

## 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.

### **0135.000 PUBLIC NOTIFICATION POLICY FOR A.R.S. § 49-111**

**Level One**            **Arizona Department of Environmental Quality**

**Originator:**        **Juanita Guidry Copeland**  
                         **Environmental Justice-Community Liaison**

**Contact for**  
**Information:**      **Juanita Guidry Copeland**

**Issue Date:**       **April 24, 1998**

#### **PURPOSE**

The purpose of this policy is to comply with the statutory requirements of A.R.S. § 49-111, which requires ADEQ to provide notification to cities, counties and towns of permit or plan approval applications.

ADEQ is committed to the implementation of A.R.S. § 49-111 and has developed this policy and procedure to facilitate implementation by ADEQ staff.

#### **AUTHORITY**

**A.R.S. § 49-111.**

For any application for a permit or plan approval, substantial change to a plan or significant revision or modification to a permit requested pursuant to this title, the director shall notify the appropriate county, city or town by sending a copy or notice of the application or change describing the purpose and scope of the proposed activity. The director shall not release any confidential information or trade secrets in the copy or notice.

#### **POLICY**

ADEQ will notify the appropriate county, city or town by sending a copy or notice of the application or change describing the purpose and scope of the proposed activity for any application for a permit or plan approval, substantial change to a plan or significant revision or modification to a permit requested pursuant to A.R.S. §49-111. No confidential information or trade secrets will be released in the copy of the notice. The notice provided for in this policy is in addition to, and in no way alters or modifies, any other notice requirement contained in any other section of A.R.S. Title 49 or Arizona Administrative Code (A.A.C.), Title 18.

#### **RESPONSIBILITY**

1. Direct responsibilities for implementation of this policy are with ADEQ Management within the ADEQ programs as indicated below:

Air Quality Division, Permits  
Waste Programs Division, Hazardous Waste Permits  
Waste Programs Division, Solid Waste Section, Plan Review  
Water Quality Division, Water Permits and Approvals

2. The Air, Water and Waste Programs within ADEQ are responsible for the activities listed below as necessary in order to comply with A.R.S. §49-111. The programs shall:
  - A. Determine which application types or categories should be subject to A.R.S. § 49-111 notification, and
  - B. Determine which jurisdictions should be notified and by providing guidance in the following circumstances:
    - (1) Identify counties, cities or towns to receive notification;
    - (2) Identify whether the county should receive notification in addition to the city?
    - (3) When the site is within an unincorporated area of a county, identify whether nearby cities and towns should receive notification, in addition to the county;
    - (4) Identify when is it necessary to notify more than one jurisdiction;
    - (5) Identify a centralized location within the program for storage and retrieval of data, such as a database or filing system, for public access.

#### **PROCEDURES**

In support of the above policy, the following procedures have been developed for adoption by the ADEQ divisions as cited in the previous category.

##### **1. AIR QUALITY DIVISION**

###### **A. Statutory and Regulatory Permitting Authority:**

A.R.S. Title § 49-426 A.A.C. Title 18, Chapter 2.

###### **B. Notification:**

The staff of the Air Quality Division will comply with A.R.S. § 49-111 by providing notification to the appropriate counties, cities, and towns. In addition, ADEQ will proactively support the Environmental Justice

program and when deemed necessary by ADEQ management, notify the environmental justice population affected within thirty-one (31) days of receipt of permit applications.

## 2. WATER QUALITY DIVISION

### A. Statutory and Regulatory Permitting Authority: A.R.S Title 49, specific sections including:

- 201 (Definitions)
- 203 (Powers and Duties of Director)
- 221 & 223 (Water Quality Standards)
- 224 (Aquifer Identification, Classification)
- 241-252 (Aquifer Protection Permits)

### Arizona Administrative Code (A.A.C.):

- Title 18, Chapter 9, Article 1 (Aquifer Protection Permits, A.P.P.)
- Title 18, Chapter 9, Article 7 (Authority for Reuse of Wastewater Permits)
- Title 18, Chapter 9, Article 8 (Review of Sewage Systems Plans)
- Title 18, Chapter 11, Article 4 (Aquifer Water Quality Standards)
- Title 18, Chapter 11, Article 5 (Aquifer Boundaries and Protected Use Classification)
- Title 18, Chapter 14, Article 1 (Permit and Compliance Fees)
- Arizona Administrative Code (A.A.C.)
- Title 18, Chapter 4, Article 5
- Title 18, Chapter 9, Article 8

### B. Notification:

The staff of the Water Quality Division will comply with A.R.S. § 49-111 by providing notification to the appropriate counties, cities, and towns. In addition, ADEQ will proactively support the Environmental Justice program and when deemed necessary by ADEQ management, notify the environmental justice population affected, within thirty-one (31) days of receipt of permit applications or applications for plan approvals.

## 3. WASTE PROGRAMS DIVISION - HAZARDOUS WASTE SECTION

### A. Statutory and Regulatory Permitting Authority for Hazardous Waste:

- A.R.S. § 49-922
- A.A.C. R18-8-270
- A.A.C. R18-8-264.A (40 CFR § 264 subpart G)
- A.A.C. R18-8-265.A (40 CFR § 265 subpart G)

**B. Notification:**

The staff of the Waste Programs Division, Hazardous Waste Permits Unit will comply with A.R.S. §49-111 by providing notification to the appropriate counties, cities, and towns. In addition, ADEQ will proactively support the Environmental Justice program and when deemed necessary by ADEQ management, notify the environmental justice population affected, within sixty (60) days of receipt of applications for permits and closure plans and for significant modifications to permits and closure plans.

**4. WASTE PROGRAMS DIVISION - SOLID WASTE SECTION**

**A. Statutory and Regulatory Permit Authority for Solid Waste:**

A.R.S. § 49-761, 762, 762.03, 762.04, 762.05, and 762.06

**B. Notification:**

ADEQ management, Solid Waste Section will comply with A.R.S. § 49-111 by providing notification to the appropriate counties, cities, and towns. In addition, ADEQ will proactively support the Environmental Justice program and when deemed necessary by ADEQ management, notify the environmental justice population affected, within thirty-one (31) days of receipt of permit applications.

**5. METHOD OF NOTIFICATION**

Notification will be accomplished by forwarding either a copy or notice of the application for a permit or plan approval, or substantial change request to a permit or plan, that has been received by ADEQ, and the date of receipt of same will be indicated, or by notifying the jurisdictions that upon receipt, they can contact the Air, Water or Waste Programs for more information, or to have a copy forwarded.

**6. NOTIFICATION CONTENTS**

The notification will include either a copy or notice of the permit application or change describing the purpose and scope of the proposed activity. The notification may also contain the project file number assigned by ADEQ. This notification should state that upon receipt of the notice, ADEQ can be contacted for more information. ADEQ will not release confidential information or trade secrets contained in the permit or supplemental documents.

7. PUBLIC HEARING

If the permit or plan approval process requires a notification for a public hearing, this will occur as usually processed by ADEQ programs.

8. SERVICES OF THE OFFICE OF OUTREACH AND INFORMATION (OOI)

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 and sorted by cities, towns and counties. In addition to the mailing list that is required by A.R.S. § 49-111, mailing lists or labels will be available that include the affected environmental justice population who may be impacted by the issuance of permits, when deemed necessary by ADEQ management.

0135.000 ARIZONA REVISED STATUTES (A.R.S.) § 49-111 PERMIT APPLICATION; PLAN APPROVAL; NOTICE TO COUNTIES, CITIES OR TOWNS

Level One Arizona Department of Environmental Quality

Originator: Juanita Guidry Copeland  
Environmental Justice-Community Liaison


Contact for Information: Juanita Guidry Copeland

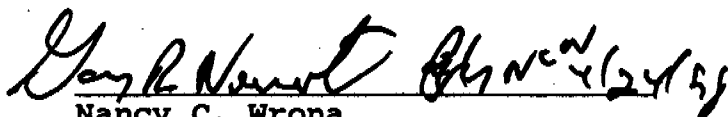
Issue Date: April 24, 1998

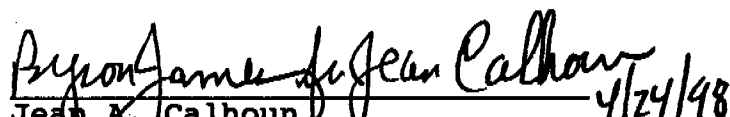
APPROVED BY:


Arizona Department of Environmental Quality:


  
Russell F. Rhoades  
Director, ADEQ  
Date 4/24/98

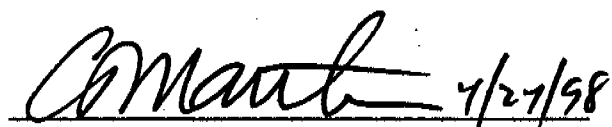
  
Karen J. Heidel, Ph.D.  
Deputy Director, ADEQ  
Date 4-24-98


  
Nancy C. Wrona  
Director,  
Air Quality Division  
Date 4/24/98

  
Jean K. Calhoun  
Director,  
Waste Programs Division  
Date 4/24/98

  
Ed Sadler  
Director,  
Water Quality Division  
Date 4-28-98

  
David St. John  
Manager,  
Northern Regional Office  
Date 4/24/98

  
Charles H. Matthewson  
Manager,  
Southern Regional Office  
Date 4/27/98

  
Mark R. Santana  
Administrative Counsel  
Office of the Administrative Counsel  
Date