C-88-18-005-L-00

DELEGATION AGREEMENT

Between

Arizona Department of Environmental Quality

And

Maricopa County, hereinafter, County, a political subdivision of the State of Arizona, acting by and through the Maricopa County Department of Environmental Services and acting by and through the Maricopa County Air Quality Department

Delegation Agreement **#ADEQ16-128212**

Whereas, Arizona Revised Statutes (A.R.S.) § 49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, or county health department, any functions, powers, and duties, hereinafter, Functions and Duties, which the Director believes can be competently, efficiently, and properly performed by the local environmental agency, or county health department and

Whereas, the County Department of Environmental Services is the local environmental agency or county health department, except for purposes of Appendix C, for which the Maricopa County Air Quality Department is the local environmental agency, hereinafter, LA, as set forth in A.R.S. § 49-107, and

Whereas, A.R.S. §§ 11-201(A)(3) and 49-107 authorize the County Board of Supervisors (and by delegation the LA, where the LA is a local environmental agency or health department) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas, the LA deems that it is in its best interests to accept such delegation,

Therefore, the Director of ADEQ delegates to the Maricopa County Department of Environmental Services as LA, and the LA accepts the delegation of those Functions and Duties described in Appendix A and Attachment 1 to Appendix A, and Appendix B of this Delegation Agreement, hereinafter Agreement, (Appendix A of this Agreement for Wastewater and Drinking Water Delegations, Appendix B of this Agreement for Solid Waste Delegations) and delegates to the Maricopa County Air Quality Department Appendix C To Delegation Agreement No. EV12-0067 Maricopa County Air Quality Management, which has already been signed and is included in this Agreement, on behalf of ADEQ and in accordance with the terms and conditions specified in this Agreement.

A. DELEGATED FUNCTIONS AND DUTIES

The Functions and Duties that are delegated to the LA by this Agreement are identified in Sections A through R, and in Appendices A and B and C of this Agreement. ADEQ statutes,

rules, policies and guidance shall be used in implementing the delegated Functions and Duties. The Functions and Duties not specifically delegated by this Agreement are retained by ADEQ.

B. STANDARDS OF PERFORMANCE

1. The standards of performance required of the LA to perform the delegated Functions and Duties and to fulfill the terms of this Agreement are those provided by statute and duly adopted rule, and are generally the same as those required of ADEQ personnel. The performance of the delegated Functions and Duties by the LA shall conform to ADEQ statutes, rules, policies and guidance. Program-specific standards of performance are identified in the Appendices of this Agreement.

2. ADEQ shall provide the LA with periodic training upon the request of the LA.

3. ADEQ shall provide operating guidance for use in implementing the terms of this Agreement concurrent with the execution of this Agreement. ADEQ will use its best efforts to provide the LA with new and/or updated guidance prior to or shortly after the effective date of the guidance. The guidance shall, at a minimum, include Engineering Bulletins, program guidance memoranda, substantive policy statements, copies of all applicable forms, policies and procedures, and other material that may assist the LA to carry out the delegated Functions and Duties specified in this Agreement. The LA may contact ADEQ for clarification or guidance on procedural or technical issues.

4. In the event of any dispute between the LA and a third party regarding the LA's interpretation or application of ADEQ statutes, rules, policies and guidance, ADEQ shall, if requested by the LA, provide timely assistance and direction to the LA.

5. Public Disclosure of Confidential Information Prohibited. ADEQ and LA shall comply with prohibitions on public disclosure of confidential information related to critical infrastructure in A.R.S. § 41-1803(G) and drinking water system security vulnerability assessments in A.R.S. § 49-205.

C. FEE AUTHORITY AND TYPES OF FEES

1. To the extent permitted by law, ADEQ delegates the authority to collect fees under its established fee rules to assure the LA may accomplish delegated Functions and Duties according to the applicable standards.

   Unless otherwise provided by statute, fees imposed by the LA shall be limited to the cost of service, including all direct and indirect costs.

2. Fees are authorized by, and shall conform to, the requirements of state laws and rules and LA ordinances.

3. All fees collected by the LA pursuant to this Agreement shall be retained by the LA as

consideration for performing the Functions and Duties described in this Agreement.

D. QUALIFICATIONS OF PERSONNEL RESPONSIBLE FOR EXERCISING THE DELEGATED FUNCTIONS, POWERS AND DUTIES

1. The required personnel qualifications for exercising each Program's delegated Functions and Duties are identified in the corresponding Appendix to this Agreement.

2. The LA represents that it employs or contracts with all personnel required for the performance of the services under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with, ADEQ unless otherwise specified herein.

3. All the services required hereunder shall be performed by the County or its contractors, so long as delegated agency employees have the final signoff on any decision and do any actual enforcement work, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. It is further agreed that the LA warrants that it is fully qualified and authorized under state and local law to perform the services contemplated under this Agreement.

4. Conflict of Interest: Either party may cancel this Agreement for conflict of interest in accordance with Paragraph O of this Agreement, without penalty or further obligation, pursuant to A.R.S. § 38-511.

E. E-VERIFY

To comply with A.R.S. § 41-4401(A), each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). If either party uses any subcontractors in performance of this Agreement, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). A breach of this warranty shall be deemed a material breach of the Agreement subject to penalties up to and including termination of this Agreement. Each party retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the Agreement to ensure that the contractor or subcontractor is complying with this warranty.

F. NON-DISCRIMINATION

Pursuant to Title 41, Chapter 9, Article 4 of the Arizona Revised Statutes and Executive Order 2009-09, the Contractor shall provide access to equal employment opportunities for all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, and to all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Both parties shall take

affirmative action to ensure that applicants for employment and employees are treated without regard to race, age, color, religion, sex, or national origin and in compliance with the Americans with Disabilities Act.

G. RECORD KEEPING AND REPORTING REQUIREMENTS

1. Unless otherwise required by law or by Arizona State Archives or other records retention schedule, both parties shall maintain, in either paper or printable official format, all data, books, accounts, reports, files and other records relating to this Agreement and performance of the delegated Functions and Duties as specified in this Agreement for a period of five years after its creation or five years after any administrative or court litigation, claim, negotiation, audit, cost recovery, or other action involving the records has been completed, whichever is later. All such records shall be subject to inspection and audit by the State at reasonable times. Upon request, either Party shall produce the official record of any or all such records.

2. The LA agrees to create and submit reports related to its performance of the delegated Functions and Duties as specified in this Agreement. The reports shall be created and submitted to ADEQ in accordance with the specifications in the Appendices to this Agreement.

H. OVERSIGHT ACTIVITIES

1. ADEQ reserves the right to accompany LA personnel on inspections and may review all records relating to the LA's performance of the delegated Functions and Duties as set forth in this Agreement. Where practicable, ADEQ shall provide prior notice to the LA of its intent to accompany LA personnel on inspections. LA personnel may accompany ADEQ inspectors on inspections for purposes of training, information sharing or coordinating LA and ADEQ activities. Where practicable, the LA shall provide prior notice to ADEQ of its request to accompany ADEQ inspectors on inspections.

2. Periodically, the ADEQ delegating program shall conduct an evaluation of the LA's performance of the delegated Functions and Duties. Either party to this Agreement may request that the frequency of evaluations be increased. The initial results of all program evaluations shall be in writing and shall be communicated to the LA and the Office of Administrative Counsel in a draft report. The LA is entitled to comment on the draft report. After ADEQ'S response to comments, the ADEQ delegating program shall finalize the report and transmit a copy to the LA and the Office of Administrative Counsel. The final reports of all program evaluations are public documents pursuant to A.R.S. § 39-121 *et seq*.

I. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS

1. This Agreement is subject to the provisions of A.R.S. § 49-106 concerning statewide application of rules.

2. As a supplement to any independent statutory authority LA may have, LA is hereby delegated the enforcement authorities pursuant to A.R.S. §§ 44-1307, 49-141, 49-142, 49-261, 49-262, 49-354 (A) and (B), as applicable to the delegated Functions and Duties specified in this Agreement.

3. The LA shall be responsible for initiating timely and appropriate enforcement actions for alleged violations by individuals and facilities affected under this Agreement. The LA agrees to the extent practical to make compliance determinations and conduct enforcement actions in accordance with ADEQ's Compliance and Enforcement Handbook. The LA shall use inspection checklists and boilerplate documents provided by ADEQ or such documents that contain the same content as those documents provided by ADEQ.

4. ADEQ retains its authority to take an enforcement action against any individual or facility, the regulation of which is specified in this Agreement. At its discretion, ADEQ may refrain from exercising such authority if ADEQ determines that the enforcement action taken by the LA is timely, appropriate and effective. Except in a case involving an immediate threat to the public health, safety or environment, ADEQ shall give the LA 30 days' prior written notice of its intent to initiate an enforcement action if the LA fails to initiate such enforcement action. In a case involving an immediate threat to the public health, safety or environment, ADEQ shall make its best efforts to notify the LA prior to its undertaking such an enforcement action.

5. Where appropriate, and if there is no conflict with applicable environmental statutes and rules, LA may conduct enforcement action using the authority provided by A.R.S. Title 36 or A.R.S. Title 49, Chapter 3, Article 3. Nothing herein shall preclude LA from independently initiating enforcement action pursuant to its own authority under A.R.S. §§ 36-602, 36-603, 49-143, and 49-144, or any other civil or criminal statute or local ordinance, or from pursuing any other available legal or equitable remedy.

6. In those cases where the Attorney General has exclusive authority to bring an action to collect civil penalties, ADEQ shall timely notify the Attorney General of the LA's request to initiate an enforcement action, and such enforcement action shall be coordinated among the LA, ADEQ, the Attorney General and the LA's County Attorney.

7. In cases of civil enforcement, the LA and ADEQ shall coordinate litigation and settlements, unless the LA has independent statutory enforcement authority. The LA and ADEQ may act as co-plaintiffs in order to maximize resources.

8. In cases where LA and ADEQ are co-plaintiffs involving alleged violations that require civil penalties to be deposited in the state general fund, all civil penalties collected shall be forwarded to ADEQ with copies of court documentation for deposit into the state

general fund. Unless otherwise required by law, in all other cases where LA and ADEQ are co-plaintiffs, all civil penalties collected shall be divided equally unless other mutually agreeable arrangements are made prior to the commencement of the action.

9. ADEQ may execute compliance initiatives directed at certain classes of violations or facilities that are alleged to be in violation of applicable statutes or rules. When possible, ADEQ will provide the LA with 30 days' prior written notice of such initiatives. To the best of its ability, the LA agrees to cooperate in the successful execution of such compliance initiatives that involve facilities, the regulation of which has been delegated by this Agreement.

J. APPEALS OF LOCAL AGENCY ACTIONS

1. Unless otherwise provided by statute, LA shall conduct administrative hearings for appeals of licensing decisions and enforcement actions taken by the LA under the delegated Functions and Duties of this Agreement in accordance with the A.R.S. Title 41, Chapter 6 Administrative Procedures, A.R.S. § 41-1092 *et seq.*, and the Office of Administrative Hearings, Rules of Procedure, Arizona Administrative Code (A.A.C.) R2-19-101 *et seq*. The LA shall use administrative law judges provided by the Office of Administrative Hearings (OAH).

2. If an OAH administrative law judge conducts an administrative hearing under this Agreement, ADEQ shall pay for the OAH's costs on behalf of the LA related to the hearing, subject to availability of funds. Pursuant to A.R.S. §35-154, every payment obligation of the State under this Contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Contract, this Contract may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

3. The LA, the LA's County Attorney, or counsel retained by LA, shall represent the LA at all administrative hearings. Nothing in this agreement mandates that the LA contract for the services of administrative law judges with respect to administrative hearings involving matters arising from the LA's independent authority, functions and duties.

4. Pursuant to A.R.S. § 12-904, if the OAH administrative law judge grants or denies the relief requested, either the appellant or the LA may file a complaint in superior court within 35 days after the decision.

5. The LA shall provide ADEQ an annual report by July 31st of appeals filed and their final resolution.

K. LICENSING AUTHORITY

1. The LA agrees to comply with the overall time frames set forth in A.A.C. R18-1-525 when issuing licenses pursuant to delegated Functions and Duties under this Agreement. The LA shall provide an annual report within 30 days after the end of the calendar year to ADEQ indicating the number of licenses issued that year, by general type of license, and the number of licenses that exceeded the licensing time frame for the licensing decision. If the LA fails to meet a licensing time frame, the annual report shall indicate the reason(s) why the licensing time frame was missed and the corrective action the LA has taken. If the LA demonstrates a pattern of failing to meet the required licensing time frames, ADEQ shall assist the LA in correcting the deficiencies in LA's licensing procedures.

2. The LA shall submit the annual reports described in subsection 1 of this Section to the ADEQ primary contact person designated in Appendices A, B and C of this Agreement.

L. LOCAL AGENCY INDEPENDENT AUTHORITY; SUBDELEGATION

1. ADEQ's delegation of Functions and Duties to a municipality within the LA's boundaries shall in no way infringe upon, reduce or usurp the LA's right, authority and responsibility to implement non-delegated authorized activities and programs.

2. The LA may not subdelegate Functions and Duties delegated pursuant to this Agreement to another local government agency or political subdivision without obtaining the prior written approval of the Director, Deputy Director, or appropriate Division Director of ADEQ.

3. ADEQ shall provide the LA a copy of any delegation agreement it has entered into with a municipality, located in whole or in part within the LA's boundaries.

4. If LA has its own health and environmental code which covers matters delegated to a municipality by ADEQ it is agreed that such municipal delegations will be executed jointly by ADEQ and the LA.

M. CONFLICT RESOLUTION PROCEDURES

1. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona and the Arizona Procurement Code.

2. In the event of any judicial proceeding related to this Agreement or any unauthorized Subcontract the parties agree that venue shall be proper in Maricopa County, Arizona.

3. The parties agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.

Each party shall bear its own arbitration fees, attorney fees and costs. The decision of the arbitrator is final and binding upon the parties.

N. AMENDMENT PROCEDURES

1. Either party may seek to amend this Agreement. An amendment to this Agreement shall be in writing, shall be executed by the Director of ADEQ, the Director of the LA, the Chairman of the LA's Board of Supervisors, the Clerk of the LA's Board of Supervisors, and shall be approved as to form by the Attorney General and the LA's County Attorney. Amendments shall comply with the provisions in A.R.S. § 41-1081, including Public Notice and Comment.

2. Amendments to this Agreement shall be effective 30 days after written notice of ADEQ's final decision to amend this agreement and approval by all parties.

O. TERMINATION PROCEDURES

1. This Agreement may be terminated, in whole or in part, by either party upon providing 30 days' prior written notice by certified mail to the other party. The notice shall specify the effective date of termination.

2. The LA shall, prior to the termination of all or part of this Agreement, deliver to the ADEQ Director all finished or unfinished files, public documents, pending applications received by the LA for those delegated Functions and Duties, and pending inspection documents related to those delegated Functions and Duties being terminated, and a summary status report of those delegated Functions and Duties, and shall provide written notification of the effective date of termination to all persons with pending applications and to all regulated facilities affected by the termination of this Agreement.

P. TERM OF AGREEMENT

This Agreement is effective 30 days after the Director gives written notice of final decision to enter into this Agreement and approval by all parties. This Agreement shall expire on June 30, 2050. If a new Agreement is not executed by that date, ADEQ and the LA may agree to extend this Agreement by filing an amendment in accordance with Section N of this Agreement.

Q. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS

ADEQ Diane L. Arnst
Regulatory and Policy Analyst
Arizona Department of Environmental Quality
1110 W. Washington Street

Phoenix, AZ 85007
(602) 771-2375
da2@azdeq.gov

LA Steven Goode, Director
Maricopa County
Environmental Services Department
1001 North Central Avenue, Suite 400
Phoenix, AZ 85004

The name of a successor to any of the above-named individuals shall not require the execution of an amendment to this Agreement.

R. **SEVERABILITY**

The provisions of this Agreement are severable to the extent that any provision or application found to be invalid shall not affect any other provision or application of the Agreement, which shall remain in effect without the invalid provision or application.

Appendix A

To

#ADEQ16-128212

Maricopa County

Water Quality Management

A. Delegated Functions and Duties:

The LA agrees to perform those delegated Functions and Duties listed in the following table:

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
1. General functions and duties pertaining to the administration of Type 1 and Type 4 General Aquifer Protection Permits delegated to the LA pursuant to this table. The extent of the applicable rules for these general functions and duties shall be limited to those relevant to the approvals, authorizations and permits which are herein delegated to the LA. Delegated functions and duties are further limited in Subpart B.	R18-9-101; R18-9-110; R18-9-A301(A)(1), (A)(4), (B) and (D); R18-9-A302 through R18-9-A308; R18-9-A309 except (E); R18-9-A310 except (D)(1)(d) and (H); R18-9-A311 through A313; R18-9-A314 except (3)(b); R18-9-A315; and R18-9-A316 except (B)	C1, C2, C3, C4	D1.1 - D1.4
2. Complaint response, compliance assistance, and compliance and enforcement responsibilities for the following Type 1 General Aquifer Protection Permits: 1.07 Dockside facilities and watercraft 1.08 Earth pit privy 1.09 On- site wastewater treatment facilities and sewage treatment facilities approved by the Department before January 1, 2001 operating under a general permit before January 1, 2001 with a flow less than 20,000 gallons per day 1.10 Sewage collection systems subject to R18-9-B30(J) 1.11 Sewage collection systems subject to R18-9-B301(K)	R18-9-B301(G), (H), (I), (J), and (K).	C1, C2, C3, C4	D1.1 - D1.4

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
3. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement tasks for the 4.02 General Aquifer Protection Permit for a Septic Tank System with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit with a design flow of less than 3000 gallons per day.	R18-9-E302 and relevant rules listed for Item #1	C1, C2, C3, C4	D1.1 - D1.4
4. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the following 4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities with a design flow of less than 3000 gallons per day (delegation is granted for those general permits that are not stricken):	Relevant rules listed for Item #1 and:	Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization for General Permits 4.04, 4.08, 4.12, 4.15 and 4.22: C1, C2, C3 All other functions and duties: C1, C2, C3, C4	D1.1 - D1.4
4.03 Composting toilet 4.04 Pressure distribution system 4.05 Gravelless trench 4.06 Natural seal E-T bed 4.07 Lined E-T bed 4.08 Wisconsin mound 4.09 Engineered pad system 4.10 Intermittent sand filter 4.11 Peat filter 4.12 Textile filter 4.13 Denitrifying w/separated wastewater 4.14 Sewage vault 4.15 Aerobic system 4.16 Nitrate-reactive media filter 4.17 Cap system 4.18 Constructed wetlands 4.19 Sand-lined trench 4.20 Disinfection devices 4.21 Surface disposal 4.22 Subsurface drip irrigation	R18-9-E303 R18-9-E304 R18-9-E305 R18-9-E306 R18-9-E307 R18-9-E308 R18-0-E309 R18-9-E310 R18-9-E311 R18-9-E312 R18-9-E313 R18-9-E314 R18-9-E315 R18-9-E316 R18-9-E317 R18-9-E318 R18-9-E319 R18-9-E320 R18-9-E321 R18-9-E322		

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
5. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the 4.23 General Aquifer Protection Permit for On-Site Wastewater Treatment Facilities with a design flow from 3000 to less than 24,000 gallons per day	R18-9-E323 and relevant rules listed for Item #4.	Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization: C1, C2, C3 All other functions and duties: C1, C2, C3, C4	D1.1 - D1.4
6. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the 4.01 General Aquifer Protection Permit for Sewage Collection Systems, including in the Town of Queen Creek Sewer Service Area delineated in **Attachment 1** (2015 map), which is incorporated by reference into this Delegation Agreement	R18-9-E301 and relevant rules listed for Item #1.	Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization; C1, C2, C3 All other functions and duties: C1, C2, C3, C4	D1.1 – D1.4
7. Complaint response and compliance assistance for private residential Gray Water Systems authorized by the Type 1 Reclaimed Water General Permit	R18-9-701, R18-9-708(A), and R18-9-711 except (C)[1]	C1, C2, C3, C4	D1.1 - D1.4
8. Certificate of Approval for Sanitary Facilities for Subdivisions, including in the Town of Queen Creek Sewer Service Area delineated in **Attachment 1** • Application review, inspection, and certificate issuance or denial as appropriate • Compliance and enforcement	R18-9-A309(A)(8) and R18-5-401 through R18-5-411	Licensing decision for issuance or denial of a certificate: C1, C2, C3 All other functions and duties: C1, C2, C3, C4	D1.1 - D1.4

[1] Per A.R.S. §49-204.

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
9. Public Water Systems Approval to Construct (ATC) and Approval of Construction (AOC), including in the Town of Queen Creek Water Service Area delineated in **Attachment 1** • Application review, construction inspection, and certificate issuance or denial as appropriate • Compliance and enforcement	A.A.C. R18-4-103 as related to definitions, R18-4-213, R18-4-215 [except (F) through (I)], R18-4-126, R18-5-116 except "R18-5-114 and" in (B) and except "or wastewater" in (B)(2), R18-5-501 through R18-5-509, A.R.S. 41-1009 inspection and A.R.S. 49-354 enforcement related to ATC/AOC	Licensing decision for issuance or denial of an ATC or AOC Certificate: C1, C2 All other functions and duties: C1, C2, C3, C4	D1.1 - D1.4; D2.1
10. Public Water Systems, including in the Town of Queen Creek Water Service Area delineated in **Attachment 1** • Monitoring & Reporting compliance determinations and related enforcement for delegated systems • Conduct Sanitary Surveys (compliance inspections) to ensure Proper operation and maintenance of water systems – as appropriate	A.A.C. R18-4-101, R18-4-102, R18-4-103 [except the incorporation by reference to 40 CFR 141.4 and except for subsections (C) and (D)], R18-4-104 through R18-4-114, R18-4-117 through R18-4-126, R18—4-201 through R18-4-218 [except R18-4-216]	Surface Water Treatment Sanitary Survey C1, C2 All other functions and duties C1, C2, C3, C4	D1.1 – D1.4
11. Public and Semipublic Swimming Pools • Application review, construction inspection, and certificate issuance or denial as appropriate • Compliance and enforcement	A.A.C. R18-5-201 through R18-5-251, A.A.C. R18-4-103 as related to definitions, R18-4-213	Licensing decision for issuance or denial of an ATC & AOC certificates; C1, C2, C3 All other functions and duties: C1, C2, C3, C4	D1.1 – D1.4

B. Exceptions and Special Provisions

The delegated Functions and Duties specified in Subpart A of this Appendix shall be subject to the following exceptions and special provisions:

1. ADEQ will provide the LA a copy of the draft Individual Aquifer Protection Permit for review and comment for any sewage treatment facility proposed within the LA's jurisdictional boundaries.

2. ADEQ and the LA shall jointly develop and approve a schedule of training for administering delegated Functions and Duties.

3. ADEQ and the LA shall jointly develop and approve the process to ensure maintenance of LA proficiencies for the administration and implementation of delegated Functions and Duties in Appendix A, Subpart A.

4. The Director of ADEQ shall not accept, directly from an applicant any application package that involves the performance of a delegated Function or Duty. However, if the Director of ADEQ determines there is a compelling reason for ADEQ to review and/or approve an application package that involves a delegated Function or Duty, the LA shall provide the application package to ADEQ upon written request by the Director of ADEQ. ADEQ shall forward a copy of the completed file to the LA for any application package reviewed by ADEQ.

5. Functions, and Duties of ADEQ related to the following facilities are NOT delegated:

   a. Public water systems, wastewater or swimming pool facilities (1) owned by the federal government or the State of Arizona, (2) owned or operated by the LA, or (3) owned or operated by districts subject to the control of the LA. A private facility to be dedicated to the LA after completion of construction may be reviewed by the LA if all approvals and licenses are issued to the owner of the private facility prior to the date of the dedication to the LA.

   b. Those relating to facilities financed, either wholly or in part, with federal grant funds administered by ADEQ. ADEQ shall provide a list of such facilities to the LA.

   c. Those related to the implementation of A.A.C. R18-9-A312(G) where:
      i. the request is beyond the scope of the technologies delegated to the LA.
      ii. the request proposes a change to the listed performance criteria or hydraulic loading rates specified in A.A.C. R18-9-E302 through R18-9-E323, A.A.C. R18-9-A309(E) or in any ADEQ approved design reference document.
      iii. the request proposes a change to the relationship between soil absorption rate and either the percolation rate or the soil type, as established in A.A.C. R18-9-A312(D)(2)(b), except for adjustments due to the fraction of rock present in native soil.
      iv. the request proposes a change to the relationship between the total coliform concentration, and the minimum vertical separation from groundwater or from a subsurface limiting condition, as established in A.A.C. R18-9-A312(E).

6. Final approval of any public water system, wastewater facility or swimming pool facility which is designed by or for the LA, or for a capital improvement project, is NOT delegated to the LA. This exception does not prohibit or otherwise affect later assignment or transfer to the LA of a public water system, wastewater facility or swimming pool facility having a construction completion approval issued by the LA.

7. ADEQ and LA agree to co-inspect wastewater facilities, where feasible, for training and coordination purposes.

8. For purposes of performing and reporting delegated Functions and Duties outlined in Appendix A, the LA shall use forms provided by the ADEQ. The LA may use other forms that include the required information pursuant to 18 A.A.C. 9, Article 3 and 18 A.A.C. 5, Articles 4 and 5 for the purposes of performing and reporting delegated Functions and Duties provided that the LA receives prior written approval from the Water Quality Division Director.

9. ADEQ shall maintain a list of proprietary and other reviewed products that may be used for on-site wastewater treatment facilities in accordance with A.A.C. R18-9-A309 (E) and retains the responsibility to receive and process all requests for product review in connection with this list.

10. For the purposes of determining project costs under this agreement, project cost is determined by the sum of the following cost categories:

    (a) preparation of submittal quality design documents and related application documents for the project proposed for installation,

    (b) all equipment/components/materials delivered to the construction site,

    (c) all excavation & backfill,

    (d) all installation of equipment/components/materials, and

    (e) all tasks associated with pre-operational testing & startup.

11. The LA shall also provide ADEQ with copies of any new policies relating to the performance of delegated Functions and Duties within 30 days of the policy becoming final.

C. Personnel Qualifications

Subject to Subpart D, the Functions and Duties itemized in Subpart A shall be performed by individuals with specified minimum personnel qualifications. Where more than one personnel qualification category is shown in Subpart A, LA personnel performing the itemized functions and duties may qualify under any listed category, subject to the noted limitations.

Duties shall be performed by:

1. A Professional Engineer registered in the State of Arizona pursuant to A.R.S. § 32-123 and R4-30-224; or
2. An individual who is an Engineer-in-Training pursuant to A.R.S. § 32-101, or an Engineer-in-Training candidate pursuant to A.A.C. R4-30-222 who successfully completes the engineer-in-training examination within 6 months after date of hire, or a graduate of a four-year engineering degree program accredited at the time of graduation by the Accreditation Board for Engineering and Technology or its predecessor organization, and who is directly supervised by a Professional Engineer registered in the State of Arizona; or
3. A Registered Sanitarian who is registered in the State of Arizona pursuant to A.R.S. § 36-136.01, A.A.C. R9-16-403 and R9-16-404 and who meets the continuing education requirements in R9-16-405; or
4. A Registered Sanitarian candidate who has applied to take the Sanitarian examination under R9-16-402 and is issued a certificate of registration within 6 months after the date of hire, and who meets the continuing education requirements in R9-16-405 who is directly supervised by a Registered Sanitarian registered in the State of Arizona.

D. Standards of Performance:

The LA shall comply with specified standards of performance for the Functions and Duties itemized in Subpart A. The following LA standards of performance apply to this Appendix:

1. General Provisions

1.1 The LA shall process applications to reach a licensing decision for delegated Functions and Duties itemized Subpart A of this Appendix under the framework of A.A.C. R18-1-501 through 524, and within the applicable time frames specified in A.A.C. R18-1-525, Tables 5, and 10 as amended.

Permits	Authority	Overall Timeframe
4.01 General Permit	**A.R.S. § 49-245**	
300 services or less	A.A.C. R18-9-E301	95

Permits	Authority	Overall Timeframe
More than 300 services	A.A.C. R18-9-E301	136
4.02 – 4.23 General Permit	**A.R.S. § 49-245**	
Standard Single 4.02, 4.03, 4.13, and 4.14 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302, A.A.C. R18-9-E303, A.A.C. R18-9-E313, A.A.C. R18-9-E314	73
Standard Combined Two or three Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	95
Complex Combined Four or more Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	136
4.23 General Permit	A.A.C. R18-9-E323	136
A312G Request*	A.A.C. R18-9-A312(G)	8
Subdivision	**A.R.S. § 49-104(B)(11)**	
Individual Facilities	A.A.C. R18-5-408	67
Community Facilities	A.A.C. R18-5-403	58
Drinking Water ATC	**A.R.S. § 49-353**	
Standard	A.A.C. R18-5-505	53
Complex	A.A.C. R18-5-505	83
Drinking Water AOC	**A.R.S. § 49-353**	
Standard	A.A.C. R18-5-507	53
Complex	A.A.C. R18-5-507	83
Swimming Pool Water ATC	**A.R.S. § 49-104(B)(12)**	
Standard	A.A.C. R18-5-203	52
Complex	A.A.C. R18-5-203	93
Swimming Pool Water AOC	**A.R.S. § 49-104(B)(12)**	
Standard	A.A.C. R18-5-204	52
Complex	A.A.C. R18-5-204	93

*Each request for an alternative design, installation, or operational feature under R18-0-A312(G) to a Type 4 General Permit adds eight business days to the substantive review timeframe.

1.2 Accurate file records shall be maintained by the LA showing evidence of application processing and the licensing including date, basis and stipulations, if any, for all licenses issued or denied, including those prepared by or under the supervision of a Professional Engineer registered in the State of Arizona.

1.3 If the project reviewed by the LA involves disposal or discharge of wastewater to a water of the United States, the LA shall direct the applicant to ADEQ (or the U.S. Environmental Protection Agency) for any necessary permits.

1.4 The LA shall incorporate within 60 business days of notification the update for any form, procedure or practice applicable to the delegated program.

2. Drinking Water Systems

2.1 Compliance inspections of public drinking water systems shall be performed at least once every three years, except that facilities using surface water supplies shall be inspected annually. Inspections shall cover facility operations and maintenance and compliance with applicable regulatory requirements

including, but not limited to, monitoring, reporting, public notification, operator certification, plan approval and conformance with any existing compliance schedules.

E. Reporting Requirements:

The LA shall report program information for Functions and Duties delegated to the LA as listed in Subpart A of this Appendix.

1. General Provisions. The LA shall submit annual reports described in this Subpart. Reports shall be submitted on forms provided by ADEQ and shall be sent to ADEQ within thirty (30) calendar days after the end of the reporting period, preferably in electronic format. The LA shall send reports to:

   Delegation Program Specialist
   Water Quality Division
   Arizona Department of Environmental Quality
   1110 West Washington Street
   Phoenix, AZ 85007
   delegations@azdeq.gov

2. Public Water Systems. The LA shall submit the following information:
   a. Approvals to Construct issued.
   b. Construction inspections performed.
   c. Approvals of Construction issued.
   d. Approvals to Construct and Approvals of Construction issued exceeding maximum licensing time frames.
   e. Exception reports for Approvals which exceeded the maximum licensing time frame.
   f. Appeals of LA decisions filed by applicants.
   g. Compliance inspections performed
   h. Complaints handled.
   i. Safe Drinking Water Information System/State (SDWIS/State) inventory update forms.

3. Type 4 General Aquifer Protection Permits (On-site Wastewater Treatment Facilities and Sewage Collection Systems). The LA shall submit the following information:
   a. The numbers for issued Discharge Authorizations and denied Discharge Authorizations for Type 4 General Permits delegated to the LA.
   b. The number of issued Discharge Authorizations exceeding overall licensing time frames.
   c. Exception report for each Discharge Authorization which exceeded the overall licensing time frame.
   d. The number of appeals of LA decisions filed by applicants and the disposition status for each appeal.
   e. The numbers for alternative features approved pursuant to A.A.C. R18-9-A312(G) for the issued Discharge Authorizations and for the denied Discharge Authorizations reported in item 3.a above.
   f. The number of completed Notice of Transfer forms received.

4. Subdivisions. The LA shall submit information on the number and license category of Certificates of Approval for Sanitary Facilities for Subdivisions issued by the LA.

5. Public and Semipublic Swimming Pools and Spas. The LA shall submit the following information:
   a. Approvals to Construct issued.

b. Construction inspections performed.

c. Approvals of Construction issued.

d. Variances approved.

e. Appeals of LA decisions filed by applicants.

f. Compliance inspections performed

g. Complaints handled.]

6. Enforcement Actions. A copy of each administrative, civil, or criminal action initiated under this Appendix.

F. Agency Contact Persons:

The following LA employees are responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide ADEQ written notice of any successor.

Name: Kevin Chadwick

Title: Division Manager, Water and Waste Management Division

Address: 1001 N. Central Ave, Suite 401
Phoenix, AZ 85004

Email: KChadwick@mail.maricopa.gov

The following ADEQ employees are responsible for administering the Functions and Duties pursuant to this Appendix. ADEQ shall provide the LA written notice of any successor.

Approvals of Drinking Water Systems

Name: Karen Shanafelt

Title: Manager, Drinking Water Engineering Review

Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Email: ks14@azdeq.gov

Drinking Water, Compliance and Enforcement

Name: Daniel Czecholinski

Title: Manager, Drinking Water Section

Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Email: dc5@azdeq.gov

Approvals of On-Site Wastewater Treatment Facilities, Sewage Collection Systems, Subdivisions, Swimming Pools and Private Residential Gray Water

Name: Luke Peterson

Title: Supervisor, Aquifer Protection Permits Unit

Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Email: lp4@azdeq.gov

Groundwater, Compliance and Enforcement

Name: David Lelsz

Title: Manager, Inspections & Compliance Unit

Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Email: dl2@azdeq.gov

The naming of a successor to any of the above-named individuals shall not require the re-execution of or an amendment to this Agreement.

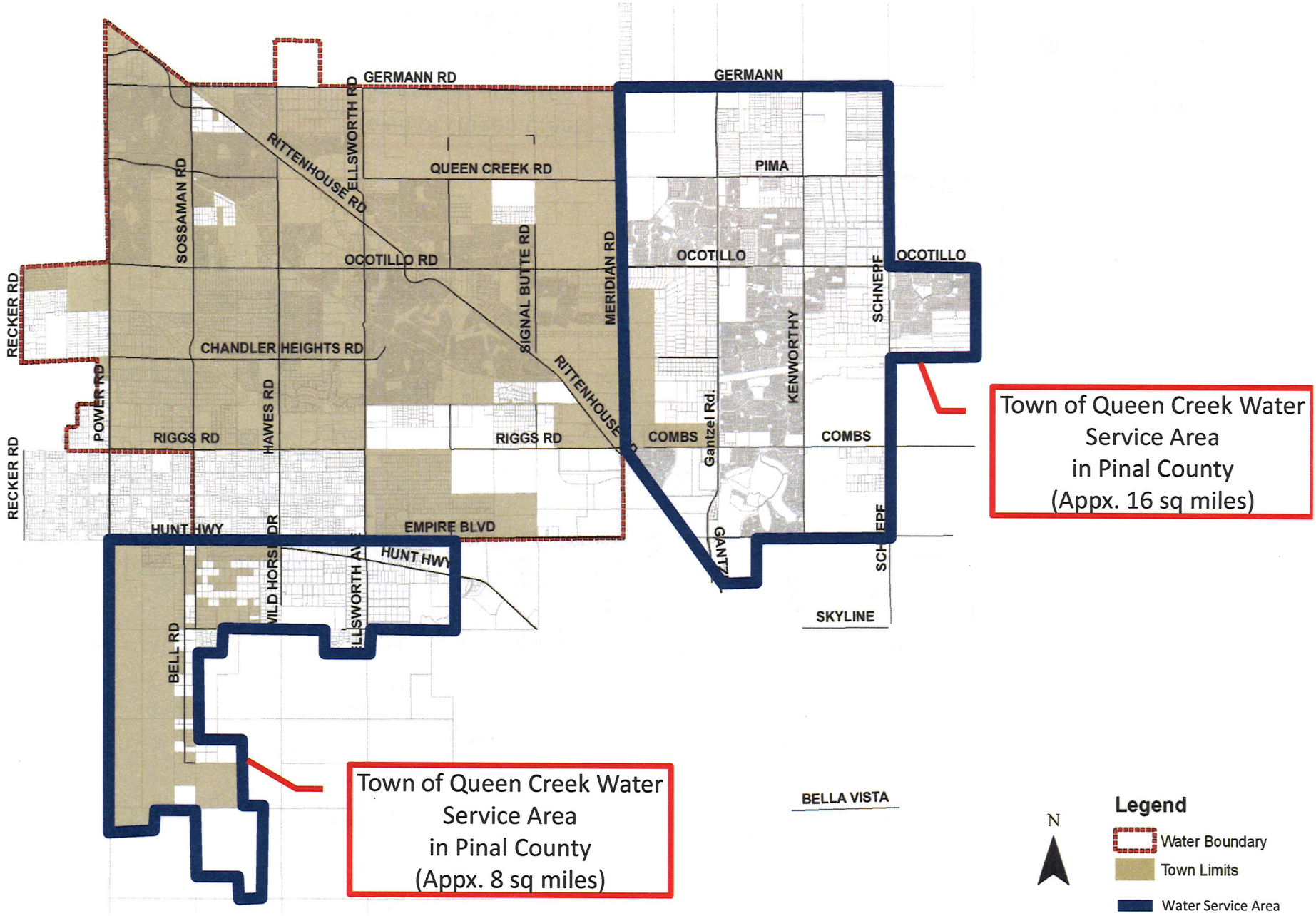
ATTACHMENT 1

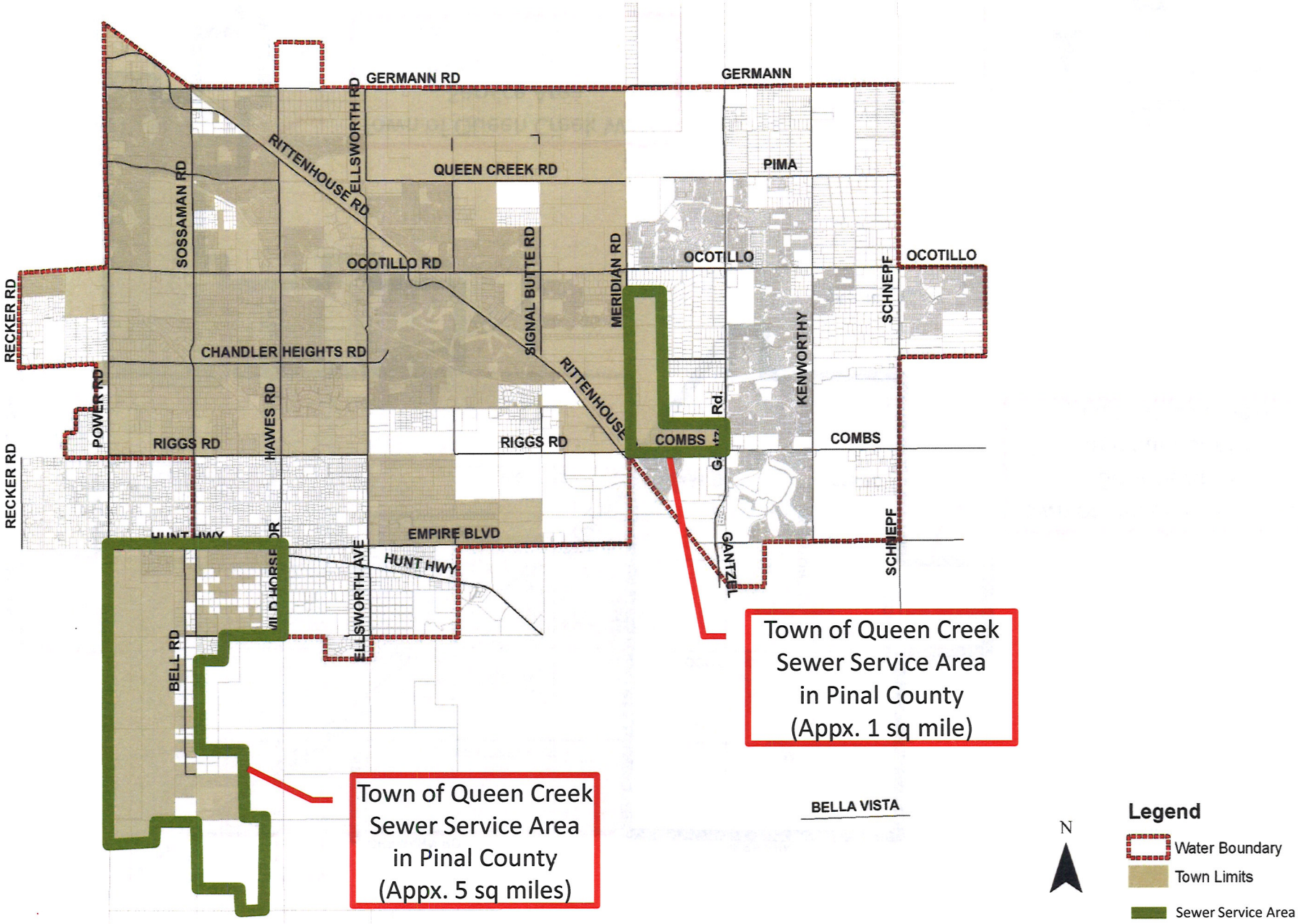
To

APPENDIX A

To #ADEQ16-128212

Town of Queen Creek Sewer Service Area Maps


GERMANN RD
GERMANN
ELLSWORTH RD
QUEEN CREEK RD
PIMA
RITTENHOUSE RD
SOSSAMAN RD
OCOTILLO RD
OCOTILLO
OCOTILLO
SIGNAL BUTTE RD
MERIDIAN RD
SCHNEPF
RECKER RD
CHANDLER HEIGHTS RD
KENWORTHY
RITTENHOUSE
POWER RD
HAWES RD
RIGGS RD
RIGGS RD
COMBS
Gantzel Rd.
COMBS
RECKER RD
HUNT HWY
EMPIRE BLVD
HUNT HWY
GANTZ
SCHNEPF
SKYLINE
BELL RD
BELLA VISTA
Town of Queen Creek Water Service Area in Pinal County (Appx. 16 sq miles)
Town of Queen Creek Water Service Area in Pinal County (Appx. 8 sq miles)
N
Legend
Water Boundary
Town Limits
Water Service Area


GERMANN RD
GERMANN
ELLSWORTH RD
RITTENHOUSE RD
QUEEN CREEK RD
PIMA
SOSSAMAN RD
OCOTILLO RD
OCOTILLO
OCOTILLO
SIGNAL BUTTE RD
MERIDIAN RD
SCHNEPF
RECKER RD
CHANDLER HEIGHTS RD
KENWORTHY
RITTENHOUSE
POWER RD
HAWES RD
RIGGS RD
RIGGS RD
COMBS
COMBS
RECKER RD
EMPIRE BLVD
HUNT HWY
HUNT HWY
GANTZEL
SCHNEPF
ELLSWORTH AVE
BELL RD
BELLA VISTA
Town of Queen Creek Sewer Service Area in Pinal County (Appx. 1 sq mile)
Town of Queen Creek Sewer Service Area in Pinal County (Appx. 5 sq miles)
N
Legend
Water Boundary
Town Limits
Sewer Service Area

Appendix B
To
#ADEQ16-128212
Maricopa County
Solid Waste Management

A. DELEGATED FUNCTIONS AND DUTIES:

The LA agrees to perform those delegated Functions and Duties that are indicated with a Yes in the first column of the following table: Applicable statutes, rules and Title 40 Code of Federal Regulations (CFR) include those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
Yes	1. Inspection of septic tank cleaners for ADEQ licensing[1]	A.R.S. §§ 49-141, 142; A.A.C. R18-13-1106, 1112, 1116, 1117	2 or 4	1
Yes	2. Inspection of refuse haulers[2]	A.R.S. §§ 49-141, 142; A.A.C. R18-13-304, 305, 306, 308, 309, 310, 311	2 or 4	2
Yes	3. Investigation of nuisance complaints, and enforcement to eliminate environmental nuisances	A.R.S. §§ 49-141, 142, 143, 144; A.A.C. R18-13-303, 304	2 or 4	1 or 2
Yes	4. Investigation of, and enforcement to eliminate illegal disposal of solid waste except for waste more specifically described in Functions and Duties 5,6, 7, 8, and 9	A.R.S. §§ 49-701, 701.01, 791(A)(4); A.A.C. R18-13-303, 304, 307, 311	2 or 4	2
No	5. Investigation of and enforcement to eliminate illegal waste tire storage and disposal	A.R.S. §§ 44-1301, 1304, 1304.01, 1307	2 or 4	N/A

[1] The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ septic licenses and to ensure that inspections of septic haulers is conducted at least annually.
[2] The inclusion of this function in this delegation agreement is only to act as a formal process by which the county agrees to be responsible for inspection of refuse haulers nad for ADEQ to ensure such inspections are conducted at least annually.

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
Yes	6. Investigation of and enforcement to eliminate used oil disposal to land[3]	A.R.S. §§ 49-801, 803, 811, 812; Title 40 CFR § 279.1	2 or 4	N/A
No	7. Investigation and enforcement of used oil generators for compliance with storage, labeling, and release response requirements	A.R.S. §§ 49-801, 802.C.1, 811, 812; Title 40 CFR §§ 279.1, 279.22	2 or 4	N/A
No	8. Investigation of and enforcement to eliminate illegal disposal of lead acid batteries and unregistered collection sites	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
No	9. Inspection and registration of lead acid battery collection and recycling facilities	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
Yes	10. Inspection of agricultural solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area	A.R.S. § 49-766(B); A.A.C. R18-13-304, 311	2 or 4	N/A
Yes	11. Inspection of landfills for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area	A.R.S. § 49-766(A); A.A.C. R18-13-304, 311	2 or 4	N/A
Yes	12. Approval of solid waste collection and disposal provisions for new subdivisions	A.A.C. R18-5-409, R18-13-305, 311, 312	1, 3, or 4	N/A

[3] Delegation to LA is limited to disposal of nominal amounts up to 50 gallons at any one non-generator location.

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
Yes	13. Granting of refuse collection frequency variances for all commercial accounts and for residential areas outside city or town limits	A.A.C. R18-13-308(B)	1 or 4	N/A
No	14. Inspection of any other solid waste storage, treatment, processing or disposal facility other than solid waste landfills	A.R.S. § 49-762.07(F)	2, 3, or 4	N/A
Yes	15. Inspection of biohazardous medical waste transporters for ADEQ registration[4]	A.R.S. §§ 49-761(D), 768; A.A.C. R18-13-1401, 1402, 1403, 1404, 1409	2 or 4	N/A

B. EXCEPTIONS AND SPECIAL PROVISIONS:

1. ADEQ retains authority for approval and issuance of solid waste facility plans for all municipal solid waste landfills and for all solid waste landfills other than municipal solid waste landfills.

2. ADEQ retains responsibility for the administration and enforcement of all solid waste facilities that are operated by federal, state, county or municipal agencies.

3. The LA shall retain all civil penalties assessed and collected pursuant to Subpart A of this Appendix.

4. The LA agrees, to the extent practicable, to conduct compliance and enforcement actions according to ADEQ policy.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Duties shall be performed by a Registered Sanitarian registered in Arizona pursuant to A.R.S. § 36-136.01, A.A.C. R9-16-403 and R9-16-404 and who meets

[4] The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ registrations, and to ensure that inspections of each biohazardous medical waste transporting vehicle for compliance with the record keeping and operational requirements listed in A.A.C. R18-13-1409(C), (E), (F), and (G)(4) are conducted at least annually.

the continuing education requirements in R9-16-405; or

2. Duties shall be performed by or under the direction of a Registered Sanitarian registered in Arizona; or

3. Duties shall be performed by or under the direct supervision of a Professional Engineer registered in Arizona pursuant to A.R.S. § 32-123 and R4-30-224; or

4. Duties shall be performed by personnel with training and experience equivalent to ADEQ's Environmental Scientist and Specialist series and under the direct supervision of personnel with training and experience equivalent to ADEQ's Environmental Program Manager or Program Supervisor.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply to the delegated Functions and Duties listed on Subpart A of this Appendix:

1. The LA shall administer and enforce the health and sanitation requirements pertaining to human excreta contained in A.A.C. R18-13-1112 through 1117 with the following stipulations:

    a. Any burial site or open dump site for human excreta approved by the LA in accordance with A.A.C. R18-13-1112 (A) and (B), that is used more than once, shall be considered a solid waste disposal facility and must first submit a solid waste facility plan to ADEQ pursuant to A.R.S. § 49-762.

    b. The LA shall conduct annual inspections and issue permits for all vehicles used for the storage, collection, transportation or disposal of human excreta.

2. The LA shall administer and enforce the health and sanitation requirements contained in A.A.C. R18-13-301 *et seq.*, and the environmental nuisance requirements contained in A.R.S. §§ 49-141 through 49-144 with the following stipulations and exceptions:

    a. The LA shall annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.

    b. ADEQ shall only grant variances from the garbage collection frequency for residential units within the city limits upon receipt of a plan approved by the LA, in accordance with A.A.C. R18-13-308(B).

3. The LA shall administer and enforce the requirements specified in A.A.C. R18-5-409 pertaining to solid waste disposal from new subdivisions. ADEQ shall

furnish the LA with a current list of approved disposal facilities and keep the list updated in a timely manner. The LA shall only approve subdivisions that utilize a facility on ADEQ's approved list.

E. REPORTING REQUIREMENTS:

1. The LA shall report to ADEQ annually on any solid waste inspections conducted, and enforcement actions, initiated or concluded (including Notices of Opportunity to Correct, Notices of Violation, Orders), by submitting a list of each administrative, civil, or criminal action initiated under this Agreement to the ADEQ Agency Contact person for Solid Waste, listed in Subpart F of this Appendix.

2. LA shall annually report to ADEQ by January 31st, the following delegated solid waste Functions and Duties for the previous calendar year in accordance with Subpart A of this Appendix:

   a. A list of all septic tank cleaners under LA permit and a list of all disposal sites approved by LA for one time disposal of such wastes, pursuant to A.A.C. R18-13-1112(A) and (B). The LA shall provide a list of all inspections of septic tank cleaners conducted, including the dates the inspections were conducted.

   b. A list of all refuse haulers under LA permit. The LA shall provide the names of refuse haulers inspected and the date(s) of inspection.

   c. The LA shall report the following information:
      1) The number of nuisance complaints received;
      2) The name of facility/site(s) inspected and the date(s) of nuisance complaint investigations;
      3) The number of inspections revealing the presence of an environmental nuisance;
      4) The date and nature of enforcement actions taken if applicable; and
      5) The date violations were corrected, if applicable.

   d. The LA shall report the following information:
      1) The number of complaints received alleging the illegal disposal of solid waste;
      2) The name of facility/site(s) and date(s) inspected to investigate allegations of illegal solid waste disposal;
      3) The number of inspections and the name of facility/site(s) that revealed illegal disposal of solid waste;
      4) The date and nature of enforcement action taken if applicable; and
      5) The date violations were corrected, if applicable.

e. The LA shall report the following information:
1) The name and location of all sites that have applied for approval of solid waste collection and disposal services for a new subdivision; and
2) The name and location of all sites for which approval of solid waste collection and disposal services for a new subdivision have been issued.

f. The LA shall report the following information:

(1) The name of the entity to whom the garbage collection frequency variance was granted and the date of issuance; and
(2) The documentation provided by the applicant or the LA that the variance would not result in a public health hazard or nuisance, and that fly breeding would be controlled by either biological, chemical or mechanical means.

F. AGENCY CONTACT PERSONS:

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide written notice to ADEQ of any successor.

Name:	Kevin Chadwick
Title:	Division Manager, Water and Waste Management Division
Address:	1001 N. Central Ave, Suite 401
	Phoenix, AZ 85004
Email:	KChadwick@mail.maricopa.gov

The following ADEQ employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. ADEQ shall provide written notice to the LA of any successor.

Name:	Robert Barnett
Title:	Manager, Solid Waste/Hazardous Waste Section
	Waste Programs Division
Address:	Arizona Department of Environmental Quality
	1110 West Washington Street
	Phoenix, AZ 85007
Email:	rb13@azdeq.gov

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

APPENDIX C

To

#ADEQ16-128212

Amendment to Delegation Agreement No. EV12-0067

Relating to Air Quality Permitting Jurisdiction over Intel Ocotillo Campus

C-88-13-005-3-02

Amendment to Delegation Agreement No. EV12-0057

Between the

Arizona Department of Environmental Quality

and

Maricopa County

Whereas, the Arizona Department of Environmental Quality (ADEQ) and Maricopa County wish to amend Delegation Agreement # EV12-0057 (the "Agreement") to add an Appendix C relating to air quality permitting to the Agreement.

Whereas, the Maricopa County Air Quality Department (MCAQD) is the "control officer" authorized to enforce air pollution regulations in Maricopa County under A.R.S. Title 49, Chapter 3, Article 3 and is the appropriate local agency to accept delegation of ADEQ's air quality permitting authority.

Therefore, pursuant to section L(1) of the Agreement, A.R.S. §§ 11-201(A)(3), 49-107 and A.R.S. § 41-1081, the undersigned parties agree to amend the Agreement to add MCAQD as a party and to include in the agreement the following Appendix C relating to air quality permitting. For purposes of Appendix C, MCAQD is the LA.

This amendment shall terminate on the effective date of the approval by the United States Environmental Protection Agency (EPA) of the April 22, 2016 Maricopa County New Source Review SIP Revision.

Appendix C
To Delegation Agreement No. EV12-0057
Maricopa County
Air Quality Management

A. DELEGATED JURISDICTION AND RESPONSIBILITIES:

1. As a supplement to the LA's existing statutory jurisdiction, ADEQ delegates to the LA permitting and enforcement jurisdiction over the Intel Ocotillo Campus ("Intel").

2. The LA shall exercise its statutory authority, as supplemented by this delegation, to meet the requirements and standards established under the Federal Clean Air Act and A.R.S. Title 49, Chapter 3. In administering this delegation, the LA shall meet the personnel qualifications, standards of performance and reporting requirements listed in Subparts C, D and E of this Appendix.

B. RESERVED JURISDICTION AND RESPONSIBILITIES:

This Agreement does not preclude ADEQ from asserting jurisdiction over any source pursuant to A.R.S. § 49-402.B.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix.

1. Permit evaluations shall be performed by, or under the direct supervision of, an engineer qualified through air quality permitting experience or registration as a professional engineer in the State of Arizona.

2. Duties may be performed by personnel with the minimum qualifications of two years of college training in engineering, industrial hygiene, or a closely related field and two years of training, education or experience which demonstrates ability to perform the duties of the position; including 30 semester hours of college-level chemistry, physics, engineering or closely related subjects and two years of technical experience with industrial processes producing pollutants, pollution investigation work or two years of experience in general enforcement of air quality related activities.

3. Inspectors must maintain current certification as a Visible Emission Observer, as specified in Arizona Testing Manual Revision F, and attend training equivalent to that specified in EPA Order 3500.1. Training for current inspectors must be completed within 18 months. Training for newly hired inspectors must be completed within 18 months of hiring.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply, where indicated, to the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Permit Issuance Timeframes

   a. Permitting activities shall be completed within the licensing time-frames established by the applicable provisions of the Federal Clean Air Act, Code of Federal Regulations, Arizona Revised Statutes, the overall timeframes in Arizona Administrative Code R18-1-525, and locally applicable air quality rules, whichever is more stringent.

   b. If at any time the LA determines that the overall timeframes in Arizona Administrative Code R18-1-525 may be exceeded for an application, the LA shall notify the ADEQ Air Quality Director (AQD) Director as soon as practicable prior to exceeding the timeframes.

2. All permits shall include the elements set forth in A.A.C. R18-2-306, 309 and 325, and shall be processed according to A.A.C. R18-2-304 and 307, or locally applicable air quality rules, whichever is more stringent.

3. All major modifications to Intel shall be processed according to A.A.C. Title 18, Chapter 2, Article 4, as applicable.

4. All permit revisions, reopenings, renewals, transfers, or other permit changes shall be processed according to A.A.C. R18-2-317, 318, 319, 320, 321, 322, and 323 or locally applicable air quality rules, whichever are more stringent.

5. Intel shall be required to submit annual emission inventories in accordance with A.A.C. R18-2-327 or locally applicable air quality rules, whichever is more stringent.

6. Intel shall be required to pay annual fees in accordance with A.A.C. R18-2-326 or locally applicable air quality rules.

7. Prior to denying a permit application for Intel, the LA shall obtain ADEQ's approval of the action.

8. Unannounced inspections shall be conducted in accordance with an EPA-approved Compliance Monitoring Strategy (CMS Plan).

9. Initial response to complaints shall be done, to the extent practicable, within 5 days of receipt of the complaint.

11. All compliance and enforcement activities shall be conducted in accordance with ADEQ's Compliance and Enforcement Handbook or locally applicable air quality rules and policies, whichever is more stringent.

E. REPORTING REQUIREMENTS:

1. The LA shall file an annual report with the ADEQ AQD Director specifying the following for Intel:

   a. Number of permits issued, including the date of receipt of the application and the date of permit issuance;

   b. Number of notices of violation and the percent of notices handled in a manner consistent with ADEQ compliance and enforcement policy;

   c. Number of inspections;

   d. Number of complaints received and the percent of complaints receiving initial follow-up within 5 working days;

   e. Number of escalated enforcement cases; and

   f. Description and disposition of each escalated enforcement case and amount of penalty assessed and collected, if any.

2. The report required in Paragraph 1 of this Subpart shall be submitted within 30 days of the anniversary date of this Agreement.

3. The LA shall provide copies of records associated with the activities specified in this Agreement upon request by ADEQ.

D. AGENCY CONTACT PERSONS:

The following LA employee is responsible for administering the delegated Functions and Duties as specified in this Appendix. The LA shall provide written notice to ADEQ of any successor.

Name: Philip McNeely

Title: Director

Agency: Maricopa County Air Quality Department

Address: 1001 North Central Avenue

Phoenix, AZ 85004

Phone: (602) 506-6443

Fax: (602) 372-0587

E-Mail: PhilMcneely@mail.maricopa.gov

The following ADEQ employee is responsible for administering the delegated Functions and Duties as specified in this Appendix. ADEQ shall provide written notice to the LA of any successor.

Name: Timothy Franquist

Title: Director, Air Quality Division

Agency: Arizona Department of Environmental Quality

Address: 1110 W. Washington Street

Phoenix, Arizona 85007

Phone: (602) 771-4684

Fax: (602) 771-2366

E-mail: tsf@azdeq.gov

The naming of successor to either of the above-named individuals shall not require the execution of an amendment to this Agreement.

Signature Page for
Maricopa County
Amendment to Delegation Agreement No. EV12-0057

Maricopa County
Environmental Services Department

12/23/16
Steven J. Goode — Date
Director

Arizona Department of
Environmental Quality

2/7/17
Misael Cabrera — Date
Director

Maricopa County
Air Quality Department

12/23/16
Philip A. McNeely — Date
Director

Duly approved by the Maricopa County Board of Supervisors on the 11th day of January 2017, in accordance with its authority.

Maricopa County Board of Supervisors

JAN 11 2017
Denny Barney — Date
Chair

Attest:

JAN 11 2017
Clerk of the Board — Date

Pursuant to A.R.S. §§ 11-925(A), 11-201(A)(3), 49-107 and 41-1081, the foregoing Agreement has been reviewed by the undersigned attorneys for the Maricopa County Environmental Services Department and the Arizona Department of Environmental Quality, who have determined that this Agreement is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

	12/22/16		1/23/17
County Attorney	Date	Arizona Assistant Attorney General	Date

C-88-18-005-L-00

Signature Page for
Maricopa County

Delegation Agreement No. ADEQ16-128212

Maricopa County
Environmental Services Department

9/28/17

Steven J. Goode — Date
Director

Arizona Department of
Environmental Quality

10/19/17

Misael Cabrera — Date
Director

Maricopa County
Air Quality Department

Philip A. McNeely, Director

Duly approved by the Maricopa County Board of Supervisors on the 4 day of October 2017, in accordance with its authority.

Maricopa County Board of Supervisors

OCT 04 2017

Denny Barney — Date
Chair

Attest:

OCT 04 2017

Clerk of the Board — Date

Pursuant to A.R.S. §§ 11-201(A)(3), 49-107 and 41-1081, the foregoing Agreement has been reviewed by the undersigned attorneys for the Maricopa County Environmental Services Department and the Arizona Department of Environmental Quality, who have determined that this Agreement is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

9/26/17

Maricopa County Attorney — Date

10/14/17

Arizona Assistant Attorney General — Date