

AMENDMENT TO

Delegation Agreement

Between

Arizona Department of Environmental Quality

and

Pinal County, a political subdivision of the State of Arizona, acting by and through the Pinal County Development Services Department

Delegation Agreement #06-0028

The delegation agreement between the Arizona Department of Environmental Quality and Pinal County, #06-0028, is amended by modifying the original text and appendices with the following:

Whereas A.R.S. § 49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, health department or municipality or county board of health established under Title 36, Chapter 1, Article 3, any functions, powers, and duties which the Director believes can be competently, efficiently, and properly performed by the local agency, and

Whereas Pinal County is a local agency (hereinafter referred to as LA) as set forth in A.R.S. § 49-107, and

Whereas A.R.S. § 11-201(A)(3) and A.R.S. § 11-952 authorize the County Board of Supervisors (and by delegation the LA, where LA is a county agency) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas LA deems that it is in its best interests to expand the specific delegation under A.A.C. R18-9-A316(E)(1) relating to the Notice of Transfer of ownership for property with an on-site wastewater treatment facility for which construction was completed before January 1, 2001 (Notice of Transfer), and

Whereas LA deems that it is in its best interest to discontinue the specific delegation of functions and duties of Title 18, Chapter 5, Article 2 and associated provisions of Appendix A of Agreement #06-0028, regarding Public and Semipublic Swimming Pools Approval to Construct and Approval of Construction.

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Therefore, the Director of ADEQ hereby delegates Notice of Transfer under R18-9-A316(E)(1) to the LA, and the LA agrees to accept the expanded delegation of authority to perform those functions and duties described in A.A.C. R18-9-A316(E)(1), and to discontinue authority to perform functions and duties of Title 18, Chapter 5, Article 2 and associated provisions of Appendix A of Agreement #06-0028, regarding Public and Semipublic Swimming Pools Approval to Construct and Approval of Construction pursuant to the LA's express request for concerning these authorities, and in accordance with the amendment of Appendix A below:

Appendix A

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
<p>1. General functions and duties pertaining to the administration of <u>Type 1 and Type 4 General Aquifer Protection Permits</u> 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.</p>	<p>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)</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>

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<p>13. Public and Semipublic Swimming Pools Approval to Construct (ATC) and Approval of Construction (AOC)</p> <ul style="list-style-type: none"> •Application review, construction inspection, and certificate issuance or denial as appropriate •Compliance and enforcement 	<p>A.A.C. R18-5-201 through R18-5-251 A.A.C. R18-4-101, R18-4-102, R18-4-115, R18-4-119, R18-4-121, R18-4-220 through R18-4-223, R18-4-301 through R18-4-304, R18-5-501 through R18-5-509 as amended</p>	<p>Licensing decision for issuance or denial of an ATC & AOC certificates: C1, C2, C3</p> <p>All other functions and duties: C1, C2, C3, C4, C5</p>	<p>D1.1 – D1.4 D2.1</p>
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The following ADEQ employees are responsible for administering the Functions and Duties pursuant to Appendix A. ADEQ shall provide the LA written notice of any successor.

Approvals of Drinking Water Systems, Subdivisions, and Swimming Pools

Name: John Calkins
Title: Manager, Drinking Water Section
Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Approvals of On-Site Wastewater Treatment Facilities, Sewage Collection Systems

Name: Kwame Agyare
Title: Manager, Engineering Review Section
Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Private Residential Gray Water

Name: Michele Robertson
Title: Manager, Groundwater Section
Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Compliance and Enforcement

Name: Cynthia Campbell
Title: Manager, Water Quality Compliance Section
Address: Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

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

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The LA agrees to continue the delegation of authority to perform the functions and duties as previously established by Delegation Agreement #06-0028 and its appendices on behalf of ADEQ and in accordance with the terms and conditions contained therein.

Pinal County
Development Services Department

Arizona Department of
Environmental Quality

Ken Buchanan 7.23.09
Director Date

B. A. Fumble 9-9-09
Director Date

County Board of Supervisors

David Suidan
Chairman Date

Attest:

Sheri Clapp 6-24-09
Clerk of the Board Date



Pursuant to A.R.S. § 11-952(D), the foregoing Amendment has been reviewed by the undersigned attorneys for the County Development Services and the Arizona Department of Environmental Quality, who have determined that this Amendment is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

Seymour H. Zucker 6-17-09
County Attorney Date

Anthony Cop 8-20-09
Assistant Attorney General Date