

MEMORANDUM OF AGREEMENT

BETWEEN

THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 9



This **AGREEMENT** is entered into by the **STATE OF ARIZONA – DEPARTMENT OF ENVIRONMENTAL QUALITY** (“ADEQ”) and signed by the Director of ADEQ, (“Director”) with the **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 9** (“EPA”), and signed by the Regional Administrator (“Regional Administrator”). This Agreement shall become effective when approved by the Regional Administrator. ADEQ is authorized to contract and enter into agreements pursuant to Arizona Revised Statutes (A.R.S.) §§ 49-104 and 49-203. EPA authority to undertake the activities described in this Agreement is derived from Part C of the Safe Drinking Water Act (“SDWA”) (P.L. 93-523 as amended; 42 U.S.C §§ 300f *et seq.*).

The purpose of this Agreement is to establish policies, responsibilities and procedures for the State of Arizona’s Underground Injection Control Program (“State Program” or “UIC Program”) for Class I, II, III, IV, V and VI injection wells, pursuant to 40 C.F.R. Parts 124, 144, 145, 146, and Section 1421 of the SDWA (42 U.S.C § 300h).

This written Agreement, including Agreement Terms, Attachments, Amendments, and any modifications approved in accordance herewith, shall constitute the entire Agreement between the parties and supersedes all other understandings, oral or written.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Signature

Signature

Printed Name

Printed Name

**Director
Title**

**Regional Administrator
Title**

Date

The above referenced Agreement is hereby executed this _____
Day of _____, 20____.

1 **I. GENERAL**

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a. Review and Modifications

4 This Agreement shall be reviewed annually as part of the annual UIC program grant agreement.
5 The annual program grant agreement shall be consistent with this Agreement and may not
6 override this Agreement.

7 This Agreement may be modified upon the initiative of ADEQ or EPA. Modifications must be in
8 writing and must be signed by the Director and the Regional Administrator. Modifications
9 become effective when signed by both parties. Modifications may be made by revision prior to
10 the effective date of this Agreement or subsequently by addenda attached to this Agreement and
11 consecutively numbered, signed, and dated.

12 **b. Conformance with Laws and Regulations**

13 ADEQ shall administer the Underground Injection Control (UIC) Program consistent with
14 ADEQ's submission for program approval, this Memorandum of Agreement (MOA), SDWA,
15 current federal policies and regulations, promulgated minimum requirements, priorities
16 established as part of the annually approved UIC program grant, state and federal law, and any
17 separate working agreements which are entered into with the Regional Administrator as
18 necessary for the full administration of the UIC Program.

19 **c. Responsibilities of Parties**

20 Each of the parties has responsibilities to assure that the UIC requirements are met. The parties
21 agree to maintain a high level of cooperation and coordination between ADEQ and EPA staffs in
22 a partnership to assure successful and effective administration of the UIC Program. In this
23 partnership, the Regional Administrator will provide to ADEQ necessary technical and policy
24 assistance on UIC Program matters.

25 The Regional Administrator is responsible for keeping ADEQ apprised, in a timely manner, of
26 the meaning and content of the federal guidelines, technical standards, regulations, policy
27 decisions, directives, and any other factors which affect the UIC Program.

28 The strategies and priorities for issuance, compliance, monitoring and enforcement of permits,
29 and implementation of technical requirements shall be established in ADEQ's Program
30 Description and in subsequent working agreements. If requested by either party, meetings will be
31 scheduled at reasonable intervals between ADEQ and EPA to review specific operating
32 procedures, resolve problems, or discuss mutual concerns involving the administration of the
33 UIC Program.

34 **d. Sharing of Information**

35 ADEQ shall promptly inform EPA of any proposed, pending, or enacted modifications to laws,
36 regulations, or guidelines, and any judicial decisions or administrative actions, which might
37 affect the State Program and the ADEQ's authority to administer the UIC Program. ADEQ shall

38 promptly inform EPA of any resource allocation changes (for example, personnel budget,
39 equipment, etc.) which might affect ADEQ's ability to administer the UIC Program.

40 ADEQ shall make any information obtained or used by ADEQ under its UIC Program available
41 to EPA upon request without restriction. If the information has been submitted to ADEQ under a
42 claim of confidentiality, ADEQ must submit that claim to EPA when providing EPA such
43 information. EPA agrees to treat any information obtained from ADEQ and subject to a claim of
44 confidentiality in accordance with 40 C.F.R. Part 2. If EPA obtains information from ADEQ that
45 is not claimed to be confidential, EPA may make that information available to the public without
46 further notice.

47 EPA shall furnish ADEQ the information in its files not submitted under a claim of
48 confidentiality which ADEQ needs to implement its approved UIC Program. EPA shall also
49 furnish to ADEQ information submitted to EPA under a claim of confidentiality which ADEQ
50 needs to implement its approved UIC Program, subject to conditions in 40 C.F.R. Part 2.

51 **e. Duty to Revise Program**

52 Within 270 days of an amendment to a relevant regulation promulgated at 40 C.F.R. Parts 124,
53 144, 145 or 146 revising or adding requirements with respect to state UIC programs, ADEQ shall
54 submit a modified Program Description, Attorney General's statement, Memorandum of
55 Agreement, or such other documents as EPA determines to be necessary under the circumstances
56 to demonstrate that the State Program meets the revised or added requirement, as required by 40
57 C.F.R. § 145.32(e).

58 **f. Definition and Exemptions of USDW**

59 For purposes of the UIC Program, ADEQ defines an "underground source of drinking water"
60 (USDW) in a manner consistent with 40 C.F.R. §§ 144.3 and 146.3 of the UIC regulations.
61 ADEQ further agrees to exempt "underground sources of drinking water" only in conformance
62 with 40 C.F.R. §§ 146.4 and 144.7 of the UIC regulations.

63 A USDW, for purposes of the State Program under this Agreement, means an aquifer(s) or its
64 portion that:

- 65 i. Supplies any public water system; or
- 66 ii. Contains a sufficient quantity of ground water to supply a public water system; and
 - 67 a. Currently supplies drinking water for human consumption; or
 - 68 b. Contains fewer than 10,000 mg/L total dissolved solids; and
- 69 iii. Is not an exempted aquifer.

70 An aquifer, or portion thereof, may be exempted from protection by the Director after public
71 notice and opportunity for public hearing and upon final approval by EPA. An aquifer, or portion
72 thereof, may be exempted if it does not currently serve as a source of drinking water and it
73 cannot now and will not in the future serve as a source of drinking water (as specified in 40
74 C.F.R. § 146.4). Aquifer exemptions (AEs) made subsequent to program approval are to be
75 treated as program modifications as specified in 40 C.F.R. § 145.32.

76 ADEQ may propose AEs in accordance with the criteria in 40 C.F.R. § 146.4. After notice and
77 opportunity for a public hearing, ADEQ may submit the proposed AE in writing to EPA for
78 approval. In accordance with 40 C.F.R. § 144.7(b), an AE identified under 40 C.F.R. § 146.4(b)
79 is treated as a program revision under 40 C.F.R. § 145.32. EPA will review AE approval requests
80 and either approve or deny in accordance with federal requirements. An AE identified under 40
81 C.F.R. § 146.4(c) becomes final if EPA has not disapproved the designation within 45 days of
82 submittal, unless ADEQ and EPA agree that additional information is necessary for EPA's
83 consideration of the proposed AE. All other AEs become final upon approval by EPA. EPA will
84 review AE approval requests and either approve or deny in accordance with federal
85 requirements.

86 Other than EPA approved AE expansions that meet the criteria for exempted aquifers, new AEs
87 shall not be issued for Class VI injection well activities.

88 The issuance of a UIC permit and the denial or approval of an AE are separate regulatory
89 actions. If the injection activity is dependent on an AE approval by EPA, ADEQ may issue the
90 permit but the permit will not be effective unless and until EPA approves the AE. Therefore,
91 injection, well construction, and any other activities requiring authorization will not be
92 authorized unless and until EPA approves the AE.

93 **g. Duration of Agreement**

94 This Agreement will remain in effect as long as primary enforcement responsibility is vested in
95 ADEQ through program approval, according to the provisions of 40 C.F.R. §§ 145.31, 145.33,
96 145.34.

97 **h. General Provisions**

98 Nothing in this Agreement is intended to affect any UIC or State Program requirement, including
99 any standards or prohibitions, established by state or local law, so long as the state or local
100 requirements are not less stringent than:

- 101 (1) any set forth in the UIC regulations; or
- 102 (2) other requirements or prohibitions established under the SDWA or applicable
103 regulations.

104 Nothing in this Agreement shall be construed to restrict EPA's statutory oversight responsibility
105 or limit the authority of the EPA to take action pursuant to Sections 1421, 1422, 1423, 1424,
106 1425, 1431 or other Sections of the SDWA.

107 This MOA does not create any right or benefit, substantive or procedural, enforceable by law or
108 equity, by persons who are not party to this Agreement, against ADEQ or EPA, their officers or
109 employees, or any other person. This MOA does not direct, or apply to, any person outside of
110 ADEQ and EPA.

111 **i. Notices, Correspondence, Reports**

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- 113 **i.** All notices, correspondence, and reports, from ADEQ should be sent to:

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Manager, Groundwater Protection Section
Water Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

ii. All enforcement related notices and correspondence from ADEQ should be sent to:

Enforcement and Compliance Division
Water Section 1, ENF 3-1
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

iii. All notices and correspondence from the EPA should be sent to:

Director, ADEQ
Water Quality Division
Underground Injection Control Program
1110 West Washington Street
Phoenix, AZ 85006

II. PERMITTING

a. General

ADEQ is responsible for expeditiously drafting, circulating, issuing, modifying, reissuing, and terminating UIC permits and shall do so in accordance with 40 C.F.R. § 145.11. The Director shall review and issue permits based on the permit conditions of Parts C through J in Arizona Administrative Code, Title 18, Chapter 9, Article 6, including but not limited to, procedures for public participation. Permits shall be issued which comply with applicable federal and state requirements.

b. Transfer of Responsibility from EPA to ADEQ

i. General

The Regional Administrator shall transfer from EPA to ADEQ any current or pending permit, permit application, and any other information relevant to program operation not already in the possession of the ADEQ Director when ADEQ assumes primacy of the UIC Program.

At the time this Agreement was executed, there were 5 federally issued permits authorizing underground injection at 3 facilities:

- 154 1) UIC Permit # [R9UIC-AZ3-FY11-1](#), for the Florence Copper Production Test Facility at
155 the same site in Florence, AZ.
156 2) an Area Permit for the Class III In-Situ Production of Copper known as the Excelsior
157 Copper Project; and
158 3) three individual Class III permits issued to Morton Salt.

159 Additionally, there are approximately 65,000 shallow Class V wells that are authorized by rule.
160 At the time of primacy, EPA provided ADEQ with a list of all injection wells in EPA’s
161 inventory.

162 Upon program approval and transference of the federal UIC permits from EPA to ADEQ, ADEQ
163 intends to modify the UIC permits in accordance with A.A.C. R18-9-C632 and A.A.C. R18-9-
164 C618.

165 **i. Florence Copper Project UIC Area Permit General**

166 UIC Permit # [R9UIC-AZ3-FY11-1](#) contains conditions at Part II.M based on a Memorandum of
167 Agreement developed pursuant to the National Historic Preservation Act (NHPA). ADEQ will
168 retain Part II.M of Permit # [R9UIC-AZ3-FY11-1](#), which contains the NHPA conditions.

169 **c. Major and Minor Facilities**

170 The definition of “Major Facility” for the purposes of the EPA Regional Administrator and the
171 ADEQ Director’s joint determination includes all UIC wells or UIC well fields except for Class
172 V wells authorized by rule.

173 **d. Class VI Injection Depth Waivers**

174 ADEQ shall provide all information received through the injection depth waiver application
175 process described in 40 C.F.R. § 146.95, to the Regional Administrator. Based on the
176 information provided, the Regional Administrator shall provide written concurrence or non-
177 concurrence regarding waiver issuance. ADEQ shall not issue a Class VI injection depth waiver
178 without receipt of written concurrence from the Regional Administrator. EPA will review
179 injection depth waivers and either provide concurrence or non-concurrence in accordance with
180 federal standards.

181 The issuance of a Class VI UIC permit and the written concurrence or non-concurrence of an
182 injection depth waiver are separate regulatory actions. If the injection activity is dependent on
183 EPA’s written concurrence with an injection depth waiver, ADEQ may issue the permit but the
184 permit will not be effective unless and until EPA concurs with the injection depth waiver.

185 Therefore, injection, well construction, and any other activities requiring authorization will not
186 be authorized unless and until EPA concurs with the injection depth waiver.

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188 **e. Class VI Post-Injection Site Care and Site Closure**

189 ADEQ and EPA will consult on any alternative post-injection site care timeframes (other than
190 the 50-year default timeframe required by 40 C.F.R. § 146.93), if an owner or operator can
191 demonstrate during the permitting process that an alternative post-injection site care timeframe is
192 appropriate and ensures non-endangerment of USDWs. Pursuant to 40 C.F.R. § 145.1(g),

193 nothing in this MOA precludes ADEQ from adopting or enforcing requirements which are more
194 stringent or more extensive than those required under federal regulations, and if the State
195 Program has a greater scope of coverage than required by federal law, the additional coverage is
196 not part of the federally approved program.

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198 **f. Compliance Schedule and Reports**

199 The Director agrees to establish compliance schedules in permits where appropriate and to
200 require periodic reporting on compliance with compliance schedules and other permit conditions.

201

202 **g. Environmental Justice**

203 ADEQ agrees to examine the potential risks of a proposed Class VI well within its jurisdiction to
204 identify and address any particular impacts on minority and low-income populations. ADEQ will
205 work within its legal authority to support communities through a variety of approaches,
206 including:

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208 **i. Implementing an Inclusive Public Participation Process.** ADEQ will fully
209 incorporate robust and ongoing opportunities for public participation,
210 especially for lower-income people, communities of color and those
211 experiencing a disproportionate burden of pollution and environmental
212 hazards, as described in the Program Description. For example, ADEQ will
213 provide notice of proposed Class VI wells and tailor public participation to
214 specific community needs and interests. Tailored public participation
215 activities may include scheduling public meetings at times convenient for
216 residents with appropriate translation services where needed, enabling face-to-
217 face or written feedback on permit applications early in the review process,
218 convening local stakeholders and community groups for safety planning, or
219 supporting the development of community benefits agreements.

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220 **ii. Considering Environmental Justice & Civil Rights Impacts on**

221 **Communities.** As described in the Program Description, ADEQ will include
222 environmental justice as a core element in implementing their Class VI
223 programs. For example, in review of permit applications, ADEQ will evaluate
224 whether the siting of a Class VI project at the proposed location will create
225 any new risks or exacerbate any existing impacts on lower-income people and
226 communities of color. Such evaluations will consider the presence of existing
227 environmental hazards, cumulative impacts, potential exposure pathways, and
228 vulnerable sub-populations, as well as the likely distribution of any
229 environmental and public health benefits from the proposed Class VI project
230 in affected communities. EPA’s EJScreen, or a similar tool, will be employed
231 to identify environmental and social stressors in specific communities, as
232 described in the Program Description. ADEQ will utilize EPA tools to support
233 its effort in calculating impacts to communities, including but not limited to
234 the most up-to-date versions of EPA-published EJ guidance documents.

- 235 **iii. Enforcing Class VI Regulatory Protections.** The Safe Drinking Water Act
236 UIC program Class VI regulations include strong protections for communities
237 to prevent contamination of underground drinking water sources. These
238 regulatory protections include a variety of measures, including proper site
239 characterization and strict construction, operating, and monitoring
240 requirements to ensure well and formation integrity, proper plugging of wells,
241 and long-term project management and post-injection site care to ensure
242 leakage prevention. ADEQ will properly implement and enforce these
243 requirements to protect communities from potential harms associated with
244 injection wells. ADEQ will make reports of enforcement activities accessible
245 to the public.
- 246
- 247 **iv. Incorporating Other Mitigation Measures.** ADEQ will proactively work
248 within its legal authority to prevent and/or reduce any adverse impacts to
249 underground sources of drinking water from well construction and operational
250 activities. While the UIC program is designed to protect underground sources
251 of drinking water, ADEQ may consider other mitigation measures in order to
252 ensure Class VI projects do not increase environmental impacts and public
253 health risks in already overburdened communities such as carbon dioxide
254 monitoring, release notification networks and installation of enhanced
255 pollution controls. Additional considerations include the adoption of other
256 measures to offset impacts by improving environmental amenities for the
257 communities identified within the delineated area and providing resources for
258 clean-up of previously degraded public areas, as authorized by state law.

259

260**III. COMPLIANCE MONITORING**

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262 **a. General**

263 ADEQ shall implement a timely and effective compliance monitoring system to track
264 compliance with program requirements. For the purposes of this Agreement, the terms
265 "compliance monitoring" or "compliance evaluation" shall refer to all efforts associated with
266 determining compliance with UIC Program requirements.

267 **b. Compliance Schedule**

268 ADEQ agrees to maintain procedures to receive, evaluate, retain, and investigate all notices and
269 reports that are required by permit compliance schedules and UIC Program regulations. These
270 procedures shall also include the necessary elements to investigate the failure of persons required
271 to submit such notices and reports. ADEQ shall initiate appropriate enforcement actions when
272 required information is not received or when the reports are not submitted.

273 **c. Review of Compliance Reports**

274 ADEQ shall conduct a timely and substantive review of all such reports to determine compliance
275 status in accordance with the State compliance program and the UIC Program requirements. The
276 State compliance program shall determine whether:

- 277 (1) the reports required by permits and UIC Program regulations are submitted;
- 278 (2) the submitted reports are complete and accurate; and
- 279 (3) the permit conditions and UIC Program requirements are met.

280 **d. Inspection and Surveillance**

281 ADEQ agrees to have inspection and surveillance procedures to determine compliance or
282 noncompliance with the applicable requirements of the UIC Program. The procedures may
283 include surveys or other methods of surveillance to identify persons and facilities who have not
284 complied with program requirements. Any compilations, index, or inventory obtained for such
285 facilities or activities shall be made available to the Regional Administrator upon request. ADEQ
286 shall conduct inspections of the facilities and activities subject to regulatory requirements. These
287 compliance monitoring inspections shall be performed to assess compliance with all UIC permit
288 conditions or UIC Program requirements and include selecting and evaluating a facility's
289 monitoring and reporting program. These inspections shall be conducted to determine
290 compliance or noncompliance, to verify the accuracy of information submitted in reporting
291 forms and monitoring data, and to verify the adequacy of sampling, monitoring, and other
292 methods to provide the information. ADEQ shall give the Regional Administrator at least seven
293 (7) days' notice in order to allow an opportunity for joint inspection and coordination of
294 scheduling in any compliance evaluation inspection scheduled by ADEQ.

295 ADEQ intends to witness at least 25% of the mechanical integrity tests conducted by permittees
296 each grant year.

297 EPA intends to notify ADEQ of EPA sponsored UIC inspector training opportunities.

298 **e. Information from the Public**

299 Pursuant to 40 C.F.R. § 145.12(b)(4), ADEQ shall provide a mechanism for the public to submit
300 information on violations and shall have procedures for receiving, investigating, and ensuring
301 proper consideration of the information, and for responding to the public.

302 **f. Authority to Enter**

303 ADEQ shall have the authority to enter any site or premises subject to regulation for purposes of
304 compliance monitoring and evaluation or to review and copy the records of relevant program
305 operations where such records are kept in accordance with A.R.S. §§ 41-1009, 49-104(B)(8), 49-
306 203(B)(1).

307 **g. Admissibility**

308 ADEQ shall conduct any investigatory inspections, and collect samples and other information in
309 a manner that provides evidence admissible in an enforcement proceeding or in court.
310

311 IV. ENFORCEMENT

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313 a. General

314 ADEQ is responsible for taking timely and appropriate enforcement action(s) against persons in
315 violation of compliance schedules, technical requirements, permit conditions, and other UIC
316 Program requirements. This includes violations detected during inspections conducted by ADEQ
317 or EPA. ADEQ may request assistance from EPA with enforcement.

318 ADEQ shall notify EPA of any enforcement actions taken by the State. For serious violations,
319 including violations that threaten human health and/or the environment, that threaten the
320 integrity of the UIC Program, or that violate crucial provisions of the UIC program, ADEQ shall
321 notify EPA in writing within one week of taking the action. ADEQ shall also submit information
322 via quarterly UIC program grant reporting on all enforcement actions including actions for
323 serious violations and actions for non-serious violations, such as reporting violations that do not
324 threaten the integrity of the UIC Program and pose little or no direct threat to the environment
325 pursuant to the grant workplan.

326 b. Enforcement Mechanisms

327 The State shall maintain mechanisms to immediately restrain any person engaging in an
328 unauthorized activity or operation, which is endangering or causing damage to public health or
329 the environment as applicable to the program requirements. ADEQ shall also have the means to
330 sue in courts of competent jurisdiction to prohibit any threatened or continuing violation of any
331 program requirement. Additionally, ADEQ shall maintain mechanisms to access or sue to
332 recover in court civil penalties and criminal remedies as established in 40 C.F.R. § 145.13.

333 c. Public Participation

334 Pursuant to A.R.S. § 49-264, ADEQ shall provide for public participation in the enforcement
335 process by providing either:

- 336 1. Intervention as of right by any citizen having an interest which is or may be adversely
337 affected in any civil or administrative action to obtain remedies as specified in the
338 paragraph above, or
- 339 2. Assurance that ADEQ will:
 - 340 (i) Investigate and provide written responses to all citizen complaints,
 - 341 (ii) Not oppose intervention by any citizen when permissive intervention may be
342 authorized by statutes, rule, or regulation, and
 - 343 (iii) Publish notice of and provide at least 30 days for public comment on any
344 proposed settlement of a State enforcement action.

345

346 d. EPA Enforcement

347 Nothing in this Agreement shall affect EPA's authority to take enforcement actions under
348 Sections 1423 and 1431 of SDWA. EPA retains the right to initiate inspections and review
349 facilities for compliance unilaterally. When ADEQ has a fully approved UIC Program, EPA will
350 not take enforcement actions without providing prior notice to ADEQ and otherwise complying
351 with sections 1423 and 1431 of SDWA.

352 **e. Assessment of Fines**

353 The State shall assess civil penalties in amounts appropriate to the violation and calculated
354 economic benefit of non-compliance as required by A.R.S. § 49-262.
355

356 **V. EPA OVERSIGHT**

357

358 **a. General**

359 EPA shall oversee the State's administration of the UIC Program on a continuing basis to assure
360 that such administration is consistent with this MOA, the State Program grant application, and all
361 applicable requirements embodied in current regulations, policies and federal law.

362 In addition to the specific oversight activities listed in this section, EPA may request specific
363 information, and ADEQ shall submit and provide access to files necessary for evaluating
364 ADEQ's administration of the UIC Program.

365 **b. Immediate Reporting on Noncompliance**

366 ADEQ shall immediately notify the Regional Administrator by telephone, or otherwise, of any
367 major, imminent hazard to public health resulting from the endangerment of a USDW of the
368 State by well injection.

369 **c. Program Reporting**

370 The reporting schedule shall be determined in the grant workplan each year and shall meet the
371 federal requirements noted in 40 C.F.R. §§ 144.8, 146.91; consistent with EPA's reporting
372 guidance.

373 **d. Inspection and Surveillance by EPA**

374 The Regional Administrator may select facilities and activities within the State for EPA
375 inspection. EPA may conduct such inspections jointly with ADEQ. The Regional Administrator
376 may choose to conduct inspections with ADEQ or independently. EPA shall notify ADEQ at
377 least seven (7) days before any inspection that EPA determines to be necessary to allow
378 coordination of scheduling and to allow joint inspection. However, if an emergency exists, or for
379 some reason it is impossible to give advance notification, the Director and the Regional
380 Administrator may waive advance notification to inspect a facility. In keeping with Section
381 1445(b)(2) of SDWA, ADEQ understands not to inform the person whose property is to be
382 entered of the pending inspection.

383 **e. Annual Performance Evaluation**

384 EPA shall conduct annual performance evaluations of the State Program using the program
385 reports and other requested information to determine State Program consistency with the
386 program submission, SDWA and applicable regulations, and applicable guidance and policies.
387 The review may include a review of financial expenditures, program implementation, changes in
388 the Program Description, and efforts toward progress on program elements.

389 EPA shall submit a summary of the evaluation findings to ADEQ outlining any deficiencies in
390 program performance and making recommendations for improving ADEQ operations. ADEQ
391 shall respond to the summary with concurrence or comments on the findings and
392 recommendations within 15 working days from the date of receipt.

PUBLIC NOTICE