

MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN  
THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)  
AND  
PINAL COUNTY

AGREEMENT NUMBER ADEQ18-179166

This Agreement, in accordance with Arizona Revised Statutes A.R.S. §49-703 and A.R.S. §49-476, is between the Pinal County, Acting through the Air Quality Control District (PQAQCD) and the Arizona Department of Environmental Quality (ADEQ).

**1. PURPOSE STATEMENT:**

The purpose of this Memorandum of Agreement (MOA) is to provide the framework and guidelines regarding the Primary Quality Assurance Organizations (PQAO) for the ambient air monitoring networks as defined by 40 CFR, Appendix A (Quality Assurance Section) as it relates to ADEQ and PQAQCD.

The Environmental Protection Agency (EPA) provides Federal 103 Grant money for Particulate Matter less than 2.5 microns (PM2.5) monitoring activities to state and local agencies. These grants are awarded to the Primary Quality Assurance Organization (PQAOs). At this time, ADEQ is listed as a PQAO for this program and Pinal County Air Quality is not. EPA includes the grant money for the Pinal County air monitoring sites including Cowtown Road, Casa Grande, and Apache Junction in the award to ADEQ.

**1.2 This MOA is to:**

**1.2.1 Define the roles of ADEQ and PQAQCD as they relate to the PQAO status, and**

**1.2.2 To provide a mechanism for ADEQ to disburse funds to Pinal County for the Field Operations, Laboratory Cost and other site cost for these sites that were included in the Federal 103 Grant money for PM2.5 monitoring activities to state and local agencies.**

**1.2.3 To provide a mechanism for ADEQ to disburse funds to Pinal County as designated by the EPA and included as part of Federal 105 Grant money.**

**2. RESPONSIBILITIES and BACKGROUND:**

**2.1 The definition of the PQAO is the quality assurance oversight organization for the ambient air monitoring network such that measurement uncertainty among all stations in the organization's network could be expected to be reasonably homogeneous, as a result of common factors. Common factors are considered to be:**

**2.1.1 Operation by a common team of field operators according to a common set of procedures;**

**2.1.2 Use of a common Quality Assurance Project Plan (QAPP) or Standard Operating Procedure (SOR);**

**2.1.3 Common calibration facilities and standards;**

**2.1.4 Oversight by a common quality assurance organization; and**

**2.1.5 Support by a common management, laboratory or headquarters.**

- 2.2 Each EPA Regional Office has the authority for approval of PQAOS in its Region. Currently, ADEQ is listed as a PQAOS in Region 9 and Pinal County is not. EPA Region 9 has drafted a procedure for implementation of PQAOS structure. This document provides guidance for organizations that seek to join pre-existing PQAOS, or form new PQAOS.
- 2.3 This Agreement is to outline the formal arrangement between ADEQ and PCAQCD regarding the PQAOS organization as outlined in the EPA Region 9 Guidance document.
- 2.4 Currently, PCAQCD meets many of the requirements for being an independent PQAOS in that they have:
- 2.4.1 Separate Quality Management Documents (QAPPs, SOPs, Quality Management Plans (QMPs);
  - 2.4.2 Co-located monitoring;
  - 2.4.3 A common team of field operators;
  - 2.4.4 Use their own calibration facility and standards; and
  - 2.4.5 Are supported by a common management, laboratory or headquarters.
- 2.5 The areas that PCAQCD does not meet the PQAOS requirements are:
- 2.5.1 Personnel that are independent from the site operators to conduct independent instrument audits;
  - 2.5.2 Having a reliable mechanism to obtain EPA grant funds in support of the National Performance Audit Program (NPAP)/ Performance Evaluation Program (PEP), audits; and
  - 2.5.3 Having a formal mechanism to define roles and responsibility for the agencies with regards to PQAOS.
- 2.6 This MOA is designed to address the three areas listed above as it relates to ADEQ and PCAQCD for ambient air monitoring.

3. **UNDERSTANDING / AGREEMENTS:**

- 3.1 ADEQ shall provide the following to PCAQCD to meet the above listed designated requirements that are not currently being met independently.
- 3.1.1 ADEQ shall provide the Air Monitoring Audit support to provide independent audits of PCAQCD's ambient air monitoring network for National Ambient Air Quality Standards (NAAQS) pollutants.
  - 3.1.2 ADEQ shall use this MOA to provide a reliable mechanism to transfer Federal grant funds in support of the NPAP/PEP audits to Pinal County for monitors that are within their network.
- 3.2 PCAQCD will independently meet all the other requirements of a PQAOS as listed in 40 CFR 58 Appendix A (except independent funding and independent auditing). Additionally, PCAQCD will continue to work with EPA Region 9 on the potential for direct funding mechanisms to support the NPAP/PEP audits.
- 3.3 If either party wishes to change the arrangements for PQAOS responsibilities, this shall be done utilizing the procedure and requirements listed in the EPA guidance document.

4. **EFFECTIVE DATE:**

This Agreement shall become effective on the date this Agreement is signed by both parties.

5. **TERM:**

This term of this Agreement shall be 60 months from February 19, 2018 through February 18, 2023.

6. **EXTENSION:**

This Agreement may not be extended for supplemental periods.

7. **AMENDMENT:**

This Agreement may be amended at any time upon mutual written agreement of the parties. No amendment of any the terms of this Agreement shall be effective unless it is writing and signed by the Designated Officers of the respective parties, their Authorized representatives, or duly appointed successors.

8. **TERMINATION:**

ADEQ or PCAQCD may terminate this Agreement at any time, with or without cause, after giving 30 days written notice of termination to the other party. The termination notification shall be made by "certified mail" and specify the effective date of termination.

9. **BUDGET / PAYMENT:**

The EPA PQAQ's funding for Fiscal Year 2018 *is estimated to be* in the amount of \$125,000 per the United States EPA Fiscal Year 2018 invitation to apply letter. Funding for subsequent Fiscal Years will be dependent upon the PQAQ status and funding from the EPA and will be issued by Amendment.

- 9.1 Purchase Orders will be issued via the ProcureAz system. Submittal of invoices for payment authorization shall include the Contract and Purchase Order Number and shall be submitted to the Accounts Payable Department identified in Section 11.2 of this Agreement.

10. **SEPARATE LEGAL ENTITY**

**This agreement does not create a separate legal entity under A.R.S. §11-952.B.**

11. **AUTHORITY TO CONTRACT:**

Each party represents and warrants that it has full power and authority to enter into this Agreement and perform its obligations hereunder and has taken all required acts or actions necessary to authorize the same.

12. **AGREEMENT PRIMARY CONTRACT PERSONS:**

- 12.1 Arizona Department of Environmental Quality  
Contracts and Procurement Section  
1110 W. Washington Street  
Phoenix, AZ. 85007  
Phone Number: (602) 771-4256  
Email: [holt.susan@azdeq.gov](mailto:holt.susan@azdeq.gov)

- 12.2 Arizona Department of Environmental Quality  
Accounts Payable Department  
1110 W. Washington Street  
Phoenix, AZ. 85007  
[Accounts.Payable@azdeq.gov](mailto:Accounts.Payable@azdeq.gov)

12.3 Pinal County Air Quality  
31 N. Pinal Street, Building F  
P.O. Box 987  
Florence, AZ. 85132  
Director, Mike Sundblom  
Phone Number: (520) 866-6915  
Email: michael.sundblom@pinalcountyaz.gov

**ATTEST**

All terms of this Memorandum of Agreement are hereby acknowledged and agreed to, as certified by the signatures of the Designated Officers affixed hereto:

ARIZONA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

By 

Timothy Franquist, Director,  
Air Quality Division  
Arizona Department of Environmental Quality

Date 9/26/17

PINAL COUNTY

By \_\_\_\_\_

Signature of Authorized Individual



Chairman of the Board

Date 9/6/17

Approved as to Form



Deputy County Attorney

Date 9/11/17