Maricopa County Air Quality Department	*Number:* *PP-2012-004* *Title:* **Enhanced Regulatory Outreach Program Policy**
Author: Johanna Kuspert	*Issue Date: October 19, 2012* *Revision Date: March 21, 2013* *Effective Date: March 25, 2013*
Approved by:	**William D. Wiley, Director**

I. Purpose

The purpose of this policy is to implement Maricopa County's Enhanced Regulatory Outreach Program for all regulatory adoptions or amendments initiated by the Air Quality Department. The program will be operational by January 9, 2013.

II. Statutory Authority

Arizona Revised Statutes (A.R.S.) §§ 49-112, 49-471, 49-471.01, 49-471.02, 49-471.04, 49-471.05, 49-471.06, 49-471.07, 49-471.08, 49-471.09, 49-471.10, 49-471.11, 49-471.12, 49-479, 49-498, 11-251.05, and 11-251.08

III. Statement of Policy

Regulatory amendments shall be processed in a consistent manner to ensure opportunity for public input. This includes fee amendments related to permits, as defined in A.R.S. § 49-480 issued by Maricopa County. No rule, regulation or ordinance can be enforced without substantial compliance with this policy, except those that were approved by the Board of Supervisors (BOS) before January 9, 2013.

IV. Procedure

A web site will be created and accessible from the County main web page, with a distinct URL, that can be found on the web pages of all departments and districts engaged in regulation adoption or amendment. This site will serve as a central place for interested parties to participate in all County regulatory changes. At a minimum, the new site will contain the following information:

A. Calendar – A calendar notifying the public of all major milestones and opportunities for public input on all current regulatory adoptions and amendments.

B. Information about where comments can be submitted electronically or in writing.

C. Staff Reports – Staff reports on all regulatory changes will be prepared and linked to the web site at least one week prior to any public meeting or hearing (citizens' advisory board,

commission or BOS). This does not apply to informal public workshops. These staff reports will include:

1. A summary of the proposed regulatory change;

2. An analysis of the input received during the process and how that input was responded to;

3. Language of any proposed regulatory change or amendment;

4. Preamble required by A.R.S. § 49-471.05;

5. Minutes from all formal public meetings; and

6. Copies of all written and electronic stakeholder input.

In addition to the required staff report, an executive summary of the report including an overview of stakeholder input and staff responses will be provided to the BOS at least one week prior to any BOS public hearing.

D. Process Flow Chart – A flow chart depicting the rule adoption or regulatory amendment process. A department flow chart is attached.

E. Expedited Process Flow Chart – A flow chart depicting the expedited rule adoption or regulatory amendment process. A department flow chart is attached. This expedited process may only be used if the following criteria have been met:

1. The proposed amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in advance) and one Citizens' Board or Commission meeting;

2. A draft of the regulatory change was available on the Enhanced Regulatory Outreach Program web site at least two weeks prior to the Citizens' Board or Commission meeting and was forwarded to the Board/Commission at least one week in advance of their review meeting;

3. No comments of opposition to the amendment have been received from the public;

4. The Citizens' Board or Commission reviewing the amendment recommends approval.

F. Incorporation By Reference Flow Chart – A flow chart depicting the incorporation by reference rule adoption process. A department flow chart is attached. This process may only be used in the following circumstances:

1. The rule merely changes the date of incorporation of a federal rule or statute when there has been no change in the rule since its last incorporation.

2. An update of a previous Code of Federal Regulations incorporation by reference where there have been changes since the last date of incorporation of the federal regulations, but the Clean Air Act or other legal requirements compel the County/State adoption of the revised federal rule if the County or State is to retain its jurisdiction.

G. Stakeholder Notification Sign-Up – The Enhanced Regulatory Outreach site will include an opportunity for any interested person to sign-up to receive notices of all proposed regulatory changes, including opportunities to participate in the process. Citizens will have the option of receiving notices regarding all regulation changes or only those involving specific departments.

H. Index of Current Regulations – Organized by implementing department or district, the index will list all County regulations and a link to each.

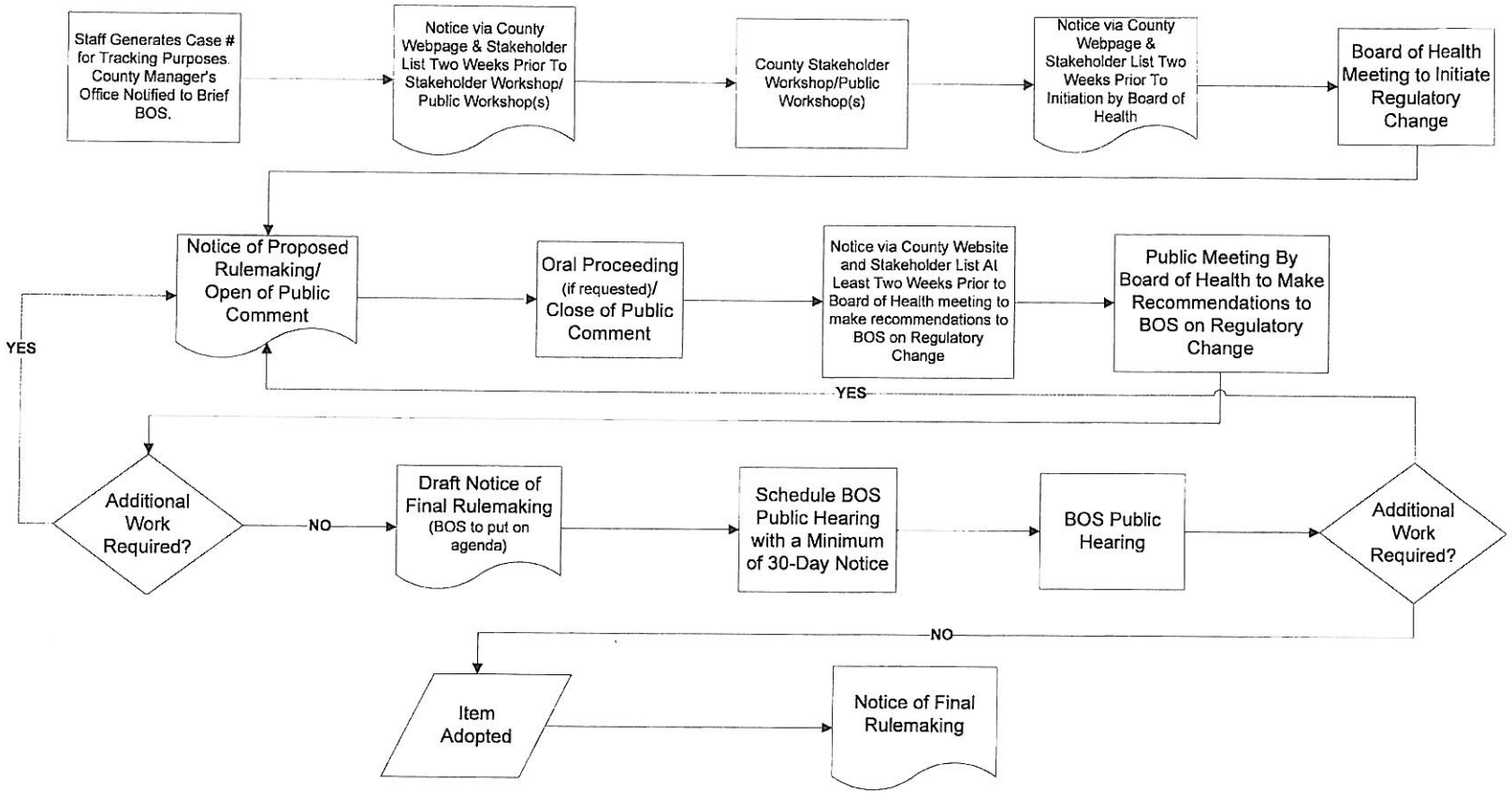
I. Index of Substantive Policy Statements – As required by A.R.S. § 49-471.11, an index, organized by department or district, listing all departmental substantive policy statements and a link to each.

J. A standardized County definition of the terms Regulations and Substantive Policy Statements along with an index, organized by department or district, listing all documents that meet these definitions with a link to each.

K. Process for Review of Complaints Regarding Failure to Observe Adoption Procedure – If an affected person has a complaint concerning a failure to observe the requirements of this policy, it shall be submitted to the department initiating or recommending the regulation or ordinance. The complaint shall contain, at a minimum, the name of the department initiating or recommending the rule; the specific rule being initiated or recommended; and an explanation specifying the failure of a process or procedure of this policy that lead to the complaint. Within fifteen business days after the date of submission, the department shall, in writing, respond to the complaint and recommend action. The affected person may appeal the decision by filing with the Clerk of the Board within thirty days after the date of the written decision of the department, a written appeal of the BOS. The BOS shall place the complaint on its agenda within thirty days and provide a response to the complaint at the meeting. In the event of an appeal, the appealed portion of the regulation or ordinance will not be enforced until the BOS rules on the appeal.

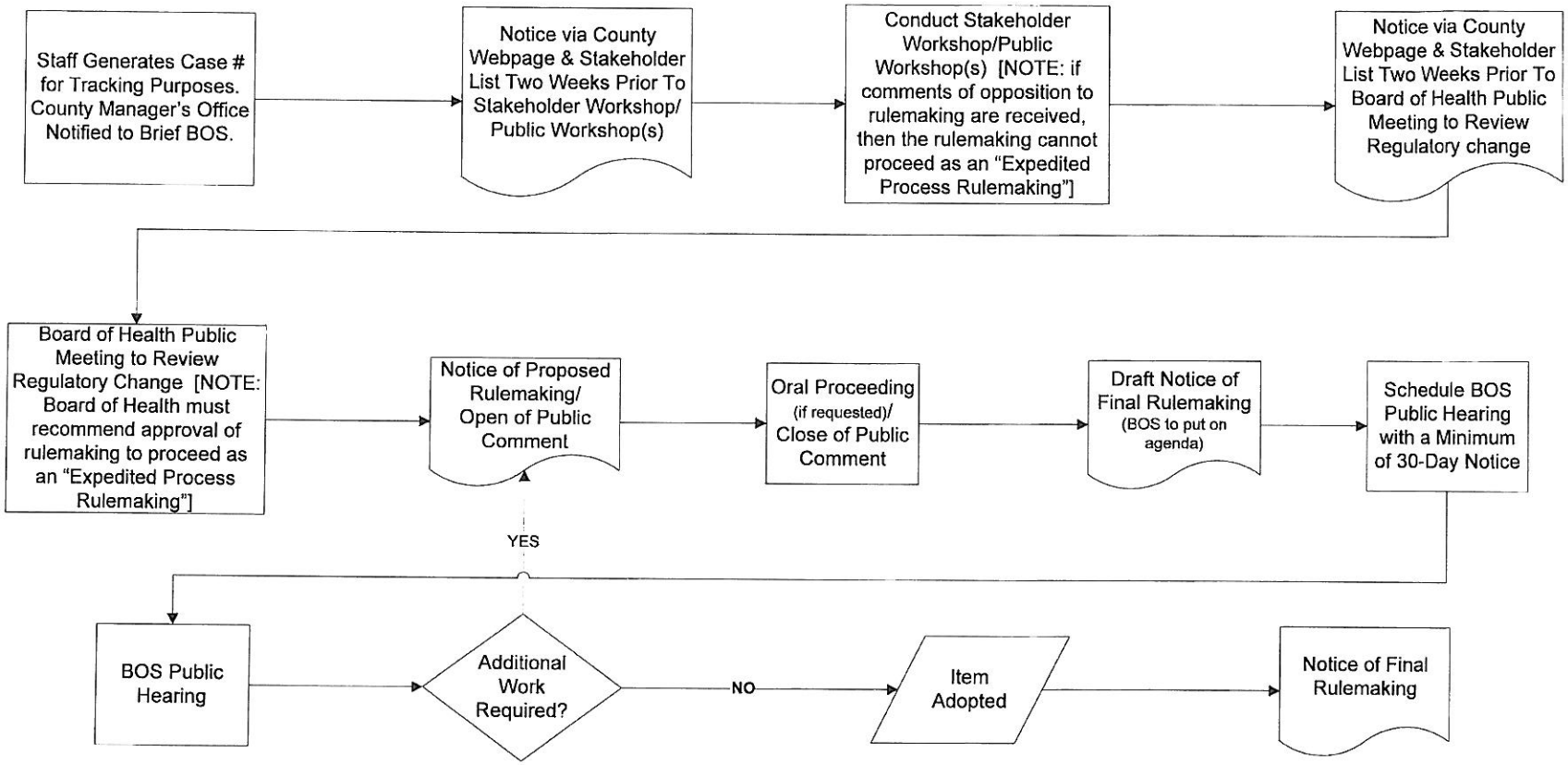
L. Emergency Adoption of Regulations or Ordinances – The BOS may adopt regulations or ordinances without complying with the procedures of this policy if it makes a finding of an emergency requiring the adoption of the regulation or ordinance and records the nature of the emergency and the reason for the adoption in its minutes. Not later than sixty (60) days after the adoption of an emergency measure according to this policy, the regulation or ordinance shall be reviewed by the BOS to determine if it should continue or be terminated.

Maricopa County Air Quality Department Rulemaking Process



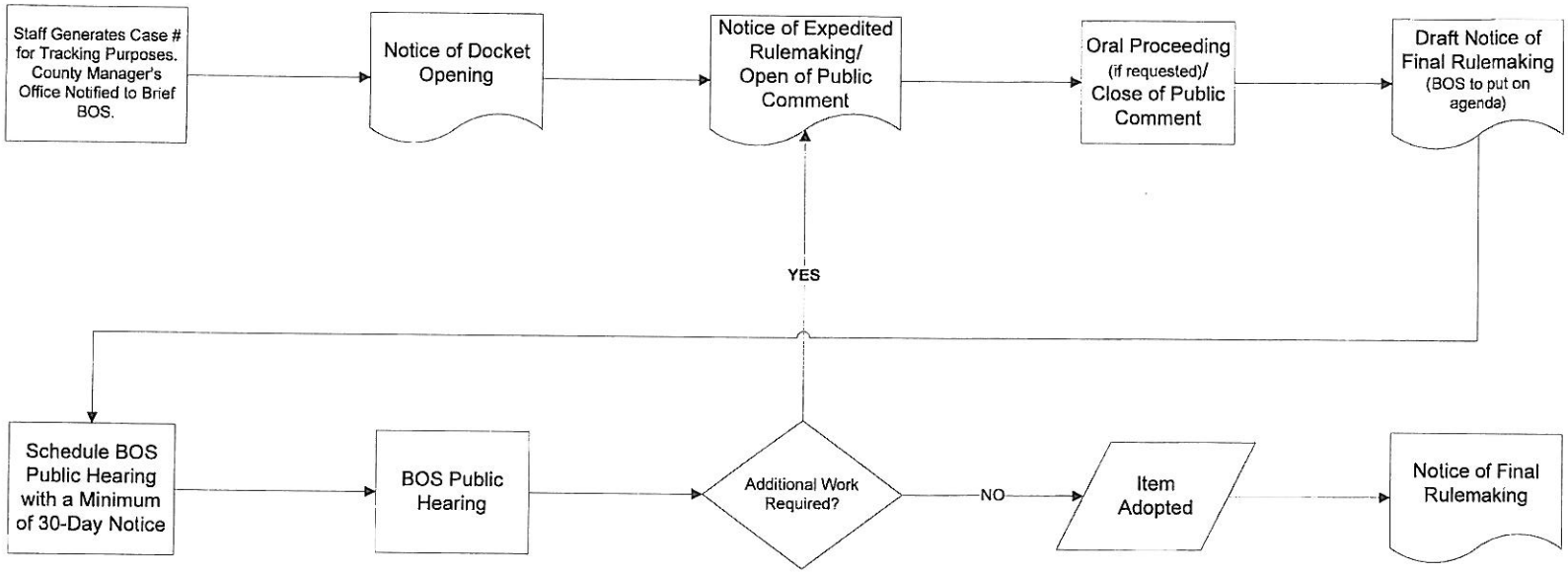
March 08, 2013

Maricopa County Air Quality Department Rulemaking Process
EXPEDITED PROCESS



March 08, 2013

Maricopa County Air Quality Department Rulemaking Process
INCORPORATION BY REFERENCE PROCESS



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