

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.

0002.000 LIAISON WITH THE ATTORNEY GENERAL'S OFFICE

Level One Arizona Department of Environmental Quality

Sponsor: Mark Santana, Office of Administrative Counsel

Issue Date: February 11, 1994

Next Scheduled Review Date: February 1, 1996

PURPOSE

The purpose of this policy is to improve and simplify the Department's relationship with the Arizona Attorney General's Office. By creating a liaison relationship between the Attorney General's Office and the Department, problems that have arisen between the two agencies with respect to effective communication and adequate representation can be reduced or eliminated. Currently, there is no effective mechanism to address ongoing and recurrent problems with the Attorney General's Office, either with respect to particular cases or with agency policies. Creating an official liaison to the Attorney General's Office will establish a mechanism through which Department sections and units can have their concerns addressed on a more general and unified basis. Additionally, this policy relieves the Director from serving as the day-to-day Attorney General Liaison.

POLICY

1. Upon approval of the Division Director, requests for written Attorney General's opinions must be submitted to the Office of Administrative Counsel (OAC) for review and approval. If the request is approved, the request, with a cover letter, will be transmitted by the OAC to the Attorney General's Office for written response.
2. Upon approval of the Division Director, requests for assignments of Assistant Attorneys General to enforcement cases will be submitted to the OAC for review and referral. The OAC will review the request to ensure that the file is ready for referral to the Attorney General's Office.
3. Copies of civil complaints, subpoenas or other court documents served on the Department or an employee in his/her official capacity will be forwarded to OAC for referral to the Attorney General's Office.
4. As a part of OAC's liaison responsibility to the Attorney General's Office, all division and/or section concerns regarding the litigation of individual cases will be referred to OAC for resolution. Litigation on the day to day decisions will be the responsibility of the division directors and/or section managers. When a substantial problem arises with the

prosecution of a case which cannot be resolved between the division and/or section and the Attorney General's Office, that matter should be referred to the OAC for resolution. The OAC should also be consulted if significant legal issues arise in high profile enforcement cases (e.g., the closing down of a facility or a seeking of an emergency temporary restraining order or injunction in a crisis situation).

5. Concerns, claims, and disputes over the rule development process or the revision and certification of individual rules will be referred to the OAC for resolution.
6. Where a policy is being developed of significant legal issues and substantial legal ramifications, OAC must be consulted.
7. OAC shall notify and consult with the Director on the above matters.
8. This policy does not address the referral of criminal matters to the Attorney General's Office.

RESPONSIBILITY

Responsibility for the policy lies primarily with the division directors with respect to case referral and requests for Attorney General opinions. Resolving issues with the Attorney General's Office on individual cases may occur at the section manager level.

APPROVED BY:

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Sponsor: Mark Santana, Office of Administrative Counsel

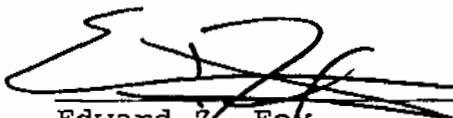
Issue Date: February 11, 1994

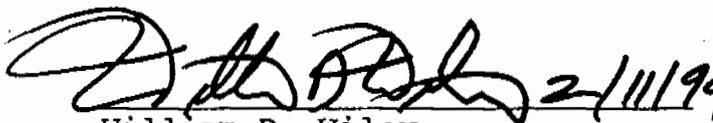
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Level One

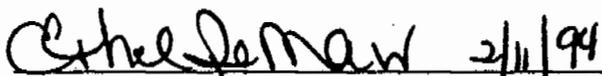
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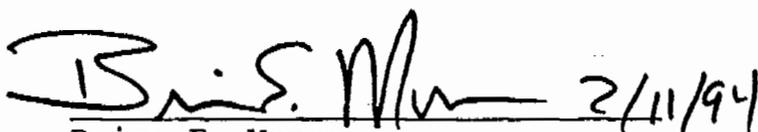
 2/11/94
Edward Z. Fox
Director, ADEQ Date

 2/11/94
William D. Wiley
Deputy Director, ADEQ Date

 2.11.94
Joseph C. Smith
Director,
Administration Division Date

 2/11/94
Nancy C. Wrona
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Air Quality Division Date

 2/11/94
Ethel DeMarr
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Waste Programs Division Date

 2/11/94
Brian E. Munson
Director,
Water Quality Division Date