b>	<b>A.R.S. § 49-245</b>	
300 services or less	A.A.C. R18-9-E301	95
More than 300 services	A.A.C. R18-9-E301	136
<b>4.02 – 4.23 General Permit</b>	<b>A.R.S. § 49-245</b>	
Standard Single 4.02, 4.03, 4.13, and 4.14 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302, A.A.C. R18-9-E303, A.A.C. R18-9-E313, A.A.C. R18-9-E314	73
Standard Combined Two or three Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	95
Complex Combined Four or more Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	136
4.23 General Permit	A.A.C. R18-9-E323	136
<b>Subdivision</b>	<b>A.R.S. § 49-104(B)(11)</b>	
Individual Facilities	A.A.C. R18-5-408	67
Community Facilities	A.A.C. R18-5-403	58
<b>Drinking Water ATC</b>	<b>A.R.S. § 49-353</b>	
Standard	A.A.C. R18-5-505	43
Complex	A.A.C. R18-5-505	73
<b>Drinking Water AOC</b>	<b>A.R.S. § 49-353</b>	
Standard	A.A.C. R18-5-507	43
Complex	A.A.C. R18-5-507	73
<b>Swimming Pool Water ATC</b>	<b>A.R.S. § 49-104(B)(12)</b>	
Standard	A.A.C. R18-5-203	42
Complex	A.A.C. R18-5-203	73
<b>Swimming Pool Water AOC</b>	<b>A.R.S. § 49-104(B)(12)</b>	
Standard	A.A.C. R18-5-204	42
Complex	A.A.C. R18-5-204	73

- 1.2 Accurate file records shall be maintained by the LA showing evidence of application processing and the licensing including date, basis and stipulations, if any, for all licenses issued or denied, including those prepared by or under the supervision of a Professional Engineer registered in the State of Arizona.
- 1.3 If the project reviewed by the LA involves disposal or discharge of wastewater to a water of the United States, the LA shall direct the applicant to ADEQ (or the U.S. Environmental Protection Agency) for any necessary permits.
- 1.4 The LA shall incorporate within 60 business days of notification the update for any form, procedure or practice applicable to the delegated program.

## 2. Drinking Water Systems

- 2.1 Compliance inspections of public drinking water systems shall be performed at least once every three years, except that facilities using surface water supplies shall be inspected annually. Inspections shall cover facility operations and maintenance and compliance with applicable

regulatory requirements including, but not limited to, monitoring, reporting, public notification, operator certification, plan approval and conformance with any existing compliance schedules.

#### **E. Reporting Requirements:**

The LA shall report program information for Functions and Duties delegated to the LA as listed in Subpart A of this Appendix.

1. General Provisions. The LA shall submit monthly reports described in this Subpart. Reports shall be submitted on forms provided by ADEQ and shall be sent to ADEQ within fifteen (15) calendar days after the end of the reporting period, preferably in electronic format. The LA shall send reports to:

Delegation Program Specialist  
Water Quality Division  
Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007  
delegations@azdeq.gov

2. Drinking Water Systems. The LA shall submit the following information:
  - a. Approvals to Construct issued.
  - b. Construction inspections performed.
  - c. Approvals of Construction issued.
  - d. Approvals to Construct and Approvals of Construction issued exceeding maximum licensing time frames.
  - e. Exception reports for Approvals which exceeded the maximum licensing time frame.
  - f. Appeals of LA decisions filed by applicants.
  - g. Compliance inspections performed
  - h. Complaints handled.
  - i. Safe Drinking Water Information System/State (SDWIS/State) inventory update forms.
3. Type 4 General Aquifer Protection Permits (On-site Wastewater Treatment Facilities and Sewage Collection Systems). The LA shall submit the following information:
  - a. The numbers for issued Discharge Authorizations and denied Discharge Authorizations for Type 4 General Permits delegated to the LA.
  - b. The number of issued Discharge Authorizations exceeding overall licensing time frames.
  - c. Exception report for each Discharge Authorization which exceeded the overall licensing time frame.
  - d. The number of appeals of LA decisions filed by applicants and the disposition status for each appeal.
  - e. The numbers for alternative features approved pursuant to A.A.C. R18-9-A312(G) for the issued Discharge Authorizations and for the denied Discharge Authorizations reported in item 3.a above.
  - f. The number of completed Notice of Transfer forms received.
4. Subdivisions. The LA shall submit information on the number and license category of Certificates of Approval for Sanitary Facilities for Subdivision issued by the LA.
5. Public and Semipublic Swimming Pools and Spas. The LA shall submit the following information:

- a. Approvals to Construct issued.
  - b. Construction inspections performed.
  - c. Approvals of Construction issued.
  - d. Variances approved.
  - e. Appeals of LA decisions filed by applicants.
  - f. Compliance inspections performed
  - g. Complaints handled.
6. Enforcement Actions. A copy of each administrative, civil, or criminal action initiated under this Appendix.

**F. Agency Contact Persons:**

The following LA employees are responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide ADEQ written notice of any successor.

Name: Kevin Chadwick, PE  
 Title: Manager, Water and Waste Management  
 Address: 1001 N. Central  
 Phoenix, AZ 85004

The following ADEQ employees are responsible for administering the Functions and Duties pursuant to this Appendix. ADEQ shall provide the LA written notice of any successor.

Approvals of Drinking Water Systems, Subdivisions, and Swimming Pools

Name: John Calkins  
 Title: Manager, Drinking Water Section  
 Address: Arizona Department of Environmental Quality  
 1110 West Washington Street  
 Phoenix, AZ 85007

Approvals of On-Site Wastewater Treatment Facilities, Sewage Collection Systems, and Private Residential Gray Water

Name: Michele Robertson  
 Title: Manager, Groundwater Section  
 Address: Arizona Department of Environmental Quality  
 1110 West Washington Street  
 Phoenix, AZ 85007

Compliance and Enforcement

Name: Cynthia Campbell  
 Title: Manager, Water Quality Compliance Section  
 Address: Arizona Department of Environmental Quality  
 1110 West Washington Street  
 Phoenix, AZ 85007

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

**Appendix B  
Maricopa County  
Solid Waste Management**

**A. DELEGATED FUNCTIONS AND DUTIES:**

In the unincorporated areas of the county, the LA agrees to perform those delegated Functions and Duties that are indicated with a Yes in the first column of the following table: Applicable statutes, rules and Title 40 Code of Federal Regulations (CFR) include those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
X	1. Inspection of septic tank cleaners for ADEQ licensing <sup>1</sup>	A.R.S. §§ 49-141, 142; A.A.C. R18-13-1106, 1112, 1116, 1117	2 or 4	1
X	2. Inspection of refuse haulers <sup>2</sup>	A.R.S. §§ 49-141, 142; A.A.C. R18-13-304, 305, 306, 308, 309, 310, 311	2 or 4	2
X	3. Investigation of nuisance complaints, and enforcement to eliminate environmental nuisances	A.R.S. §§ 49-141, 142, 143,144; A.A.C. R18-13-303, 304	2 or 4	1 or 2
X	4. Investigation of, and enforcement to eliminate illegal disposal of solid waste except for waste more specifically described in Functions and Duties 5,6, 7, 8, and 9	A.R.S. §§ 49-701, 701.01, 791(A)(4); A.A.C. R18-13-303, 304, 307, 311	2 or 4	2
	5. Investigation of and enforcement to eliminate illegal waste tire storage and disposal	A.R.S. §§ 44-1301, 1304, 1304.01, 1307	2 or 4	N/A
X	6. Investigation of and enforcement to eliminate used oil disposal to land <sup>3</sup>	A.R.S. §§ 49-801, 803, 811, 812; Title 40 CFR § 279.1	2 or 4	N/A
	7. Investigation and enforcement of used oil generators for compliance with storage, labeling, and release response requirements	A.R.S. §§ 49-801, 802.C.1, 811, 812; Title 40 CFR §§ 279.1, 279.22	2 or 4	N/A

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
	8. Investigation of and enforcement to eliminate illegal disposal of lead acid batteries and unregistered collection sites	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
	9. Inspection and registration of lead acid battery collection and recycling facilities	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
X	10. Inspection of agricultural solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area	A.R.S. § 49-766(B); A.A.C. R18-13-304, 311	2 or 4	N/A
X	11. Inspection of landfills for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area	A.R.S. § 49-766(A); A.A.C. R18-13-304, 311	2 or 4	N/A
X	12. Approval of solid waste collection and disposal provisions for new subdivisions	A.A.C. R18-5-409, R18-13-305, 311, 312	1, 3, or 4	N/A
X	13. Granting of refuse collection frequency variances for all commercial accounts and for residential areas outside city or town limits	A.A.C. R18-13-308(B)	1 or 4	N/A
	14. Inspection of any other solid waste storage, treatment, processing or disposal facility other than solid waste landfills	A.R.S. § 49-762.07(F)	2, 3, or 4	N/A
X	15. Inspection of biohazardous medical waste transporters for ADEQ registration <sup>4</sup>	A.R.S. §§ 49-761(D), 768; A.A.C. R18-13-1401, 1402, 1403, 1404, 1409	2 or 4	N/A

<sup>1</sup>The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ septic licenses, and to ensure that inspections of septic haulers are conducted at least annually.

<sup>2</sup>The inclusion of this function in this delegation agreement is only to act as a formal process by which the county agrees to be responsible for inspection of refuse haulers and for ADEQ to ensure such inspections are conducted at least annually.

<sup>3</sup>LA delegation is limited to disposal of up to 100 gallons at one location.

<sup>4</sup>The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ registrations, and to ensure that inspections of each biohazardous medical waste transporting vehicle for compliance with the record keeping and operational requirements listed in A.A.C. R18-13-1409(C), (E), (F), and (G)(4) are conducted at least annually.

#### **B. EXCEPTIONS AND SPECIAL PROVISIONS:**

1. ADEQ retains authority for approval and issuance of solid waste facility plans for all municipal solid waste landfills and for all solid waste landfills other than municipal solid waste landfills.
2. ADEQ retains responsibility for the administration and enforcement of all solid waste facilities that are operated by federal, state, county or municipal agencies.
3. The LA shall retain all civil penalties assessed and collected pursuant to Subpart A of this Appendix.
4. The LA agrees to, to the extent practicable, conduct compliance and enforcement actions according to ADEQ policy.

#### **C. PERSONNEL QUALIFICATIONS:**

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Duties shall be performed by a Registered Sanitarian;
2. Duties shall be performed by or under the direction of a Registered Sanitarian;
3. Duties shall be performed by or under the direct supervision of a Professional Engineer; or
4. Duties shall be performed by personnel with training and experience equivalent to

ADEQ's Environmental Health Specialist series and under the direct supervision of an Environmental Health Manager/Supervisor.

**D. STANDARDS OF PERFORMANCE:**

The following standards of performance apply to the delegated Functions and Duties listed on Subpart A of this Appendix:

1. The LA shall administer and enforce the health and sanitation requirements pertaining to human excreta contained in A.A.C. R18-13-1112 through 1117 with the following stipulations:
  - a. Any burial site or open dump site for human excreta approved by the LA in accordance with A.A.C. R18-13-1112 (A) and (B), that is used more than once, shall be considered a solid waste disposal facility and must first submit a solid waste facility plan to ADEQ pursuant to A.R.S. § 49-762.
  - b. The LA shall conduct annual inspections and issue permits for all vehicles used for the storage, collection, transportation or disposal of human excreta.
  
2. The LA shall administer and enforce the health and sanitation requirements contained in A.A.C. R18-13-301 *et seq.*, and the environmental nuisance requirements contained in A.R.S. §§ 49-141 through 49-144 with the following stipulations and exceptions:
  - a. The LA shall annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.
  - b. ADEQ shall only grant variances from the garbage collection frequency for residential units within the city limits upon receipt of a plan approved by the LA, in accordance with A.A.C. R18-13-308(B).
  
3. The LA shall administer and enforce the requirements specified in A.A.C. R18-5-409 pertaining to solid waste disposal from new subdivisions. ADEQ shall furnish the LA with a current list of approved disposal facilities and keep the list updated in a timely manner. The LA shall only approve subdivisions that utilize a facility on ADEQ's approved list.

**E. REPORTING REQUIREMENTS:**

1. The LA shall report to ADEQ annually on any solid waste inspections conducted, and enforcement actions, initiated or concluded (including Notices of Opportunity to Correct, Notices of Violation, Orders), by submitting a list of each administrative, civil, or criminal action initiated under this Agreement to the

ADEQ Agency Contact person for Solid Waste, listed in Subpart F of this Appendix.

2. LA shall annually report to ADEQ by January 31<sup>st</sup>, the following delegated solid waste activities for the previous calendar year in accordance with Subpart A of this Appendix:
  - a. A list of all septic tank cleaners under county permit and a list of all disposal sites approved by LA for one time disposal of such wastes, pursuant to A.A.C. R18-13-1112(A) and (B). The LA shall provide a list of all inspections of septic tank cleaners conducted.
  - b. A list of all refuse haulers under county permit. The LA shall provide the names of refuse haulers inspected and the date(s) of inspection.
  - c. The LA shall report the following information:
    - 1) The number of nuisance complaints received;
    - 2) The name of facility/site(s) inspected and the date(s) of nuisance complaint investigations;
    - 3) The number of inspections revealing the presence of an environmental nuisance;
    - 4) The date and nature of enforcement actions taken if applicable; and
    - 5) The date violations were corrected, if applicable.
  - d. The LA shall report the following information:
    - 1) The number of complaints received alleging the illegal disposal of solid waste;
    - 2) The name of facility/site(s) and date(s) inspected to investigate allegations of illegal solid waste disposal;
    - 3) The number of inspections and the name of facility/site(s) that revealed illegal disposal of solid waste;
    - 4) The date and nature of enforcement action taken if applicable; and
    - 5) The date violations were corrected, if applicable.
  - e. The LA shall report the following information:
    - 1) The number of complaints received alleging illegal disposal of used oil;
    - 2) The name of facility/site(s) and date(s) inspected to investigate allegations of illegal disposal of used oil;
    - 3) The number of inspections and the name of facility/site(s) that revealed illegal storage and/or disposal of used oil to land;
    - 4) The date and nature of enforcement action taken if applicable; and
    - 5) The date violations were corrected, if applicable.
  - f. The LA shall report the following information:
    - 1) The location and ownership information for all known agricultural

solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area within Maricopa County; and

2) The name of facility/site(s) and date(s) inspected.

- g. The LA shall report the following information:
  - 1) The location and ownership information for all known solid waste landfills used for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area located within Maricopa County; and
  - 2) The name of facility/site(s) and date(s) inspected.
  
- h. The LA shall report the following information:
  - 1) The name and location of all sites that have applied for approval of solid waste collection and disposal services for a new subdivision; and
  - 2) The name and location of all sites for which approval of solid waste collection and disposal services for a new subdivision have been issued.
  
- i. The LA shall report the following information:
  - 1) The name of the entity to whom the variance was granted and the date of issuance; and
  - 2) The documentation provided by the applicant or the DA that the variance would not result in a public health hazard or nuisance, and that fly breeding would be controlled by either biological, chemical, or mechanical means.
  
- j. The LA shall report the following information:
  - 1) The name of biohazardous medical waste transporter(s) and date(s) inspected for compliance with the record keeping and operational requirements listed in A.A.C.R18-13-1409(C), (E), (F), and (G)(4);
  - 2) The number and name of facility/site(s) in noncompliance at the time of inspection;
  - 3) Any enforcement action initiated as a result of noncompliance; and
  - 4) The date violations were corrected if applicable.

**F. AGENCY CONTACT PERSONS:**

The following LA employees are responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide written notice to ADEQ of any successor.

Solid Waste Functions 1, 2, 10, 11, 12, 13 and 15

Name: Kevin S. Chadwick, Manager  
Waste and Waste Management Division  
Maricopa County Environmental Services Department  
1001 N. Central Ave, Suite 150  
Phoenix, Arizona 85004  
602-506-6667

Solid Waste Functions 3, 4, and 6

Name: Aimee Upton, Enforcement Manager  
Maricopa County Environmental Services Department  
1001 N. Central Ave, Suite 720  
Phoenix, Arizona 85004  
602-506-6930

The following ADEQ employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. ADEQ shall provide written notice to the LA of any successor.

Name: Veronica Garcia  
Title: Manager, Inspections & Compliance Section  
Address: Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007  
602-771-4422

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

**Appendix C**  
**Maricopa County**  
**Air Quality Management**

**A. DELEGATED JURISDICTION AND RESPONSIBILITIES**

1. As a supplement to the LA existing statutory jurisdiction, ADEQ delegates to the LA permitting and enforcement jurisdiction over the following source:
  - a. All major sources, other than those sources within source categories B.1.a through B.1.d below.
2. The LA shall exercise its statutory authority, as supplemented by this delegation, to meet the requirements and standards established under the Clean Air Act and the Arizona Revised Statutes Title 49, Chapter 3. In administering this delegation, the LA shall meet the personnel qualifications, standards of performance and reporting requirements listed in Subparts C, D and E of this Appendix.

**B. RESERVED JURISDICTION AND RESPONSIBILITIES:**

1. Pursuant to A.R.S. § 49-402.A., ADEQ reserves jurisdiction within Maricopa County over the following specific sources, permits and violations that pertain to:
  - a. Smelting of metal ore.
  - b. Petroleum refineries.
  - c. Coal fired electrical generating stations.
  - d. Portland cement plants.
  - e. Air pollution by portable sources.
  - f. Air pollution by mobile sources for the purpose of regulating those sources as prescribed by A.R.S. Title 49, Chapter 3, Article 5, and consistent with the Clean Air Act.
2. ADEQ further reserves source-wide, source-specific jurisdiction with respect to permits and other regulation of incidental emissions, if the source is one over which ADEQ has reserved jurisdiction, pursuant to Paragraph B.1 of this Subpart, and all of the following occur:
  - a. Any building, structure, facility or installation subject to regulation pursuant to A.R.S. § 49-426.A, which emits or may emit any air pollutant. "Building", "structure", "facility", or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987" and,

- b. Both the activity that gives rise to the original reservation in favor of ADEQ and the activity that gives rise to the incidental emissions are under the control of the same entity or parent-and-subsidiary entities.
3. This Agreement does not preclude ADEQ from asserting jurisdiction over any source pursuant to A.R.S. § 49-402.B.

### **C. PERSONNEL QUALIFICATIONS:**

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix.

1. Permit evaluations shall be performed by, or under the direct supervision of, an engineer qualified through air quality permitting experience or registration as a professional engineer in the State of Arizona.
2. Duties may be performed by personnel with the minimum qualifications of two years of college training in industrial hygiene or a closely related field and two years of training, education or experience which demonstrates ability to perform the duties of the position; including 30 semester hours of college-level chemistry, physics, engineering or closely related subjects and two years of technical experience with industrial processes producing pollutants, pollution investigation work or two years experience in general enforcement of air quality related activities.
3. Inspectors must maintain current certification as a Visible Emission Observer, as specified in Arizona Testing Manual Revision F, and attend training equivalent to that specified in EPA Order 3500.1. Training for current inspectors must be completed within 18 months. Training for newly hired inspectors must be completed within 18 months of hiring.

### **D. STANDARDS OF PERFORMANCE:**

The following standards of performance apply, where indicated, to the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Permitting activities shall be completed within the licensing time-frames established by the applicable provisions of the Clean Air Act, Arizona Revised Statutes, Arizona Administrative Code, Code of Federal Regulations and locally applicable air quality rules. Minimum requirements are: Completeness determination within 60 days, Draft Permit within 9 months, and provisions for accelerated processing within 4 months.
2. As resources permit, posting of public notices shall be verified for facilities going through the public participation process of permitting.

3. Unannounced biennial Level II inspections, at a minimum, shall be conducted at each major source to determine compliance. All other sources shall be Level II inspected at least once during the term of their permit, and at all other times necessary to verify compliance.
4. Initial response to complaints shall be done, to the extent practicable, within 5 days of receipt of the complaint.
5. All permits shall include the elements set forth in Arizona Administrative Code R18-2-306.
6. Provisions shall be in place for accelerated permit processing.
7. The LA shall adopt rules for administration and enforcement of the Federal hazardous air pollutant program in accordance with A.R.S. § 49-480.03.

#### **E. REPORTING REQUIREMENTS:**

1. ADEQ shall incorporate county air pollutant monitoring data in periodic and annual statewide reports of Ambient Air quality measurements and trends, appropriately qualifying or explaining different types of data and their purposes.
2. The LA shall file an annual report with the ADEQ Air Quality Division (AQD) Director specifying the following:
  - a. Number of permits issued,
  - b. Number of notices of violation and the percent of notices handled in a manner consistent with ADEQ compliance and enforcement policy,
  - c. Number of inspections,
  - d. Number of complaints received and the percent of complaints receiving initial follow-up within 5 working days,
  - e. Number of escalated enforcement cases, and
  - f. Description and disposition of each escalated enforcement case and amount of penalty assessed and collected, if any.

The report shall be submitted within 30 days of the anniversary date of this Agreement.

3. The LA shall copy ADEQ on the electronic data submittal of the ammonia emissions inventory information that is required to be submitted to the EPA National Emission Inventory every June.
4. The LA shall provide copies of records associated with the activities specified in this Agreement upon request by ADEQ.

**F. AGENCY CONTACT PERSONS:**

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide written notice to ADEQ of any successor.

Name: Robert J. Kard  
Title: Director  
Address: Maricopa County Air Quality Department  
1001 N. Central, Suite 400  
Phoenix, AZ 85004  
Phone: (602) 506-6010  
E-mail: [rkard@mail.maricopa.gov](mailto:rkard@mail.maricopa.gov)

The following ADEQ employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. ADEQ shall provide written notice to the LA of any successor.

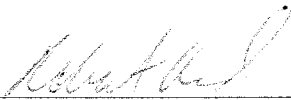
Name: Steven E. Peplau  
Title: Manager, Air Assessment Section  
Address: Arizona Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, Arizona 85007  
Phone: (602) 771-2274  
E-mail: [sp6@azdeq.gov](mailto:sp6@azdeq.gov)

The naming of successor to either of the above individuals shall not require the re-execution of or an amendment to this Agreement.

Signature Page for  
Maricopa County  
Delegation Agreement # 06-0024  
C 85.08.007-2

Maricopa County Air Quality Department


Maricopa County Environmental Services  
Department

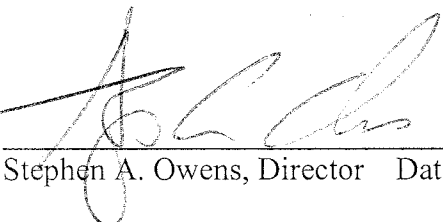
  
\_\_\_\_\_  
Robert Kard, Director                      Date

  
\_\_\_\_\_  
John Power, Director                      Date


County Board of Supervisors

Arizona Department of Environmental Quality

  
\_\_\_\_\_  
Fulton Brock, Chairman                      Date

  
\_\_\_\_\_  
Stephen A. Owens, Director                      Date

Attest:

  
\_\_\_\_\_  
Clerk of the Board                      Date

Pursuant to A.R.S. § 11-952(D), the foregoing Agreement has been reviewed by the undersigned attorneys for the County and the Arizona Department of Environmental Quality, who have determined that this Agreement is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

  
\_\_\_\_\_  
Deputy County Attorney                      Date

  
\_\_\_\_\_  
Arizona Assistant Attorney General                      Date