

SUBSTANTIVE POLICY STATEMENT

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

0143.000 NOTIFICATION POLICY FOR LOCAL GOVERNMENTAL AGENCIES

Level One: Arizona Department of Environmental Quality
Originator: Russell F. Rhoades, Director
Contact for Information: Juanita Guidry Copeland, EJ-Community Liaison
Issue Date: April 24, 1998

PURPOSE

The purpose of this policy is to require the ADEQ drinking water, solid waste, water quality compliance and water permits programs to provide notification concerning enforcement actions to local governments in the State of Arizona. This policy identifies three areas of notification for local governments beyond that required by Arizona Revised Statute (A.R.S.) § 49-111.

AUTHORITY

A.R.S. § 49-104. Powers and duties of the department and director.

A.R.S. § 49-104.A.2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises, and correlate department plans, programs and operations with those of the agencies, persons and enterprises.

A.R.S. § 49-104.A.4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.

DEFINITIONS

Officials: For purposes of this policy "officials" means the manager(s) of the county health and/or environmental regulatory agency in whose political jurisdiction ADEQ has taken an enforcement action.

POLICY

This policy has been instituted in support of A.R.S. § 49-104.A.2. and A.R.S. § 49-104.A.4.

ADEQ will notify the county official(s) of any enforcement action, including providing a copy of the enforcement document, initiated against drinking water systems, wastewater treatment or disposal facilities or solid waste disposal facilities located within these officials' political jurisdiction.

PROCEDURES

1. To implement this policy, the Drinking Water, Water Quality Compliance, Water Permits and Solid Waste sections will within thirty (30) days of initiation of an enforcement action(notice of violation, administrative order, or civil complaint), notify the county official(s) of any enforcement actions which are initiated against drinking water systems, wastewater treatment or disposal facilities or solid waste disposal facilities, located within these officials' political jurisdiction. The notification will include a copy of the enforcement action.
2. Where by the manager(s) of the Drinking Water, Water Quality Compliance, Water Quality Permits or Solid Waste sections deem it appropriate, notifications or the enforcement action will also be provided to any affected environmental justice community. The section manager will coordinate with the environmental justice liaison in providing this notice.
5. The Office of Outreach and Information (OOI) will provide support for this effort by updating the list of computer-generated mailing labels which will be stored in the J Drive (shared drive) under DDO.OCS.LABELS. This mailing list is sorted by county. The list will be updated periodically by the support staff of OOI, beginning with an initial survey to determine the appropriate persons and specific addresses for sending these notifications.
6. In addition to the mailing lists that are required by A.R.S. 49-104.A.2. and 49-104.A.4., mailing lists and labels will be available that include the EJ and other affected populations.
7. ADEQ will not release confidential information or trade secrets contained in any of the notifications.

RESPONSIBILITY

The managers and staff of the Drinking Water, Water Quality Compliance, Water Permits and Solid Waste Sections are responsible for implementation of this policy.

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Level One: Arizona Department of Environmental Quality

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Contact for Information: Juanita Guidry Copeland, EJ-Community Liaison

Issue Date: April 24, 1998

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