

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

0092.000 CONSULTANT'S REPORT REFERRAL POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Alan L. Roesler

**Contact for
Information:** Alan L. Roesler

Issue Date: March 3, 1997

PURPOSE

The creation of a policy to establish a committee to review case referrals and refer cases of substandard, poor quality, unacceptable engineering or geological plans, reports, and applications to the State Board of Technical Registration (BTR) is one of several mechanisms recommended to improve the quality of work submitted to ADEQ requested in a consensus agreement between BTR and ADEQ and documented in a November 15, 1995, report to the Governor and the Legislature.

AUTHORITY

A.A.C. R18-4-216.B.2., R18-9-804.E., R18-8-270.A (40 CFR 270.14 (a)) and R18-8-264.A (40 CFR 264.191(a)), A.R.S. § 32-147 and 41-621.I.

POLICY

Potential cases of apparent substandard work by a registrant of the State Board of Technical Registration (BTR) may be referred to the BTR.

A Clearinghouse Committee is established to make BTR referral recommendations to the appropriate division director. The committee will also review cases where there is a question as to whether the consultant applied the technical knowledge and skill which would be applied by other qualified registrants who are practicing the same profession at the same time in the same area.

At the discretion of a program's section manager, potential cases may be referred to the Clearinghouse Committee for review via the chairman of the committee.

Potential referrals would come from ADEQ programs that review consultant-derived environmental applications, plans, and reports that are submitted:

- 1) as a prerequisite to obtaining a permit, water quality approval, or certification, or
- 2) for site assessments and remediation.

(NOTE: Referrals could result from work done by unregistered consultants or when the document was signed and/or prepared by a registrant of the BTR or one who has applied for registration with the BTR)

Letters of concern will be used for referrals to BTR for enforcement of its Rules of Professional Conduct according to A.A.C. R4-30-301.

The Clearinghouse Committee will consist of at least three ADEQ Arizona-registered professional engineers and/or geologists appointed by the division directors.

RESPONSIBILITY

All case managers, project officers, permit writers, review engineers, compliance officers, and unit supervisors will initially coordinate cases involving substandard engineering or geological plans, reports and applications that engender complaints regarding project completion, water quality certifications, approvals or permits issued with their respective section managers.

Section managers, at their discretion, will refer possible cases involving substandard work to the Clearinghouse Committee for review and completion of a recommendation for or against referral to BTR.

The chairman of the Clearinghouse Committee will coordinate cases referred to the Clearinghouse Committee and any recommendations made to the division directors on specific cases.

The appropriate division director will review the Clearinghouse Committee recommendation for potential referral to BTR and determine whether a case requires referral or other action.

The division directors will provide administrative overview of the Clearinghouse Committee and will receive semimonthly reports of all referral recommendations and other actions of the committee.

PROCEDURES

Upon receipt of a potential BTR referral from an ADEQ program's section manager, the Clearinghouse Committee, with the assistance of the Waste Programs Division Environmental Registration Program Development Specialist, will:

1. Coordinate with the program to:
 - a. assure that clear guidance and direction has been provided regarding ADEQ expectations;
 - b. encourage utilization of a staff checklist approach to ensure that all required information has been

submitted and checked off by both the consultant and the ADEQ reviewer.

- c. continuously improve customer service by considering user comments regarding the checklist and use the comments to make periodic improvements.
2. Meet semimonthly during any month where there is one or more case to review.
3. Maintain records and documentation to track problems ADEQ encounters with environmental consultants and contractors.
4. Recommend to the appropriate division director whether a case warrants transmittal to BTR for possible enforcement.
5. Provide a semimonthly report of all recommended referrals and other actions to the division directors.
6. Substantiate cases to strengthen a clearer pathway for BTR disciplinary action.
7. Prepare, with the assistance of the submitting program, a boilerplate letter of concern (available from the Environmental Registration Program Development Specialist) to notify BTR that the named consultant or contractor may have violated the BTR rules of professional conduct based upon specific allegations and details contained within the letter.

[NOTE: The letter requests that BTR investigate the complaints, enforce their respective rules, and, if signed (a signature is not required) keep the ADEQ signer informed of BTR findings and progress in that case, as well as any resulting sanction or disciplinary action taken by BTR.]

8. Forward the letter of concern to the BTR upon approval of the recommendation by the appropriate division director.

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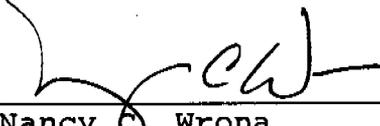
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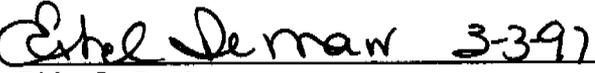
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