

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
WATER QUALITY ADVISORY COMMITTEE MEETING

Thursday, December 13, 2012
MAG Office Building
Phoenix, Arizona

MEMBERS ATTENDING

Kathryn Sorensen, Mesa, Chair	David McNeil, Tempe
# Randy Gottler, Phoenix, Vice Chair	Kevin Chadwick, Maricopa County
Barbara Chappell, Avondale	* John Boyer, Pinnacle West Capital
* Arnold Coronado, Buckeye	* Jim Kudlinski, Salt River Project
Anupa Jain, Chandler	* Summer Waters, University of Arizona Cooperative Extension
# Dave Emon, El Mirage	Sherrie Logg for Michael Byrd, Salt River Pima-Maricopa Indian Community
Mark Horn, Gilbert	# Carole Coe Klopatek, Fort McDowell Yavapai Nation
Michael Weber, Glendale	Glenn Stark, Gila River Indian Community
Jerry Postema, Goodyear	
Robin Bain for Brian Biesemeyer, Peoria	
Greg Homol, Queen Creek	
* Rich Williams Sr., Surprise	
Suzanne Grendahl, Scottsdale	

*Those members neither present nor represented by proxy.

#Attended by telephone conference call.

OTHERS PRESENT

Julie Hoffman, Maricopa Association of Governments	Steve Carlson, Liberty Utilities
Lindy Bauer, Maricopa Association of Governments	Rob Bryant, Water Works Engineers
Kara Johnson, Maricopa Association of Governments	Matt Tsark, Strand Associates, Inc.
Brian Hamrick, Liberty Utilities	Javier Setovich, Peoria
Gerald Copeland, Gerald R. Copeland, P.E., R.L.S.	Edwina Vogan, Arizona Department of Environmental Quality
	Ed DePinto, Everest Holdings

1. Call to Order

A meeting of the MAG Water Quality Advisory Committee (WQAC) was conducted on Thursday, December 13, 2012. Kathryn Sorensen, City of Mesa, Chair, called the meeting to order at approximately 3:05 p.m. Dave Emon, City of El Mirage; Randy Gottler, City of Phoenix; and Carole Coe Klopatek, Fort McDowell Yavapai Nation, attended the meeting via telephone conference call.

2. Call to the Audience

Chair Sorensen provided an opportunity for members of the public to address the Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG or items on the agenda for discussion, but not for action. She noted that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to

exceed a three minute time period for their comments. Chair Sorensen noted that no public comment cards had been received.

3. Approval of the October 16, 2012 Meeting Minutes

The Committee reviewed the minutes from the October 16, 2012 meeting. Michael Weber, City of Glendale, moved and Carole Coe Klopatek, Fort McDowell Yavapai Nation, seconded, and the motion to approve the October 16, 2012 meeting minutes carried unanimously.

4. Public Hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the Litchfield Park Service Company Doing Business As Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities

Chair Sorensen opened the Public Hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the Litchfield Park Service Company (LPSCo) doing business as (dba) Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities. She indicated that the hearing would begin with a briefing on the amendment. Chair Sorensen added that a Court Reporter was present to provide an official record of the hearing.

Rob Bryant, Water Works Engineers, briefed the Committee on the Draft MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the LPSCo dba Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities. He indicated that both the amendment and the presentation for the public hearing reflect comments made by the Committee at the October 16, 2012 meeting.

Mr. Bryant provided an overview of the amendment. He stated that this amendment entails a service area expansion for the LPSCo dba Liberty Utilities. Mr. Bryant noted that this amendment does not include a treatment plant expansion. The amendment is sponsored by the City of Glendale and the proposed service area expansion is at the northern end of the current LPSCo service area. Mr. Bryant indicated that, based on recent sewer modeling, there is sufficient capacity in both the existing collection system and treatment facility. He stated that Liberty Utilities has responded to comments received from the City of Goodyear on the Hydraulic Modeling Analysis at the last meeting. The response was also provided to the Committee at each place. Mr. Bryant mentioned that the expansion has been conditionally approved by the Arizona Corporation Commission (ACC) pending the approval of the 208 amendment. Mr. Bryant mentioned that the amendment includes an increase of 0.099 million gallons per day (MGD) to the existing annual daily flow.

Mr. Bryant presented the vicinity map for the amendment. He indicated that the map reflects comments from the Committee. Mr. Bryant stated that the El Mirage Wastewater Treatment Plant location was corrected on the map. He noted that an unsewered island will be created by the service area expansion. Mr. Bryant mentioned that through discussions with Maricopa County and the City of Glendale it has been conditionally stated that sewer service for the unsewered locations will be determined when sewer service is requested. The unsewered island is not included in the amendment.

Mr. Bryant stated that letters of no objection have been provided by jurisdictions within a three mile radius of the proposed service area expansion. Letters were received from: City of Avondale; City of El Mirage; City of Goodyear; City of Litchfield Park; Luke Air Force Base; Maricopa County Environmental Services Department; City of Peoria; City of Phoenix; and the Town of Youngtown.

Mr. Bryant reviewed the flow projections. He stated that the service area expansion flows are 0.099 MGD.

Mr. Bryant discussed infrastructure capacity. He stated that hydraulic modeling conducted on the sanitary sewer collection system confirmed that the d/D of 0.75 is not exceeded under peak flow conditions. He commented that the Palm Valley Water Reclamation Facility is currently under construction for an expansion to 5.1 MGD, which is not driven by this amendment. The Aquifer Protection Permit (APP) was signed on April 13, 2012.

Mr. Bryant explained that some areas in the service area expansion have existing infrastructure in place; however, some development is pending. Mr. Bryant stated that the infrastructure in those areas will be constructed by developers in the future. These plans will be reviewed and approved by LPSCo. Constructed infrastructure will then be owned and operated by LPSCo.

Chair Sorensen provided an opportunity for the Committee to discuss or ask questions while the public hearing was open. She also stated that members of the public wishing to speak should fill out a public hearing comment card and submit it to MAG staff. Hearing none, Chair Sorensen closed the public hearing and requested that the Court Reporter end the transcription.

5. Draft MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the Litchfield Park Service Company Doing Business As Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities

Chair Sorensen indicated that the Committee is requested to recommend approval of the Draft MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the Litchfield Park Service Company doing business as Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities. Robin Bain, City of Peoria, moved and Mr. Weber, seconded, and the motion to recommend approval of the MAG 208 Water Quality Management Plan Amendment for the Service Area Expansion of the Litchfield Park Service Company doing business as Liberty Utilities Palm Valley and Sarival Water Reclamation Facilities carried unanimously.

6. Processes for Making Modifications to the MAG 208 Water Quality Management Plan

Julie Hoffman, Maricopa Association of Governments, provided an overview on the processes for making modifications to the MAG 208 Water Quality Management Plan. The current MAG 208 Plan was approved by the MAG Regional Council in 2002. Ms. Hoffman stated that Chapter Four of the Plan describes how modifications can be made. She indicated that the MAG 208 Water Quality Management Plan includes three processes for making modifications: the 208 Plan Amendment Process; the Small Plant Review and Approval Process; and the Periodic Revision to the MAG 208 Plan. During periodic revisions, jurisdictions are asked to review their sections and provide any updates to their wastewater treatment configuration for the twenty year planning period.

Ms. Hoffman discussed the current update to the MAG 208 Plan. She noted that some jurisdictions have requested the removal of plants from the 208 Plan. Ms. Hoffman clarified that the 208 Plan revision process is an opportunity for jurisdictions to update their wastewater treatment plan, which in some instances may include removing plants that they no longer plan to build.

Chair Sorensen reminded the Committee that the current MAG 208 Water Quality Management Plan revision is on hold until the new MAG population projections become available. She inquired if the Committee had any questions or comments.

Dr. Klopatek referred to discussions that occurred during the Preserve at Goldfield Ranch Water Reclamation Facility Small Plant Review and Approval Process. She commented on questions raised by the Fort McDowell Yavapai Nation and Salt River Pima-Maricopa Indian Community. Dr. Klopatek inquired about the roles and responsibilities of MAG and other agencies, like Maricopa County, regarding the 208 process. She asked for clarification on the function, boundaries, and purview of the Committee.

Chair Sorensen referred to discussions on the Preserve at Goldfield Ranch Water Reclamation Facility and mentioned that questions were raised on whether the Committee could oppose the facility for reasons other than technical grounds. Chair Sorensen commented on using the 208 process to prevent the development from moving forward. Dr. Klopatek clarified that opposition to the Goldfield Ranch was not directed toward development, rather water quality, quantity, and effluent. Chair Sorensen thanked Dr. Klopatek for the clarification.

Chair Sorensen asked Dr. Klopatek if she would like to see the Committee explore the delineation of what is within its purview. Dr. Klopatek responded yes. She added that she would like clarification on the purview, as well as the responsibilities of the Committee and Maricopa County. Dr. Klopatek stated that defining the roles and functions regarding the 208 process would be helpful.

David McNeil, City of Tempe, noted that he was present for the mentioned proceedings. He stated that one point of contention related to impacts that should have been reviewed and evaluated under the Aquifer Protection Permit Process. Mr. McNeil commented that some viewed the evaluation of impacts and ensuring protection of the aquifer and surrounding surface water was under the purview of the Arizona Department of Environmental Quality (ADEQ) permitting process and not up to the Committee to further evaluate it.

Dr. Klopatek referred to contention at different Committee levels in terms of what MAG should or should not evaluate. She stated that it would be good to have an agreement on what questions can be asked during the 208 process and what cannot be asked. Chair Sorensen replied that establishing the purview of the Committee with regard to the 208 process is smart to avoid future uncertainties. Mr. McNeil responded with agreement.

Dr. Klopatek inquired about having the authors of the original MAG 208 Water Quality Management Plan share their perspective. Chair Sorensen asked Ms. Hoffman if MAG can provide a detailed history of the origin of 208 in the Clean Water Act and the duties of the Committee. Dr. Klopatek mentioned gaining perspective from some of the non-MAG authors of the MAG 208 Plans.

Chair Sorensen inquired about what aspects are embedded in the original MAG 208 Plan and which are in federal law. Dr. Klopatek replied both.

Ms. Hoffman stated that the MAG 208 Water Quality Management Plan is based on section 208 of the Clean Water Act. She indicated that the Small Plant Review and Approval Process that has been mentioned is a process developed for modifying the 208 Plan to add new small plants. Ms. Hoffman stated that the history of the MAG 208 Plan can be provided.

Chair Sorensen asked if legal representation could clarify the discretion of the Committee regarding the 208 process as outlined in the federal Clean Water Act. Ms. Hoffman stated that she can report back to the Committee on this matter. She indicated that there has been discussions in the past to clarify that MAG cannot oppose an amendment based on a transportation issue, for example.

Chair Sorensen asked if an overview of the MAG 208 history would be beneficial. Dr. Klopatek responded yes. She commented that because of the small plant, the originating authors could provide more clarification on this topic. She noted that there will probably be many more small plants in the future. Chair Sorensen asked that Ms. Hoffman see who can speak about the development of the original MAG 208 Plan and if there is legal advice that is available.

Ms. Hoffman asked for clarification that the information requested is from the perspective of adding new facilities to the MAG 208 Plan. Dr. Klopatek replied that if we are revamping and going forward, we should have clarification from the beginning. Chair Sorensen added that the clarification be more broad to determine on what grounds can the Committee render a decision and what is outside the purview of the Committee.

Mr. McNeil commented on section 208 of the Clean Water Act and its role in Committee activities. He mentioned consulting ADEQ and EPA Region IX to provide insight on the topic.

7. Call for Future Agenda Items

Chair Sorensen asked the Committee for suggestions on future agenda items. No comments were received.

8. Comments from the Committee

Chair Sorensen invited comments from Committee members.

Dr. Klopatek inquired if members of the Committee deal with telemetry issues with regard to water and water resources. She replied that she is interested in discussing data transference between locations and how other jurisdictions have addressed topography issues. Chair Sorensen mentioned Supervisory Control and Data Acquisition (SCADA) Systems. Dr. Klopatek asked if anyone can provide assistance on these types of systems, in particular radio communications. Chair Sorensen responded that Committee members can email contact information to MAG staff to be forwarded to Dr. Klopatek. Dr. Klopatek thanked the Committee.

With no further comments, Chair Sorensen thanked the Committee for participating and called for adjournment of the meeting at approximately 3:30 p.m.