

DELEGATION AGREEMENT

Between

Arizona Department of Environmental Quality

And

Pinal County, hereinafter, County, a political subdivision of the State of Arizona, acting by and through the County Public Health Services District, Public Works Department, and Pinal County Air Quality Control

Delegation Agreement #EV22-0020

Whereas, Arizona Revised Statutes (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 Pinal County Public Health Services District, Public Works Department, and Pinal County Air Quality Control is the local environmental agency or county health department, hereinafter, LA, as set forth in A.R.S. § 49-107, and

Whereas, A.R.S. § 41-1081 sets forth standards for delegation agreements, and

Whereas, A.R.S. §§ 11-201(A)(3) and 49-107 authorize the County Board of Supervisors (and by delegation the Local Authority [LA], where the LA is a local environmental agency or health department) 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 Pinal County Public Health Services District, Public Works Department, and Pinal County Air Quality Control as LA, and the LA accepts the delegation of those Functions and Duties described in the Appendices of this Delegation Agreement, hereinafter Agreement (including the applicable Water Appendix, Waste Appendix and Air Appendix) 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 U, and in Appendices to this Agreement. ADEQ statutes, rules and policies 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. **Applicable Conformance:** The standards of performance of the delegated Functions and Duties by the LA shall conform to State statutes, rules, substantive policies, and any directive from an ADEQ Director or Division Director that a practice or procedure is unlawful. The standards of performance are generally the same as those required of ADEQ personnel. All substantive policy documents and resources that pertain to delegated functions and duties shall be publicly available and easily accessible to the LA. This Agreement is subject to the provisions of A.R.S. § 49-106, which states that rules adopted by ADEQ shall be observed and enforced throughout this State and that local authorities that have separate authority may adopt ordinances and rules that do not conflict with State law and are equal to or more restrictive than the rules of ADEQ. ADEQ and LA agree to work together to implement all statutes, rules, and policies.
2. **Substantive Policy Development:** When necessary and appropriate for implementing the terms of this Agreement, ADEQ may provide operating guidance in the form of a substantive policy. A substantive policy means a policy that meets the definition of A.R.S. § 41-1001(22). ADEQ shall consult with all LAs when developing the new and/or updated policy related to delegated functions. ADEQ will provide all LAs notice of the policy at adoption and posting and will provide training if necessary. ADEQ's notice should be provided to all relevant LA program staff and management. Any policy that is developed must be consistent with law and rule and may not impose additional requirements on regulated entities, but the policy can inform regulated entities of ADEQ's interpretation of law and rule, including explaining the best way to effectively and efficiently meet law and rule. Ultimately, ADEQ's interpretation of the law and rule, and not any policy, is what will be used as the basis for any decision.
3. **LA Requests for Clarification:** The LA may contact ADEQ for clarification or guidance on procedural or technical issues. LA may propose that ADEQ adopt a substantive policy. ADEQ shall consult with all LAs to help determine if a substantive policy is necessary. If it is determined that a substantive policy is necessary, ADEQ will follow Section B.2 and will issue a substantive policy as soon as possible, and no later than six months. Until a substantive policy has been adopted and posted to the ADEQ library as outlined in Section B1, the LA may utilize their existing practice or procedure unless ADEQ notifies LA that the practice or procedure is unlawful.
4. **Policy Consistency:** In order to maintain regulatory consistency across the State, the LA shall not develop separate substantive policies related to ADEQ delegated statutes and rules, and may not develop any other practice or procedure that imposes requirements on regulated entities that do not exist in statute, rule or other county or city ordinance. LA substantive policies, or other practices or procedures related to ADEQ statutes and rules, that exist upon Agreement execution may remain effective until ADEQ informs LA it must withdraw the policy or ADEQ adopts a policy that addresses the issue, however a policy may not impose requirements on regulated entities that do not already exist in law or rule. ADEQ will review all existing LA policies related to ADEQ delegated statutes and rules for regulatory consistency. LA shall follow all ADEQ substantive policies, including if there is any conflict between ADEQ and LA policy and guidance. LA shall identify and

provide all documentation for any substantive policies, or other practices or procedures that impose requirements on regulated entities (written or unwritten), to ADEQ within 30 days of the execution of this Agreement, to: delegations@azdeq.gov. LA may contact ADEQ with questions about whether an LA policy is a substantive policy and ADEQ will respond to requests within 30 days. Procedures that only impact internal staff are not substantive policies.

5. **Third Party Dispute:** In the event of an unresolved dispute between the LA and a third party regarding the LA's interpretation or application of ADEQ statutes or rules, or a dispute that a substantive policy is imposing requirements not already in law or rule, ADEQ shall, if requested by the LA, provide timely assistance and direction to the LA. If a third party requests ADEQ provide clarification of an LA's interpretation or application of statute or rule, or the unlawful use of a substantive policy statement to impose additional requirements not in law or rule, that may affect the LA's licensing decision, the request shall be in writing in accordance with A.R.S. § 41-1001.02 and provided prior to submittal of an application for a license. ADEQ will refer the request to the LA and will work with the LA to respond to the third party. Once an application for a license is submitted, any third party requests will be handled through the LA's licensing process, including the LA's appeals process if necessary. The LA will engage ADEQ if guidance or a substantive policy is needed as outlined in B3. ADEQ retains the right to investigate and evaluate concerns expressed by applicants to determine if the processing of a permit application will be assumed by ADEQ pursuant to Section B.6.
6. **ADEQ Assumption:** ADEQ retains the authority to assume control over permits or other matters if the LA is unwilling or unable to act. ADEQ will communicate in writing with the LA if it is assuming control over any such action. Should ADEQ assume control over a permit, ADEQ retains the responsibility to administer the permit and conduct compliance and enforcement activities. Upon agreement with the LA, ADEQ may transfer the administration and compliance and enforcement responsibilities and control to the LA for the ADEQ-issued permit or any permits that were previously issued by ADEQ that have not been transferred. ADEQ will work with each LA to identify any permits issued by ADEQ for which authority has not been transferred.
7. **Public Disclosure of Confidential Information Prohibited:** ADEQ and LA shall comply with prohibitions on public disclosure of confidential information including those related to critical infrastructure in A.R.S. § 41-1803(G), drinking water system security vulnerability assessments in A.R.S. § 49-205, or trade secrets pursuant to A.R.S. § 49-205.

C. **FEE AUTHORITY AND TYPES OF FEES**

1. Fees are authorized by, and shall conform to, the requirements of state laws and rules and LA ordinances, including A.R.S. § 11-251.08, A.R.S. § 9-499.15, and other fee authority statutes and rules.
2. To the extent permitted by law, the LA may establish fee rules to assure the LA

may accomplish delegated Functions and Duties according to the applicable standards. LA must have independent authority to establish their own fees. ADEQ statutory or rule authority cannot be used as authority for an LA to independently develop its own fee rules. Unless otherwise provided by statute, fees imposed by the LA shall not exceed the reasonable cost of providing the services required, including administrative costs.

3. Fees that are collected using ADEQ's statutory or rule authority must conform to such authority. If an LA is using ADEQ authority, the LA shall not exceed fees set forth by ADEQ.
4. Duplicate ADEQ and LA fees are generally prohibited pursuant to A.R.S § 41-1002(D). Unless specifically authorized by statute, an agency shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the extent practicable.
5. ADEQ and LA agree to work together to eliminate duplication of permitting and fees. Existing LA permitting processes and fee collection may continue until such time that ADEQ provides formal written notice to LA of changes that must occur with an agreed upon schedule to implement those changes.
6. 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.
7. ADEQ can request information about LA fee authority, fee types, and fees and revenue collected. LA agrees to work with ADEQ to provide the information within a reasonable time period.

D. QUALIFICATIONS OF PERSONNEL RESPONSIBLE FOR EXERCISING THE DELEGATED FUNCTIONS, POWERS AND DUTIES

1. The required personnel qualifications for exercising each Program's delegated Functions and Duties are identified in the corresponding Appendices to this Agreement.
2. The LA represents that it employs or contracts with all personnel required for the performance of the services under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with, ADEQ unless otherwise specified herein.
3. All the services required hereunder shall be performed by the LA or its contractors, except all licensing decisions and enforcement shall be performed by LA employees, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. It is further agreed that the LA warrants that it is fully qualified and authorized under state and local law to perform the services contemplated under this Agreement.

4. If ADEQ determines that specific training is necessary to perform a delegated function and duty, the relevant LA personnel will attend ADEQ's training free of cost or work with ADEQ on an alternative training arrangement.

E. CONFLICT OF INTEREST

Either party may cancel this Agreement for conflict of interest in accordance with Section P of this Agreement, without penalty or further obligation, pursuant to A.R.S. § 38-511.

F. E-VERIFY

To comply with A.R.S. § 41-4401(A), each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). If either party uses any subcontractors in performance of this Agreement, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). A breach of this warranty shall be deemed a material breach of the Agreement subject to penalties up to and including termination of this Agreement. Each party retains the legal right to inspect the papers of any contractor or subcontractor who works on the Agreement to ensure that the contractor or subcontractor is complying with this warranty.

G. NON-DISCRIMINATION

Pursuant to Title 41, Chapter 9, Article 4 of the Arizona Revised Statutes and Executive Order 2009-09, the LA shall provide access to equal employment opportunities for all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, and to all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Both parties shall take affirmative action to ensure that applicants for employment and employees are treated without regard to race, age, color, religion, sex, or national origin and in compliance with the Americans with Disabilities Act.

H. RECORD KEEPING AND REPORTING REQUIREMENTS

1. Unless otherwise required by law or by Arizona State Library, Archives and Public Records or other retention schedule, both parties shall maintain, in either paper or printable official format, all data, books, accounts, reports, files and other records relating to this Agreement and performance of the delegated Functions and Duties as specified in this Agreement for a period of five years after its creation or five years after any administrative or court litigation, claim, negotiation, audit, cost recovery, or other action involving the records has been completed, whichever is later. All such records shall be subject to inspection and audit by the State at reasonable times. Upon request, either Party shall produce the official record of any or all such records. 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.

2. Any ADEQ or LA records required for implementing this Delegation Agreement shall be provided to ADEQ or the LA without cost. When requesting ADEQ records, file a public records request through the ADEQ website and note that you are an LA implementing an ADEQ delegated program.
3. 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 below and in the Appendices to this Agreement.

a. **Data Reporting for Delegated Functions**

The LA agrees to submit quarterly data reports related to its performance of the delegated Functions and Duties specified in Appendices to this Agreement and in accordance with the specifications below and any relevant Appendices. The LA is not responsible for reporting to ADEQ on activities conducted with local authority only or delegation from another agency.

Reports shall be submitted in an electronic format to **delegations@azdeq.gov** within 30 days of the end of each calendar quarter.

ADEQ will evaluate additional data needs with the LA following the second full year of data reporting. This Agreement may be amended in accordance with Section O. "Amendment Procedures" to include the reporting of additional data.

Definitions

Date Application Received - The date specified per A.A.C. R18-1-Article 5 and any related ADEQ substantive policy.

Date of Permitting Decision - The date a permit or license application was issued or denied by the LA or withdrawn by the applicant.

Drinking Water System Component - Water line, booster pumps, wells, treatment, tanks and/or disinfection.

Enforcement Case - An action taken by the LA to address violation(s) of sufficient severity to warrant a Notice of Violation or escalated enforcement such as an Administrative Order, Abatement Order, Cease and Desist Order, or civil enforcement. LA may reference the enforcement matrices in the Compliance Management Handbook for guidance in determining what warrants a Notice of Violation and may work with ADEQ to establish a list of violations that should be reported.

Permit Outcome - The end result of a permitting decision. Options are issued, denied and withdrawn.

Solid Waste Inspection Type - Illegal disposal of solid waste, waste tires, used oil, lead acid batteries or nuisance.

Unique Identifier - Assessor's parcel number, physical address, applicant name, permit number, project name, inspection number or similar.

Vehicle Inspection - A solid waste refuse hauler, septic tank cleaner or biohazardous medical waste transporter inspection.

| Delegated Program | PERMITTING <i>For each permit outcome reached during the reporting period:</i> | ENFORCEMENT <i>For each enforcement case closed during the reporting period:</i> | VEHICLE INSPECTIONS <i>For each vehicle inspection conducted:</i> |
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| Water Appendix Type 4 General Permits, Swimming Pools and Subdivisions | <ul style="list-style-type: none"> At least one unique identifier Permit type Date application received Date of permitting decision Permit outcome (For Type 4 General Permits, only Construction Authorization data need to be reported.) | <ul style="list-style-type: none"> At least one unique identifier Date of inspection Date of case closure | N/A |
| Water Appendix Safe Drinking Water | <ul style="list-style-type: none"> Public Water System ID number Drinking water system component Permit type (Approval to Construct or Approval of Construction) LA permit number Date application received Date of permitting decision Permit outcome | <i>Maricopa and Pima Counties Only</i> <ul style="list-style-type: none"> At least one unique identifier Public Water System ID number Date of inspection Date of case closure (The Inventory Change Forms, Letters of Compliance, and Letters of Recommendation shall continue to be | N/A |

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| | | submitted per ADEQ Safe Drinking Water requirements.) | |
| Waste Appendix Solid Waste Management | <ul style="list-style-type: none"> Lead acid battery collection and recycling registrations, location Septage hauler licenses, unique identifying information, such as license plate or VIN | <ul style="list-style-type: none"> Solid Waste inspection type Specific locational information, such as address or latitude and longitude Date of inspection Date of case closure | <ul style="list-style-type: none"> Date of inspection Company name Vehicle identification number Result (violation, no violation, or violation corrected) County permit number |
| Waste Appendix Hazardous Waste Generators (HWGs) | N/A | <i>Pima County Only</i> <ul style="list-style-type: none"> Monthly upload to RCRA info Quarterly reporting to include information ADEQ must provide to EPA | N/A |
| Air Appendix Major Sources (Pinal) Emission Reduction Credit | See Air Appendix (Pinal and Maricopa) | See Air Appendix (Pinal and Maricopa) | |

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| Regulations (Maricopa) | | | |
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I. OVERSIGHT ACTIVITIES

1. ADEQ shall have the right to 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 personnel on inspections. LA personnel may accompany ADEQ inspectors on inspections for purposes of training, information sharing or coordinating LA and ADEQ activities. LA shall provide prior notice to ADEQ of its request to accompany ADEQ inspectors on inspections.
2. Periodically, the ADEQ delegating program shall conduct an evaluation of the LA's performance of the delegated Functions and Duties. Either party to this Agreement may request that the frequency of evaluations be increased. The initial results of all performance evaluations shall be in writing and shall be communicated to the LA and the Office of Administrative Counsel in a draft report. The LA is entitled to comment on the draft report. After ADEQ's response to comments, the ADEQ delegating program shall finalize the report and transmit a copy to the LA and the Office of Administrative Counsel. The final reports of all performance evaluations are public documents pursuant to A.R.S. § 39-121 *et seq.*

J. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS; INSPECTIONS AND COMPLIANCE

1. Upon becoming aware at any time that a complaint involves an acute risk to human health and the environment, the goal is to mitigate the risk within 24-48 hours by resolving the issue or providing notice if resolution is not possible. Complainants should generally be responded to within 3 days, and complaints that do not involve acute risks inspected within 7 days when an inspection is necessary.
2. As a supplement to any independent statutory authority LA may have, LA is hereby delegated the authorities indicated in the Appendices for inspection authority and compliance and enforcement authority, including authority to prevent pollution and environmental nuisances outlined in A.R.S. §§ 49-104(B)(8), -203(B)(1), -144, -763, -865 and other authorities noted in the Appendices.
3. The LA shall use inspection checklists and boilerplate documents provided by

ADEQ or shall use such documents that contain the same content as those documents provided by ADEQ. ADEQ shall provide review of any LA documents and LA shall provide ADEQ documents for review upon ADEQ's request.

4. The LA shall comply with all statutory requirements for inspections, including those in A.R.S. § 41-1009.
5. When inspecting land managed by the Arizona State Land Department (ASLD), contact the Trespassing and Environmental Section of ASLD to gain access, 602-542-4631. Contact ADEQ if access becomes an issue or if enforcement is being considered.
6. 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 practicable to make compliance determinations and conduct enforcement actions and may use the ADEQ's Compliance Management Handbook for guidance, but following the Handbook guidance is not required.
7. ADEQ retains its authority to take an enforcement action against any individual or facility, the regulation of which is specified in this Agreement. At its discretion, ADEQ may 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 calendar 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.
8. Where appropriate, and if there is no conflict with applicable environmental statutes and rules, LA may conduct enforcement and compliance action using the authority provided by A.R.S. Title 36 or A.R.S. Title 49, Chapter 3, Article 3. This includes compliance inspections for delegated programs pursuant to the authority to prevent pollution and environmental nuisances outlined in § 49-104 and § 49-144. Nothing herein shall preclude LA from independently initiating enforcement action pursuant to its own authority under A.R.S. §§ 36-602, 36-603, 49-143, and 49-144, or any other civil or criminal statute or local ordinance, or from pursuing any other available legal or equitable remedy.
9. In those cases where the Attorney General has exclusive authority to bring an action, for example A.R.S. § 49-261, ADEQ shall timely notify the Attorney General of the LA's request 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.
10. In cases of civil enforcement, the LA and ADEQ shall coordinate litigation and settlements, unless the LA has independent statutory enforcement authority. The LA and ADEQ may act as co-plaintiffs in order to maximize resources. The LA

may send a written request for coordination to the ADEQ program manager listed in appendices and the Administrative Counsel.

11. 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. The LA shall retain all civil penalties assessed and collected if LA is the only plaintiff.
12. ADEQ may execute compliance initiatives directed at certain classes of violations or facilities that are alleged to be in violation of applicable statutes or rules. When possible, ADEQ will provide the LA with 30 calendar days prior written notice of such initiatives. To the best of its ability, the LA agrees to cooperate in the successful execution of such compliance initiatives that involve facilities, the regulation of which has been delegated by this Agreement.
13. Within seven (7) calendar days of initiating a formal enforcement action using ADEQ statute or rule authority, including an Administrative Order or Civil Enforcement, but not including notices or letters of corrections or violations, the LA shall provide copies to ADEQ of the formal enforcement documents. Such copies shall include Administrative Orders, Abatement Orders, Cease and Desist Orders, or other civil enforcement.

K. APPEALS OF LOCAL AGENCY ACTIONS

1. LA shall conduct administrative hearings for appeals of appealable agency actions, as defined in A.R.S. § 41-1092, that are based in whole or in part on authority delegated in the Functions and Duties, in accordance with A.R.S. Title 41, Chapter 6, Article 10 – Uniform Administrative Appeals Procedures – consistent with what is required when ADEQ is the regulating authority.
2. Nothing in this Agreement shall control appeals involving matters arising solely from the LA's independent authority.
3. Appeals have the potential to set precedent for the entire State. The LA agrees to submit a copy of each appeal or request for hearing to the ADEQ Administrative Counsel within seven (7) calendar days of receipt. Prior to submitting a request for a hearing to the Office of Administrative Hearings (OAH), LA shall consult with the Administrative Counsel for ADEQ. ADEQ may provide support to the LA during the appeals process and retains the right to handle the entire appeal. ADEQ will work with the LA on each appeal to determine the best way to handle that specific case.
4. ADEQ shall pay for the OAH's costs related to the hearing on behalf of the LA.

5. ADEQ's Director or designee will make the final administrative decision, pursuant to A.R.S. § 41-1092.08. ADEQ will work with the LA to manage any judicial reviews of the final administrative decision, and ADEQ retains the right to handle all judicial reviews.

L. LICENSING AUTHORITY

The LA shall process applications to reach a licensing decision for delegated Functions and Duties 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. 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.

M. LOCAL AGENCY INDEPENDENT AUTHORITY; SUB-DELEGATION; AND JURISDICTIONAL COORDINATION

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 authorized activities and programs.
2. The LA may not subdelegate Functions and Duties delegated pursuant to this Agreement to another local government agency or political subdivision without obtaining the prior written approval of the Director, Deputy Director, or appropriate Division Director of ADEQ.
3. The LA shall not enforce, approve, or permit anything beyond its jurisdictional boundaries unless approved by ADEQ as part of this Agreement or an amendment to this Agreement. Tribal lands are not regulated by ADEQ and are therefore not delegated for regulation by the LA.
4. Prior to entering into any delegation agreement with a municipality, located in whole or in part within the LA's boundaries, ADEQ shall coordinate with both the LA and the municipality on jurisdictional issues.
5. Before any changes to jurisdictional boundaries are made that affect this Agreement, parties shall notify ADEQ, and ADEQ shall coordinate with the parties.
6. 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.

N. CONFLICT RESOLUTION PROCEDURES

1. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona and, where applicable, the Arizona Procurement Code at

A.R.S. § 41-2501 *et seq.* and administrative rules and regulations A.A.C. R2-7-101 *et seq.*, that constitute the Arizona Procurement Code.

2. In the event of any judicial proceeding related to this Agreement or any Subcontract the parties agree that venue shall be proper in Maricopa County, Arizona.
3. If a dispute that arises out of this Agreement is based upon an Administrative Order issued by the Director of ADEQ, any and all appeals from such an Order are subject to hearing at the Arizona Office of Administrative Hearings pursuant to A.R.S. § 41-1092 *et seq.*, or the Water Quality Appeals Board pursuant to A.R.S. § 49-321 *et seq.* (whichever is applicable), and any and all such appeals shall be determined pursuant to hearing as prescribed by A.R.S. § 41-1092 *et seq.*
4. Pursuant to A.R.S. § 12-1518, if a dispute arises out of this Agreement or any subcontract thereto, and the amount in controversy does not exceed the statutory amount as set forth by statute, the matter shall be, upon filing the matter with Maricopa County Superior Court, submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 *et seq.* and Az.R.Civ.Pro.72-76.
5. If a dispute arises out of this Agreement or any subcontract thereto, and the amount in controversy exceeds the statutory amount, the matter shall be filed in Maricopa County Superior Court and litigated pursuant to the appropriate litigation statutes.

O. AMENDMENT PROCEDURES

1. Either party may seek to amend this Agreement. An amendment to this Agreement shall be in writing, shall be executed by the Director of ADEQ or his or her designee, the Director of the LA, the Chairman of the LA's Board of Supervisors, and the Clerk of the LA's Board of Supervisors. Amendments shall comply with the provisions in A.R.S. § 41-1081, including Public Notice and Comment.
2. Amendments to this Agreement shall be effective 30 calendar days after written notice of ADEQ's final decision to amend this agreement and approval by all parties.

P. TERMINATION PROCEDURES

1. This Agreement may be terminated, in whole or in part, by either party upon providing 30 calendar days prior written notice by certified mail to the other party and in compliance with subsection 2 of this section. The notice shall specify the effective date of termination.
2. The LA shall, prior to the termination of all or part of this Agreement, deliver to the ADEQ Director all finished or unfinished files, public documents, pending applications received by the LA for those delegated Functions and Duties, and pending inspection documents related to those delegated Functions and Duties

being terminated, and a summary status report of those delegated Functions and Duties, and shall provide written notification of the effective date of termination to all persons with pending applications and to all regulated facilities affected by the termination of this Agreement.

Q. TERM OF AGREEMENT

This Agreement is effective 30 calendar days after the Director gives written notice of final decision to enter into this Agreement and approval by all parties. This Agreement shall expire on June 30, 2050. If a new Agreement is not executed by that date, ADEQ and the LA may agree to extend this Agreement by filing an amendment in accordance with Section O of this Agreement.

R. INDEMNIFICATION

Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona, Department of Environmental Quality, is self-insured per A.R.S. § 41-621.

In addition, should LA utilize a contractor(s) and subcontractor(s), the indemnification clause between LA and its contractor(s) and subcontractor(s) shall include the following:

To the fullest extent permitted by law, Contractor shall defend, indemnify, and hold harmless the LA and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally, on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions,

universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

S. AVAILABILITY OF FUNDS

Pursuant to A.R.S. § 35-154(A), every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

T. SEVERABILITY

The provisions of this Agreement are severable to the extent that any provision or application found to be invalid shall not affect any other provision or application of the Agreement, which shall remain in effect without the invalid provision or application.

U. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS

Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007
(602) 771-2242
oac@azdeq.gov

Leo Lew, County Manager
Pinal County
P.O. Box 827
Florence, AZ 85132
(520) 866-6248

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

**WASTE APPENDIX
To
#EV22-0020**

Pinal County

SOLID WASTE MANAGEMENT

A. DELEGATED FUNCTIONS AND DUTIES

The Local Authority (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. Personnel qualifications correspond to descriptions in section C.

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|---|-------------------------------------|
| Yes | 1a. Inspection of septage haulers for ADEQ licensing and complaints; inspections conducted at least annually. | A.R.S. § 49-104(B)(8) A.R.S. § 49-141, Environmental nuisances A.R.S. § 49-142, Abatement order; hearing; injunction R18-13-1106 Inspection R18-13-1112 Sanitary Requirements R18-13-1116 Suspension and Revocation R18-13-1117 Reinstatement | C1, C2, C3, C4, C5, C6, C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|-------------------------------------|
| Yes | 1b. Licensing of septage haulers. | R18-13-1103 General Requirements; License Fees R18-13-1112 Sanitary Requirements R18-13-1116 Suspension and Revocation R18-13-1117 Reinstatement | C1, C2, C3, C5 |
| Yes | 2. Inspection of refuse haulers and complaints; inspections conducted at least annually. | A.R.S. § 49-104(B)(8) A.R.S. § 49-141, Environmental nuisances A.R.S. § 49-142, Abatement order; hearing; injunction R18-13-304 Inspection R18-13-305 Collection Required R18-13-306 Notices R18-13-308 Frequency of Collection R18-13-309 Place of Collection R18-13-310 Vehicles R18-13-311 Disposal; General | C1, C2, C3, C4, C5, C6, C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|--|---|--|
| Yes | 3. Inspection of nuisance complaints, and enforcement to eliminate environmental nuisances | A.R.S. § 49-141, Environmental nuisances A.R.S. § 49-142, Abatement order; hearing; injunction A.R.S. § 49-143, Abatement of environmental nuisances A.R.S. § 49-144, Right to enter premises for inspection or abatement R18-13-303 Responsibility R18-13-304 Inspection | For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 For inspections only: C7 |
| Yes | 4. Inspection 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, Definitions A.R.S. § 49-701.01, Definition of solid waste; exemptions A.R.S. § 49-791(A)(4); Violation; classification; penalties R18-13-303 Responsibility R18-13-304 Inspection | For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 For inspections only: C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|--|
| Yes | 5. Inspection of and enforcement to eliminate illegal waste tire storage and disposal | A.R.S. §44-1301, Definitions A.R.S. §44-1304, Disposal of waste tires A.R.S. §44-1304.01, Storage, disposal, discard or abandonment of used motor vehicle tires; registration fees; violation; classification; exception A.R.S. §44-1307, Civil penalties; environmental nuisance | For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 For inspections only: C7 |
| Yes | 6. Inspection of and enforcement to eliminate used oil disposal to land | A.R.S. § 49-801, Definitions A.R.S. § 49-803, Prohibited practices A.R.S. § 49-811, Violation; civil penalty A.R.S. § 49-812, Compliance orders; injunctive relief A.R.S. § 49-817, Enforcement powers of the director and inspectors 40 CFR § 279.1, Definitions | For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 For inspections only: C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|--|---|--|
| Yes | 7. Inspection and enforcement of used oil generators for compliance with storage, labeling, and release response requirements | A.R.S. § 49-801, Definitions A.R.S. § 49-802.C.1, Federal used oil program; incorporation by reference; rule making A.R.S. § 49-811, Violation; civil penalty A.R.S. § 49-812, Compliance orders; injunctive relief A.R.S. § 49-817, Enforcement powers of the director and inspectors 40 CFR § 279.1, Standards for the Management of Used Oil (Definitions) 40 CFR § 279.22, Standards for Used Oil Generators (Used oil storage) | For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 For inspections only: C7 |
| Yes | 8. Inspection and enforcement of lead acid battery collection and recycling facilities to eliminate illegal disposal. Registration is performed by ADEQ. | A.R.S. § 49-104(B)(8) A.R.S. § 44-1321, Definitions A.R.S. § 44-1322, Disposal of lead acid batteries A.R.S. § 44-1324, Civil penalties; environmental nuisance | C1, C2, C3, C4, C5, C6, C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|-------------------------------------|
| Yes | 9. 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. § 49-104(B)(8) A.R.S. § 49-763, Inspections A.R.S. § 49-766(B), Agricultural landfills; notice R18-13-304, Inspection R18-13-311, Disposal; General | C1, C2, C3, C4, C5, C6, C7 |
| Yes | 10. 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. § 49-104(B)(8) A.R.S. § 49-763, Inspections A.R.S. § 49-766(A); Agricultural landfills; notice R18-13-304, Inspection R18-13-311, Disposal; General | C1, C2, C3, C4, C5, C6 |
| No | 11. Approval of new subdivision solid waste collection and disposal that aligns with rules | R18-5-409, Refuse Disposal R18-13-306, Notices R18-13-305, Collection Required R18-13-311, Disposal; General R18-13-312, Methods of Disposal | C1, C2, C3, C4, or C5, C6 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|--|--|-----------------------------|
| No | 12. Inspections related to biohazardous medical waste transporters for ADEQ registration; inspections conducted at least annually. | A.R.S. § 49-104(B)(8) A.R.S. § 49-761(D), Rulemaking authority for solid waste facilities; exemption; financial assurance; recycling facilities A.R.S. § 49-763, Inspections A.R.S. § 49-768, Civil penalties R18-13-1401, Definitions R18-13-1402, Applicability R18-13-1403, Exemptions; Partial Exemptions R18-13-1404, Transition and Compliance Dates R18-13-1409, Transportation License; Annual Fee | C1, C2, C3, C4, C5, C6 |

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 authority 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-owned or city-owned.
3. The LA shall annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.
4. The LA shall annually inspect all septage haulers.

5. When inspections are referenced in the functions and duties they can include pre-inspection file review, contact with facility personnel to discuss the upcoming inspection and questions from the file review, any investigative work necessary for completing a thorough inspection or post-inspection follow-up, the inspection itself, and the closing conference to review the inspection with the facility personnel. Arizona Revised Statutes, Title 41 inspection procedures and other applicable inspection laws and rules must be followed.
6. If both permitting and inspection functions are not delegated to an LA for a particular permit type, nuisance responses for that permit should be conducted by ADEQ. LA's are encouraged to work with ADEQ on nuisance responses and utilize their own authority to mitigate nuisances as quickly as possible.

C. PERSONNEL QUALIFICATIONS

The following describes the minimum personnel qualifications that are required for persons performing the functions and duties delegated in the table of section A, above. If a qualification is listed in the table of section A, that duty may be performed by a person with that qualification. If multiple qualifications are listed, a person who meets any of those qualifications may perform the duty.

Minimum qualifications must be met by all staff. Existing staff who do not meet the minimum qualifications as of the date of execution of this Agreement may receive an exception by their manager for up to two years.

LA are encouraged to build technical competency within programs. Technical competency improves the protection of human health and the environment. Building technical competency often means hiring staff that have more formal education.

Staff personnel should be supervised by a person with training and experience in the functions and duties being conducted. Staff personnel should also ensure issues are addressed by those with knowledge and training in the task to be performed. If there are engineering issues that require a professional engineer's review, staff must obtain that review.

Qualifications

1. Duties performed by a Professional Engineer registered in the State of Arizona pursuant to A.R.S. § 32-123 and A.A.C. R4-30-224 as determined by the Board of Technical Registration.
2. Duties performed by an Engineer-in-Training pursuant to A.R.S. § 32-101 and A.A.C. R4-30-222, or a graduate of a four-year engineering degree program accredited at the time of graduation by the Accreditation Board for Engineering and Technology or its predecessor organization.
3. Duties performed by a Registered Sanitarian/Environmental Health Sanitarian registered in the State of Arizona pursuant to A.R.S. § 36-136.01 and A.A.C. R9-16-401 et seq.

4. Duties performed by a Professional Geologist registered in the State of Arizona pursuant to A.R.S. § 32-123 and A.A.C. R4-30-244 as determined by the Board of Technical Registration.
5. Duties performed by an Environmental Professional who has a four-year degree in a field related to their duties, and training and/or experience in the duties to be performed.
6. Duties performed by an Environmental Health Sanitarian Aide as defined in, and with the supervision described in, A.A.C. R9-16-401(11) and -403.
7. Duties performed by an Environmental Technician who has training and/or experience in the duties to be performed, only after efforts have been made to hire candidates with a four-year degree in a related field. An associate's degree or higher is preferred. An Environmental Technician performs basic analysis and tests, under the supervision of a Registered Sanitarian or P.E.

D. LOCAL FEE AUTHORITY

An LA may have authority to enact fees for delegated duties and functions, which is different from ADEQ's fee authority. In all cases, an LA may not charge a duplicative fee for a service that is already covered by an ADEQ fee, and if the LA is utilizing ADEQ's fee authority, fees charged by the LA must be consistent with ADEQ fee authority. ADEQ and LA agree to work together to eliminate duplication of permitting and fees. Existing LA permitting processes and fee collection may continue until such time that ADEQ provides formal written notice to LA of changes that must occur with an agreed upon schedule to implement those changes.

E. AGENCY CONTACT PERSONS:

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix and is the contact person when ADEQ must provide notice to the LA. The LA employee is responsible for distributing any notice received to other staff and managers. The LA shall provide written notice to ADEQ of any successor.

Name: Andrew Smith
Title: Director
Address: Pinal County
Pinal County Public Works
85 N. Florence Street
Florence, AZ 85132
Telephone: (520) 866-6419
Email: Andrew.Smith@pinal.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.

Title: Manager, Solid Waste/Hazardous Waste Section
 Waste Programs Division
Telephone: (602) 771-4503

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

**WATER APPENDIX
To
#EV22-0020**

Pinal County

WATER QUALITY MANAGEMENT

A. DELEGATED FUNCTIONS AND DUTIES

The Local Authority (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. Personnel qualifications correspond to descriptions in section C. Refer to the **EXCEPTIONS AND SPECIAL PROVISIONS** in **Section B** for additional requirements for certain delegated functions and duties.

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|---|
| | 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 of this Appendix. | A.R.S. § 49-104(B)(8) A.R.S. § 49-144 A.R.S. § 49-203(B)(1) A.R.S. § 49-261, Compliance Orders; appeal; enforcement A.R.S. § 49-262, Injunctive relief; civil penalties; recovery of litigation costs; affirmative defense R18-9-101 Definitions R18-9-110 Inspections, Violations and Enforcement R18-9-A301(A)(1), (A)(4), (B) and (D) Discharging under General Permit | See qualifications for specific functions and duties below. |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|----------------------|--|--------------------------|
| | | <p>R18-9-A302 Point of Compliance</p> <p>R18-9-A303 Renewal of Discharge Authorization</p> <p>R18-9-A304 Notice of Transfer</p> <p>R18-9-A305 Facility Expansion</p> <p>R18-9-A306 Closure</p> <p>R18-9-A307 Revocation of Coverage</p> <p>R18-9-A308 Violations and Enforcement for On-site Wastewater Treatment Facilities</p> <p>R18-9-A309(A)-(D) General Provisions for On-site Wastewater Treatment Facilities</p> <p>R18-9-A310 except (D)(1)(d) and (H) On-site Wastewater Treatment Facilities</p> <p>R18-9-A311 Facility Selection for Type 4 On-site Wastewater Treatment Facilities</p> <p>R18-9-A312 Facility Design for Type 4 On-site Wastewater Treatment Facilities</p> <p>R18-9-A313 Facility Installation, Operation, and Maintenance for On-site Wastewater Treatment Facilities</p> <p>R18-9-A314 except (3)(b) Septic Tank Design, Manufacturing, and Installation for On-site Wastewater Treatment Facilities</p> | |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|---|---|---|-----------------------------------|
| | | <p>R18-9-A315 Interceptor Design, Manufacturing, and Installation for On-site Wastewater Treatment Facilities</p> <p>R18-9-A316 except (B) (2) and (B)(3)(f) Transfer of Ownership Inspection for On-site Wastewater Treatment Facilities</p> | |
| <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> | <p>2. Complaint response, compliance assistance, and compliance (including inspections) and enforcement responsibilities for the following <u>Type 1 General Aquifer Protection Permits</u>.</p> <p><i>A Yes or No by each Type 1 General APP denotes whether that permit is delegated.</i></p> <p>1.07 Dockside facilities and watercraft</p> <p>1.08 Earth pit privy</p> <p>1.09 On-site wastewater treatment facilities and sewage treatment facilities approved by the Department before January 1, 2001 operating under a general permit before January 1, 2001 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>R18-9-B301(G), (H), (I), (J), and (K) Type 1 General Permit</p> | <p>C1, C2, C3, C4, C5, C6, C7</p> |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|---|
| Yes | 3. Application review, construction inspection, issuance or denial of Construction and Discharge Authorizations, compliance (including inspections) and enforcement tasks for the 4.02 General Aquifer Protection Permit for a <u>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. | R18-9-E302 4.02 General Permit: Septic Tank with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit, Less Than 3000 Gallons Per Day Design Flow and relevant rules listed for Item #1 | For construction and discharge authorizations: C1, C2, C3, C4, C5, C6 For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6, C7 |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|---|---|--|
| | <p>4. Application review, construction inspection, issuance or denial of Construction and Discharge Authorizations, compliance (including inspections) and enforcement for the following 4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities with a design flow of less than 3000 gallons per day.</p> <p><i>A Yes or No by each Type 4 General APP denotes whether that permit is delegated.</i></p> <p>Yes 4.03 Composting toilet</p> <p>Yes 4.04 Pressure distribution system</p> <p>Yes 4.05 Gravelless trench</p> <p>Yes 4.06 Natural seal E-T bed</p> <p>Yes 4.07 Lined E-T bed</p> <p>Yes 4.08 Wisconsin mound</p> <p>Yes 4.09 Engineered pad system</p> <p>Yes 4.10 Intermittent sand filter</p> <p>Yes 4.11 Peat filter</p> <p>Yes 4.12 Textile filter</p> <p>Yes 4.13 Denitrifying w/separated wastewater</p> <p>Yes 4.14 Sewage vault</p> <p>Yes 4.15 Aerobic system</p> <p>Yes 4.16 Nitrate-reactive media filter</p> <p>Yes 4.17 Cap system</p> <p>Yes 4.18 Constructed wetlands</p> <p>Yes 4.19 Sand-lined trench</p> <p>Yes 4.20 Disinfection devices</p> <p>Yes 4.21 Surface disposal</p> <p>4.22 Subsurface drip irrigation</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>R18-9-E316</p> <p>R18-9-E317</p> <p>R18-9-E318</p> <p>R18-9-E319</p> <p>R18-9-E320</p> <p>R18-9-E321</p> <p>R18-9-E322</p> | <p>For construction and discharge authorizations: C1, C2, C3, C4, C5</p> <p>For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6, C7</p> |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|---|---|
| Yes | 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 4.23 General Permit: 3000 to less than 24,000 Gallons Per Day Design Flow and relevant rules listed for Item #4. | For construction and discharge authorizations: C1; C2 and C3 (if there has been independent engineering review or supervision by a Professional Engineer) For inspections, compliance, and enforcement: C1, C2, C3, C4, C5, C6 |
| No | 6. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance (including inspections) and enforcement for the <u>4.01 General Aquifer Protection Permit for Sewage Collection Systems</u> | R18-9-E301 4.01 General Permit: Sewage Collection Systems and relevant rules listed for Item #1. | For construction and discharge authorizations: C1; C2 and C3 (if there has been independent engineering review or supervision by a Professional Engineer) For inspections, compliance, and |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|---|--|---|
| | | | enforcement: C1, C2, C3, C4, C5, C6 |
| Yes | 7a. Complaint response and compliance assistance for private residential <u>Gray Water Systems</u> authorized by the Type 1 Recycled Water General Permit. | R18-9-A701 Definitions R18-9- D701 Recycled Water General Permit | C1, C2, C3, C4, C5, C6, C7 |
| No | 7b. Application review, inspection, issuance or denial of <u>Construction and Discharge Authorizations</u> , compliance and enforcement for the Type 3 Recycled Water General Permit for Gray Water for flows less than 3000 gpd. | A.R.S. § 49-104(B)(8) A.R.S. §49-144 A.R.S. §49-203(B)(1) R18-9-A701 Definitions R18-9- D702 Recycled Water General Permit | C1, C2, C3, C4, C5, C6 |
| No | 8a. <u>Certificate of Approval for Sanitary Facilities for Subdivisions</u> • Application review, inspection, and certificate issuance or denial as appropriate | R18-9-A309(A)(8)(c) General Provisions for On-site Wastewater Treatment Facilities R18-5-401 Definitions R18-5-402 Approval of Plans Required R18-5-403 Application for Approval R18-5-404 Size of Lots R18-5-405 Responsibility of Subdivider | C1, C2, C3 (independent engineering review or supervision by a Professional Engineer recommended) |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|---|--|--|
| | | R18-5-406 Public Water Systems R18-5-407 Public Sewerage Systems R18-5-408 Individual Sewage Disposal Systems R18-5-409 Refuse Disposal R18-5-410 Condominiums R18-5-411 Violations | |
| No | <u>8b. Certificate of Approval for Sanitary Facilities for Subdivisions</u> • Compliance and enforcement | R18-9-A309(A)(8)(c) General Provisions for On-site Wastewater Treatment Facilities R18-5-401 Definitions R18-5-402 Approval of Plans Required R18-5-403 Application for Approval R18-5-404 Size of Lots R18-5-405 Responsibility of Subdivider R18-5-406 Public Water Systems R18-5-407 Public Sewerage Systems R18-5-408 Individual Sewage Disposal Systems R18-5-409 Refuse Disposal R18-5-410 Condominiums R18-5-411 Violations | C1, C2, C3, C4, C5, C6, C7 |
| No | <u>9. Public Water Systems Approval to Construct (ATC) and Approval of Construction (AOC) for water line extensions and booster pump facilities only:</u> • Application review, construction inspection, | R18-4-103 definitions in 40 CFR 141, Subpart A R18-4-103 General – 40 CFR 141, Subpart A R18-4-103 Incorporated by reference Best Available Technologies [40 CFR 142.62] | C1; C2 (if there has been independent engineering review or supervision by a Professional Engineer) |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|--|--|--------------------------|
| | <p>and certificate issuance or denial as appropriate</p> <ul style="list-style-type: none"> Note: Government-owned or -operated projects (federal, state, county, or district) are NOT delegated and must be sent to ADEQ for review. Note: For Maricopa County, this includes the Town of Queen Creek Water Service Area based on the 2015 map listed in the delegation agreement Note: City of Phoenix projects are delegated to Maricopa county for review | <p>R18-4-213 Standards for Additives, Materials and Equipment</p> <p>R18-4-215 [except (F) through (I)] Backflow Prevention</p> <p>R18-4-217</p> <p>Revised Total Coliform Rule 40 CFR Part 141, Subpart Y]</p> <p>R18-5-501 Siting Requirements</p> <p>R18-5-502 Minimum Design Criteria</p> <p>R18-5-503 Storage Requirements</p> <p>R18-5-504 Prohibition on the Use of Lead Pipe, Solder, and Flux</p> <p>R18-5-505 Approval to Construct</p> <p>R18-5-506 Compliance with Approved Plans</p> <p>R18-5-507 Approval of Construction</p> <p>R18-5-508 Record Drawings</p> <p>R18-5-509 Modification to Existing Treatment Process</p> <p>A.R.S. §41-1009 inspection and A.R.S. §49-354 enforcement related to ATC/AOC</p> | |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|---|--|---|
| No | <p><u>10. Public Water Systems Approval to Construct (ATC) and Approval of Construction (AOC) for wells, new source, storage tanks, treatment and blending plans and point of use/point of entry devices:</u></p> <ul style="list-style-type: none"> • Application review, construction inspection, and certificate issuance or denial as appropriate <ul style="list-style-type: none"> • Note: Government-owned or -operated projects (federal, state, county, or district) are NOT delegated and must be sent to ADEQ for review. • Note: City of Tucson projects are NOT delegated and must be sent to ADEQ for review. | <p>R18-4-103 definitions in 40 CFR 141, Subpart A</p> <p>R18-4-103 General – 40 CFR 141, Subpart A</p> <p>R18-4-103 Incorporated by reference Best Available Technologies [40 CFR 142.62]</p> <p>R18-4-213 Standards for Additives, Materials and Equipment</p> <p>R18-4-215 [except (F) through (I)] Backflow Prevention</p> <p>R18-4-217</p> <p>Revised Total Coliform Rule 40 CFR Part 141, Subpart Y]</p> <p>R18-5-501 Siting Requirements</p> <p>R18-5-502 Minimum Design Criteria</p> <p>R18-5-503 Storage Requirements</p> <p>R18-5-504 Prohibition on the Use of Lead Pipe, Solder, and Flux</p> <p>R18-5-505 Approval to Construct</p> <p>R18-5-506 Compliance with Approved Plans</p> <p>R18-5-507 Approval of Construction</p> <p>R18-5-508 Record Drawings</p> <p>R18-5-509 Modification to Existing Treatment Process</p> <p>A.R.S. §41-1009 inspection and A.R.S. §49-354 enforcement related to ATC/AOC</p> | <p>C1;</p> <p>C2 (if there has been independent engineering review or supervision by a Professional Engineer)</p> |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|--|---|---------------------------|
| No | <p>11. <u>Public Water Systems</u></p> <ul style="list-style-type: none"> Compliance and Enforcement - Conduct sanitary surveys (compliance inspections) to ensure proper operation and maintenance of water systems and related enforcement Note: Government-owned or -operated projects (federal, state, county, or district) are NOT delegated and must be sent to ADEQ for review. Note: City of Tucson projects are NOT delegated and must be sent to ADEQ for review. | <p>R18-4-101</p> <p>R18-4-102</p> <p>R18-4-103 [except the incorporation by reference to 40 CFR 141.4 and except for subsections (C) and (D)]</p> <p>R18-4-104 through R18-4-114</p> <p>R18-4-117 through R18-4-126</p> <p>R18-4-201 through R18-4-218 [except R18-4-216]</p> | <p>C1, C2, C3, C4, C5</p> |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|----------------------|--|---|---------------------------|
| No | <p>12. <u>Public Water Systems</u></p> <ul style="list-style-type: none"> Monitoring and Reporting - Issuance of violations and related enforcement, as a result of non-compliance for monthly and quarterly monitoring and reporting. Note: Government-owned or -operated projects (federal, state, county, or district) are NOT delegated and must be sent to ADEQ for review. Note: ADEQ does the compliance checks for facilities on a monthly or quarterly basis and notifies the delegated county about the facilities to which they need to send letters of violation. Note: City of Tucson projects are NOT delegated and must be sent to ADEQ for review. | <p>R18-4-101</p> <p>R18-4-102</p> <p>R18-4-103 [except the incorporation by reference to 40 CFR 141.4 and except for subsections (C) and (D)]</p> <p>R18-4-104 through R18-4-114</p> <p>R18-4-117 through R18-4-126</p> <p>R18-4-201 through R18-4-218 [except R18-4-216]</p> | <p>C1, C2, C3, C4, C5</p> |

| Delegated? Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code and the Code of Federal Regulations | Personnel Qualifications |
|------------------------------|---|--|---------------------------------|
| No | <p>13. <u>Public and Semipublic Swimming Pools</u></p> <p>Approval to Construct (ATC) and Approval of Construction (AOC)</p> <ul style="list-style-type: none"> • Application review, construction inspection, and certificate issuance or denial as appropriate • Compliance and enforcement | <p>A.A.C. Title 18, Chapter 5, Article 2 Public and Semipublic Swimming Pools and Spas [R18-5-201 through R18-5-251]</p> <p>R18-4-103 as related to definitions</p> <p>R18-4-213 Standards for Additives, Materials, and Equipment</p> | C1, C2, C3, C4, C5 |
| Yes | <p>14. <u>Notice of Transfer</u></p> <p>Transferring ownership of an on-site wastewater treatment facility</p> | R18-9-A304 Notice of Transfer | C1, C2, C3, C4, C5, C6, C7 |

B. EXCEPTIONS AND SPECIAL PROVISIONS

1. Public water system projects shall not be split between ADEQ and LA that are only delegated waterline and booster pump projects. If a waterline and booster pump is part of a larger project that includes a well, tank, chlorinator, treatment, etc. then the whole project shall be under ADEQ jurisdiction.
2. If a waterline project involves a new source of water (i.e., an interconnect to another PWS) then ADEQ shall be consulted by the LA to evaluate for potential corrosion control issues stemming from the new source of water.
3. ADEQ may temporarily suspend delegated functions and duties 9 through 12 in Table A, for specific public water systems that are receiving technical and/or financial assistance to remedy non-compliance. ADEQ will provide notice to an LA of any temporary suspension in delegation. ADEQ may return the delegation, if LA consents, once the public water system is serving potable water meeting all drinking water standards and has capacity to maintain the system.

4. 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. 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 or Director's designee 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 or Director's designee of ADEQ. ADEQ shall forward a copy of the completed file to the LA for any application package reviewed by ADEQ.
5. When inspections are referenced in the functions and duties they can include pre-inspection file review, contact with facility personnel to discuss the upcoming inspection and questions from the file review, any investigative work necessary for completing a thorough inspection or post-inspection follow-up, the inspection itself, and the closing conference to review the inspection with the facility personnel. Arizona Revised Statutes, Title 41 inspection procedures and other applicable inspection laws and rules must be followed.
6. Functions, and Duties of ADEQ related to the following facilities are NOT delegated:
 - a. Public water systems, 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).

7. Final approval of any public water system, wastewater facility or swimming pool facility which is designed by or for the LA, or for a capital improvement project, is NOT delegated to the LA. This exception does not prohibit or otherwise affect later assignment or transfer to the LA of a public water system, wastewater facility or swimming pool facility having a construction completion approval issued by the LA.
8. If both permitting and inspection functions are not delegated to an LA for a particular permit type, nuisance responses for that permit should be conducted by ADEQ. LA's are encouraged to work with ADEQ on nuisance responses and utilize their own authority to mitigate nuisances as quickly as possible.
9. For the purposes of determining applicability of project cost exemptions under A.A.C. R18-5-505(B), 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.

C. PERSONNEL QUALIFICATIONS

The following describes the minimum personnel qualifications that are required for persons performing the functions and duties delegated in the table of section A, above. If a qualification is listed in the table of section A, that duty may be performed by a person with that qualification. If multiple qualifications are listed, a person who meets any of those qualifications may perform the duty.

Minimum qualifications must be met by all staff. Existing staff who do not meet the minimum qualifications as of the date of execution of this Agreement may receive an exception by their manager for up to two years.

LA are encouraged to build technical competency within programs. Technical competency improves the protection of human health and the environment. Building technical competency often means hiring staff that have more formal education.

Staff personnel should be supervised by a person with training and experience in the functions and duties being conducted. Staff personnel should also ensure issues are addressed by those with knowledge and training in the task to be performed. If there are engineering issues that require a professional engineer's review, staff must obtain that review.

Qualifications

1. Duties performed by a Professional Engineer registered in the State of Arizona pursuant to A.R.S. § 32-123 and A.A.C. R4-30-224 as determined by the Board of Technical Registration.
2. Duties performed by an Engineer-in-Training pursuant to A.R.S. § 32-101 and A.A.C. R4-30-222, or a graduate of a four-year engineering degree program accredited at the time of graduation by the Accreditation Board for Engineering and Technology or its predecessor organization.
3. Duties performed by a Registered Sanitarian/Environmental Health Sanitarian registered in the State of Arizona pursuant to A.R.S. § 36-136.01 and A.A.C. R9-16-401 et seq.
4. Duties performed by a Professional Geologist registered in the State of Arizona pursuant to A.R.S. § 32-123 and A.A.C. R4-30-244 as determined by the Board of Technical Registration.
5. Duties performed by an Environmental Professional who has a four-year degree in a field related to their duties, and training and/or experience in the duties to be performed.
6. Duties performed by an Environmental Health Sanitarian Aide as defined in, and with the supervision described in, A.A.C. R9-16-401(11) and -403.
7. Duties performed by an Environmental Technician who has training and/or experience in the duties to be performed, only after efforts have been made to hire candidates with a four-year degree in a related field. An associate's degree or higher is preferred. An Environmental Technician performs basic analysis and tests, under the supervision of a Registered Sanitarian or P.E.

D. LOCAL FEE AUTHORITY

An LA may have authority to enact fees for delegated duties and functions, which is different from ADEQ's fee authority. In all cases, an LA may not charge a duplicative fee for a service that is already covered by an ADEQ fee, and if the LA is utilizing ADEQ's fee authority, fees charged by the LA must be consistent with ADEQ fee authority. ADEQ and LA agree to work together to eliminate duplication of permitting and fees. Existing LA permitting processes and fee collection may continue until such time that ADEQ provides formal written notice to LA of changes that must occur with an agreed upon schedule to implement those changes.

E. AGENCY CONTACT PERSONS

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix and is the contact person when ADEQ must provide

notice to the LA. The LA employee is responsible for distributing any notice received to other staff and managers. The LA shall provide written notice to ADEQ of any successor.

Title: Director
Address: Pinal County Public Health Services District
P.O. Box 2945
971 N. Jason Lopez Circle
Building D
Florence, AZ 85132
Telephone: 866.960.0633

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

Approvals of Drinking Water Systems

Manager, ADEQ Drinking Water Engineering Review
Phone: (602) 771-4648

Drinking Water, Compliance and Enforcement

Manager, ADEQ Drinking Water Compliance & Inspections Unit
Phone: (602) 771-4253

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

Manager, ADEQ Groundwater and Reuse Permits
Phone: (602) 771-6723

Groundwater & Reuse Compliance and Enforcement

Manager, ADEQ Groundwater & Reuse Compliance and Enforcement
Phone: (602) 771-4479

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

AIR APPENDIX

To
EV22-0020

Pinal County

AIR QUALITY MANAGEMENT

A. DELEGATED FUNCTIONS AND DUTIES

The local authority (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.

| Delegated Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|---------------------|---|---|-----------------------------|
| Yes | 1. <u>Pinal County only</u> : As a supplement to the LA existing statutory jurisdiction, ADEQ delegates to the LA permitting and enforcement jurisdiction over all major sources , as defined in A.A.C. R18-2-401, located within Pinal County, other than those sources within the source categories specified in Subpart B of this Appendix. | A.R.S. § 49-401 A.R.S. § 49-401.01 A.R.S. § 49-402 A.R.S. § 49-402(B) A.R.S. § 49-404(C) A.R.S. § 49-410(C) A.R.S. § 49-410(D) A.R.S. § 49-421 A.R.S. § 49-426 A.R.S. § 49-426.01 A.R.S. § 49-426.02 A.R.S. § 49-427 A.R.S. § 49-428 A.R.S. § 49-429 A.R.S. § 49-430 A.R.S. § 49-431 | C1, C2, C3 |

| Delegated Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|---------------------|----------------------|--|-----------------------------|
| | | A.R.S. § 49-432 A.R.S. § 49-433 A.R.S. § 49-435 A.R.S. § 49-442 A.R.S. § 49-443 A.R.S. § 49-444 A.R.S. § 49-448 A.R.S. § 49-460 A.R.S. § 49-461 A.R.S. § 49-462 A.R.S. § 49-463 A.R.S. § 49-464 A.R.S. § 49-466 A.R.S. § 49-467 A.A.C. R18-2-304 A.A.C. R18-2-306 A.A.C. R18-2-307 A.A.C. R18-2-309 A.A.C. R18-2-317 A.A.C. R18-2-318 A.A.C. R18-2-319 A.A.C. R18-2-320 A.A.C. R18-2-321 A.A.C. R18-2-322 A.A.C. R18-2-323 A.A.C. R18-2-325 A.A.C. R18-2-326 A.A.C. R18-2-327 A.A.C. R18-2-401 | |

| Delegated Yes/No | Functions and Duties | Applicable Portions of the Arizona Revised Statutes, the Arizona Administrative Code, and the Code of Federal Regulations | Personnel Qualifications |
|---------------------|----------------------|--|-----------------------------|
| | | A.A.C. R18-2-402 A.A.C. R18-2-403 A.A.C. R18-2-404 A.A.C. R18-2-405 A.A.C. R18-2-406 A.A.C. R18-2-407 A.A.C. R18-2-408 A.A.C. R18-2-409 A.A.C. R18-2-410 A.A.C. R18-2-411 A.A.C. R18-2-412 | |

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. The LA will meet at least the minimal requirements and standards applicable to the Delegation as established under the Clean Air Act, ADEQ statutes and rules, including A.R.S. § 49-410 and A.A.C. Title 18, Ch. 2, Art.12, and LA Air Pollution Control Regulations.
2. This Agreement does not preclude ADEQ from asserting jurisdiction over any source pursuant to A.R.S. § 49-402(B).
3. When inspections are referenced in the functions and duties they can include pre-inspection file review, contact with facility personnel to discuss the upcoming inspection and questions from the file review, any investigative work necessary for completing a thorough inspection or post-inspection follow-up, the inspection itself, and the closing conference to review the inspection with the facility personnel. Arizona Revised Statutes, Title 41 inspection procedures and other applicable inspection laws and rules must be followed.
4. If both permitting and inspection functions are not delegated to an LA for a particular permit type, nuisance responses for that permit should be conducted by ADEQ. LA's are encouraged to work with ADEQ on nuisance responses and utilize their own authority to mitigate nuisances as quickly as possible.

FOR PINAL COUNTY DELEGATION ONLY

1. Pursuant to A.R.S. § 49-402(A), ADEQ reserves jurisdiction within Pinal County over such 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 Federal 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, and 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-subsiary entities.
3. The delegation of jurisdiction of this Appendix shall terminate and the LA shall have original jurisdiction over the major sources covered by Subpart A under A.R.S. § 49-402(A)(1) and (B) during any period when the LA has delegation or approval from the U.S. Environmental Protection Agency (EPA) for Nonattainment New Source Review and Prevention of Significant Deterioration under the Federal Clean Air Act.
4. Permit Issuance Timeframes
 - a. Permitting activities shall be completed within the licensing timeframes established by the applicable provisions of the Federal Clean Air Act, Code of Federal Regulations, Arizona Revised Statutes, the overall timeframes in A.A.C. R18-1-525, and locally applicable air quality rules, whichever is more stringent.
 - b. If at any time the LA determines that the overall timeframes in A.A.C. R18-1-525 may be exceeded for an application, the LA shall, in addition to complying with any other applicable statutory requirements, notify the ADEQ Air Quality Division (AQD) Director as soon as practicable prior to exceeding the timeframes.
5. All permits shall include the elements set forth in A.A.C. R18-2-306, 309 and 325, and shall be processed according to A.A.C. R18-2-304 and 307, or locally applicable air quality rules, whichever is more stringent.
6. All new major sources and major modifications to existing sources shall be

processed according to A.A.C. Title 18, Chapter 2, Article 4, as applicable.

7. All permit revisions, reopenings, renewals, transfers, or other permit changes shall be processed according to A.A.C. R18-2-317, 318, 319, 320, 321, 322, and 323 or locally applicable air quality rules, whichever are more stringent.
8. All permitted facilities shall be required to submit annual emission inventories in accordance with A.A.C. R18-2-327 or locally applicable air quality rules, whichever is more stringent.
9. All permitted facilities shall pay annual fees in accordance with A.A.C. R18-2-326 or locally applicable air quality rules.
10. Prior to denying a permit application for a source covered by this Agreement, the LA shall obtain ADEQ's approval of the action.
11. Provisions shall be in place for accelerated permit processing.
12. Unannounced inspections shall be conducted in accordance with an EPA-approved Compliance Monitoring Strategy (CMS Plan). Any source under this delegation not covered by a CMS Plan shall be inspected annually.

C. PERSONNEL QUALIFICATIONS

The following describes the personnel qualifications that are required for persons performing the functions and duties delegated in the table in section A, above. If a qualification is listed in the table in section A, that duty may be performed by a person with that qualification. If multiple qualifications are listed, a person who meets any of those qualifications may perform the duty.

Minimum qualifications must be met by all staff. Existing staff who do not meet the minimum qualifications as of the date of execution of this Agreement may receive an exception by their manager for up to two years.

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. A Professional Engineer registered in the State of Arizona pursuant to A.R.S. § 32-123 and A.A.C. R4-30-224 as determined by the Board of Technical Registration. See A.R.S. § 32-4302 concerning universal licensing.
2. Compliance duties may be performed by personnel with the minimum qualifications of a four-year degree in Engineering or in a science field, or a combination of training, education and experience which demonstrates ability to perform the duties of the position.
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. REPORTING REQUIREMENTS

FOR PINAL COUNTY DELEGATION ONLY

1. The LA shall report the following:
 - a. Within 60 days after the execution of this Agreement, and annually thereafter in conjunction with Paragraph 2 of this Subpart, the LA shall file with the ADEQ AQD Director a list of the sources that are permitted by the LA that are covered by this Agreement. The list shall include the following:
 - i. Name of the company operating the facility;
 - ii. Name of the facility;
 - iii. Description of the facilities operation;
 - iv. Physical location, including both address and a general latitude and longitude; and
 - v. For the initial report, an explanation as to why each source is under ADEQ's delegated authority. For subsequent annual reports, this explanation is only required for sources which were not on the previously submitted report.
 - b. Each year within 30 days of the anniversary date of this Agreement, the LA shall file an annual report with the ADEQ AQD Director specifying the following for each source covered by this Agreement:
 - i. Number of permits issued, including the date of receipt of the application and the date of permit issuance;
 - ii. Number of notices of violation and the percent of notices handled in a manner consistent with ADEQ compliance and enforcement policy;
 - iii. Number of inspections;
 - iv. Number of complaints received and the percent of complaints receiving initial follow-up within 5 working days;
 - v. Number of escalated enforcement cases; and
 - vi. Description and disposition of each escalated enforcement case and amount of penalty assessed and collected, if any.

E. LOCAL FEE AUTHORITY

An LA may have authority to enact fees for delegated duties and functions, which is different from ADEQ's fee authority. If such authority exists, it will be noted here for the specific LA. In all cases, an LA may not charge a duplicative fee for a service that is already covered by an ADEQ fee, and if the LA is utilizing ADEQ's fee authority, fees charged by the LA must be consistent with ADEQ fee authority. ADEQ and LA agree to work together to eliminate duplication of permitting and fees. Existing LA permitting processes and fee collection may continue until such time that ADEQ provides formal written notice to LA of changes that must occur with an agreed upon schedule to implement those changes.

F. AGENCY CONTACT PERSONS

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix and is the contact person when ADEQ must provide notice to the LA. The LA employee is responsible for distributing any notice received to other staff and managers. The LA shall provide ADEQ written notice of any successor.

Pinal County

Title: Director
Pinal County Air Quality Control District
Phone: (520) 866-6929

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

Title: Director
Air Quality Division, Arizona Department of Environmental Quality
Phone: (602) 771-4684

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

Signature Page for Pinal County
Delegation Agreement #EV22-0020

Pinal County Public Health Services District and Public Works Department




County Manager

01/19/2022

Date

Arizona Department of Environmental Quality



Waste Programs Division Director

Mar 15, 2022

Date

Arizona Department of Environmental Quality



Water Quality Division Director

Mar 10, 2022

Date

Arizona Department of Environmental Quality

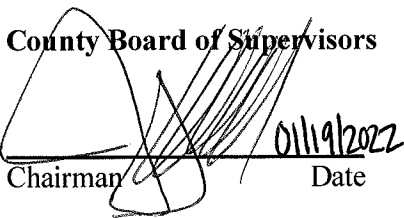


Air Quality Division Director

Feb 17, 2022

Date

County Board of Supervisors

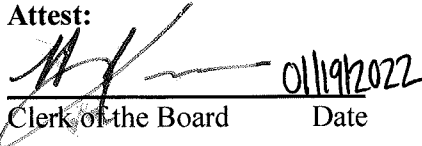


Chairman

01/19/2022

Date

Attest:



Clerk of the Board

01/19/2022

Date