



NOTICES OF PROPOSED DELEGATION AGREEMENTS

This section of the Arizona Administrative Register contains Notices of Proposed Delegation Agreements.

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

[M16-278]

1. Name of the agency proposing the delegation agreement:

Arizona 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:

The City of Tucson

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

Name: Travis Barnum, Supervisor
Tanks Inspections and Compliance Enforcement Unit
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Phone: (602) 771-496
E-mail: tb6@azdeq.gov

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

Under A.R.S. §§ 49-1010, 49-1081, and 49-106, the Arizona Department of Environmental Quality proposes to enter into an updated delegation agreement with the City of Tucson to administer the provisions and enforce Chapter 6, Underground Storage Tank (UST) Regulation, of Title 49 of the Arizona Revised Statutes. A.R.S. § 37-1383 allows cities with populations greater than 100,000 to assume jurisdiction in fire code matters. The City of Tucson meets this criterion and agrees to perform those underground storage tank management functions listed below in accordance with personnel qualifications and standards of performance in the agreement:

Table with 2 columns: Functions and Duties, Applicable Laws. Rows include Installation and modification project inspections, Closure inspections, and Oversight.

Changes to the existing agreement include:

- Updated statutory citations and added standard Arizona contract clauses including E-verify, non-discrimination, and prohibition on public disclosure of information that is confidential per A.R.S. §§ 27-274, 41-1803(G), 41-2065(24) and 44-1374.
A new budget with payment of \$400 per UST installation or closure inspection and \$250 per Modification inspection, up to a maximum of \$15,000 for each State Fiscal Year through June 30, 2020.
Payment after receipt of an invoice and reports that meet completeness criteria in the agreement.

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://legacy.azdeq.gov/function/permits/download/delegation/da_tucson.pdf

Or contact: Sherri Zendri, Administrative Counsel
Department of Environmental Quality
Office of Administrative Counsel



1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: slz@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.