

**Signature Page for
Maricopa County
Revised Appendix B to Delegation Agreement # EV12-0057**

Maricopa County Environmental Services Department

Arizona Department of Environmental Quality



Steven Goode 1/18/15
Director Date



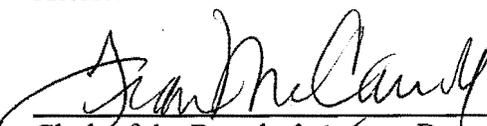
Misael Cabrera 2/2/16
Director Date

County Board of Supervisors



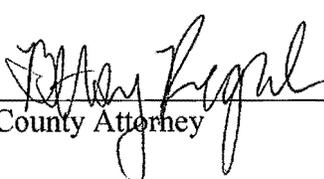
Steve Chucri DEC 17 2015
Chairman Date

Attest:

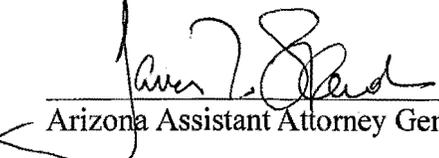


Clerk of the Board DEC 17 2015
120915 Date

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



County Attorney 12-16-15
Date



Arizona Assistant Attorney General 1/26/16
Date

Appendix B
Maricopa County
Solid Waste Management

A. DELEGATED FUNCTIONS AND DUTIES:

The LA agrees to perform those delegated Functions and Duties that are indicated with a Yes in the first column of the following table: Applicable statutes, rules and Title 40 Code of Federal Regulations (CFR) include those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

Dele- gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
Yes	1. Inspection of septic tank cleaners for ADEQ licensing ¹	A.R.S. §§ 49-141, 142; A.A.C. R18-13-1106, 1112, 1116, 1117	2 or 4	1
Yes	2. Inspection of refuse haulers ²	A.R.S. §§ 49-141, 142; A.A.C. R18-13-304, 305, 306, 308, 309, 310, 311	2 or 4	2
Yes	3. Investigation of nuisance complaints, and enforcement to eliminate environmental nuisances	A.R.S. §§ 49-141, 142, 143,144; A.A.C. R18-13-303, 304	2 or 4	1 or 2
Yes	4. Investigation of, and enforcement to eliminate illegal disposal of solid waste except for waste more specifically described in Functions and Duties 5, 6, 7, 8, and 9	A.R.S. §§ 49-701, 701.01, 791(A)(4); A.A.C. R18-13-303, 304, 307, 311	2 or 4	2
No	5. Investigation of and enforcement to eliminate illegal waste tire storage and disposal	A.R.S. §§ 44-1301, 1304, 1304.01, 1307	2 or 4	N/A
Yes	6. Investigation of and enforcement to eliminate used oil disposal to land ³	A.R.S. §§ 49-801, 803, 811, 812; Title 40 CFR § 279.1	2 or 4	N/A
No	7. Investigation and enforcement of used oil generators for compliance with storage, labeling, and release response requirements	A.R.S. §§ 49-801, 802.C.1, 811, 812; Title 40 CFR §§ 279.1, 279.22	2 or 4	N/A

Delegated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
No	8. Investigation of and enforcement to eliminate illegal disposal of lead acid batteries and unregistered collection sites	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
No	9. Inspection and registration of lead acid battery collection and recycling facilities	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
Yes	10. Inspection of agricultural solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area	A.R.S. § 49-766(B); A.A.C. R18-13-304, 311	2 or 4	N/A
Yes	11. Inspection of landfills for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area	A.R.S. § 49-766(A); A.A.C. R18-13-304, 311	2 or 4	N/A
Yes	12. Approval of solid waste collection and disposal provisions for new subdivisions	A.A.C. R18-5-409, R18-13-305, 311, 312	1, 3, or 4	N/A
Yes	13. Granting of refuse collection frequency variances for all commercial accounts and for residential areas outside city or town limits	A.A.C. R18-13-308(B)	1 or 4	N/A
No	14. Inspection of any other solid waste storage, treatment, processing or disposal facility other than solid waste landfills	A.R.S. § 49-762.07(F)	2, 3, or 4	N/A
Yes	15. Inspection of biohazardous medical waste transporters for ADEQ registration ⁴	A.R.S. §§ 49-761(D), 768; A.A.C. R18-13-1401, 1402, 1403, 1404, 1409	2 or 4	N/A

¹The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ septic licenses, and to ensure that inspections of septic haulers are conducted at least annually.

²The inclusion of this function in this delegation agreement is only to act as a formal process by which the county agrees to be responsible for inspection of refuse haulers and for ADEQ to ensure such inspections are conducted at least annually.

³Delegation to LA is limited to disposal of nominal amounts up to 50 gallons at any one non-generator location.

⁴The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ registrations, and to ensure that inspections of each biohazardous medical waste transporting vehicle for compliance with the record keeping and operational requirements listed in A.A.C. R18-13-1409(C), (E), (F), and (G)(4) are conducted at least annually.

B. EXCEPTIONS AND SPECIAL PROVISIONS:

1. ADEQ retains authority for approval and issuance of solid waste facility plans for all municipal solid waste landfills and for all solid waste landfills other than municipal solid waste landfills.
2. ADEQ retains responsibility for the administration and enforcement of all solid waste facilities that are operated by federal, state, county or municipal agencies.
3. The LA shall retain all civil penalties assessed and collected pursuant to Subpart A of this Appendix.
4. The LA agrees to, to the extent practicable, conduct compliance and enforcement actions according to ADEQ policy.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Duties shall be performed by a Registered Sanitarian;
2. Duties shall be performed by or under the direction of a Registered Sanitarian;
3. Duties shall be performed by or under the direct supervision of a Professional Engineer; or

4. Duties shall be performed by personnel with training and experience equivalent to ADEQ's Environmental Health Specialist series and under the direct supervision of an Environmental Health Manager/Supervisor.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply to the delegated Functions and Duties listed on Subpart A of this Appendix:

1. The LA shall administer and enforce the health and sanitation requirements pertaining to human excreta contained in A.A.C. R18-13-1112 through 1117 with the following stipulations:
 - a. Any burial site or open dump site for human excreta approved by the LA in accordance with A.A.C. R18-13-1112 (A) and (B), that is used more than once, shall be considered a solid waste disposal facility and must first submit a solid waste facility plan to ADEQ pursuant to A.R.S. § 49-762.
 - b. The LA shall conduct annual inspections and issue permits for all vehicles used for the storage, collection, transportation or disposal of human excreta.
2. The LA shall administer and enforce the health and sanitation requirements contained in A.A.C. R18-13-301 *et seq.*, and the environmental nuisance requirements contained in A.R.S. §§ 49-141 through 49-144 with the following stipulations and exceptions:
 - a. The LA shall annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.
 - b. ADEQ shall only grant variances from the garbage collection frequency for residential units within the city limits upon receipt of a plan approved by the LA, in accordance with A.A.C. R18-13-308(B).
3. The LA shall administer and enforce the requirements specified in A.A.C. R18-5-409 pertaining to solid waste disposal from new subdivisions. ADEQ shall furnish the LA with a current list of approved disposal facilities and keep the list updated in a timely manner. The LA shall only approve subdivisions that utilize a facility on ADEQ's approved list.

E. REPORTING REQUIREMENTS:

1. The LA shall report to ADEQ annually on any solid waste inspections conducted, and enforcement actions, initiated or concluded (including Notices of Opportunity to Correct, Notices of Violation, Orders), by submitting a list of each administrative, civil, or criminal action initiated under this Agreement to the

ADEQ Agency Contact person for Solid Waste, listed in Subpart F of this Appendix.

2. LA shall annually report to ADEQ by January 31st, the following delegated solid waste activities for the previous calendar year in accordance with Subpart A of this Appendix:
 - a. A list of all septic tank cleaners under county permit and a list of all disposal sites approved by LA for one time disposal of such wastes, pursuant to A.A.C. R18-13-1112(A) and (B). The LA shall provide a list of all inspections of septic tank cleaners conducted.
 - b. A list of all refuse haulers under county permit. The LA shall provide the names of refuse haulers inspected and the date(s) of inspection.
 - c. The LA shall report the following information:
 - 1) The number of nuisance complaints received;
 - 2) The name of facility/site(s) inspected and the date(s) of nuisance complaint investigations;
 - 3) The number of inspections revealing the presence of an environmental nuisance;
 - 4) The date and nature of enforcement actions taken if applicable; and
 - 5) The date violations were corrected, if applicable.
 - d. The LA shall report the following information:
 - 1) The number of complaints received alleging the illegal disposal of solid waste;
 - 2) The name of facility/site(s) and date(s) inspected to investigate allegations of illegal solid waste disposal;
 - 3) The number of inspections and the name of facility/site(s) that revealed illegal disposal of solid waste;
 - 4) The date and nature of enforcement action taken if applicable; and
 - 5) The date violations were corrected, if applicable.

F. AGENCY CONTACT PERSONS:

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide written notice to ADEQ of any successor.

Name: Kevin Chadwick
Title: Division Manager,
Water and Waste Management Division
Maricopa County Environmental Services Department
Address: 1001 North Central Avenue #200
Phoenix, AZ 85004
Email: kchadwick@mail.maricopa.gov

The following ADEQ employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. ADEQ shall provide written notice to the LA of any successor.

Name: Pamela Nicola
Title: Manager, Inspections & Compliance Section
Waste Programs Division
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.

