

NOTICES OF PROPOSED DELEGATION AGREEMENT

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the *Register*. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law. Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the *Register*, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M09-293]

1. Name of agency proposing the delegation agreement:

Department of Environmental Quality

2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:

Pinal County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

Water Quality Management: Approvals of Onsite Wastewater Treatment Facilities and Sewage Collection Systems;
Private Residential Gray Water

Name: Michele I. Robertson
Manager, Water Permits Section

Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Phone: (602) 771-4827

E-mail: mir@azdeq.gov

Water Quality management: Public and Semipublic Swimming Pools and Spas Engineering Review

Name: Kwame Agyare
Manager, Engineering Review Section

Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Phone: (602) 771-4664

E-mail: ka2@azdeq.gov

Water Quality Management: Delegation Programs Coordinator

Name: David Lelsz
Delegation Programs Coordinator

Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Phone: (602) 771-4447

E-mail: dl2@azdeq.gov

4. A summary of the delegation agreement and the subjects and issues involved:

Under A.R.S. § 49-107, the Arizona Department of Environmental Quality proposes to amend ADEQ's delegation of Water Quality Management general functions and duties pertaining to the administration of Type 1 and Type 4 General Aquifer Protection Permits delegated to Pinal County, the Local Agency (LA), by expanding delegation of authority of those functions and duties described in A.A.C. R18-9-A316(E)(1), subject to certain conditions and limitations described in the delegation agreement.

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ADEQ also proposes to amend ADEQ's delegation to the LA of Water Quality Management general functions and duties pertaining to the administration of public and semipublic pools review and certification of Approval to Construct (ATC) and Approval of Construction (AOC) and related compliance and enforcement by removing the delegation of authority of those functions and duties described in applicable rules in Title 18 of the *Arizona Administrative Code*.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Agreement may be downloaded from the following web site address:

<http://azdeq.gov/function/permits/delegated.html>

or contact:

Name: Henry R. Darwin, Administrative Counsel

Address: Department of Environmental Quality
Office of Administrative Counsel
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-4477

E-mail: hrd@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ is committed to complying with the Americans with Disabilities Act. If any individual with a disability needs any type of accommodation, please contact ADEQ at least 72 hours before the hearing at (602) 771-2300 or TDD (602) 771-4829 or contact us via the Web at azdeq.gov.

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M09-294]

1. Name of agency proposing the delegation agreement:

Department of Health Services

2. The name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated:

La Paz County

3. The name and address of agency personnel to whom persons may direct questions or comments:

Name: Diane Eckles, Office Chief
Address: Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: ecklesd@azdhs.gov

or

Name: Thomas Salow
Acting Manager, Office of Administrative Counsel and Rules

Address: Department of Health Services

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Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: salowt@azdhs.gov

4. A summary of the delegation agreement and the subjects and issues involved:

On November 7, 2006, Arizona voters approved Proposition 201, the Smoke-Free Arizona Act (Act), including new A.R.S. § 36-601.01. A.R.S. § 36-601.01(G)(10) authorizes the Arizona Department of Health Services (ADHS) to delegate to a state agency or political subdivision “any functions, powers or duties under this law.” ADHS is amending its delegation agreement with La Paz County by delegating to La Paz County the Department’s authority under the Act to inspect, investigate, respond to complaints, and enforce the Act.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

Copies of the proposed delegation agreement may be requested, in writing, from the Arizona Department of Health Services, Office of Environmental Health, 150 N. 18th Ave., Suite 430, Phoenix, AZ 85007, or by telephone at (602) 364-3142.

6. The schedule of public hearing on the proposed delegation agreement:

A person may submit written comments on the proposed delegation agreement to an individual listed in item 3 until the close of record on September 28, 2009 at 4:00 p.m.

The Department will not be holding a public hearing on the proposed delegation agreement unless there is sufficient public interest. A person may request a public hearing by contacting Robert Lane at (602) 542-1513 or laner@azdhs.gov.