

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

August 26, 2015  
MAG Office  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor W.J. "Jim" Lane, Scottsdale, Chair	# Mayor Christian Price, City of Maricopa
* Mayor Greg Stanton, Phoenix, Vice Chair	Supervisor Denny Barney, Maricopa County
Vice Mayor Robin Barker, Apache Junction	Mayor John Giles, Mesa
# Mayor Kenneth Weise, Avondale	* Mayor Michael Collins, Paradise Valley
Mayor Jackie Meck, Buckeye	Mayor Cathy Carlat, Peoria
Councilmember Mike Farrar, Carefree	* Supervisor Todd House, Pinal County
Councilmember Dick Esser, Cave Creek	# Mayor Gail Barney, Queen Creek
# Mayor Jay Tibshraeny, Chandler	* President Delbert Ray, Salt River
Mayor Lana Mook, El Mirage	Pima-Maricopa Indian Community
Mayor Tom Rankin, Florence	Mayor Sharon Wolcott, Surprise
* President Ruben Balderas, Fort	# Mayor Mark Mitchell, Tempe
McDowell Yavapai Nation	* Mayor Adolfo Gamez, Tolleson
Mayor Linda Kavanagh, Fountain Hills	Mayor John Cook, Wickenburg
Mayor Chuck Turner, Gila Bend	Mayor Michael LeVault, Youngtown
* Governor Stephen Roe Lewis, Gila River	Mr. Roc Arnett, Citizens Transportation
Indian Community	Oversight Committee
Mayor John Lewis, Gilbert	Mr. Joseph La Rue, State Transportation Board
Mayor Jerry Weiers, Glendale	Councilmember Jack Sellers, State
Mayor Georgia Lord, Goodyear	Transportation Board
# Mayor Rebecca Jimenez, Guadalupe	
# Mayor Thomas Schoaf, Litchfield Park	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair W.J. "Jim" Lane, Scottsdale, at 11:33 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mayor Gail Barney, Mayor Rebecca Jimenez, Mayor Mark Mitchell, Mayor Christian Price, Mayor Tom Schoaf, Mayor Jay Tibshraeny, and Mayor Kenneth Weise joined the meeting by teleconference.

Chair Lane noted that hearing assisted devices were available from MAG staff. He requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item, or a yellow public comment card for Consent Agenda items or items on the agenda for action. Transit tickets were available for those who purchased a transit ticket to attend the meeting.

Chair Lane noted that at each member's place and on the tables on each side of the room were copies of the addendum to the agenda, item #13, which had been transmitted previously. Additionally, updated material for agenda item #10 was at each place.

### 3. Call to the Audience

Chair Lane noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Lane recognized public comment from Ms. Dianne Barker, of Phoenix District 7, who remarked that her mayor was not at the meeting. Ms. Barker stated that she attended the victory party the night before and she recounted a conversation she had with another party attendee about using transit to attend the event. She noted that there were many cars parked at the party location. Ms. Barker expressed her disappointment that only 13 percent of registered Phoenix voters cast their ballot on August 25, although having an election during hot weather can negatively impact turnout. She stated that she would keep the oath she takes as transit commissioner to ensure that this region has the best transportation possible. Ms. Barker urged Regional Council members to encourage voter participation. Chair Lane thanked Ms. Barker for her comments.

Chair Lane recognized public comment from Mr. John Rusinek, who spoke of his dust problem. Mr. Rusinek first spoke of Arizona statutes for air quality that include enforcement and stabilization of driving and parking surfaces for areas of 3,000 square feet and more. He noted that the house lot next door to him is 6,000 square feet and four to five vehicles, which can be seen from the street, are usually parked there. Mr. Rusinek asked who will enforce the dust ordinances. He reported that Maricopa County has informed him that it cannot enforce ordinances and cannot go on the property, even with his permission. Chair Lane thanked Mr. Rusinek.

Chair Lane recognized public comment from Mr. Marvin Rochelle, who said he has been in the Valley since 1944. He expressed his appreciation that Phoenix voters passed Proposition 104, and he hoped the rest of the Valley jurisdictions would do the same in order to have a better transportation system for the visually impaired and those with disabilities. Mr. Rochelle noted that the region almost had a paratransit system in 2008, but then the economic downturn occurred and it was dropped. He stated that

there will soon be regional meetings on a paratransit system. Mr. Rochelle expressed his agreement with Ms. Barker's statement regarding the weather at election time impacting voter turnout. Chair Lane thanked Mr. Rochelle.

#### 4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith extended MAG's appreciation to ADOT, and specifically to Mr. Reza Karimvand and his team, for their efforts that resulted in an increase in the number of hours and days when electronic message boards will transmit messages to drivers on Valley freeways. He stated that ADOT now has 82 overhead message boards, which will display messages seven days per week to drivers on such things as commute times and crashes. Mr. Smith added that technology is a key element for our transportation system.

Mr. Smith stated that MAG will be conducting the MAG Household Travel Survey of 7,000 households regarding their travel. He noted that the survey will be conducted in Maricopa, Pinal, and portions of Yavapai and Gila counties. Residents who choose to participate will be asked to provide details of the travel patterns of those living in the household.

Mr. Smith acknowledged the efforts of MAG staff member Alana Chavez-Langdon for her work on the many Mexico initiatives being planned by MAG. Events have included a trade mission to Hermosillo and Guaymas, Mexico, on June 3-5, 2015, attended by elected officials, economic development staff, and business representatives; a Senate Economic Stimulus Forum discussing the Port of Guaymas; and a visit by the Mexicali, Baja, Industrial Development Authority. Mr. Smith noted that Mexicali is home to medical and aerospace industries and they expressed an interest in working with MAG. He added that he did not believe Mexicali has a sister city in the Valley.

Mr. Smith stated that a press conference and signing ceremony celebrated the partnership between the Building an International Economic Network partners and CANACINTRA on August 20, 2015, at the League of Arizona Cities and Towns conference. Mr. Smith noted that CANACINTRA is the chamber of commerce in Mexico and consists of approximately 50,000 members. Also at the League conference, Arizona officials met with CANACINTRA officials to discuss streamlining the border checkpoint to move trade. Mr. Smith noted that ADOT is planning a meeting on this in the fall.

Mr. Smith stated that the new extension of light rail in downtown Mesa opened on August 22, 2015. He reported that Mayor John Giles stated in his address to those attending the event that light rail was transformative for Mesa. Mr. Smith recalled that prior to the Proposition 400 election, Representative Gary Pierce, on a visit to Plano, Texas, asked the city manager what he thought of light rail. The city manager informed Representative Pierce that they had many redevelopment plans for their downtown, but none worked until light rail was constructed.

Mr. Smith stated that MAG, in partnership with Read on Arizona and the Virginia Piper Foundation, produced an educational viewer of preschool through grade three. He explained that the viewer displays education test scores and demographics for public and charter grade schools throughout Arizona. He stated that the viewer website was unveiled August 25, 2015. Mr. Smith stated that Mr. Ralph Smith, Sr. Vice President of the Annie E. Casey Foundation and Managing Director for the Campaign for

Grade-Level Reading, stated that the word transformative is used frequently, but transformative really applies to the education map viewer. Mr. Smith acknowledged the contributions of MAG staff member Verne Wolfley in developing the viewer. He noted that the information included on the viewer is very useful in writing grants.

Mr. Smith stated that the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) for fiscal year 2014 has been presented to the MAG Fiscal Services Division by the Government Finance Officers Association. He noted that MAG is one of very few Councils of Governments to do a CAFR, and it is not required by the federal government. Mr. Smith commended Ms. Becky Kimbrough, MAG Fiscal Services Manager, and her staff.

Mr. Smith noted that September 9, 2015, marks the 30<sup>th</sup> anniversary of the 9-1-1 system in the MAG region. He said that an event to celebrate this milestone is being planned and invitations will be sent out when the details have been finalized.

5. Approval of Consent Agenda

Chair Lane noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda.

Chair Lane recognized public comment from Ms. Dianne Barker, who stated that she attends and speaks at public meetings because she fears the loss of freedom of speech. Ms. Barker stated that she could not speak to the Meeting Minutes because she was not present at the June meeting. She submitted for the record her letter to staff at Maricopa County regarding conformity. Ms. Barker expressed her concerns that no one is going to regulate the law in regard to Mr. John Rusinek's dust complaints. She also expressed concerns that the public does not participate. She recounted how she cleans bus stops while waiting for the bus, and elected officials should encourage their constituents to participate. Chair Lane thanked Ms. Barker.

Chair Lane asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items. None were noted.

Mayor Michael LeVault moved to approve Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Councilmember Dick Esser seconded, and the motion passed unanimously.

5A. Approval of the June 24, 2015, Meeting Minutes

The MAG Regional Council, by consent, approved the June 24, 2015, meeting minutes.

5B. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits.

ADOT has forwarded a list of notifications from January 1, 2015, to June 30, 2015. Seven of the 87 notices received have an impact to the state highway system.

5C. MAG Federally Funded, Locally Sponsored Project Development Status Report

The MAG Regional Council, by consent, accepted the MAG Federally Funded, Locally Sponsored Project Development Status Report. The MAG Federal Fund Programming Guidelines & Procedures were first approved by the MAG Regional Council on October 26, 2011, and were updated by the Regional Council on June 24, 2015. They outline the requirements for local agencies to submit information on the development and status of their federally funded projects. The Project Development Status Report focuses on projects funded with suballocated Federal Highway Administration funds (Congestion Mitigation and Air Quality Improvement, Highway Safety Improvement Program, regionwide Transportation Alternatives, and Pinal County Surface Transportation Program). These projects are programmed to obligate in Federal Fiscal Year (FFY) 2016 and 2017. The Status Report was recommended for acceptance by the MAG Transportation Review Committee on July 23, 2015, and by the MAG Management Committee on August 5, 2015.

5D. Programming of Transportation Alternatives/Safe Routes to School Projects in FY 2016-2017

The MAG Regional Council, by consent, approved the list of six projects, in the amounts shown in the handout provided, with a total budget of \$305,650 in FY 2016 and a budget of \$50,000 in FY 2017. Through prior MAG action, a total of \$400,000 in Transportation Alternatives funds is set aside each fiscal year for Safe Routes to School non-infrastructure projects. A call for qualifying projects was issued in March 2015 to program \$400,000 in FY 2016, and \$463,707 in FY 2017 (includes \$63,707 moved to FY 2017 from an earlier year). Six project applications requesting a total of \$305,650 in FY 2016 and one project application for \$50,000 in FY 2017 were received. On July 21, 2015, the Transportation Safety Committee conducted a technical review and evaluation of the project applications and recommended approval of a list of projects. The list of projects was recommended for approval by the MAG Transportation Review Committee on July 23, 2015, and by the MAG Management Committee on August 5, 2015. Available Transportation Alternatives/Safe Routes to School funds exceed the amounts needed to program the recommended projects for FY 2016 and FY 2017. Remaining Transportation Alternatives/Safe Routes to School funds will be programmed as part of the MAG Transportation Improvement Program Call for Projects announced in August 2015.

5E. Programming of Road Safety Projects in FY 2016-2018

The MAG Regional Council, by consent, approved a list of safety projects to be funded with the available Highway Safety Improvement Program (HSIP) funds suballocated to MAG in FY 2016-2018. The state of Arizona receives nearly \$42 million in federal Highway Safety Improvement Program (HSIP) funds each fiscal year for road safety improvements. The Arizona Department of Transportation (ADOT) has been suballocating \$1.9 million in HSIP funds to the MAG planning area for qualifying projects. In May 2015, ADOT announced a new process for programming HSIP funds that stipulates FY 2018 as the last year of HSIP suballocation to MAG (and all other Arizona Councils of Governments and Metropolitan Planning Organizations). The new HSIP process also requires that MAG forward the list of recommended projects and project applications to ADOT by July 31, 2015, for ADOT to begin

reviewing them to determine eligibility for HSIP. Through prior action, MAG had programmed all suballocated HSIP funds through FY 2017 for safety projects. However, due to project eligibility and schedule changes, some HSIP funds are now available in FY 2016 and 2017. In consultation with ADOT, MAG issued a call for projects to program HSIP in the following amounts: \$323,000 in FY 2016, \$257,054 in FY 2017, and \$1.9 million in FY 2018. In response, five project applications were received from three member agencies for implementing two systemic improvements and three spot improvements. On July 21, 2015, the Transportation Safety Committee conducted a technical review and evaluation of the project applications and recommended a list of safety projects to be funded with the available Highway Safety Improvement Program (HSIP) funds suballocated to MAG in FY 2016-2018. The list of projects was recommended for approval by the MAG Transportation Review Committee on July 23, 2015, and by the MAG Management Committee on August 5, 2015.

5F. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2015 CMAQ funding be purchased and reimbursement requests be submitted to MAG within one year from the date of the MAG authorization letter.

5G. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation and other miscellaneous projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

6. Streamlining of the 208 Water Quality Management Plan Process

Ms. Julie Hoffman, MAG staff, provided a report on the streamlining of the 208 Water Quality Management Plan Process. She noted that in September and December 2014, she reported to the Regional Council on efforts by the Arizona Department of Environmental Quality (ADEQ) to streamline the 208 Water Quality Management Plan Process. She noted that ADEQ had been working with the State Water Quality Management Working Group, which includes representatives from the councils of governments across the state, who had expressed concern with the ADEQ streamlining approach that would result in the issuance of permits for wastewater treatment facilities without first going through the 208 Process and receiving Regional Council approval.

Ms. Hoffman stated that during her reports in September 2014, the members of the Management Committee and Regional Council also expressed concern with the ADEQ streamlining approach. She indicated that on October 1, 2014, MAG staff met with the ADEQ director and discussed the concerns of the MAG member agencies. The ADEQ director indicated that ADEQ is committed to reducing its permitting time and being more responsive to its customers, the regulated community.

Ms. Hoffman stated that there was a lot of common ground discussed at the meeting. MAG shares the importance of economic development for the region with ADEQ and agreed to work with ADEQ on streamlining options that would not jeopardize the integrity of the 208 Process. Ms. Hoffman stated that the goal of this streamlining effort was to make the 208 Process more efficient and the region more globally competitive.

Ms. Hoffman stated that MAG was designated by the Governor as the Regional Water Quality Management Planning Agency for Maricopa County in accordance with Section 208 of the Clean Water Act. It is in this capacity that MAG prepares the 208 Water Quality Management Plan. Ms. Hoffman noted that the MAG 208 Plan only applies to Maricopa County.

Ms. Hoffman stated that there are two major elements of the MAG 208 Plan: the Point Source element and the Nonpoint Source element. She explained that the Point Source element describes the preferred wastewater treatment system to serve the wastewater treatment needs of the region over a twenty-year planning period. The Nonpoint Source element primarily describes the regional surface and groundwater quality, and the federal and state program activities designed to control nonpoint source pollution.

Ms. Hoffman stated that there are a number of permits and approvals linked to the MAG 208 Plan and it is the key guiding document used by ADEQ and Maricopa County in granting permits for wastewater treatment plants in the MAG region. Ms. Hoffman stated that consistency is required for Aquifer Protection Permits and Arizona Pollutant Discharge Elimination System Permits issued by ADEQ and for the Approval to Construct issued by the Maricopa County Environmental Services Department.

Ms. Hoffman stated that a small Stakeholder Group was formed for evaluation of the 208 Process. The MAG member agencies on the Stakeholder Group included representatives from the West Valley, East Valley, the central city and Maricopa County. The Stakeholder Group also included representatives from private utilities, the homebuilders, and the Arizona Department of Environmental Quality. Representatives included Roger Klingler from the City of Buckeye, Javier Setovich from the City of Glendale, Brandy Kelso from the City of Phoenix, John Kross from the Town of Queen Creek, Dale Bodiya from Maricopa County, Troy Day from EPCOR, Bhaskar Kolluri from Liberty Utilities, Spencer Kamps from the Homebuilders Association of Central Arizona, Ray Jones, a consultant used by the homebuilders on water issues whom the homebuilders requested be included in the group, and Trevor Baggio, Linda Taunt, Debra Daniel, Edwina Vogan from the Arizona Department of Environmental Quality.

Ms. Hoffman stated that five stakeholder meetings were conducted where the group evaluated the entire 208 Process, streamlining from the point in which the applicant contacts the jurisdiction in which the facility would be located, until approval by the Environmental Protection Agency.

Ms. Hoffman stated that a proposal has been developed that identifies the streamlining efforts of the Stakeholder Group. And these streamlining efforts identified in the proposal have shortened the 208 Process from approximately 18 to 24 months to approximately nine months – a 50 to 63 percent reduction in the overall timeline for a 208 amendment.

Ms. Hoffman stated that as part of the streamlining process, improvements have been made to the local process (before an amendment is submitted to MAG), to the MAG process (at the regional level), and to the ADEQ process (from the point in which the approved amendment is submitted to ADEQ from MAG). She noted that these improvements are identified in the proposal.

Ms. Hoffman stated that MAG developed two business-friendly fact sheets that describe when an amendment is required or not required and a step-by-step description of the 208 Process. She noted that MAG also developed two streamlined 208 amendment checklists that only require information that would be pertinent to each specific type of amendment. Ms. Hoffman added that other areas of the country were contacted and a white paper was prepared describing their 208 processes.

Ms. Hoffman stated that the Stakeholder Group also thoroughly reviewed the 208 planning approach used in SouthEastern Arizona Governments Organization (SEAGO) and Yuma County. ADEQ staff provided two presentations to the Stakeholder Group on the 208 planning approach used in these rural areas.

Ms. Hoffman stated that the proposal identified improvements to the 208 Process that do not jeopardize the integrity of the 208 Process. Improvements to the MAG member agency portion of the 208 Process provide clarity, assistance to the business community, and a shortened timeframe.

Ms. Hoffman stated that the applicant would contact the jurisdiction in which the facility would be located to discuss the need for the amendment and the pre-application packet that would be developed by MAG and made available on the MAG website. If an amendment is required, the applicant would complete the appropriate checklist, draft the amendment document, and submit it to the sponsoring jurisdiction.

Ms. Hoffman stated that a 60-day deadline has been set for the sponsoring jurisdiction to determine an application complete. Once determined complete, a deadline of 60 days is set for the sponsoring jurisdiction to review the amendment and submit it to MAG. Also, during the 60-day review period, the sponsoring jurisdiction would conduct a workshop with jurisdictions within three miles of the amendment to inform them on the amendment and request letters of no objection, support, or comment. Ms. Hoffman stated that the sponsoring jurisdiction would also provide updates to MAG staff on these timelines so that MAG knows when the amendment would be coming to MAG. In addition, the applicant would identify and contact any private utilities within three miles of the amendment.

Ms. Hoffman stated that improvements to the MAG portion of the 208 Process include changes that provide clarity, transparency, and a shortened timeframe due to the pre-application packet. The pre-application packet would include fact sheets on when an amendment is required and not required, and a step-by-step description of the 208 Process, streamlined 208 amendment checklists, and links to

previously approved amendments to use as an example. The pre-application packet would be made available on the MAG website.

Ms. Hoffman stated that an amendment would no longer be required for service area expansions. Instead, the impacted jurisdictions would provide letters to MAG indicating that there is agreement on the service area expansion. Ms. Hoffman stated that a representative from the Water Utilities Association of Arizona would be included on the MAG Water Quality Advisory Committee. MAG would also develop a table for the MAG Water Quality Advisory Committee on the reviews and approvals conducted by other agencies for wastewater treatment facility permits for information.

Ms. Hoffman stated that improvements on the ADEQ portion of the 208 Process provide for parallel processing, concurrent reviews, and a shortened timeframe. A major change is ADEQ indicating that they could issue conditional Aquifer Protection Permits and/or Arizona Pollutant Discharge Elimination System Permits, which would allow for parallel processing and concurrent reviews with the 208 Process. Ms. Hoffman noted that this is significant since previously, ADEQ would not proceed with reviewing an Aquifer Protection Permit or Arizona Pollutant Discharge Elimination System Permit application until the 208 amendment was approved. Ms. Hoffman stated that ADEQ would now be able to conduct its review at the same time the 208 amendment is going through the process. In addition, the State Water Quality Management Working Group could meet as needed and use conference calls to save time.

Ms. Hoffman stated that ADEQ has indicated that it will make its certification decision within 15 days. If there is no Clean Water Act nexus, the process would be complete. If there is a Clean Water Act nexus, which would be the amendments in this region, such as a new plant or discharge, ADEQ would submit the amendment to the Environmental Protection Agency for approval. If no comments are received from the Environmental Protection Agency within 30 days, ADEQ considers the amendment approved.

Ms. Hoffman stated that in general, these improvements to the MAG 208 Process identified in the proposal were the consensus of the Stakeholder Group. She noted the homebuilders representative on the Stakeholder Group indicated that they got more out of the streamlining process that they thought they would, however, it did not go far enough. They preferred that any entity be able to bring an amendment to MAG. Ms. Hoffman stated that the MAG member agencies on the Stakeholder Group felt sponsorship of a 208 amendment was important and so there was not agreement on that. Ms. Hoffman stated that the Stakeholder Group has requested that corresponding changes be made to the MAG Small Plant Review and Approval Process. This process is used for wastewater treatment facilities 2.0 million gallons per day or less with no discharge.

Ms. Hoffman stated that the Stakeholder Group also requested that an annual evaluation be conducted of the streamlined 208 Process to determine if there is a need for any additional improvements. Ms. Hoffman expressed appreciation to the Stakeholder Group for their participation and for sharing their ideas to make the 208 process more efficient and business friendly.

Chair Lane recognized public comment from Mr. Spencer Kamps from the Homebuilders Association of Central Arizona, who said that Ms. Hoffman had done a great job outlining the stakeholder process. He commended Ms. Hoffman and Ms. Lindy Bauer for their time, research and efforts they put into the

streamlined proposal. Mr. Kamps remarked that a 208 is a barrier to economic development – without a 208 amendment, wastewater treatment, expansion, and construction cannot move forward. He remarked that improvements have been made under the streamlined proposal, checklists, fact sheets, shorter timeframe, and not needing a 208 amendment for a service area expansion. However, Mr. Kamps stated that his association feels the streamlining efforts do not go far enough. He noted their two concerns. 1) Private entities cannot submit an application on their own; an application must be submitted by a local government sponsor. Mr. Kamps stated that this is illogical; he did not know of any other regulatory process in Arizona where the applicant cannot apply for approval and did not know of another regional agency that prepares 208 plans under the Clean Water Act in Arizona that requires local sponsorship. Mr. Kamps stated that Yuma and SEAGO do not require it. He said they would like private parties to have the opportunity to submit an application for a 208 amendment because local sponsorship is not a necessary step nor required by the Clean Water Act. 2) They think the 60-day local process is also an unnecessary step and not required under the Clean Water Act. Mr. Kamps stated that they have not proposed eliminating the review of the application by the MAG Water Quality Advisory Committee, the MAG Management Committee, and the MAG Regional Council. He asked if MAG has three public meetings on each 208 amendment, why is the local process needed? Why cannot a private entity submit an application to MAG and allow the three committees to address local concerns? Chair Lane thanked Mr. Kamps for his comments.

Chair Lane recognized public comment from Mr. Ray Jones, Executive Director of the Water Utilities Association of Arizona. He stated that it is the largest association of investor-owned water and wastewater utilities in the state of Arizona. Mr. Jones clarified that the statement was made that he functioned as a consultant to the Homebuilders Association, but this is incorrect and the Water Utilities Association is in no way affiliated with the Homebuilders Association. Mr. Jones expressed his appreciation to MAG staff for their efforts on the streamlining process. He recognized that the streamlining process was a thoughtful and productive process and includes significant improvements and addresses many concerns. Mr. Jones stated that his organization supports the streamlining proposal, but is concerned that it does not go far enough. He said that the streamlining proposal still goes beyond what is required by the Clean Water Act and infringes upon the authority granted to the Arizona Corporation Commission in regard to where private utilities can provide service in Arizona. Mr. Jones stated that the Water Utilities Association of Arizona supports further reform of the process and encourages MAG to more fully consider the reforms put forth by ADEQ in the stakeholder process and move toward a process more consistent with the ADEQ recommendations. Chair Lane thanked Mr. Jones.

Chair Lane asked if members had questions.

Mayor John Lewis stated that he heard Mr. Kamps and Mr. Jones express support for the MAG streamlining, but also felt that the streamlining had not gone far enough. Mayor Lewis asked what they anticipated to be their next step. Mr. Kamps stated that the improvements before the Regional Council are significant but they do want more. He commented that the required 60-day local process is open-ended and too broad because an application can be stopped if insufficient information is submitted. Also, private parties cannot submit an application without a local government sponsor. Mr. Kamps indicated he did not know the next step. He indicated he did not know of any pending 208 amendments that

would be submitted under the new process. Mr. Kamps stated that time is money and the jurisdictions in this region are in competition with Florida, Texas, and Colorado. He said that his corporate builders will invest where they can get the quickest return and what we do not want to happen is to lose out to those states. Mr. Kamps stated that they cannot build in this community without sewer service and any burden on sewer expansion is an economic burden to them. He said they want to ensure the MAG process meets the criteria and requirements under the Clean Water Act in the shortest time possible. Mr. Kamps stated that they feel these two unresolved issues create unnecessary delay.

Chair Lane asked Mr. Kamps if the reduction of 18 to 24 months to potentially nine months was realistic. Mr. Kamps replied it was difficult to know. He indicated he thought it was realistic and could be done, but with any regulatory process, there is normally a period of adjustment. Mr. Kamps stated that there are periods in the local process where the applicant can be denied and there is not criteria for which the clock could be stopped. He said it leaves the process quite open-ended, which is one of their concerns. Mr. Kamps stated that the change to nine months is a massive improvement, but ensuring nine months is important.

Chair Lane asked if the relevant information to be requested would be too subjective or would it have the effect of reducing the workload, and therefore, the time. Mr. Kamps replied that the checklists and the fact sheets go a long way to informing a private party what is needed for a 208 amendment. He noted that there were other unrelated issues discussed at the stakeholder meetings, such as birds flying around Luke Air Force Base. Mr. Kamps stated that this is a concern, but is not a requirement for review under the Clean Water Act for an application. That is why they have said that those discussions could happen at the MAG committees.

Mr. Ray Jones responded to the question of next steps. He stated that his association's member companies have a history of working closely with MAG member agencies and they are committed to continuing the cooperative process with the member agencies and MAG. Mr. Jones indicated they are appreciative of the streamlining that has occurred. He said that the fundamental concern with the streamlining process is that his member companies were not granted the ability to submit 208 amendments under their own initiative. Mr. Jones stated that this is something that is allowed in other designated planning areas of the state. He said they feel the potential blockade to file an amendment is an expansion of MAG's authority into that granted to the Arizona Corporation Commission, for example, areas where private utilities are allowed to serve. Mr. Jones stated that many of the member agencies have planning areas that go beyond city limits. His organization believes that in the unincorporated parts of the County, the Arizona Corporation Commission decides who provides sewer service. Mr. Jones stated that the current 208 amendment process could prevent an application from being filed to serve an area outside a MAG member agency and this is their primary concern. He said they have no immediate plans to take any action. Mr. Jones stated that their goal is to work with the MAG member agencies with the streamlined process, with the caveat that they encourage additional reform, and if another reform effort is launched, they would look at it and see if it is something they could support.

Mr. Dennis Smith expressed his appreciation to the private sector representatives who participated in the streamlining process. He said it was a model of cooperation. Mr. Smith stated that a goal for this

region is to be globally competitive and they would like to assist the private sector. Mr. Smith discussed the importance of wastewater treatment and local sponsorship to development in a city. He noted that when the complaints occur, they go up the city to the elected officials. Mr. Smith stated that in Arizona, Maricopa County is where the 208 amendments are occurring, and the other places mentioned have no plants being built. He called forward Ms. Lindy Bauer, MAG staff.

Ms. Bauer stated that the stakeholders carefully reviewed the issue of sponsorship. They looked at ADEQ options, and SEAGO and Yuma plans, which are relatively new and have not been used as there are no new wastewater treatment plants being built there. Ms. Bauer stated that there is a table in the plan that notes options for wastewater treatment plants. If your option is included in the table, you can proceed without an amendment to the 208 Plan. She noted that this was the streamlining option put forward by ADEQ in September 2014. Ms. Bauer stated that the citizens reside in the cities, towns, and Maricopa County and look to their elected bodies to address issues such as wastewater treatment. Ms. Bauer stated that wastewater treatment plants are built in local jurisdictions to provide wastewater service to the residents and are important aspects of developments, which are considered at the local level. She said that towns, cities and the county closely look at their wastewater master plans, general plans and water plans, which are woven together. Ms. Bauer stated that towns, cities and the county are trying to get all of these to work together and that is why sponsorship was so important to the MAG member agencies on the Stakeholder Group.

Mr. Smith stated that he thought the evaluation mechanism is very important and adjustments could be made after the year evaluation if needed. He said that we are doing this, not only to be accountable to the citizens, but also to be competitive.

Chair Lane expressed he would agree in the sense that when the conversation with ADEQ was first initiated and their objectives for changing the process were discussed, local sponsorship was a major component. He stated that he joins in all of the compliments that have been expressed to those who participated in the streamlining process. Chair Lane stated that this has been a step forward to address those issues that were presented on ADEQ's effort to streamline the process and shorten the timeframe. He said that he thought the stakeholder process was a valid and honest effort. Chair Lane asked if the objections voiced by Mr. Kamps and Mr. Jones were consistent with the points of disagreement with ADEQ.

Ms. Hoffman replied that ADEQ was concerned that the process was too lengthy and they wanted MAG to use the 208 approach used in the SEAGO and Yuma regions. She added that ADEQ was hoping to have a process that was statewide utilizing an options table, which could eliminate the need for 208 amendments. Ms. Hoffman stated that ADEQ also commented on the reviews of 208 amendments by three MAG committees (Water Quality Advisory Committee, Management Committee, and Regional Council) and thought that reviews on 208 amendments by the Water Quality Advisory Committee and Regional Council (eliminating the Management Committee) would suffice. Ms. Hoffman remarked that there was not agreement on this at the Stakeholder Group.

Chair Lane stated that it appeared there was give and take on some of those elements. Ms. Hoffman replied that was correct. In terms of the timeline, while the sponsorship element stayed intact, deadlines were proposed at the front end so there is more certainty for the private sector.

Chair Lane stated that everyone is aligned for looking out for advancement of economic development and this is a component. He noted there will always be give and take. Chair Lane noted the importance of an evaluation period and added that it was positive that the time to process a 208 amendment had been reduced more than 50 percent. Chair Lane expressed he thought this was a beneficial effort and during the evaluation period another look could be taken on the points of disagreement. He asked who developed the local sponsorship component of 208 amendments since it is not included in the Clean Water Act nor state statute.

Mr. Dennis Smith stated that approximately one to two years before he joined MAG, a subcommittee of the MAG Management Committee developed the local sponsorship component. He added that the city managers understood the importance of wastewater to their development process.

Ms. Bauer replied that was correct and it was a part of the first MAG 208 Plan developed in 1979. Chair Lane asked for clarification that it is more of a MAG policy issue than federal law or state statute. Ms. Bauer replied that was correct, however, under the Clean Water Act, there is a reason MAG was designated because they were looking for agencies composed of local elected officials to develop wastewater treatment plans and the 208 Plan. In addition, under Section 208 of the Clean Water Act, part of the Plan is required to address social, environmental, and economic impacts. Chair Lane noted that the local sponsorship element is something MAG invoked as part of its mission.

Mayor Gail Barney stated that Mr. John Kross, Queen Creek's Town Manager, participated on the Stakeholder Group. He noted that in the streamlining process, it was very important for the cities to be included in the process. Mayor Barney stated that the Group spent considerable time on their discussions and he felt they had made substantial improvement.

Mayor Barney moved approval of the Proposal for Streamlining the 208 Water Quality Management Plan Process. He added that MAG could see how it functions during the evaluation period and could make changes if needed.

Upon seconding the motion, Mayor Cathy Carlat expressed her appreciation and said MAG was absolutely successful in streamlining the process, saving more than half of the time. She added that the Stakeholders Group did a great job to do what ADEQ requested. With the sponsorship issue, she felt it was important that the Group took into consideration the fact that cities, towns and county answer to their constituents. Mayor Carlat noted that city councils need to say to their constituents that there are systems in place and everyone looks to voter approved general plans. She remarked that it was significant and positive that the Stakeholder Group was able to accomplish all they did. Mayor Carlat stated that she was very appreciative of the work of the Stakeholders Group, who were able to strip out the excess and keep the essential elements.

Mayor Linda Kavanagh asked for clarification of the motion. She questioned whether the motion needed to be more specific in regard to how the evaluation is going to work, such as who will do the evaluation, the timeline, etc., because it seemed vague.

Mayor Barney indicated that he would withdraw that language about the one-year review. He added that he meant it as a comment after the motion.

Mayor Kavanagh indicated that she liked that part of the motion; she thought that some guidelines were needed, such as how long this would be enacted – would it be one year before it is evaluated or a continuous evaluation.

Chair Lane noted that he did not know about a sunset, but the process includes a one-year review by MAG and probably all the attending agencies. He indicated that he thought this was a good example of agencies collaborating to incorporate an agreeable path. Chair Lane stated that there is a timeline for review, but it is incumbent upon us to incorporate the improvements being suggested.

Chair Lane asked Mayor Kavanagh if she would like the one-year evaluation agendaized.

Mayor Kavanagh stated that she wanted to ensure that the comments made will be taken in consideration during the review period. She added that she had no issue with the evaluation after one year because it takes a year to see how a process works.

Mayor Georgia Lord expressed her appreciation for the work by the Stakeholders Group and staff. She noted that the West Valley has the most land to develop. Mayor Lord stated that a city's general plans and master plans are voted on by city councils and by the people. If something is found that needs to be changed, it is the city's responsibility to change it, but she did not agree with changing what has been voted on by the people. Mayor Lord stated that the 208 amendment process should remain as the Stakeholder Group recommended. She noted that when issues arise, they are brought to MAG where they are discussed. Mayor Lord remarked that her voters have not been asked if they want a timeline of one year on their general plans or master plans. She stated that the only way she envisioned a change is if the cities changed the way they do general plans and master plans. Mayor Lord indicated that she wanted to vote on the item as it is.

Mayor John Cook remarked that anything that affects economic development will come back to MAG, anyway. He suggested trying it and seeing where it goes, and if it results in any problems, it will come back before the Regional Council.

Mayor Christian Price stated that the City of Maricopa would abstain from the vote because their city is in Pinal County and participates in the Central Arizona Governments 208 water quality management planning process.

Mayor Sharon Wolcott asked if there was a 208 amendment currently in process that could serve as a test. Ms. Hoffman replied that there are not any MAG 208 amendments currently, but a 208 amendment for a new surface water discharge in the West Valley is anticipated in the next couple of weeks.

Mayor Jackie Meck expressed Buckeye's support for Mayor Lord's comments.

Mayor Lana Mook expressed El Mirage's support for Mayor Lord's comments.

Mayor Kenneth Weise expressed Avondale's support for Goodyear and Mayor Lord's comments.

Chair Lane asked for clarification if a change to the motion on the table was being suggested because he thought Mayor Lord supported the motion. Mayor Lord indicated her support for the regional part of the motion.

Mayor Kavanagh asked for clarification that the one-year review of the proposed 208 amendment process was incorporated into the process. Chair Lane replied that the one-year review was incorporated and it was up to MAG as a body to consider any additions or deletions that might be needed. He noted that he thought the motion on the table was consistent with the wishes expressed by Mayor Kavanagh and by the West Valley Mayors.

Mayor Tom Schoaf asked for clarification of Mayor Lord's position on the motion before the body and the one-year review.

Mayor Lord stated that there could be things that arise that will need review. Mayor Lord stated that if the same appeal came up one year from now, her answer would be the same – no – on what the two gentlemen were asking. She stated that cities work on master plans and general plans and that is not going to be changed. Mayor Lord stated that she would always come to the table and collaborate.

Mr. Dennis Smith clarified that the recommendation came from the Stakeholder Group through the Management Committee to the Regional Council. He explained that the proposal includes an evaluation mechanism in one year, when it would be brought back to the Regional Council, which would review any fix that might be needed.

With no further discussion, the vote on the motion passed, with Mayor Christian Price, Mayor Tom Rankin, and Vice Mayor Robin Barker abstaining.

7. Project Changes - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, FY 2016 Arterial Life Cycle Program, and as Needed, to the 2035 Regional Transportation Plan

Ms. Teri Kennedy, MAG staff, reported on project changes. She indicated that general project changes were included in the agenda packet. Ms. Kennedy noted that the requested action has changed since the Management Committee meeting because the Federal Register notice that provides final amounts for Federal Highway Administration and Federal Transit Administration funding has not yet been published.

Ms. Kennedy stated that flexibility is needed because action by MAG committees needs to be taken before the next meeting cycle. She noted that the end of the federal fiscal year is September 30, 2015, and modifications to pre-prioritized projects might be needed to ensure that all Federal Highway Administration obligation authority and Federal Transit Administration apportionments are utilized for federal fiscal year 2015. Ms. Kennedy noted that staff will report back in October on any project changes that might be submitted between now and the end of the federal fiscal year.

Chair Lane thanked Ms. Kennedy for her report. He asked for clarification if the motion on the agenda had been revised. Ms. Kennedy replied that the requested action on the Regional Council agenda remained the same, but was different from the action taken by the Management Committee.

With no further questions, Supervisor Denny Barney moved approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, FY 2016 Arterial Life Cycle Program, and as appropriate, to the 2035 Regional Transportation Plan, and necessary project advancement modifications, detailed TIP listings for previously approved priority ordered projects related to apportioned federal fiscal year 2015 funding, based on the forthcoming final apportionment and obligation authority distributions from Federal Highway Administration and funding notices from Federal Transit Administration. Mayor Michael LeVault seconded, and the motion passed unanimously.

8. Appointments of the MAG Economic Development Committee Member Agency Positions

Denise McClafferty, MAG staff, reported that in October 2010, the MAG Regional Council formed the Economic Development Committee (EDC) to focus on diversifying the economy to become a more globally competitive region. Since its inception, the EDC continues to evolve and its composition is adjusted accordingly. Ms. McClafferty noted that the Regional Council is being requested to approve the appointments and/or reappointments of the member agency positions.

Ms. McClafferty stated that on May 27, 2015, the MAG Regional Council approved increasing the composition of the EDC to include 20 MAG member agency positions that have one-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. She noted that the seven largest cities, the City of Phoenix, Maricopa and Pinal counties, and the Arizona Department of Transportation have dedicated representation on the EDC. Ms. McClafferty explained that in addition to the dedicated seats, eight other member agencies can request appointment or reappointment. She advised that the EDC composition includes the chairs and vice chairs of the Regional Council and Transportation Policy Committee (TPC). Appointments of the EDC member agency positions occur each year in August following the Regional Council annual meeting in June.

Ms. McClafferty stated that on July 1, 2015, a memorandum was sent to the MAG Regional Council members soliciting letters of interest for the member agency positions on the EDC. She advised that letters of interest were received for all positions except the TPC Vice Chair. On August 10, 2015, the Executive Committee recommended approving the appointments of the EDC member agency positions, including Councilmember Michael Farrar for the East Valley seat and Councilmember Lorenzo Sierra for the West Valley seat, with the TPC Vice Chair position held by the Mayor of the City of Mesa to be considered vacant immediately, allowing the City of Mesa, as one of the seven largest cities, to appoint a representative to the EDC. Ms. McClafferty stated that on August 11, 2015, a letter of interest was received from Councilmember David Luna from the City of Mesa to serve on the EDC.

Chair Lane thanked Ms. McClafferty for her report. No questions from the Council were noted.

Councilmember Jack Sellers moved approval of the appointments of the MAG Economic Development Committee (EDC) member agency positions. Mayor Cathy Carlat seconded, and the motion passed unanimously.

9. Appointments of the MAG Economic Development Committee New Business Representatives

Ms. McClafferty stated that on May 27, 2015, the MAG Regional Council approved increasing the composition of the EDC to include a representative from the Governor's Office, the Joint Technical Education Districts (JTEDs) and Maricopa County Community Colleges. On June 15, 2015, letters were sent to these organizations soliciting representation on the EDC. Ms. McClafferty reported that on August 10, 2015, the Executive Committee recommended approval of the appointments of two MAG Economic Development Committee new business representatives, Superintendent Greg Donovan, Joint Technical Education Districts, and Dr. Randy Kimmens, Maricopa Community Colleges. Ms. McClafferty stated that the Governor's Office seat is vacant and when a name is submitted, it will be brought to the Regional Council.

Chair Lane thanked Ms. McClafferty for her report. No questions from the Council were noted.

Mayor Michael LeVault moved approval of the appointments of two MAG Economic Development Committee new business representatives. Vice Mayor Robin Barker seconded, and the motion passed unanimously.

10. Legislative Update

Nathan Pryor, MAG staff, provided a report on legislative items of interest. Mr. Pryor first reported on Arizona House Bill (HB) 2617, which was passed in the late hours of the legislative session. Mr. Pryor noted that HB 2617 would transfer annually almost \$3 million in sales tax funds (approximately \$2.5 million from MAG and approximately \$500,000 from the Pima Association of Governments) to fund the Arizona Department of Revenue operations.

Mr. Pryor stated that a working group, including Supervisor Denny Barney, Mayor W.J. "Jim" Lane, Mayor Michael LeVault, and Mayor Mark Mitchell met with the Governor's Office staff, including Rene Guillen, on May 27, 2015. He noted that the working group discussed with the Governor's Office possible accommodations to the provisions of HB 2617, such as limiting the timeframe to two years.

Mr. Pryor stated that on June 24, 2015, HB 2617 was discussed at the MAG Regional Council meeting. He stated that a number of Regional Council members expressed concerns with transferring regional funding to the state as contrary to what the voters understood as to how Proposition 400 funds are to be spent. Mr. Pryor stated that the working group was encouraged to have more discussion with the Governor's Office.

Mr. Pryor stated that on August 3, 2015, the MAG office received an invoice for a little more than \$2.5 million. That same day, the working group, along with Mayor Rothschild from Tucson, met with the Governor's Office staff, MAG staff and PAG staff. Mr. Pryor stated that they discussed fees to fund the Arizona Department of Revenue are in perpetuity or short term; whether this a long term policy shift (and if so, what are funding/cost ramifications); and whether this is a double payment by cities and counties. Mr. Pryor stated that the Governor's staff has acknowledged the issue and MAG staff understands that the issue may be addressed in some manner but the details are still pending.

Chair Lane noted that there was a significant effort at the League of Arizona Cities and Towns to eliminate the Arizona Department of Revenue allocation by MAG and PAG. He noted that a significant amount is needed to fund highway projects throughout the state and this is compounded by changes in funding, such as the Highway User Revenue Fund (HURF). Chair Lane stated that they are trying to get the HURF numbers now. The stakeholders plan to reassemble in September and work together for the betterment of highways and economic development. He stated that they took us seriously and are moving forward to address the Proposition 400 allocation issue. Chair Lane expressed that he thought this was positive. He added that they want to move forward with a plan that is agreeable to everyone. Chair Lane stated that he thought everyone had done a phenomenal job on this and that we are headed in the right direction.

Supervisor Denny Barney stated that the allocation issue has been hotly contested. He stated that Chair Lane has led the effort and he thought the end result will be positive. Supervisor Barney stated that this was never an attack on MAG and PAG and he was optimistic over the outcome. He expressed appreciation for Chair Lane's leadership.

Chair Lane noted that our approach has been well received and it appears we are on a cooperative path to address the allocation issue with them.

Mr. Pryor continued his report. He stated that MAP-21 expired May 31, 2015. He said it has been extended twice, the most recent extension is through the end of October. Mr. Pryor stated that the U.S. Senate has passed the DRIVE Act (Developing a Reliable, Innovative Vision for the Economy) and there are concerns for the erosion of funding. He displayed a graph of the Highway Trust Fund and he explained that revenue is not keeping up with expenditures. Mr. Pryor stated that the Highway Trust Fund has received general fund transfers for the past few years.

Mr. Pryor reported that the DRIVE Act is a six-year bill with only three years of funding sources identified. He noted that the DRIVE Act would result in a decline in funding to the MAG region, for example, a loss of \$3 million (5.8 percent) of Surface Transportation Program (STP) funding. Mr. Pryor stated that U.S. Senators Wicker and Booker proposed an amendment that would increase STP funds to the MAG region by \$9.6 million per year over MAP-21 levels. Mr. Pryor stated that work continues with national associations toward ensuring that STP funding allocations for urban areas meet or exceed MAP-21 levels, as noted in the Wicker/Booker amendment. Mr. Pryor stated that Representatives Davis and Titus plan to offer an amendment similar to the Wicker/Booker amendment in the House Transportation and Infrastructure Committee.

Mr. Pryor stated that under MAP-21, MAG's federal fiscal year 2014 STP allocation was a little more than \$51.5 million. Under the DRIVE Act, the MPO share actually increases, but the DRIVE Act takes 15 percent off the top of STP funding to go toward bridges. He noted that Arizona's MPOs would lose nearly \$6 million in STP funding for federal fiscal year 2016, with MAG's allocation dropping to \$48.5 million. Mr. Pryor explained that under the Wicker/Booker amendment, Arizona's MPOs would gain more than \$12 million in federal fiscal year 2016, with MAG's allocation being about \$61 million. Mr. Pryor stated that the Wicker/Booker amendment might be over-reaching and perhaps the best approach is to be held harmless.

Mr. Pryor stated that the DRIVE Act proposes to continue using 2009 methods, including the use of 2000 census data, to allocate funding through federal fiscal year 2022. He stated that they are requesting adjusting funding formula allocations for states and local areas to better reflect current conditions, especially as they relate to population, lane miles, and vehicle miles traveled. Mr. Pryor explained that components of formula funding allocations established in the mid 2000s remain. He stated that SAFETEA-LU was enacted in 2005 and continued until MAP-21 in 2012. During this time, the 2010 Census was conducted, and not utilizing those population numbers is a disadvantage for fast-growing states, like Arizona, which increased its population by approximately 20 percent since 2000. He said that the increase in Arizona's principal arterial lane miles of 7.8 percent is above the national average of 2.6 percent. Mr. Pryor stated that this type of old information will be used in funding calculations, such as Congestion Mitigation and Air Quality Improvement funds, Planning funds, and National Highway System funds.

Mr. Pryor stated that Congress has not taken up the calculation methodology since 2005 and the methodology pits the fast-growing states against slow- or no-growth states. He noted that using outdated information through 2022 does not capture the current landscape.

Chair Lane thanked Mr. Pryor for his report and asked members if they had questions.

Mayor John Giles stated that this needs to be a priority and should be included in talking points to our Congressional Delegation to ensure awareness of the impacts of decreasing STP funds.

13. EPA Notice Proposing to Reclassify the Maricopa Eight-Hour Ozone Nonattainment Area From Marginal to Moderate for the 2008 Ozone Standard

This addendum to the agenda was taken out of order.

Lindy Bauer, MAG staff, reported that on August 19, 2015, the Environmental Protection Agency (EPA) issued a notice proposing to take action that MAG, currently classified as Marginal for the 2008 ozone standard, be reclassified to Moderate. Ms. Bauer explained that EPA indicated that the Maricopa Eight-Hour Ozone Nonattainment Area did not attain the standard by the July 20, 2015, attainment date, did not qualify for a one-year extension of the attainment date, and would be reclassified from Marginal to Moderate. Ms. Bauer stated that 2015 is actually the prior year ozone season and EPA looked at data from 2012 to 2014 and found that there were four violating monitors. She noted that additional requirements will be needed and a new plan will be due by January 1, 2017.

Ms. Bauer stated that sources of volatile organic compounds include biogenic items, manufacturing and power generating facilities, dry cleaning establishments, gas stations, non-road equipment, cars and trucks. She said that MAG is working diligently to promote economic development. Ms. Bauer stated that MAG will first apply the benefits of the federal control measures and then they will determine if additional measures are needed. Ms. Bauer noted that EPA will accept comments on the proposal for 30 days after publication in the Federal Register.

Chair Lane thanked Ms. Bauer for her report and asked members if they had questions.

Mayor Sharon Wolcott asked the locations of the four violating monitors. Ms. Bauer replied that the four violating monitors were located in north Phoenix, west Phoenix, the Phoenix Supersite and Pinnacle Peak. She noted that during the summer months, the air direction is from the southwest to the east Valley. Ms. Bauer stated that ozone can result from emissions of volatile organic compounds and nitrogen oxides cooking in the sun.

Mayor Wolcott asked the correlation between traffic congestion and pollution sources. Ms. Bauer replied that automobiles and trucks are major contributors to ozone even though the tailpipe standards have tightened up.

Chair Lane asked for clarification that the standards had also changed. Ms. Bauer replied that EPA, over time, tightens up the ozone standards to be more stringent. She explained that this region met the one hour ozone standard of .080 parts per million established by EPA in 1997. This standard is the 2008 standard of .075 parts per million. She noted that the region has met the .080 standard, but has not met the .075 standard. Ms. Bauer added that the EPA is poised to perhaps again tighten the ozone standard in October, and it is a difficult pollutant to address with the continual tightening up.

Mayor Linda Kavanagh asked if there was any update to the lawsuit filed by the attorney's group against the EPA regarding the haboob. Ms. Bauer replied that MAG submitted the intervener brief on December 31, 2014. She noted that MAG's special Washington, D.C. counsel has not heard anything from the court, but they think it will come up in 2016 whether it will be an intervener brief or an amicus brief.

11. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

No requests were noted.

12. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

Adjournment

There being no further business, the meeting adjourned at 1:30 p.m.

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Chair

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Secretary