



Planning and Analysis Workgroup Issue Identification

Planning and Analysis includes Rulewriting (RW) and Emissions Inventory (EI). The issues in the table below are labeled accordingly

Issue No.	Combine	Issue	Recommendation / Proposed Solution	Implementation Status	% Complete	Follow-Up Assignment	Timeline	Quantification
RW-1		How is it determined when a rule will be drafted or revised? What are the internal and external "signals" that may initiate a rulemaking activity?	Set-up a committee with a representative from each division to hold periodic meetings designed to review future federal rulemaking activity (policy advisor), enforcement activity (enforcement representative), interpretation issues (compliance representative), and permitting issues (permitting representative), stakeholder issues (Ombudsman/SBA) and P&A representative.					
			Create a decision tree to provide guidance to determine if there is a need to draft or revise a rule.					
			Identify the external and internal "signals", such as rule effectiveness (RE) studies, to indicate a potential need to draft or revise a rule.					
RW-2		How is the Board of Supervisors (BOS) informed of department rulemaking activities?	Add process to flow chart to document informing the BOS. No further action necessary. Department Director is aware of the rulemaking throughout the process and informs the BOS Chiefs of Staff as needed or requested.					
RW-3		What is a rule docket? What is its purpose? Are steps laid out for a rule docket?	Clearly define what is included in a "rule docket."					
			Identify record retention parameters for rule docket material.					
RW-4		What types of resources do we need for the rule writing process?	Identify the appropriate number of staff to perform the required rule writing tasks.					
			Identify in-house expertise/resources that rule writers can contact and define the process of when and how requests for outside assistance can be made.					
			Identify specific points in the rulemaking process where outside resources should review the rulemaking.					
			Set-up a committee (Leadership Team approved)					



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			that determines/identifies resources (staff and non-staff related) to be utilized/available throughout a rulemaking process; have division managers assign dedicated representatives from each division to the committee.					
RW-5		How do we get the staff and the public involved (stakeholders, individuals, government agencies) in the rulemaking process? How do we continue/maintain dynamic dialogue throughout the rulemaking process?	Review benchmark survey results for ideas.					
			Create a stakeholder, individual, government agencies, and staff contact list. (The department has numerous "lists" of stakeholders and interested parties who have attended previous workshops and conferences. How does the department/Should the department consolidate these "lists" in order to use them to notify interested parties of the rulemaking process?)					
			Use (and improve) electronic media, e.g., M-Info, Twitter, Facebook, website, SharePoint.					
			Identify key issues and a dedicated person at the beginning of the rulemaking process to be responsible for maintaining the list?					
RW-6		The department's website is hard to navigate; it's difficult to find information.	Improve website layout and design, especially for the rulemaking process.					
RW-7		There is no basic legal training re: rule interpretation or how a judge might decide on a rule or rule interpretation.	Develop a training plan (legal) for rule writing; use a team consisting of a Leadership Team member, County Attorney, external legal representative, and rule writing staff; possibly include the Arizona Rulemaking Manual, P&A Division Style Guide, and Governor's Regulatory Review Council (GRRC) training.					



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RW-8		What is the rulemaking process? Why is the rulemaking process the way it is? How does the department announce the availability of rulemaking documents or requests for comments?	Update the rulemaking flow chart to include the entire rulemaking process and sub-processes.					
			Update the rulemaking process task list to include all legal requirements and citations.					
			Create a tracking system for rulemakings in progress.					
			Create a guidance document for each rulemaking milestone, e.g., for the Notice of Proposed Rulemaking and for the Draft Notice of Final Rulemaking.					
			Include rulemaking process in rule writer training.					
RW-9		How does the department address rulemaking comments? During what timeframe does the department receive rulemaking comments? If a comment is submitted to the BOS, what happens?	Create a guidance document re: how comments are handled/processed, when they are submitted to the BOS.					
			Make sure the rulemaking flow chart and the rulemaking process task list include the procedures for processing and addressing rulemaking comments.					
			Investigate the use of “negotiated rulemaking” throughout the duration of the rulemaking to address both verbal and written comments.					
RW-10		What is the connection between the Maricopa Association of Governments (MAG) and the P&A Division?	Provide staff training/internal Brown Bag seminar explaining MAG’s authority/role and the department’s authority/role.					
RW-11		How are the “results” of a rule quantified?	Conduct rule effectiveness studies (RE) on current rules and, after a specified time period, conduct an RE study on the revised rule(s).					



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RW-12		How are the rulemaking and emissions inventory activities connected and at what part in the process?	Include decision points in rulemaking flowchart and in timeline documents to include consultations with emissions inventory and regarding the use of emissions inventory data in decision making.					
EI-1		There needs to be a more formal process to correct data when discrepancies are found during an inspection.	Create SOP on how to document changes/corrections to submitted data.					
EI-2		Communication needs to be made amongst performance test engineers, permitting division/engineers, and emissions inventory. When a permit requires a source to perform a test within a specific timeframe, the Performance Test engineers are not aware of any testing requirement until a test protocol is submitted to the department. Emissions Inventory is not aware of the test requirements or the testing. If a test date is missed, the source may be considered a High Priority Violator (HPV) for EPA reporting.	Improve source section in EMS to include if testing is required, test date due, if testing has been conducted and the testing requirements. Include a summary of the test results in a searchable format, so all divisions can access and view the information.					
			E-mail notices to staff of testing due dates and periodic reporting for the "event" or create a calendar of events for each permitted source.					
			Notify emissions inventory when performance test data is submitted to the department.					
EI-3		There is no mechanized device for accessing source testing requirements or actual results (not just Pass/Fail).	Create a mechanized device/system for accessing performance test data/results and create a central location of data for all to access.					
EI-4		Does the Compliance Division use emissions inventory data to compare with a source's performance test results?	Conduct internal Brown Bag seminar to discuss and explain how emissions inventory and Compliance Division use test data and emissions inventory data.					



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EI-5		It is not clear what calculation values are used to determine permitting thresholds; source testing and Emissions Inventory. Emissions Inventory uses the engineering evaluation (TSD) to assist the source in completing the Emissions Inventory.	Clearly define hierarchy of emissions factors to consider when calculating permit limits; have calculation formula and units of measurement clearly defined, so all division can compare like to like. Have TSDs 'stored' in EMS and not I:\PERMITS\NTVA\ENGEVAL- RESTORED 12-10-2010... or personal U: drives					
EI-6		EMS contact roles and address information are not defined clearly. There is a variety of "contacts" to choose from in EMS. There may not be a clear definition for all of department staff on what to call a contact when entering data. In some cases there are multiple contacts depending on the information requested.	Create an SOP/decision tree re: how to determine "contact" for a source and when such information should be entered into EMS.					
EI-7		Do permits clearly request specific information for specific documents to be sent to specific people?	Include mailing address and required minimum entries information. Include in EMS emissions factors used in permit calculations, so other divisions can refer to the calculations. Identify the "required" fields that must be in a permit and include e-mail address as a required field.					
EI-8		How does the department survey more sources?	If the department had more Emissions Inventory people or an electronic Emissions Inventory submittal system, then the department could survey more sources. An electronic on-line system could be programmed to conduct an automatic, basic quality assurance check of the inventory. An automated quality assurance check would allow more inventories to be process in the same timeframe.					