



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin
Director

August 24, 2012

Jake Garrett, Manager
Environmental Health – Wastewater Department
608 E. Highway 260
Payson, AZ 85541

Re: Revised Proposed Delegation Agreement

Dear Mr. Garrett:

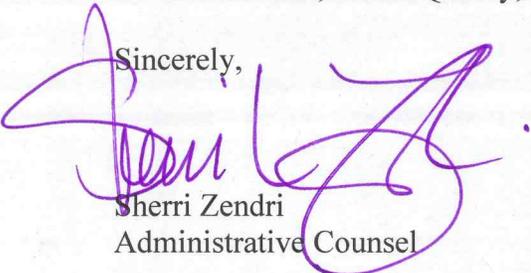
Enclosed is a draft copy of the proposed delegation agreement and relevant appendices. ADEQ has filed the Notices of Proposed Delegation Agreement with the Secretary of State's office for publication in the Arizona Register, as required under A.R.S. § 41-1081. Publication in the Arizona Register begins the 30-day public comment period. The Notices should appear in the Arizona Register on August 31, 2012. If no public hearing is requested, ADEQ will notify any commenters of its intent to enter into the delegation agreement with the county, if the county agrees. The Delegation Agreement is effective 30 days after the ADEQ Director signs it.

The new proposed base delegation agreement has some minor changes from the existing delegation agreements, which are listed on page 2. Because there are no major changes, I ask that you review your revised proposed delegation agreement by October 22, 2012. Please notify me after your review. My office will send you a final version of all documents so that you can arrange for the necessary approvals by your Boards of Supervisors. We would like to receive signed delegation agreements by December 22, 2012.

If you have questions related to a specific program, please contact one of the Divisions at your earliest convenience:

- Randall Matas, Waste Programs, (602) 771-4849
- Trevor Baggio, Air Quality, (602) 771-2321
- David Lelsz, Water Quality, (602) 771-4447

Sincerely,


Sherri Zendri
Administrative Counsel

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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The new base delegation agreement (pages 1-7) is the same agreement for all the Local Authorities (LAs). Below is a brief explanation of the changes made (as compared to the previous version), excluding grammatical changes:

- Section B (Standards of Performance) paragraph 2, on page 2: The mandated requirement that ADEQ would invite LA personnel to attend internal compliance and enforcement training that would be offered twice a year is deleted. The delegation agreement still provides for training at the LA's request.
- Section E (Record Keeping and Reporting Requirements) paragraph 1, on page 3: Record retention time was tied to the expiration of the delegation agreement, which now will not be for over 35 years. The LA now will retain records related to a dispute or appeal for ten years instead of five, measured from the resolution of the action.
- Section F (Oversight Activities) paragraph 2, on page 3: The frequency of evaluation is now periodically, with the option to increase.
- Section G (Delegation of Enforcement Authorities; Local Agency Obligations) Paragraph 9, on page 5: The 30-days prior written notice to LA when executing a compliance initiative at certain classes of violations or facilities is deleted.
- Section I (Licensing Authority) paragraph 1, on page 5: The citation to A.R.S. § 49-471.13 (in the County Air Pollution Control statutes) is redundant with the time-frames language in the Air Quality Appendix C and is deleted.
- Section L. (Amendment and Termination Procedures) Paragraph 1, on page 6: The requirement to file an amendment with the Secretary of State's office is deleted as it is not a requirement under the delegation statutes.
- Section M (Term of Agreement) on page 7: A.R.S. § 41-1081 states that delegation agreements must contain "the term of agreement". The new expiration term will be June 30, 2050.