

**ENVIRONMENTAL PLANNING COMMITTEE (EPC)**

**WEDNESDAY, NOVEMBER 9, 2016**

**CAG CONFERENCE ROOM**

**1075 SOUTH IDAHO ROAD, SUITE 300**

**APACHE JUNCTION, ARIZONA 85119**

**M I N U T E S**

**MEMBERS PRESENT:**

Chairman – Jake Garrett Vice-Chair Darron Anglin-Apache Junction Greg Homol – Queen Creek

Edwina Vogan-ADEQ Chris Jones-ASU Extension Service Atul Shah-Pinal County

**VIA TELEPHONE:**

Stephen Dean-Marana Matt Rencher-Coolidge Kazi Haque - Maricopa

**MEMBERS ABSENT:**

Chris Collopy-Globe Joe Heatherly-Miami Ken Martin-Eloy LaRon Garrett – Payson  
Terry McKeon – Casa Grande Christopher Salas - Florence

**GUESTS**

Bill Clemmens -Tri-City Regional Sanitation District (TRSD) Roxie Hadley-TRSD

**STAFF:**

Alan Urban– Community Development Manager

**I. CALL TO ORDER**

Chair Garrett called the meeting to order at 10:10 AM in the CAG Conference Room located at 1075 South Idaho Road, Apache Junction, and Arizona 85119.

**II. PLEDGE OF ALLEGIANCE**

Greg Homol led the committee in the Pledge of Allegiance.

**III. ROLL CALL & INTRODUCTIONS**

Roll call and introductions were taken. Eight (8) voting members were present establishing a quorum. Six (6) members were absent.

**IV. APPROVAL OF MINUTES –May 25, 2016**

Chair Garrett asked for comments on minutes of the past meeting on May 25, 2016. Minor changes were requested by Mr. Anglin. Mr. Homol moved for approval with the changes included, Mr. Haque seconded. The minutes were approved unanimously.

## **V. NEW BUSINESS**

### **A. Membership Status/Requests**

Mr. Urban informed the committee that the Tri-City Regional Sanitary District (TRSD) has officially requested membership on the Environmental Planning Committee (EPC). A letter was received from TRSD asking that Mr. William Clemmens be appointed to the EPC to represent them in regional water quality discussions and planning. Mr. Urban read the Bylaws to the members defining the membership qualifications. It clearly indicated that TRSD qualified for a seat on the EPC. Upon request Mr. Urban defined the membership approval process noting that It does not require approval by the Management Committee and Regional Council as other EPC actions do. Membership is simply reviewed and approved once a year by those two bodies. It was noted by Chairman Garrett that Mr. Clemmens is the Legal Counsel for TRSD.

There was a motion by Mr. Homol and seconded by Mr. Anglin that Mr. Clemmens be granted a seat on the EPC representing TRSD. Motion passed unanimously. He becomes an active member at the next EPC meeting.

### **B. Status of 2016 CAG Section 208 Water Quality Management Plan**

There was a discussion about the approval process of the new Plan and related timetables. The Plan went to the Statewide Water Quality Management Working Group in July and Arizona Department of Environmental Quality submitted it to the Environmental Protection Agency in August. There is a statutory 120 day requirement for EPA to respond or the Pan becomes active by default. The committee discussed correspondence with the EPA noting the 30 day review policy. The letter would state that CAG will consider the Plan active and in force as of the 121<sup>st</sup> day from the August submission date by ADEQ. Mr. Urban was instructed to generate the appropriate letter with CAG's Executive Director and send to the EPA promptly.

### **C. Status of the Miami/TRSD DMA/Service area**

Mr. Urban indicated there has been no change in position of the disputed service area that Miami currently serves that is located within the DMA of the combined Cobre Valley/Pinal District's. Mr. Clemens stated that TRSD wanted to thank ADEQ for their letter regarding the DMA status for TRSD. He added that the Service Area in question will not be part of the Phase I of their 3 Phase project. Mr. Anglin asked about the APP application for the project and Mr. Clemens indicated it had been

submitted 5 years ago. The primary guidance for their Amendment going forward is the June 2016 letter from Trevor Baggione at ADEQ. That letter requires TRSD to submit a 208 Amendment and get it approved to be officially granted a DMA for the area of the combined Cobre Valley and Pinal Sanitary Districts. Until that is approved they, TRSD, is recognized as the administrator of those two existing DMAs.

Regarding the current Miami DMA boundaries, CAG is searching for the legal papers for the Town's boundaries as they are the same as the specified DMA boundaries. Chairman Garrett commented that DMA and Service Area are commonly confused with one another or seen as the same. This is not necessarily true. In the TRSD/Miami situation Miami has a service that extends into TRSD's district boundaries. This was established at a time when TRSD was not able to provide service to that area. Mr. Clemmens indicated that TRSD has not actually made a claim for the area served by Miami and they understand that USDA has included that area in the Miami project customer base.

Chair Garrett asked for other questions regarding the TRSD Amendment and did we adequately cover the history of the situation. Mr. Clemmens responded that we had.

**D. Status of Northern Gila County Sanitary District (NGCSD) plant expansion**

Ms. Vogan reported that the application for their permit was still moving forward, but there might be variances in its language. She explained there are certain contaminants and situations for which treatment changes over time and the permit would reflect that. The current process began when Mr. Urban received a Consistency Report request from Ms. Vogan. Unable to locate any documentation of a plan or an Amendment document he has not returned it as Not Consistent with the CAG 208 Plan. He is requesting guidance from the committee. Chairman Garrett stated that the facility and its operations are absolutely an A+ operation, even testing new lines for zero leakage. NGCSD is a premier facility and the only sewer provider in the area. It was also noted that Star Valley shares the eastern Payson boundary and is a growing community that may offer, or purchase, sewer services in the future. Star Valley is a fairly young community who only recently began providing water service to its residents.

Ms. Vogan indicated that the facility had been approved for expansion once before without an Amendment.

Mr. Anglin commented that this is definitely a "Significant" expansion under their Aquifer Protection Permit (APP).

Ms. Vogan indicated that ADEQ is trying to parallel their process with the CAG Amendment process and are considering a conditional APP approval, but that is not decided yet.

Chairman Garrett asked who the bad guy was going to be in the process to telling NGCSD that they have to have this Amendment to move forward under the APP Approval. The answer given is CAG, Mr. Urban will make the contact.

There was a discussion of the value of the 208 process and documents with all the participants in the meeting and they all stated that they find the 208 process valuable to their operations and regional planning of water quality protection efforts. The process engages the public, informs neighbors to facilities, and coordinates efforts amongst providers of sewer services.

Mr. Urban stated he would respond to ADEQ and proceed with starting the process with NGCSD.

Mr. Anglin asked if Mr. Urban is sure there is no plan. Mr. Urban indicated he has found nothing at CAG and Mr. Goode, NGCSD's District Manager, was unable to provide the document as well.

Chairman Garrett stated that NGCSD must have a plan because they are in the CAG region and CAG would've required an Amendment for this expansion under the previous 1994 CAG Plan, not just under the 2016 Plan. He continued that the fact there was no plan done in the past is not an excuse for not having one now. He also asked if ADEQ would back CAG's decision. Ms. Vogan said the process has not moved forward at this time and this issue should be part of that discussion.

#### **VI. OLD BUSINESS**

None was listed, but Mr. Anglin asked about the status of Johnson Utilities Amendment that had been mentioned in a previous meeting. Mr. Urban responded he had an inquiry about Johnson from Florence, but nothing in follow up by Johnson on moving forward with their Amendment. He said he'd look at an update for the next EPC meeting

#### **VII. CHAIR REPORT**

Chairman Garrett wished everybody a nice Thanksgiving.

#### **VIII. STAFF REPORT**

Mr. Urban reported that Management Committee (MC) had not selected one of the two Amendment fee structures proposed by the EPC thereby sending it back to the EPC for a

different approach.

The EPC felt they should not make that choice. Staff returned to MC which instructed staff to provide a basis for the fees being charged currently. Both staff, Mr. Urban and Mr. Ashbaugh ran several calculations and each one supported the current \$10,000 fee amount. They also looked at “comparable” fees being charged in other COGs, but that did not work as none of the COGS have structured their process and fees the same way. We remain at the \$10,000 fee as before, but were told if costs increase to revisit the issue with MC. Mr. Anglin asked about the new Planning Project cost and staff replied that the fee would be the same, but the time savings could be valuable to some applicants. There is no real cost savings for CAG because staff will still provide the same basic service. The process allows the Planning Projects to proceed without MC and RC approval because these will be incremental change documents not major change documents.

Mr. Urban indicated there are about 6 or 7 Amendments on the horizon for the next 2 years. Currently staff insists on maps of projects at the very beginning of proposals to be able to check for DMA conflicts before the Amendment process gets going. Mr. urban indicated staff would still like to establish an upfront fee, kind of an earnest money payment, to cover staff time that may never get paid for if the proposals never progress for any variety of reasons. If the projects do progress to Amendments the upfront fee would be credited to the \$10,000 fee.

**IX. SET DATE, TIME, & LOCATION OF NEXT MEETING-2017 Calendar**

Mr. Urban indicated he would produce a calendar invite for the meetings in 2017 and the next  
Meeting would be February 14, 2017.

**X. OTHER BUSINESS**

Staff and members had no other business they wished to discuss.

**XI. CALL TO THE PUBLIC**

Chairman Garrett opened the floor for the call from the public. No one answered the call.

**XII. ADJOURNMENT**

Meeting adjourned at 11:50 AM.

Draft respectfully submitted May 30, 2018, by Alan Urban, Community Development Manager

Approved \_\_\_\_\_