



## Executive Director's Report

We had three very serious topics to discuss during our September Regional Council meeting, including Domestic Violence Awareness month, a proposal with potential ramifications to local government control of water quality management, and a lawsuit involving MAG's recently approved regional dust plan. Let me address these in reverse order.

All Valley residents are aware of the significant dust storms we experience in our dry desert region, which cannot be controlled or prevented in a regional dust plan. In approving MAG's Five Percent Plan for PM-10 in May, the Environmental Protection Agency (EPA) agreed with the region that 25 high wind events—including the haboob in July 2011 that made national headlines—should be excluded from consideration under the Clean Air Act. Now, the Arizona Center for Law in the Public Interest has filed a petition challenging EPA's approval of the plan, primarily because the Center does not agree with EPA's reliance on the Exceptional Events Rule to demonstrate attainment of the standard. MAG continues to maintain that regions should not be penalized for events that no plan—no matter how comprehensive—can control. The MAG Regional Council approved a motion allowing MAG's legal counsel to file a motion for MAG to intervene in the lawsuit. The Arizona Department of Environmental Quality (ADEQ) has already decided to intervene and we will be joining them in this effort.

The second important issue we discussed involved the Arizona Water Quality Management Plan process as related to Section 208 of the Clean Water Act. The ADEQ has proposed a streamlining process that would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 process and receiving Regional Council approval. While we commend ADEQ for wanting to reduce the time it takes to get a permit, the Regional Council was clear in its direction that any solution must ensure that municipalities maintain control over planning for wastewater treatment in the region. MAG staff will be working with ADEQ to preserve local control and also to look for ways to streamline the process.

Finally, we touched on the serious societal problem of domestic violence. We heard about the need to improve notification processes among the cities and Maricopa County to ensure that prior offenses are easily tracked and felony charges can be pursued for a suspect with prior arrests. Any delays in the process provide the

suspect an opportunity to be released from jail and further endanger the victim. The Regional Council passed a resolution supporting October as Domestic Violence Awareness Month, voicing their dedication to “ensuring the safety of domestic violence survivors and holding abusers accountable.” MAG and its partners have made tremendous inroads in developing felony protocols, thanks to the support of grants provided through the Governor’s Office. By working together, we can continue to put the spotlight on this issue and renew our dedication to justice.

**For more information, please contact Dennis Smith, MAG Executive Director, (602) 254-6300.**

## **Meeting Report for Wednesday, September 24, 2014**

### **Action Items**



#### **Coordinating to Save Lives: A Regional Response to Domestic Violence**

Domestic violence calls are among the most frequent, dangerous, and costly calls law enforcement responds to throughout the region. The MAG Protocol Evaluation Project has coordinated a regional response to domestic violence through the criminal justice system since 2010, helping to save lives, time, and resources. A new partnership with the Maricopa County Attorney’s Office proposes to enhance the process for transferring domestic violence cases among jurisdictions. Each year, cases are transferred between the County and municipalities when determining if the case will be tried as a felony by the County or by municipalities as a misdemeanor. Pending funding from the Governor’s Office for Children, Youth, and Families through a Services, Training, Officers, and Prosecution (STOP) grant, this project will assess the process currently used to transfer domestic violence cases, identify challenges and gaps, and develop strategies to improve the process. All cities, towns and Native American Communities were invited to partner on the project and to support events during Domestic Violence Awareness Month in October. The Regional Council voted to approve a resolution supporting the awareness month and pledging to remain dedicated to ensuring the safety of domestic violence survivors.

**For more information, contact Amy St. Peter, MAG Human Services and Special Projects Manager, (602) 254-6300.**

#### **Arizona Center for Law in the Public Interest Petition for Review of the EPA Approval of the MAG 2012 Five Percent Plan for PM-10**

On August 20, 2014, the Environmental Protection Agency (EPA) notified MAG that the Arizona Center for Law in the Public Interest filed a petition for review of the EPA approval of the MAG 2012 Five Percent Plan for PM-10 in the U.S. Ninth Circuit Court of Appeals. According to the mediation questionnaire, the Center for Law in the Public Interest indicated that the most significant issue is the reliance

upon the EPA Exceptional Events Rule to demonstrate attainment of the standard. The Center contends that the EPA concurrence in excluding the exceptional event exceedances is an “abuse of discretion.” The Center’s opening brief is due on October 17, 2014, and the respondents’ answering brief is due on November 17, 2014. On August 28, 2014, the Arizona Department of Environmental Quality filed a motion to intervene in the lawsuit on behalf of the respondent. The MAG Regional Council was requested to approve having MAG’s legal counsel in Washington, D.C. file a motion for MAG to intervene on behalf of the respondent in the lawsuit. The MAG Regional Council unanimously approved the request.

**For more information, please contact Lindy Bauer, MAG Environmental Director, (602) 254-6300.**



## **Information Items**

### **Arizona Water Quality Management Plan and Streamlining of the 208 Water Quality Management Plan Process**

The Arizona Department of Environmental Quality (ADEQ) is working to update the Arizona Water Quality Management Plan, which was completed in 1979. ADEQ is also proposing to streamline the 208 Water Quality Management Plan process, which is conducted by five Councils of Governments (COGs) as well as Yuma, La Paz, and Mohave Counties. ADEQ has been streamlining various processes to issue permits faster. The 208 streamlining approach currently being considered by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 process and receiving Regional Council approval. Several members expressed concern with the streamlining approach and provided comments in support of the current MAG 208 process. The comments received will be conveyed to ADEQ.

**For more information, contact Julie Hoffman, MAG Environmental Planning Program Manager, (602) 254-6300.**

## **Legislative Update**

An update was provided regarding federal guidance on adding a transit representative to the MAG Regional Council. At the August meeting, staff noted that more research was needed before a recommendation was provided. Staff reported that since the August meeting, discussion on this topic was continued at the September Regional Council Executive Committee meeting. Staff found through research that other metropolitan planning organizations are filing for an exemption of the requirement, and a similar exemption might apply to MAG. The committee voiced the opinion that MAG should wait to take action until after the final rule was issued, which is estimated to take place in six months or one year.

**For more information, contact Eileen Yazzie, MAG Transportation Planning Project Manager, (602) 254-6300.**

## **Next Meeting**

The next meeting of the MAG Regional Council will be Wednesday, October 22, 2014, at 11:30 a.m. at the MAG offices, 302 N. 1st Avenue, Phoenix, second floor, Saguaro Room. Agenda items are expected to include an update on outcomes of the Central Phoenix Transportation Framework Study and an update on the fiscal year 2015 Regional Freeway and Highway Program. Additional agenda items are pending.

**For more information, please contact Dennis Smith, MAG Executive Director, (602) 254-6300.**