Maricopa County Environmental Services Department Substantive Policy Statements

Maricopa County Environmental Services Department
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June 9, 2015

Maricopa County

Maricopa County

Environmental Services Department

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SUBSTANTIVE POLICY STATEMENT
SPS-ES-2012-001

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to set forth the policies pertaining to compliance with the requirements of the Establishing Licensing Time Frames Ordinance (Ordinance) No. P-30 and the Maricopa County Ordinance Establishing Fees Related to Licensing Time Frames No. P-31.

2. **Statutory Overview:**

   Arizona Revised Statutes (A.R.S.) §11-1601 through §11-1610

3. **SPS:**

   a. This SPS is based solely on A.R.S. §11-1601 through §11-1610. All definitions included in A.R.S. §11-1601 are incorporated into this SPS by reference.

   b. The Department may request that all applicants include an e-mail address on every application. An applicant's failure to supply an e-mail address shall not be a cause for denial of an application.

   c. The initial time frame for an application begins on the day the Department accepts the application including any application fees.

   d. A separate licensing time frame shall be applied to each Department permit, certificate or approval.

   e. Denial of an application pursuant to Section 404.a. of the Ordinance shall be based on the applicant's failure to provide application material that meets the Maricopa County Environmental Health Code requirements or Stormwater Quality Management and Discharge Control Regulation requirements after one or more requests for additional information from the Department.

   f. The Environmental Health Officer may serve as the Hearing Officer to hear and decide appeals related to the Ordinance.

g. The Department will utilize the $50 re-initiation fee for applications denied due to time, provided that the application is submitted before the time of destruction of the original application file pursuant to A.R.S. §41-151.15.

h. The Department will not consider an application withdrawn based on an applicant's failure to respond to the Department's notice of deficiencies or request for corrections. The Department may deny these applications based on the criteria in Section 404.b. of the Ordinance.

4. SPS Effective Date:

September 13, 2013

5. SPS New Document/Revision Statement:

Revised from December 31, 2012, to be consistent with the countywide Policy.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-ES-2012-002

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the implementation of Maricopa County's Enhanced Regulatory Outreach Program Policy Number A1518 by the Department. The purpose of this policy is to provide a comprehensive process that allows multiple opportunities for stakeholder input, regarding the adoption and amendment of all regulatory requirements. The program began operation January 9, 2013.

2. **Statutory Overview:**

   A. Arizona Revised Statutes (A.R.S.) §§ 11-251, 11-251.05, 11-251.08, 36-183.02, 36-183.03, 36-183.04, 36-183.05, 36-183.06, 36-183.07, 36-184, 36-187, 41-1080, 49-106, 49-107

   B. Maricopa County Enhanced Regulatory Outreach Program Policy Number A1518 (Policy)

   C. Maricopa County Environmental Health Code

   D. Maricopa County Stormwater Quality Management and Discharge Control Regulation

3. **SPS:**

   The Department shall process adoption/amendments of regulations or ordinances, in a consistent manner to ensure opportunity for public input. This includes fee adoptions/amendments related to licenses, as defined in A.R.S. §11-1601 issued by Maricopa County. All regulations or ordinances administered by the Department shall be adopted/amended per a single process outlined in the attached Maricopa County Regulatory Adoption/Amendment Process Flow Charts (attached), which meets or exceeds all statutory requirements, and the Policy.

   This Policy applies to the Air Quality, Environmental Services, Planning and Development and Transportation departments and Flood Control District of Maricopa County. No code, 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.

   The Policy provides that the BOS may adopt regulations or ordinances without complying with the procedures of this SPS if it makes a finding of an emergency

requiring the adoption of the regulation and ordinance and records the nature of the emergency and reason for adoption in its minutes. Not later than sixty (60) days after the adoption of an emergency measure according to the Policy, the regulation or ordinance shall be reviewed by the BOS to determine if it should continue or terminate.

The Policy also dictates that a web site will be created and accessible from the County main web page, with a distinct URL (Enhanced Regulatory Outreach Program), that can be found on the web pages of all County departments and districts engaged in regulation adoption or amendment.

This Enhanced Regulatory Outreach Program web site will serve as a central place for interested parties to participate in all County regulatory changes. At a minimum, this new web site will contain the following information:

A. 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 and a link to each.

B. Stakeholder Notification Sign-up – 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 regulatory changes or only those involving specific departments.

C. A process for review of complaints (Re: Failure to Observe Adoption Procedures). If an affected person has a complaint concerning a department's failure to observe the requirements of the Policy, then 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 the Policy or department SPS, which led to the complaint. Within fifteen days after the date of submission, this 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 to the BOS. The BOS shall place the complaint on its agenda within thirty days and provide a response to the complainant 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.

In accordance with the Policy, the Department's content on the Enhanced Regulatory Outreach Program web site, will contain, at a minimum, the following information:

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

(2) Information about where comments can be submitted electronically or in writing.

(3) Staff Reports – Staff reports about all Department regulatory changes will be prepared and linked to the web site at least one week prior to any public meeting or hearing (Board of Health (BOH) or BOS). These staff reports will include:

i. A summary of the proposed regulatory change;

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

iii. Language of any proposed regulatory change or amendment;

iv. Minutes from all public meetings; and

v. 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. Stakeholder comments received after public distribution of the staff report will be included on the Enhanced Regulatory Outreach Program web site and noted as such.

(4) Department Process Flow Chart – All new regulatory amendments to be administered by the Department will be initiated by the BOH who will make recommendations to the BOS as outlined in the attached Maricopa County Environmental Services Department Regulatory Adoption/Amendment Process Flow Chart.

(5) Expedited Process Flow Chart – A flow chart depicting the Department's expedited regulatory adoption/amendment process, as outlined in the countywide Expedited Maricopa County Regulatory Adoption/Amendment Process Flow Chart is attached. This expedited process may only be used if the following criteria have been met:

i. The proposed amendment has been the subject of at least one Stakeholder Workshop (posted on the Enhanced Regulatory Outreach Program web site at least two weeks in advance) and one BOH meeting;

ii. A draft of the regulatory change was available on the Enhanced Regulatory Outreach Program web site at least two weeks prior to the BOH meeting and was forwarded to the BOH at least one week in advance of their review meeting;

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

iv. The BOH recommends approval.

(6) Incorporation By Reference Flow Chart – A flow chart depicting the Department's adoption by reference rule adoption process, as outlined in the countywide Incorporation by Reference Maricopa County Regulatory Adoption/Amendment Process Flow Chart is attached. This process may only be used in the following circumstances:

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

ii. 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.

(7) Directory of Current Regulations – A list of all Department regulations, including a link to each.

(8) Directory of SPS – A list of all Department SPS, including a link to each.

4. <u>SPS Effective Date:</u>

March 25, 2013

5. <u>SPS New Document/Revision Statement:</u>

Revised from December 10, 2012, to be consistent with changes to the countywide Policy.

6. <u>Contact Us:</u>

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

Attachments:

Maricopa County Regulatory Adoption/Amendment Process Flow Chart

Maricopa County Environmental Services Department Regulatory Adoption/Amendment Process Flow Chart

Expedited – Maricopa County Regulatory Adoption/Amendment Process Flow Chart

Incorporation by Reference – Maricopa County Regulatory Adoption/Amendment Process Flow Chart

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-001

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1. SPS Subject:

To clarify the criteria used to classify food and non-food establishment's permits issued by the Maricopa County Environmental Services Department.

2. Statutory Overview:

Maricopa County Environmental Health Code (MCEHC)

3. SPS:

The number of inspections in all food establishments as mandated by the Maricopa County / Arizona Department of Health Services delegation agreement will be defined by the Classification of the permit. The goal of the Department will be to meet the established frequencies of inspection that are defined here*:

A. PERMIT SUBTYPE:

CLASS 2:

1) Inspection Frequency: Every six months.

2) Definitions:

   a) Limited menu (1 or 2 main menu items).

   b) Pre-packaged commercially processed raw ingredients are prepared and / or cooked to order for immediate service.

   c) NO reheating is allowed.

   d) Heating for immediate service (examples include, but are not limited to: pizza or frozen burritos in a bar) or limited hot holding is allowed (examples include, but are not limited to: hotdogs or pizzas at a convenience store).

   e) Limited hot and cold holding of menu items is allowed (examples include, but are not limited to: pre-packaged milk or sandwiches).

3) Permit Types:

   a) Bakery

b) Boarding Home (operations with only limited preparation of menu items)

c) Bottled Water

d) Commissary

e) Eating and Drinking 0-9 Seating

f) Eating and Drinking 10+ Seating

g) Eating and Drinking School Food Service Kitchen

h) Food Bank

i) Food Jobber (an establishment that conducts bulk food repackaging)

j) Food Jobber School (a food storage facility where food not manufacturer on the premises is stored for ultimate human consumption at a school or similar facility)

k) Food Peddler

l) Food Processor (limited preparation of food items)

m) Food Processor School (an operation with only limited preparation of food items for other locations)

n) Ice Manufacturing

o) Meat Market – Retail Grocery (where pre-packaged, not frozen raw products are greater than 10 linear feet of storage/display.

p) Refrigerated Warehouse

q) Retail Food Service without produce operations and selling prepackaged potentially hazardous foods.

r) Seasonal Food Service (examples include, but are not limited to: swimming pool concession stands and spring baseball league concession stands; is limited to 15 to 120 consecutive total days per year)

s) Vending (potentially hazardous foods only)

CLASS 3:

1) Inspection Frequency: Every four months.

2) Definitions:

a) Limited menu (2 - 3 main menu items)

b) Menu items are prepared, cooked and served to the customer.

c) Preparation process includes a limited amount of raw ingredients that are cooked and / or cooled and re-heated which may also require hot and cold holding.

d) Advance preparation for next-day service is limited to two or three items.

3) Permit Types:

a) Adult Daycare

b) Daycare Food Service

c) Eating and Drinking 0-9 Seating (examples include, but are not limited to: delis limited to sandwich preparation or service of pre-packaged potentially hazardous ready-to-eat food products).

d) Eating and Drinking 10+ Seating (examples include, but are not limited to: fast food service and pizzerias with limited menu items)

e) Eating and Drinking Senior Food Services (an example includes, but is not limited to: senior centers)

f) Eating and Drinking School Food Services (examples include, but are not limited to: quick service operations with advanced preparation of two or less menu items)

g) Pushcart

h) Retail Food Establishment with produce operations

CLASS 4:

1) Inspection Frequency: Every three months.

2) Definitions:

a) Extensive menu (4+ main menu items).

b) Extensive handling of raw ingredients.

c) Preparation processes include the cooking, cooling, and re-heating of potentially hazardous foods.

d) A variety of processes require hot and cold holding of potentially hazardous foods.

e) Food processes include advanced preparation for next-day service.

3) Permit Types:
   a) Adventure Food Service (a food service establishment that operates in conjunction with a trail ride or similar type activity and prepares or serves food to participants)
   b) Damaged Food Service selling damaged products
   c) Eating and Drinking 0-9 Seating (examples include, but are not limited to: retail deli with extensive food preparation or a take-out full service restaurant)
   d) Eating and Drinking 10+ Seating (examples include, but are not limited to: full service restaurant or commercial or industrial cafeterias with full menus)
   e) Eating and Drinking School Food Service
   f) Food Processor (an advanced preparation of food items)
   g) Food Processor School (an operation with extensive advanced preparation of food items for sale at other permitted locations)
   h) Meat Market (this includes the limited cooking of rotisserie chickens and ribs)
   i) Mobile Food Unit (full service mobile kitchens)

CLASS 5:

1) Inspection Frequency: Every three months.
2) Definitions:
   a) A class category 5 meets all of the definitions of class category 4 including one or more of the following:
      - Food processing at the retail level which requires an approved variance from the Department (examples include, but are not limited to: smoking and curing; reduced oxygen packaging for extended shelf life).
      - The category will also include those facilities whose primary service population is highly susceptible.
      - The category will also include any establishment that provides off-site food service such as a catering operation.

3) Permit Types:

   a) Boarding Home (operations with advanced preparation or where the consumers specifically include individuals that are highly susceptible to food borne illness)

   b) Eating and Drinking 0-9 Seating

   c) Eating and Drinking 10+ Seating

   d) Eating and Drinking Assisted Living Facilities

   e) Eating and Drinking Hospitals Food Service

   f) Eating and Drinking Jails Food Service

   g) Eating and Drinking Nursing Home

   h) Food Catering (a pre-arranged amount of food is prepared at one premise for immediate service and consumption at another pre-arranged location by the caterer)

   i) School Food Catering (a permit to operate a food establishment, owned by a school district or similar entity, where a pre-arranged amount of food is prepared at one premise for immediate service and consumption at another school or similar facility such as a concession stand in and on the school grounds)

B. Inspection frequency for non-food programs is as follows:

1) School grounds: One inspection per year, during the school sessions.

2) Public accommodations: One inspection per year, however, if during that routine inspection numerous items are in violation, a re-inspection shall be conducted in a timely manner and a second routine inspection conducted six months later.

3) Mobile pet groomers/Pet shops: One inspection per year, re-inspections as needed.

*** Disclaimer: Please note that class categories are subject to re-evaluation based on the activities that occur within an establishment.**

4. SPS Effective Date

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-ES-2012-001 is a new SPS.

6. <u>Contact Us:</u>

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-002

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1. **SPS Subject:**

   To clarify use of exemptions of the Maricopa County Environmental Health Code (MCEHC) for use in food service establishments.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code

   B. DPPN: 10-11-36, Legal Enforcement of the MCEHC

   C. A.R.S. Title 11 Chapter 11

3. **SPS:**

   Bare Hand Contact (BHC) Exemption:

   All BHC exemptions require the prior approval by the Division Manager. Procedures for the verification and validation of a BHC Exemption are:

   A. The establishment must keep a record of their approved BHC exemption onsite. This record must be readily available for inspection by the Environmental Health Specialist.

   B. The BHC exemption procedures will be loaded into Accela Automation under the variance window and a copy of the approved procedure will be given to the district inspector.

   C. The inspector must first review the approved policy by examining compliance of the exemption requirements:

   1) A written employee illness policy that documents when an employee is ill and when an employee must report their illness to their employer.

   2) The investigating officials must verify use of hand washing logs, hand washing training materials, hand-washing policies and employee illness logs including knowledge of the "Big Five Pathogens" and the signs and symptoms for food borne illness.

3) If any violations of this policy are noted during an inspection, the violation shall be noted on the inspection report.

4. SPS Effective Date:

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-EH-2012-002 is a new SPS.

6. Contact Us:

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-005

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements regarding splash guard protection in food service establishments.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The 2009 FDA Food Code established regulations to ensure the delivery of safe food and drink. These include regulations for safe food storage, as well as clean and sanitary food contact surfaces. The aforementioned regulations specifically address the protection of food, equipment, and utensils from sources of contamination.

   There are numerous types of sinks that are used in a food service establishment and each of them can generate sources of contamination in the form of splash from soiled hands, dishware, or mop water. Food and clean food contact surfaces must be protected from these sources of contamination. This SPS provides clarity regarding the requirements necessary to prevent this type of cross contamination.

   Splash guards are needed when a hand wash sink, mop sink, or soiled dishware drain board is installed within 24 inches of a food contact surface, food/utensil storage shelf, food preparation area, food preparation sink or a sanitized dishware drain board.

   Install a waterproof splashguard at least as high as the faucet and as deep as the hand sink, between the sink and food/dish related areas. We recommend the use of stainless steel. Securely fasten splashguards to the wall, countertop, or sink. Seal the seam created by the splashguard with silicone.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-005 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-006

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1. SPS Subject:

The purpose of this SPS is to clarify the permit requirements related to finishes and materials used in food service establishments, residence accommodations, pet shops/pet groomers, and public schools.

2. Statutory Overview:

Maricopa County Environmental Health Code (MCEHC)

3. SPS:

The regulations identified in this policy statement requires nonfood contact surfaces, restrooms, and pet shop and grooming surfaces to be constructed of materials that are smooth, easily cleanable, and durable. Definitions for smooth and easily cleanable do exist in the 2009 FDA Food Code, although the definitions include room for interpretation and application specific needs. This SPS will provide further clarity regarding acceptable materials for room finishes used in the aforementioned establishments while also providing some examples.

The requirements stated in this SPS apply to food storage, food preparation, warewashing, restroom, shower, animal holding, bathing, and grooming areas unless otherwise noted the MCEHC.

A. Walls

1) Provide a smooth, nonabsorbent, easily cleanable wall surface. Textured skip trowel finish that generates pits and crevices is not acceptable. Raw wood or unfinished studded walls are not permitted. Walls shall be constructed with material that leaves a smooth finish such as stainless steel, approved fiberglass reinforced panels (FRP), ceramic tile, painted dry wall (orange peel), etc. All splash areas must be finished smooth with durable and waterproof materials such as FRP or stainless steel. Painted dry wall in splash and moisture related areas, wet zone areas, such as warewashing equipment and food preparation sink areas is not acceptable.

2) Painted wall surfaces in all food service and ware washing, storage and restroom areas should be smooth. Use a quality semi-gloss or high gloss

type paint. Dark colors are not recommended. Additional fixtures may be required to meet the ambient light intensity requirements if dark colors are installed.

3) Grout shall be smooth and finished flush with the surface of all tiles.

4) Wall finishes behind cook lines and under vent hoods shall be of stainless steel or tile. Wall surfaces from lower edge of kitchen exhaust hoods to the floor surface including the wall/ floor junctures shall be finished with coved metal, coved ceramic tile, or other similar durable, easily cleanable materials approved by the Department.

5) Construction masonry units (CMU), brick and other masonry units installed as a finish material, shall be free of pits, voids, cracks, depressions, and shall be smooth and easily cleanable. Light colored Astra-glaze® masonry units are recommended.

6) FRP should be light in color and easily cleanable (Pebble surface or Smooth surface). Grooved and/or painted FRP panels are not approved.

7) Finish faced medium density fiberboard panels (MDF) are acceptable in non-moisture related areas only. However, the material is not recommended and not approved in moisture related areas due to durability concerns.

8) Apply a clean, smooth, raised bead of silicone caulk on all gaps or seams between immovable equipment and walls. Seal all gaps, seams, and cracks. Seal spaces around pipes or conduit at all wall penetrations.

9) Provide a smooth, nonabsorbent, easily cleanable surface for the walls and ceilings of all pet grooming, pet holding, toilet room and mop basin areas that is in a light color. Walls surrounding bathing areas shall be smooth, waterproof, and easily cleanable, to the level of splash. Use ceramic tiles, FRP, plastic board, or similar material.

B. <u>Floors</u>

1) Floor finishes shall be commercial grade, durable, smooth, non-slip, nonabsorbent, grease-resistant, and easily cleanable. Smooth, bare concrete floors are approved and must have an appropriate concrete sealer applied (not just a water sealer). The use of poured monolithic floors may require specific approval for kitchen applications. Carpet is not allowed in any food prep, storage, service, refuse, restrooms or utensil washing areas. Carpeting material approved by this Department is permitted in customer areas and prepackaged retail areas.

2) Concrete floors shall be finished smooth, sealed, and have all expansion joints, saw cuts, and cracks properly filled. Provide at least 3 feet of vinyl composite tiles (VCT) or washable surface around perimeter of retail reach-in cooler units. Grout shall be smooth and finished flush with the surface of all tile.

3) Floor surfaces in the toilet areas and shower rooms shall be commercial grade, smooth, nonabsorbent, easily cleanable, and slope to a floor drain (cove base required).

4) Floor surfaces in the bathing, grooming, pet holding, and toilet areas shall be smooth, non-slip, nonabsorbent, and easily cleanable. In areas where birds are on perches, floors shall be of impervious construction. No carpeting shall be allowed within 18 inches of the outer end of the perch.

5) Samples of room finish materials may need to be submitted for approval, prior to installation.

C. <u>Ceilings</u>

Provide smooth durable, non-absorbent, easily cleanable, and light-colored ceiling surfaces that can withstand frequent cleaning. Exposed joists, studs or other support structures will not be accepted. Acoustical fissured/perforated ceiling tiles are not permitted in restrooms, kitchens, mop sink area, or high moisture related areas. Vinyl faced tiles or a drywall hard lid are acceptable. Open structure in approved areas must be at least 10 foot high ceiling.

D. <u>Coving</u>

1) Provide a smooth, coved base (3/8 inch radius or greater) at the juncture of walls and floors. Cove bases are also required at the juncture of cabinets and floors. Examples of acceptable materials for cove base are 4-inch vinyl or rubber, ceramic or quarry tile, and stainless steel.

2) Ceramic tile used as coving shall not be installed on top of floor tiles at floor/wall junctures. The floor/wall juncture shall be a true flush cove base with at least a 3/8-inch radius or greater.

3) When applicable, “tool-in” colored siliconized grout caulk at floor/base junctures to create an acceptable cove base. A ¼ inch cove base is acceptable in metal floored/pre-fab walk-in units.

4) Concrete curbs in a walk-in cooler/freezer shall be finished smooth, properly coved, beveled away from the wall at the top edge, and thoroughly sealed. Rubber/vinyl cove base is not permitted inside walk-in

cooler/freezer units. Provide a metal cove base inside walk-in units. Monolithic flooring, tile, or metal cove base is required under hoods.

4. SPS Effective Date:

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-EH-2012-006 is a new SPS.

6. Contact Us:

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-007

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements regarding mop sink construction and location for food service, residence accommodation, pet shop/pet grooming, and public school facilities.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Administrative Code

   C. 2009 International Plumbing Code

3. **SPS:**

   The aforementioned regulation specifies that a service sink (aka. Mop sink) or curbed cleaning area must be provided and conveniently located for the cleaning of mops and disposal of mop water. This regulation does not establish a minimum size for a curbed area nor a definition of convenient location.

   Provide service sinks or janitorial stations for general cleanup activities in all permitted establishments. Include either a floor basin, leg-mounted mop sink, or a concrete or ceramic tile curbed basin. The minimum size of the basin must be 3 feet square and the curbing at least 4 inches high and 4 inches wide. Connect the basin or sink, with a drain, to the sanitary sewer. Provide hot and cold water, under pressure, with a mixing faucet and approved back flow protection.

   Janitorial stations are recommended to be within 300 feet of the permitted establishment. They should be separate from food and beverage preparation and storage areas. The janitorial station must be accessible for use during operation.

   If you suspend a water heater over the mop basin, maintain a minimum clearance of 80 inches to provide adequate space for the storage of wet mops. Ceilings in the mop sink area shall be smooth and easily cleanable.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-007 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

Maricopa County
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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-009

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements related to registering a special event with the Department.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   Chapter 8, Section 1, Regulation 1.(26) defines an event as a public celebration such as but not limited to a fair, festival, circus, exhibition, carnival, food and/or drink tasting. A Temporary Food Establishment, Seasonal Food Establishment, or Special Event Food Establishment permit can only operate at an event that meets this definition and has been registered and approved by this Department. Per Chapter 8, Section 3, Regulation 2.d. of the MCEHC, the property owner of an event location, or his/her designee, must register any event at least 30 days prior to the start of the event. The registration process is completed using the Event Coordinator Application provided by the Department.

   The following are examples of criteria the Department uses in defining an event. Additional criteria may be used to make a final determination.

   A. A completed application submitted by the Event Coordinator.

   B. Whether the event is registered with the local municipality.

   C. Whether the event is related to a public holiday or celebration.

   D. Whether the event is advertised to the general public.

   E. Whether it is a single event held for not more than 14 consecutive days (For use with Temporary Food Establishment and Special Event Establishment permits).

   F. Whether it is a single event held for a duration of 15-120 days (For use with Seasonal Food Establishment permits).

   An event is not the following (not all inclusive):

A. A local youth league game that recurs weekly, monthly, etc.

B. A Swap Meet

C. A Farmers Market

D. A Public Market

E. A non-commercial social event that takes place at a workplace

F. A potluck

G. An employee-conducted function that lasts less than four hours and is not regularly scheduled such as employee recognition, an employee fund-raising or an employee social event

An example of an event is (not all inclusive):

A. Grand Opening

B. Circus

C. Tasting event

D. BBQ Competition

E. Festivals

F. Large sporting events: I.E. Fiesta Bowl, BCS National Championship, Regional Soccer Finals

Vendors that choose to operate at a location that does not meet the Department's definition of an event may do so using other Department food service permits, such as a Mobile Food Unit, Pushcart, or Food Peddler permit.

4. <u>SPS Effective Date:</u>

July 1, 2012

5. <u>SPS New Document/Revision Statement:</u>

SPS-EH-2012-009 is a new SPS.

6. <u>Contact Us:</u>

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-010

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements regarding the outdoor installation of ice machines at food service, residence accommodation, and public school facilities.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Administrative Code

3. **SPS:**

   The purpose of the regulations identified in this SPS is to ensure the delivery of safe food and drink. These include regulations for approved food sources, safe food storage, as well as clean and sanitary food contact surfaces. Ice machines located outdoors that are associated with the aforementioned facilities are exposed to environmental conditions.

   Any ice machine/dispenser production or dispensing ice for human consumption that is installed in an outdoor location shall be listed with the National Automatic Merchandising Association (NAMA). For purposes of this SPS, outdoor location is defined as any area not enclosed on all sides by tight fitting construction and/or is not protected against the entrance of insects, rodents, dust or other environmental contamination.

   The ice machine/dispenser shall be located in an area protected from non-standard environmental contamination, such as animals, landscaping sprinklers, vehicle exhaust, or other noxious emissions.

   Non-consumable ice is not required to be produced or dispensed from a NAMA listed machine.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-010 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-011

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the expedited plan review fees for Environmental Health Food Service, Residence Accommodation, School Grounds, Pet Shop/Groomer, and Remodel permits.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   Chapter 1, Regulation 4e. of the MCEHC code states: In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved.

   Chapter 1, Regulation 5c.(3) of the MCEHC states: Expedited, design/build and phased plan reviews shall be assessed at two times the flat fee or hourly rate.

   When applicants submit plans for construction work that has already commenced, they are in violation of Chapter 1, Regulation 4e. Enforcement action will be initiated by the Department when operators are found in violation. Applicants may pay expedited fees, as defined in Chapter 1, Regulation 5c.(3), which will shorten the review time of the application. Expedited fees do not negate nor suspend any enforcement actions filed against the applicant unless specified in writing by the Department.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-011 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-012

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the requirements to construct and operate an outdoor bar.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The 2009 FDA Food Code established regulations to ensure the delivery of safe food and drink. These include regulations for approved food sources, safe food storage, as well as clean and sanitary food contact surfaces. Bars located outdoors that are associated with food service permits are exposed to environmental conditions.

   Bars associated with food service establishments that have facilities with approved external barriers may be installed in areas that are exposed to the outside environment as long as the following criteria are met.

   A. Hand wash sinks must be installed at all bars.

   B. There is no food preparation at the bar. Drink service only. Condiment preparation (e.g. limes, etc.) must be done in the kitchen. Wait staff may deliver food directly to customers from the kitchen.

   C. Warewashing sinks are not installed at the bar. Warewashing is limited to enclosed commercial glass wash machines.

   D. All ice bins and condiment containers are installed with covers. Ice machines are not allowed outside unless they are certified by the National Automatic Merchandising Association (NAMA).

   E. Blended and frozen drinks are only allowed if a warewashing machine is installed at the bar.

   F. All glassware and utensils must be stored in the kitchen during non-operational hours.

G. All ice bins must be cleaned and sanitized prior to use each day, not at the end of the shift. It is recommended a hot water hose bib be installed above each ice bin to facilitate ice burn off.

4. SPS Effective Date:

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-EH-2012-012 is a new SPS.

6. Contact Us:

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-013

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1. <u>SPS Subject:</u>

The purpose of this SPS is to clarify the permit requirements related to countertop and shelving materials used in food service establishments, residence accommodations, pet shops/pet groomers, and public schools.

2. <u>Statutory Overview:</u>

A. Maricopa County Environmental Health Code (MCEHC)

B. Arizona Administrative Code

3. <u>SPS:</u>

The regulations identified in this SPS require nonfood contact surfaces, restrooms, and pet shop and grooming surfaces to be constructed of materials that are smooth, easily cleanable, and durable (please refer to the 2009 FDA Food Code for definitions for smooth and easily cleanable). This policy statement will provide further clarity on acceptable materials for countertops and shelving used in the aforementioned establishments while also providing some examples.

A. All countertop and shelving surface materials shall meet Department standards and shall be approved prior to installation and/or utilization. Approved countertops and shelving shall be constructed of smooth, durable, nonabsorbent, grease-resistant and easily cleanable materials. All approved millwork shall also be smooth and sealed.

B. Laminate surfaces are considered non-durable for high temperature, wear, stain and impact resistance and are not approved in most areas of permitted establishments. This shall apply to laminate surfaces in establishments going through the plan review process.

C. A laminate is a material that can be constructed by uniting two or more layers of material together. The lamination process commonly refers to the placing of materials between layers of plastic and gluing them with an adhesive and heat and/or hi-pressure.

D. Laminate materials shall not be used on surfaces subject to intentional, expected or reasonable direct food contact and areas exposed to moisture during normal operations. Laminate materials are intended for use on non-work surfaces.

E. Laminate surface materials shall not be installed in kitchen, food prep, produce prep, food service, warewash, wait stations, beverage stations, beverage dispenser areas, blender stations, continental breakfast areas, buffets, counter top warmers, drawer warmers, cold drop-ins, hot drop-ins, food storage areas, and similar food and moisture areas, including customer self-service areas. Laminate countertops shall not be installed in permitted toilet rooms or hand wash areas.

F. Additionally, laminate surfaces shall not be installed in residence accommodation restrooms, laundry rooms, public school restrooms, or animal holding, bathing, or grooming areas. Materials used in these areas shall be solid surface as described in this policy statement.

G. Laminate countertop surfaces shall not be installed where direct food contact occurs, cutting boards are utilized or the surface is subjected to cutting, chopping, and similar operations, routine contact with heated objects in excess of 275°F, sustained heat of 150F° or more (e.g. hot food inserts, broilers, griddles, etc.).

H. In addition laminate shelving shall not be installed in moisture areas such as walk-in units, warewash areas, service sink areas, beverage station, water and ice stations, wait stations, hand wash areas, undersides and interiors of cabinets with exposed floor sinks or floor drains and other areas exposed to moisture.

I. Water resistant material shall be finished smooth, washable and should be installed with fiberglass reinforced panels (FRP) or other water resistant material both horizontally and vertically under countertops and inside cabinetry exposed to moisture.

J. Hi-pressure decorative laminate surfaces may be installed for use as non-work food and beverage countertop surfaces such as in manager offices, cash register areas, front customer counter areas, and front customer bar countertops, provided the surfaces are smooth and easily cleanable. The laminate should be constructed in a seamless fashion to limit substrate exposure to moisture.

K. All edges, corners, seams, penetrations and cutouts in the approved laminate surfaces and millwork shall be smooth and sealed.

L. Approved durable solid surface counter materials shall be installed in the aforementioned areas, maintained in good repair and in a sanitary condition.

M. "Solid" surface countertop materials may be either natural or man-made. Natural materials typically utilized as countertop surfaces are granite or marble. Man-made countertop materials are usually composed of metal, engineered stone, bauxite, acrylic or polyester resins and pigments. Man-made solid surface materials are most frequently used for seamless countertop installations, such as cultured marble.

N. Approved smooth, durable tile products with minimal sealed grout lines and approved sealed hardwoods may be approved in limited areas on a case-by-case basis.

O. Natural or man-made "solid" surface materials such as: stainless steel, smooth sealed metals, granite, marble, quartz, stone, soapstone, resin, engineered stone, cultured marble, re-enforced smooth sealed concrete, approved tile products, approved hardwoods, proprietary products known as Corian®, Silestone®, Zodiaq®, **LG HI-MACS**®, Pryolave®, FireSlate®, and other similar materials, approved by the Department, shall be installed in defined areas.

P. Existing laminate surfaces in good repair may not need to be replaced with a new approved solid surface material. Existing laminate surfaces in establishments are evaluated on a case-by-case basis and may be approved under Department stipulations. The Department may require existing laminate surfaces to be encapsulated using approved materials. Equipment and food-contact surfaces which are nontoxic, installed prior to the effective date of the recent code, which do not fully meet the design and fabrication requirements may be deemed acceptable provided they are maintained in good repair, are in a sanitary condition, and meet Department requirements, limitations, and stipulations.

Q. All approved existing laminate surfaces shall be maintained in good repair or replaced with approved solid surface materials as directed or stipulated by the Department.

R. Professional judgment will be applied when enforcing approved surfaces in establishments going through the plan review process.

4. <u>SPS Effective Date:</u>

July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-013 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-014

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements regarding hot water supply in food service establishments.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. 2009 International Plumbing Code

3. **SPS:**

   The aforementioned regulation specifies that hot water must be sufficient to meet the peak hot water demands throughout the food service establishment. This SPS will further clarify the minimum requirements necessary for a hot water system.

Storage Water Heaters

A. For all food service permits, a minimum 30-gallon capacity water heater is required.

B. For establishments that only sell prepackaged food and the fixture demand is limited to no more than one service sink and two lavatories, a minimum 10-gallon capacity water heater is required.

C. For establishments that use a three compartment sink for warewashing, the minimum capacity is 50 gallons.

D. If mechanical dishwashing is utilized for warewashing, a minimum 75-gallon capacity water heater is required and must meet the hot water demands of all the establishments fixtures.

E. For food establishments that utilize multiservice eating and drinking utensils, the water heater shall have a recovery rate equal to or greater than 100% of the computed hourly hot water demand, in gallons per hour (GPH).

F. For food establishments that use only single-service eating and drinking utensils, or don't use utensils at all, the water heater shall have a recovery rate

equal to or greater than 80% of the computed hourly hot water demand, in GPH.

G. When calculating hot water demand, the recovery rate of the hot water unit is more important than actual capacity, a minimum temperature rise of 60ºF shall be used.

H. The Department's hot water calculation table may be used to determine adequate water heater size and capacity.

I. Hot water should be provided within 45 seconds to all sinks plumbed for hot or tempered water.

J. A recirculation pump or point of use water heaters may be necessary to provide hot water within 45 seconds or if the water heater source is more than 60 feet away.

Tankless (Instantaneous) Water Heaters

A. Tankless (Instantaneous) water heaters are approved by the Department on a case by case basis.

B. Tankless (Instantaneous) water heaters must be sized to provide hot water of at least 120° Fahrenheit, and at a rate of at least two gallons per minute (GPM), to each sink and fixture that utilizes hot water. (Note: Hand lavatories must receive at least ½ GPM.)

C. The Department may approve the use of a combination of storage and point-of-use water heaters if peak hot water demand has been provided.

D. When calculating hot water demand, a minimum temperature rise of 60ºF shall be used.

E. The Department's hot water calculation table may be used to determine adequate water heater size and capacity.

F. Hot water should be provided within 45 seconds to all sinks plumbed for hot or tempered water.

G. A recirculation pump or point of use water heaters may be necessary to provide water within 45 seconds or if the water heater source is more than 60 feet away.

Booster Heaters for High Temperature Dish machines

A. When a hot water sanitizing dish machine is used, a booster heater must be provided to supply at least 180°F water to the final rinse at the manifold and 140°F water temperature at supply. The rinse demand of the machine will

determine the heater capacity. Final dishware temperature must be at least 160°F.

B. Installation of the water heater and the booster heater should be as close as possible to the dish wash machine to avoid heat loss in the lines. When a booster heater is installed below a drain board, it shall be installed at least six inches above the floor and away from the wall, and in a manner that will allow accessibility for proper cleaning and servicing.

4. SPS Effective Date:

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-EH-2012-014 is a new SPS.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-015

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements for obtaining a food service permit for competition food events and beverage booths at special events.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   An Event can consist of several different types of permits and involve various situations including Competition Food Events.

   Competition Food Events (defined in MCEHC)

   A single permit may be issued for a competition event that is approved by this Department that meets the Competition Food Event Criteria. The sponsoring agency is required to obtain the Temporary Food Establishment Permit for the Competition and assumes all responsibility for the competitors meeting the requirements for a Temporary Food Establishment, including ensuring that vendors limit their food service to only complimentary 2-ounce samples.

   Competition food types include similar food items that require the same or similar cooking temperatures such as:

   A. BBQ Chicken Competition
   B. BBQ Beef Competition
   C. Chili Competition

   Any vendor wishing to dispense greater than 2-ounce complimentary samples must obtain their own Temporary Food Establishment permit.

Commercially Processed Beverage Sales/Sampling:

No permit is required for commercially processed beverage sampling/sales when:

A. Pouring non-TCS drinks including, but not limited to: beer, wine, soda, or juice from a commercial container (e.g. bottle, keg, can, or beer truck) into a disposable cup;
B. Providing non-TCS drinks in a can or bottle (commercial container) even if the lid or top has been opened for the customer.

A permit will be required from the Department if ice, cut fruit or garnishes including, but not limited to: lemon and lime wedges, cut vegetables, cut jalapeno, and mint are added to the drink, or if reusable cups are used.

4. SPS Effective Date:

July 1, 2012

5. SPS New Document/Revision Statement:

SPS-EH-2012-015 has been revised as of May 14, 2015.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-016

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the construction and maintenance of kitchenettes within Residence Accommodation establishments.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The 2009 FDA Food Code established regulations to ensure the delivery of safe food and drink. These include regulations for approved food sources, safe food storage, as well as clean and sanitary food contact surfaces. Some Residence Accommodation establishments construct rooms that contain a kitchenette. In these kitchenettes the operator provides the patron with equipment and utensils commonly found in a home. This equipment and utensils include multiuse dishware and residential style dishwashers.

   The 2009 FDA Food Code requires all multiuse dishware to be properly cleaned and sanitized, between uses, using an approved warewashing sink or commercial dish machine.

   If there are rooms that include kitchenettes with multi-use dishware, the dishware should be cleaned and sanitized at a central location using approved commercial equipment and procedures as defined by the 2009 FDA Food Code. In lieu of meeting these commercial equipment standards, the Department may allow the installation of residential dishwashers in the units, to be used by employees to clean dishware between residents, if a written disclaimer is placed in the room stating the cleaning and sanitizing of all kitchen dishware is not regulated or inspected by the Department and that customers are advised to clean and sanitize the dishware using proper methods.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-016 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2012-017

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the permit requirements regarding directly connected warewashing sinks in food service establishments.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. 2009 International Plumbing Code

3. **SPS:**

   The aforementioned regulations establish warewashing sinks and dish machines should contain an indirect waste line but give allowances for a direct connection.

   Regulation 5-402.11(C) of the 2009 FDA Food Code states:

   If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

   This type of connection provides a level of protection against a backpressure event. The 2009 FDA Food Code nor the 2009 International Plumbing Code include specific criteria to establish this same protection level for warewashing sinks.

   The Department will enforce the indirect waste line connection stipulated in both the 2009 FDA Food Code and the 2009 International Plumbing Code. If a local jurisdiction requires a direct connection on a warewashing sink, then the waste line must contain a trapped floor drain within 5 feet of the warewashing sink trap.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-EH-2012-017 is a new SPS.

6. <u>Contact Us:</u>

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-001

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1. **SPS Subject:**

   A boarding home is currently defined as "a transient dwelling establishment that also operates a food establishment where food is provided to patrons along with resident accommodations." The purpose of this SPS is to clarify where the regulations from Maricopa County Environmental Health Code, Chapter 8 (Food, Food Products, Food Handling Establishment) will be applied in Boarding Homes.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The area(s) of a boarding home where food is stored, prepared, or served will be inspected for compliance with MCEHC, Chapter 8 (Food, Food Products, Food Handling Establishment). Regulations contained in MCEHC, Chapter 8, will not be applied to the residence accommodation area(s) of a boarding home.

4. **SPS Effective Date:**

   March 5, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-001 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-002

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1. **SPS Subject:**

   The purpose of this SPS is to clarify inspection fees for Environmental Health plan review services which are provided outside of normal business hours and upon request of the customer.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   Customers requesting inspections outside of normal Plan Review inspection hours (Monday – Friday 7AM-5PM) and on County holidays will be assessed an Inspection Upon Request fee of $240 per inspection.

   This fee is in addition to all other applicable Plan Review fees and Operating Permit fees.

4. **SPS Effective Date:**

   March 5, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-002 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-003

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   To clarify the plan review procedure to approve additional food establishment permits which are under the same ownership on the premises.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   In order for the owner of a food establishment to obtain an additional permit for the same premises, the owner must submit the appropriate application and pay the "New Permit Application Inspection" fee. This requirement also applies to food establishment owners currently undergoing plan review who wish to add permits for the same premises. Applications for additional permits will be assigned to the Plan Review team for review.

   During the review of the additional food establishment permit(s), Plan Review staff will limit their assessment of the facility to those items affected by the addition of the new permit (i.e. additional refrigeration/cooking equipment, vehicles and self-contained hand washing sinks for Food Caterers, etc.).

   A Remodel Plan Review Application and fees may also be required if the following are observed:

   1. Installation of a walk-in cooler
   2. Installation of equipment that may affect water demands (i.e. dishwasher/sink installation)
   3. Outdoor Foodservice
   4. Barrier exemption
   5. Food/Beverage concept change that requires new fixtures/equipment, such as adding raw juice processing, new beverage/ice stations, or

growler service wherein sinks, backflow protection, or food storage areas may need to be added or modified.

6. Renovation of restrooms (all new fixtures/finishes/water demands affected)

A New Construction Plan Review Application and associated fees will be required in lieu of the New Business Permit Application and fees if the additional permit is in an area of the establishment that has not previously qualified or currently in the process of qualifying for a permit.

4. SPS Effective Date

March 5, 2015

5. SPS New Document/Revision Statement:

SPS-EH-2015-003 is a new SPS.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

Maricopa County
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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-004

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the requirements for Special Event Food Establishments to operate at farmers markets, swap meets, and sanctioned school functions.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

   Substantive Policy Statement SPS-EH-2012-009

3. **SPS:**

   Farmers markets, swap meets, and recurring school sanctioned functions are not considered to be special events as detailed in SPS-EH-2012-009; however, in accordance with the MCEHC Chapter 8, Section 3, Regulation 2a, the Department may waive or modify requirements to address public health hazards.

   Special Event Food Establishments may operate at farmers markets, swap meets, and recurring school sanctioned functions provided they are operating in compliance with the provisions of Food Catering Food Establishments as detailed in MCEHC Chapter 8, Section 6, Regulation 7 (b-g) and provided there is a designated responsible person/coordinator for each event.

   In addition, Mobile Food Units, Pushcarts, Food Peddlers, and Food Caterers may continue to operate at these venues.

4. **SPS Effective Date**

   April 24, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-004 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-005

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the health hazards that shall be addressed in pet shops.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   Chapter 11 of the MCEHC establishes regulations for animals. Further, Chapter 11, Section 2, Regulation 10 addresses maintenance of pet shops to ensure they are maintained free of other health hazards.

   Other health hazards the Department may address, include, but are not limited to, ensuring all equipment and fixtures connected to a water supply be equipped with an approved backflow prevention assembly, device or air gap to prevent backflow or cross connection, including hoses for washing animals.

4. **SPS Effective Date**

   May 14, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-005 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-006

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to clarify how many inspections are included with a New Business Permit Application.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   When a New Business Permit Application is submitted to the Department, staff will conduct a file review and one initial inspection (Accela inspection purpose of Ownership Change Inspection). If there are items that were not corrected during the initial inspection, one follow-up inspection (Accela inspection purpose of Ownership Change Re-inspection) will be conducted at no additional charge.

   If additional inspections are needed for final permit approval, an Inspection Upon Request will be required for each inspection. In addition, investigative fees of $130/hour will be charged for any Inspection Upon Request that exceeds 1½ hours.

4. **SPS Effective Date**

   May 14, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-006 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2015-007

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to clarify which types of food establishments are exempt from Certified Food Protection Manager Card requirements.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The MCEHC, Chapter 7, Regulation 6 provides an exemption from the requirement to obtain a Certified Food Protection Manager (CFPM) for food establishments that exclusively serve prepackaged foods.

   The adopted 2013 FDA Food Code Section §2-102.12 B (Certified Food Protection Manager) further allows the regulatory authority to not require a CFPM for those establishments deemed to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

   Accordingly, the Department has deemed food establishments performing the following activities to pose minimal risk and therefore will not require a Certified Food Protection Manager card.

   A. A food establishment that is handling only open non-time/temperature control for safety foods.
   B. A food establishment that is conducting limited sampling of products that require simple preparation (e.g. dry dips mixed with sour cream, dry soups mixed with water, etc.) of time/temperature control for safety foods provided that prior Department approval has been obtained.

4. **SPS Effective Date**

   May 14, 2015

5. **SPS New Document/Revision Statement:**

   SPS-EH-2015-007 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-QC-2015-001

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. **SPS Subject:**

   The purpose of this SPS is to clarify some of the requirements in Maricopa County Environmental Health Code, Chapter XI, Animals, Section 1.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Administrative Code. A.A.C. R18-13-207 (E), A.A.C. R18-13-311

   C. Arizona Revised Statutes. A.R.S. §36-601 A.1., A.R.S. §36-601-A.4., A.R.S. §36-601 A.5., A.R.S. §36-601 A.6., A.R.S. §36-601 A.9., A.R.S §36-601 A.17., A.R.S. §49-141 A.1., A.R.S. §49-141 A.2., A.R.S. §49-141 A.8,

3. **SPS:**

   The aforementioned regulations establish requirements for places and premises where animals are kept and to not create a public health nuisance.

   Regulation 1 a. of the MCEHC, Chapter XI states:

   Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other animal or bird, and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so kept and maintained in a manner that prevents flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance.

   For the purposes of this code a "public health nuisance" are those nuisances as defined in A.R.S. §36-601.

   Regulation 1 b. of the MCEHC, Chapter XI states:

   Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled and disposed of in an approved manner free of health hazard or public health nuisance.

   "Approved Manner" means contracted disposal in a sanitary landfill, direct land application and/or active composting.

Regulation 1 c. of the MCEHC, Chapter XI states:

Mound storage of droppings or manure will be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.

Mounding is a temporary means of storage for herbivore derived manure and should be disposed of within thirty (30) days. Manure should be stored on level ground with an impervious base and kept covered.

4. SPS Effective Date:

March 13, 2015

5. SPS New Document/Revision Statement:

SPS-QC-2015-001 is a new SPS.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2012-001

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the Water and Waste Management Division's administrative procedure, for an owner who begins construction of a facility where a permit is required without first obtaining the permit, to avoid legal action by submitting an application for a permit through an expedited process.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   The Department issues this SPS to notify the public of the Department's interpretation of MCEHC, Chapter 1, Regulation 4(e) and Regulation 5(c), and to clarify that the Water and Waste Management Division will allow an owner who begins construction of a facility where a permit is required without first obtaining the permit to submit a request for a permit using the Department's expedited process, to allow the owner to come into compliance with the Department's requirements in an expedited manner to ensure protection of public health and safety, in lieu of the Department taking legal action.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-WW-2012-001 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2012-002

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the Water and Waste Management Division's administrative procedure for expiration of plan review approval requests and approvals of construction.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Administrative Code (A.A.C.) Title 18, Chapter 9

3. **SPS:**

   The Department issues this SPS to notify the public of the Department's interpretation of A.A.C. R18-9-301 D 2(b) and A.A.C. R18-9-A213 B (1), and to clarify that the Department will request additional information from an applicant to determine whether a proposed facility meets regulatory requirements. The Water and Waste Management Division will classify plans that have received an approval of construction as invalid in accordance with the requirements of the MCEHC. Plans that have not received an approval of construction due to lack of a customer response within one year to a Department request for information shall be classified as invalid. Invalid plans cannot be used by the Department to determine if a facility designs qualifies for an approval to construct permit; a new submittal of plans with fee is required.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-WW-2012-002 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2012-003

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1. **SPS Subject:**

   The Department maintains records of discharge authorizations and related plans of the constructed facility. The purpose of this SPS is to clarify the Department's requirements for public record requests to obtain a copy of the onsite wastewater facility records.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Revised Statutes (A.R.S.) Title 39, Chapter 1

3. **SPS:**

   The Department issues this SPS to notify the public of the Department's interpretation of A.R.S. §39-121.03(D), and to clarify how the Department will classify onsite wastewater public record requests into non-commercial and commercial types. Non-Commercial requests are those submitted directly by the owner of the property parcel referenced in the request for purposes of maintenance, planning and repair; all other requests shall be considered commercial. For administrative convenience of the person requesting the record and the Department, all commercial requests are subject to a flat fee per address/parcel number. The fee is based on the average time required to search the Department records and the Water and Waste Management Division hourly rate as listed in the MCEHC fee table.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-WW-2012-003 is a new SPS.

6. **Contact Us:**

   For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2012-004

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1. **SPS Subject:**

   The purpose of this SPS is to clarify the basis of the Department's requirements for size and content of plans submitted to the Department by owners for approval of onsite wastewater facilities.

2. **Statutory Overview:**

   A. Maricopa County Environmental Health Code (MCEHC)

   B. Arizona Administrative Code (A.A.C) Title 18, Chapter 9, Article 3

   C. Maricopa County Zoning Ordinance, Section 1205, Drainage Provisions

   D. Delegation Agreement Between Arizona Department of Environmental Quality and Maricopa County #06-0024

3. **SPS:**

   The Department issues this SPS to notify the public of the Department's basis for the requirements for size and content of plans submitted to the Department by owners for approval of onsite wastewater facilities. The technical requirements for the content of plans are necessary for the Department to evaluate the application's compliance with requirements of A.A.C. R18-9, Article 3. The plan size and scale requirements are established by the Department for administrative convenience, to allow owners to submit drawings of minimum size that can contain the required information and be efficiently reviewed by the Department without special magnifying equipment. Confirmation of submittal of grading and drainage is required by the Maricopa County Zoning Ordinance, Section 1205, Drainage Provisions.

4. **SPS Effective Date:**

   July 1, 2012

5. **SPS New Document/Revision Statement:**

   SPS-WW-2012-004 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2015-001

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1. **SPS Subject:**

   To clarify the plan review procedure to determine the requirement for restroom facilities at semi-public bathing facilities.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   A. The following terms are defined as follows.

      1. Adjacent: Within 100 feet of the swimming pool enclosure.
      2. Dwelling Unit: A hotel/motel room, apartment, condominium, dormitory, house or any similar structure which serves as an overnight sleeping facility and which also includes a restroom.
      3. Pool: A semi-public swimming pool, spa, splash pad, wading pool, special use pool or any similarly used body of water as well as an artificial bathing place.

   B. Pools not associated with dwelling units, such as health clubs and swim schools, shall provide restroom facilities, either in or adjacent to the pool enclosure, that meet the requirements of Section 7 Regulation 5 of the MCEHC.

   C. Pools located at facilities associated with dwelling units can be exempted from the requirement for restrooms at the pool if the following requirements are met:

      1. The facility must limit bathers to current occupants of the facility and their personal guests, and
      2. No dwelling unit may be more than 300 feet from the nearest pool when measured in a straight horizontal direction.

If either of these requirements cannot be met, then the facility must provide separate restrooms for each sex adjacent to the pool.

4. **SPS Effective Date**

   May 13, 2015

5. **SPS New Document/Revision Statement:**

   SPS-WW-2015-001 is a new SPS.

6. **Contact Us:**

   For questions of comment regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number listed above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2015-002

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1. **SPS Subject:**

   To clarify the procedure to use covers at semi-public pool and spa facilities.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   Pool covers are an obstruction that must be completely removed at any time a pool enclosure is open for users.

4. **SPS Effective Date**

   May 13, 2015

5. **SPS New Document/Revision Statement:**

   SPS-WW-2015-002 is a new SPS.

6. **Contact Us:**

   For questions of comment regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number listed above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2015-003

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1. **SPS Subject:**

   To clarify the procedure to determine the requirements for swimming pool gate latch heights.

2. **Statutory Overview:**

   ADA Standards for Accessibility Design
   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   1. If a latch is installed and there are no locking mechanisms, then the latch must comply with the requirements of the Pool Code and be located 54 inches or higher above the ground/floor.
   2. If a latch is installed at a height of at least 54 inches and the gate is self-closing and self-latching, the gate complies with the Pool Code latch requirements regardless whether any additional locking mechanisms are present.
   3. If a self-locking mechanism is installed and there is no latch at 54 inches or above, the bottom of the unlocking mechanism must be located as close as is practicable to 48 inches above the ground/floor. In addition, a variance must be obtained to allow the locking mechanism to vary from the Pool Code's 54 inch latch height requirement. Variance requests for this purpose shall be routed as direct appeals to the Director.

4. **SPS Effective Date**

   May 13, 2015

5. **SPS New Document/Revision Statement:**

   SPS-WW-2015-003 is a new SPS.

6. **Contact Us:**

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2015-004

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1. **SPS Subject:**

   To clarify the procedure to determine the requirements to classify specialty contractor license of public and semi-public swimming pools.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   A. The following table translates the former ROC license designations shown in MCEHC Chapter VI, Section 1, Regulation 2(e) to the new license designations:

Project Type	**Current ROC License Req'd**	**Former ROC License Req'd**
SVRS, Plumbing and Equipment Replacement	C-37, C-77, CR-37, CR-77	K-37, K-77, L-37, L-77
SVRS, Replacement of Equipment	C-06, CR-06	K-6, L-6
Deck Replacement Only	C-09, CR-09	K-9, L9

Note: ROC = Arizona Registrar of Contractors; SVRS = Safety Vacuum Release System

   B. A contractor with ROC license designations C-06 CR-06, Commercial Swimming Pool Service and Repair, may submit plans to the department when Department approval is required prior to construction. Work accepted from these license designations would be for above-ground modifications to the water circulation system or the disinfection system, including adding new equipment or replacing existing equipment with a new make or model. No permit is required for repair of equipment or replacement of equipment with the same make and model.

4. **SPS Effective Date**

   May 13, 2015

5. **SPS New Document/Revision Statement:**

   SPS-WW-2015-004 is a new SPS.

6. **Contact Us:**

   For questions of comment regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number listed above.

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SUBSTANTIVE POLICY STATEMENT
SPS-WW-2015-005

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1. **SPS Subject:**

   To clarify the Department's procedure to review and approve the slope of deck areas within bathing place enclosures.

2. **Statutory Overview:**

   Maricopa County Environmental Health Code (MCEHC)

3. **SPS:**

   A. MCEHC requires that deck walkways around a bathing place must slope away from the pool, spa or splash pad, and deck areas within the enclosure shall be sloped to effectively drain either to perimeter areas or to deck drains. Drainage shall remove splash water, deck cleaning water, and rainwater without leaving standing water. Provide site drainage to direct all perimeter deck drainage and general site and roof drainage away from a public or semipublic swimming pool or spa. Yard drains may be required to prevent the accumulation or puddling of water in the general area of the deck and related improvements.

   B. Americans with Disabilities Act (ADA) standard slope for pool decks is ¼-inch per foot or less. The MCEHC numeric minimum slope is ¼-inch per foot.

   C. In order to ease constructability of a deck with slope that meets both ADA and MCEHC standards, the Department will not strictly enforce the MCEHC numeric minimum slope. The Department standard for plan and construction inspection approval will be the descriptive standard as listed in 3.A, above.

   D. At the time of final inspection, the owner shall demonstrate compliance with the drainage requirements of MCEHC code as listed in 3.A, above.

4. **SPS Effective Date**

   June 8, 2015

5. **SPS New Document/Revision Statement:**

   SPS-WW-2015-005 is a new SPS.

6. **Contact Us:**

   For questions of comment regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number listed above.