

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

Friday, December 21, 2007  
MAG Office Building  
Phoenix, Arizona

MEMBERS ATTENDING

Roger Klingler, Scottsdale, Chair	# Stephen Bontrager, Peoria
Robin Stinnett for Marilyn DeRosa, Avondale	Robert Hollander, Phoenix
# Lucky Roberts, Buckeye	Rich Williams Sr., Surprise
# Jacqueline Strong, Chandler	David McNeil, Tempe
Dennis Teller, El Mirage	Kevin Chadwick, Maricopa County
Stephanie Prybyl for Lonnie Frost, Gilbert	* John Boyer, Pinnacle West Capital
Chris Ochs, Glendale	Jim Kudlinski for Ray Hedrick, Salt River
David Iwanski, Goodyear	Project
# Bill Haney, Mesa	Erin Taylor, U of A Cooperative Extension

\*Those members neither present nor represented by proxy.  
#Attended by telephone conference call.

OTHERS PRESENT

Carole Klopatek, Fort McDowell Yavapai Nation	Diane Enos, Salt River Pima-Maricopa Indian Community
Shannon Harper, Landry Creedon & Associates	Mario Saldamando, City of Goodyear
Preston Brown, City of Glendale	David Emon, City of El Mirage
Wendy Riddell, Berry & Damore	Lindy Bauer, Maricopa Association of Governments
Sheila Logan, CMX	Nathan Pryor, Maricopa Association of Governments
Kevin Kammerzell, CMX	Julie Hoffman, Maricopa Association of Governments
Darrell Wilson, CMX	Patrisia Navarro, Maricopa Association of Governments
Don Kile, Goldfield Preserve	
Garry Hays, Goldfield Preserve	
Lee Storey, Moyes Storey	
Ruben Guerrero, Salt River Pima-Maricopa Indian Community	

1. Call to Order

A meeting of the MAG Water Quality Advisory Committee was conducted on Friday, December 21, 2007. Roger Klingler, City of Scottsdale, Chair, called the meeting to order at approximately 8:38 a.m. Bill Haney, City of Mesa; Stephen Bontrager, City of Peoria; Jacqueline Strong, City of Chandler; and Lucky Roberts, Town of Buckeye, attended the meeting via telephone conference call. Chair Klingler noted that material for agenda item #4 was at each place.

2. Agenda Announcements

Chair Klingler provided an opportunity for member agencies to report on activities of interest in their agencies.

3. Call to the Audience

Chair Klingler 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. No members of the public indicated that they wished to address the Committee.

4. Draft Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility

Chair Klingler indicated that the Draft Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility (WRF) was continued at the October 22, 2007 Committee meeting for 60 days to allow the applicant to work cooperatively with the Fort McDowell Yavapai Nation to address the concerns raised by the Nation in its October 2, 2007 letter and to also work cooperatively with the Salt River Pima-Maricopa Indian Community (SRPMIC). In addition, the Committee requested additional detail on the Preserve at Goldfield Ranch Water Reclamation Facility.

Wendy Riddell, Berry and Damore, provided a briefing on the Draft Small Plan Review and Approval for the Preserve at Goldfield Ranch WRF. She stated that it is a small component of a plan that has been the culmination of two and one-half years of work for a development proposal for the Goldfield Ranch area. Ms. Riddell indicated that in 1995, there were approximately 2,200 acres entitled with the development master plan (DMP) which was intense with a tremendous amount of density. She discussed the 1995 DMP that included a water budget of 2,127 acre feet per year, a golf course, and commercial. Ms. Riddell mentioned that Ellman Companies, Goldfield Preserve Development, LLC., bought the property over two years ago and endeavored to work with the stakeholders in the area. She added that the Fort McDowell Yavapai Nation, Salt River Pima-Maricopa Indian Community, and other stakeholders in the area were invited to open house meetings. Ms. Riddell discussed the number of open houses, newsletters, emails, correspondence, and telephone calls that occurred. She mentioned that the Goldfield Preserve endeavored to amend the DMP through the input received from the stakeholders.

Ms. Riddell stated that the amendment to the DMP was approved by the Maricopa County Board of Supervisors two days ago, despite objection by the Fort McDowell Yavapai Nation and other stakeholders. She indicated that the amendment encompasses 1,000 dwelling units which is a 50 percent reduction in density. Ms. Riddell stated that the amendment eliminated all commercial, which was important to all of the stakeholders in the area, and the golf course, which was important to all of the stakeholders, particularly the Fort McDowell Yavapai Nation. She stated that the amendment reduced the water budget for the site from 2,127 to 732 acre feet per year and reduced traffic to 6,912 daily trips.

Ms. Riddell stated that the 208 document was submitted to the Maricopa County Environmental Services Department and reviewed and approved for its technical sufficiency. She indicated that Maricopa County is the sponsor for the application. Ms. Riddell stated that the Preserve at Goldfield Ranch WRF was heard 60 days ago, and 60 days were provided by the Committee to continue discussions with the Salt River Pima-Maricopa Indian Community and Fort McDowell Yavapai Nation. She mentioned that MAG staff had indicated prior to the October 22, 2007 Committee meeting that the Goldfield Preserve had not provided the 208 document to the SRPMIC. She indicated that the Goldfield Preserve regrets that the SRPMIC was only given 10 days to review the application prior to the October 22, 2007 Committee meeting. Ms. Riddell stated that when the Committee provided the 60 day continuation, the Goldfield Preserve took the charge serious to try and meet with the Salt River Pima-Maricopa Indian Community and Fort McDowell Yavapai Nation. She added that daily calls were made to the SRPMIC and a meeting was held with the Fort McDowell Yavapai Nation Tribal Council.

Ms. Riddell stated that the Committee had requested additional technical details at the October 22, 2007 meeting. She presented the land use plan approved by the Maricopa County Board of Supervisors and the location of the facility. Ms. Riddell also discussed how the Goldfield Preserve determined the capacity for the facility. She stated that one of the questions that arose in the previous meeting was the proximity to the Verde River. Ms. Riddell presented the proximity of the water reclamation facilities in the area to waterways. She noted that the distance from the Verde River to the Goldfield Preserve facility would be 2.54 miles.

Ms. Riddell stated that another question from the Committee was the proximity to the other water reclamation facilities. She presented the proximity from the Goldfield Preserve facility to the other facilities. Ms. Riddell stated that the Rio Verde facility is nine miles from the Goldfield facility. She added that the Fountain Hills Sanitary District facility is on the opposite side of the Verde River and five miles from the Goldfield facility. Ms. Riddell mentioned that the Salt River Pima-Maricopa Indian Community facility in Mesa is 17 miles from the Goldfield facility. She indicated that the Fort McDowell Yavapai Nation facility is 3.82 miles from the Goldfield Preserve facility, located on the opposite side of the Verde River, and is much closer to the Verde River. Ms. Riddell stated that the Committee also asked for a site plan. She presented the site plan for the facility which had been circulated to the Committee.

Ms. Riddell stated that the Goldfield Preserve has presented to the Committee a technical sufficient application and has met all of the criteria established in the MAG 208 Plan. She mentioned that Maricopa County is the sponsoring agency for the application. Ms. Riddell indicated that the Goldfield Preserve feels that the Committee is obligated to make a recommendation. Chair Klingler inquired about the clubhouse and resort/spa shown in the presentation. He referred to previous statements made by the Goldfield Preserve about the golf course and commercial being removed. Ms. Riddell replied that the uses projected in the presentation are all of the potential uses. She added that the resort/spa and clubhouse, pursuant to Maricopa County Ordinance, are considered special use permits and do not require commercial zoning. Ms. Riddell indicated that commercial zoning has been removed from the project. She stated that the Goldfield Preserve has taken the worst case scenario of all the possible most intense uses and used those numbers to reach the calculations. Chair Klingler inquired if that is how 0.4 mgd was determined as the ultimate capacity for the facility. Ms. Riddell replied that is correct.

Chair Klingler commented on the approval by the Maricopa County Board of Supervisors of the master plan and land uses. He inquired if there are any other requirements that need to be met with Maricopa County. Ms. Riddell replied yes. She stated that Maricopa County approved the DMP. She added that subsequent zoning applications and plats have been filed with Maricopa County. Chair Klingler inquired about the connection between the DMP and the approval of the Preserve at Goldfield Ranch WRF. Ms. Riddell responded that the connection is that the DMP sets forth the specific uses. She indicated that the chart in the presentation showing the land uses has now been approved by the Maricopa County Board of Supervisors.

Kevin Chadwick, Maricopa County, inquired about the contact that the Goldfield Preserve has had with the Salt River Pima-Maricopa Indian Community. Ms. Riddell responded that the Goldfield Preserve provided notification to the SRPMIC of the October 22, 2007 Committee meeting 10 days prior to the meeting. She added that the Goldfield Preserve had an extensive neighborhood outreach in the DMP application in which the SRPMIC was included and invited. Ms. Riddell mentioned that there was six separate open house meetings for the development plan. She indicated that at one of the open house meetings, a hydrologist and water attorney were present to answer questions.

Ms. Riddell noted that 70 days have now passed since notice was provided to the Salt River Pima-Maricopa Indian Community on the Small Plant Review and Approval for the Preserve at Goldfield Ranch WRF. She commented that after the October 22, 2007 Committee meeting, the Goldfield Preserve called the SRPMIC daily to set up meetings. Ms. Riddell stated that correspondence is available which indicates the attempts to meet with the Salt River Pima-Maricopa Indian Community. She added that the SRPMIC contacted the Goldfield Preserve on approximately the 53<sup>rd</sup> day and requested a meeting.

Ms. Riddell mentioned that the Goldfield Preserve met with the SRPMIC. She commented that the representatives from the SRPMIC at the meeting were not the decision makers and were there to garnish information. Ms. Riddell indicated that the Goldfield Preserve provided the SRPMIC with additional information. She stated that another correspondence was received from the Salt River Pima-Maricopa Indian Community requesting additional information on a Friday afternoon. Ms. Riddell indicated that the Goldfield Preserve supplied the information requested on the next Monday afternoon or Tuesday morning. She commented that the correspondence requested a meeting on Tuesday afternoon. She indicated that the Goldfield Preserve showed up for the meeting; however, the SRPMIC stood them up. Ms. Riddell commented that was the last correspondence until the letter received at today's Committee meeting.

Ms. Riddell stated that the Goldfield Preserve has been meeting with the Fort McDowell Yavapai Nation since August 19, 2005. She commented on the correspondence she has available. Ms. Riddell added that the Goldfield Preserve has met with the Fort McDowell Yavapai Nation and reviewed the development plan when the property went into escrow. She commented that numerous meetings were held with Dr. Carole Klopatek and President Raphael Bear. Ms. Riddell stated that the Goldfield Preserve met with the Tribal Council following the October 22, 2007 Committee meeting and went through the entire application. She noted that the entire Goldfield Preserve team was there and ready to answer any questions.

Bob Hollander, City of Phoenix, commented on the determination that connecting to an existing water reclamation facility was not feasible. He inquired if the determination was based on an engineering and cost analysis. Ms. Riddell responded that the determination was based on a practical analysis. She mentioned that the area is approximately 5,000 acres and within Maricopa County. Ms. Riddell indicated that the property is surrounded on one side by the Fort McDowell Yavapai Nation and on the other three sides by the Tonto National Forest. She stated that there are currently about 80 residents in the area; however, there is no sewer system or water reclamation facility within the 5,000 acres. Ms. Riddell commented on growing the infrastructure. She added that the closest water reclamation facility belongs to the Fort McDowell Yavapai Nation and is located on the opposite side of the Verde River. Ms. Riddell discussed the topography in the area and indicated that it is not possible for the Preserve at Goldfield Ranch to connect to any other facility.

Stephen Bontrager, City of Peoria, inquired if the concerns of the Salt River Project (SRP) have been addressed. Lee Storey, Moyes Storey, replied that SRP did have a meeting with the developer with respect to the water right and the water use associated with the project. She indicated that SRP is concerned with the subflow issue, which have been fought over for 30 years. Ms. Storey mentioned that SRP did have a meeting with the Goldfield Preserve. She indicated that SRP suggested a water budget for the development project, which was more water than what is being utilized. She mentioned that water is a sensitive matter.

Ms. Storey stated that there is a water right settlement with the Fort McDowell Yavapai Nation, Salt River Pima-Maricopa Indian Community, and Gila River Indian Community. She mentioned the subflow issue and commented that the Goldfield Preserve decided not to go in with the existing possibility of putting 500 exempt wells in the younger alluvium. Ms. Storey added that the Goldfield Preserve had a hydrologist look at all the hydrologic studies that have been conducted in the area since 1968 and before, including the Arizona Department of Water Resources (ADWR) Third Management Plan as well as other reports. She indicated that the reports are all consistent in showing that there are two aquifers. Ms. Storey mentioned that there is an upper younger alluvial aquifer that is often considered the subflow zone in which most of the exempt wells are drilled and pumped. Ms. Storey stated that the hydrologist reported that there is 400 feet of a confined consolidated area between the upper and lower aquifer which the Goldfield Preserve has taken into consideration. She indicated that the wells being developed for this project all go into the lower aquifer and are cased so that the water that is withdrawn is from the lower aquifer.

Ms. Storey stated that the amount of water that is used for the project is less than the amount suggested by SRP. She added that the water being used is also consistent with the Certificate of Assured Water Supply that was issued on the project in 1988 for the first phase of development under the old development plan. Ms. Storey stated that the Goldfield Preserve has taken a very concerted view with respect to the project and the use of the water rights. She commented that the Goldfield Preserve has not had a meeting with SRP since that time. Ms. Storey mentioned that SRP did indicate that it was going to recognize that ADWR is the forum and will be submitting hydrologic information. Ms. Storey stated that ADWR has looked at the project and has agreed that water is physically and continuously available. She added that ADWR has issued an Analysis of Assured Water Supply.

Mr. Bontrager inquired about the method of effluent disposal from the facility. Ms. Storey replied that the intention of the project is to recharge all of the effluent, to the greatest extent possible, back into the lower aquifer. Mr. Bontrager asked if the Goldfield Preserve will be recharging back into the aquifer from where the project will be withdrawing the drinking water supply. Ms. Storey responded that is correct. She added that the effluent will be treated to A+ quality and recharged into the lower aquifer that is not hydrologically connected. Mr. Bontrager inquired about the upper aquifer. Ms. Storey replied that there is still an outstanding issue as to whether even the upper aquifer is connected to the Verde River. She stated that the Goldfield Preserve did not want to address that issue and took a conservative approach.

Mr. Bontrager inquired about the distance between the recharge location and the drinking water wells. Sheila Logan, CMX, presented the intended location of the recharge wells surrounding the wastewater treatment plant site. She commented on well locations being upgradient in parcel A16. Mr. Bontrager inquired if the groundwater drawn out from the wells would influence the relationship of the recharge to where the wells are pumped. Ms. Storey replied that those issues would be addressed with the Arizona Department of Environmental Quality (ADEQ) and when the analysis needs to go forward. Mr. Bontrager stated that part of the charge of the MAG Water Quality Advisory Committee is to look at the impact to the quality of water in the aquifer. Ms. Riddell presented the location of the proposed well. Chair Klingler inquired about the distance between the well and the water reclamation facility. Ms. Riddell responded that the distance would be approximately one mile to one and one-half miles.

Chair Klingler inquired about the facility recharging into the lower aquifer that is self contained and not flowing to the Verde River. He asked for clarification if it is the upper aquifer that is in dispute as to whether it flows to the Verde River or if it is both the upper and lower aquifer. Ms. Storey replied that the entire State of Arizona, with respect to the subflow issue, is in dispute and will continue to be in dispute. She stated that the upper aquifer is more productive; however, the Goldfield Preserve will be withdrawing from the lower aquifer. Ms. Storey discussed a pump test conducted on the lower aquifer and the impacts on water levels in target exempt wells in the upper aquifer. She noted that when the pump test was conducted, there was no relationship which further allowed it to be concluded that the 400 feet of consolidated material was a confining layer. Ms. Storey commented that it was a decision by Goldfield Preserve to avoid the subflow issue by using the lower aquifer. She indicated that the Goldfield Preserve will not be withdrawing from the upper aquifer to avoid the subflow issue. Ms. Riddell stated that the actual drawdown calculations for water have been provided as part of the MAG 208 document.

Chair Klingler commented on the Certificate of Assured Water Supply for the older development in the 1980s. He inquired about the relationship with the current project and if the Goldfield Preserve will have to get a new Certificate of Assured Water Supply. Ms. Storey replied that a Certificate of Assured Water Supply was issued for the first phase of the old development in 1988. She stated that the Goldfield Preserve had to reapply for a certificate since there was no action and changes were made to the assured water supply rule and the Management Plan. Ms. Storey added that the Goldfield Preserve took it as a charge of good faith to live within the water budget that was committed to in the original certificate. She indicated that instead of applying the budget to houses and a golf course for the first phase, the Goldfield Preserve will be utilizing that water budget for the entire project.

David McNeil, City of Tempe, inquired if the Goldfield Preserve has approached ADEQ to determine if recharge and recovery out of the same aquifer for potable uses would be a concern. Ms. Riddell replied that the Goldfield Preserve has not approach ADEQ; however, that will be part of the ongoing process.

Robin Stinnett, City of Avondale, inquired if the Goldfield Preserve completed an additional hydrologic analysis when it reapplied for the Assured Water Supply Certificate. She asked if the Goldfield Preserve indicated that it was only going to take water from the lower aquifer and inquired if there was physical availability identified for the supply coming from only the lower aquifer. Ms. Storey responded yes. She added that a hydrologic study was prepared utilizing all of the hydrologic information that has been gathered in the area over the last 40 plus years and submitted to ADWR that the water would be withdrawn from the lower aquifer. She commented that ADWR did issue an Analysis of Assured Water Supply that the water is physically and continuously available for 100 years. Ms. Storey noted that there is more water available in the lower aquifer. She indicated that the analysis holds the water for the benefit of the Goldfield Preserve. Ms. Storey stated that the Goldfield Preserve still has to file for a Certificate of Assured Water Supply. She discussed the requirements of the certificate. Ms. Storey indicated that the heart of the certificate is the water analysis, which ADWR has ruled upon and approved as being available for the project.

Mr. Bontrager referred to the Analysis of Assured Water Supply and inquired if the recharged water was taken into account as part of the available water. Ms. Storey replied no. She stated that the analysis includes the worst case scenario of pumping 732 acre feet per year. Ms. Storey added that the analysis did not take into account the reduction of the groundwater withdrawal amount on the lower aquifer by injecting A+ quality effluent back into the system.

Dr. Carole Klopatek, Fort McDowell Yavapai Nation, stated that the Nation has met with the Goldfield Preserve on several occasions; however, the technical aspects of the water reclamation facility have not been discussed. She mentioned that the Fort McDowell Yavapai Nation had offered an invitation to meet with the Tribal Council prior to the October 22, 2007 Committee meeting. Dr. Klopatek discussed a meeting that occurred between the Nation and the Goldfield Preserve following the October 22, 2007 Committee meeting. She indicated that the Goldfield Preserve did present the proximity of the Preserve at Goldfield Ranch WRF and other facilities to the Verde River; however, it did not show the Nation anything in terms of the questions asked. Dr. Klopatek stressed that there was no technical discussion at any time. She referred to letters provided to the Committee and indicated that specific questions were asked to the Goldfield Preserve which have not been addressed. Dr. Klopatek commented on the DMP being presented by the Goldfield Preserve and the 208 being two separate issues. She indicated that according to the presentation, the 2007 DMP states that there is no commercial. Dr. Klopatek mentioned that having casitas and a resort/spa are commercial, according to Maricopa County. She commented on not knowing the facilities that will accompany the resort and technical changes that would need to be made to the plan.

Dr. Klopatek referred to a figure showing the proximity of the Preserve at Goldfield Ranch WRF and three other facilities to the Verde River. She stated that none of the existing three facilities use injection wells since it is not feasible. Dr. Klopatek indicated that the facilities do not use injection wells and instead use the effluent on the turf and grassy areas. She mentioned the agencies that the Fort McDowell Yavapai Nation has worked with for its facility. Dr. Klopatek added that the Nation

has gone through this and understands the process and the technical challenges in the area. She indicated that this application is small compared to other applications and is not technically sound. Dr. Klopatek discussed the feasibility of the injection wells. She indicated that the 208 document states that there is one injection well with one redundancy. She asked what would happen if the injection well failed. Dr. Klopatek referred to other injection well failures in the state. She mentioned that there is no redundancy in the system proposed. Dr. Klopatek commented that there would have to be several injection wells for this plan in order to force down the material.

Chair Klingler inquired if the technical questions raised by the Fort McDowell Yavapai Nation are contained in the December 17, 2007 letter that was provided to the Committee. Dr. Klopatek replied that is correct. Chair Klingler commented on the Nation having a plant near the Verde River. He inquired if the Fort McDowell Yavapai Nation has an injection well. Dr. Klopatek replied that none of the facilities in the area have injection wells. Chair Klingler inquired on the size of the Fort McDowell Yavapai Nation facility. Dr. Klopatek responded that the plant is small. Chair Klingler asked for clarification if the Nation's facility reuses the effluent on turf and does not use injection wells. Dr. Klopatek replied that is correct. Mr. Hollander inquired if any of the facilities in the area discharge directly to the Verde River as a method of effluent disposal. Dr. Klopatek replied no. Mr. Hollander inquired if the facilities in the area only reuse the effluent. Dr. Klopatek responded that all the facilities that the Fort McDowell Yavapai Nation has researched in the area only reuse the effluent. She added that documentation can be provided to demonstrate that the facilities reuse the water.

David Iwanski, City of Goodyear, inquired about when the 14 detailed questions addressed in the December 17, 2007 letter were prepared. He asked if it would have been possible to have the 14 questions for the Goldfield Preserve to answer long before December 17, 2007. Dr. Klopatek replied that many of the questions addressed in the letter were brought forward in the meeting held with Maricopa County on September 26, 2007. She also referred to the October 2, 2007 letter that was discussed at the October 22, 2007 Committee meeting. Dr. Klopatek added that many of the issues are being readdressed in different formats; however, since that time, the Fort McDowell Yavapai Nation has not received a response from the County or the Goldfield Preserve in regard to the questions. She commented on the time involved and the data gathered by the Nation since the document did not include the information.

Dr. Klopatek stated that the Fort McDowell Yavapai Nation did an analysis and a significant review of all the information available. She commented on the drill logs and data that shows there is no confining layer. Dr. Klopatek mentioned that the Goldfield Preserve used very limited data for the application. She indicated that the information is out there; however, most of the data is not part of the document. Mr. Iwanski referred to the questions in the December 17, 2007 letter being submitted to Maricopa County in late September and asked when the Goldfield Preserve was aware of the questions. Dr. Klopatek replied that the Goldfield Preserve was aware of the questions in early October since a meeting was held at that time.

Ruben Guerrero, Salt River Pima-Maricopa Indian Community, stated that the SRPMIC has provided a December 20, 2007 letter indicating that it cannot support the Preserve at Goldfield Ranch WRF 208 document which is on the agenda for the December 21, 2007 MAG Water Quality Advisory Committee. He added that although ancillary documentation was provided to the

Community a few weeks ago, the Community did not receive the Goldfield Ranch Master Wastewater Report, Master Water Report, Application for Analysis of Assured Water Supply and Approval of Analysis of Assured Water Supply until the afternoon of December 18, 2007. Mr. Guerrero stated that the Community had originally scheduled a meeting on December 18, 2007 with Goldfield Ranch to conduct a technical review of the proposed wastewater reclamation facility. However, due to the delay in receiving the requested documents, the Community postponed the meeting. Mr. Guerrero stated that due to the limited review time, the Community is not satisfied that the proposed Goldfield Ranch development/facility will not adversely impact the Community's underground and surface water resources.

Mr. Guerrero commented on references made about attempts by the Goldfield Preserve to set up a meeting. Mr. Guerrero indicated that the meeting that was scheduled for December 18, 2007 was contingent upon the Goldfield Preserve providing the proper documentation and allowing the Community enough time for its technical staff to review the information. He mentioned that the information was submitted at 1:30 p.m. for a 4:00 p.m. meeting. Mr. Guerrero commented that the Salt River Pima-Maricopa Indian Community did not see it necessary to meet with the Goldfield Preserve since the information was not received in time for a review.

Chair Klingler stated that Garry Hays and Don Kyle, Goldfield Preserve, indicated their support for the project on comment cards but did not wish to speak. Chair Klingler recognized public comment from Kevin Kammerzell, CMX, engineer for the Ellman Companies on the project. Mr. Kammerzell stated that he represents 65 engineers that are currently working on the job for the Goldfield Preserve to work through changes in development and approach. He commented on working in an environmentally sensitive area and changes from the original master plan to the new master plan. Mr. Kammerzell added that the plan has taken a significant reduction in lots and water use in order to make the site work. He indicated that in terms of reuse versus recharge, nonnative species have been eliminated. He mentioned that the plan is to make the site as native and natural as possible; therefore, the reuse opportunities are limited for the site.

Ms. Riddell commented on the meeting between the Goldfield Preserve and the Fort McDowell Yavapai Nation. She stated that the entire Goldfield Preserve team was there and ready, willing, and able to answer any questions. Ms. Riddell indicated that when the Goldfield Preserve received the concerns submitted by the Nation to Maricopa County, those concerns were responded to in writing within 24 hours. She mentioned that the letter provided at today's Committee meeting was given to the Goldfield Preserve only 24 hours prior to the meeting. Ms. Riddell stated that this is consistent with how the Fort McDowell Yavapai Nation has behaved throughout the process. She commented that a letter was received from the Nation on the day before the Planning and Zoning Commission hearing, letters were received the day before the Maricopa County Board of Supervisors hearing, and this letter was received 24 hours before this Committee meeting. Ms. Riddell mentioned that this behavior is not negotiations taking place in good faith and is political filibuster. She stated that it is the Nation trying to use the Committee to place a moratorium on the application.

Ms. Riddell commented on the letter that was faxed to the Goldfield Preserve by the Salt River Pima-Maricopa Indian Community on a Thursday afternoon. She stated that the letter requested a meeting for Monday, December 17, 2007. Ms. Riddell indicated that the letter does not say that the meeting was contingent upon receiving materials. She added that the materials requested were

gathered as quickly as possible and submitted to the SRPMIC by Tuesday. Ms. Riddell mentioned that a meeting was scheduled for Tuesday afternoon and the Salt River Pima-Maricopa Indian Community did not show up for the meeting. Ms. Riddell stated that the Goldfield Preserve has continued to try to provide the information and work with the stakeholders in the area. She indicated that the Goldfield Preserve keeps getting pushed back every step of the way. Ms. Riddell stated that the Goldfield Preserve respectfully requests that the Committee not allow this behavior to continue and makes a recommendation on the project. She added that the Goldfield Preserve hopes for an affirmative recommendation.

Chair Klingler commented on the questions submitted in October by the Fort McDowell Yavapai Nation that were similar to the questions in the December 17, 2007 letter. Ms. Riddell stated that the Goldfield Preserve responses to those questions are located in Appendix F of the document. Chair Klingler commented on the disagreements between the Goldfield Preserve and the Indian Communities. He stated that a charge of the Committee is to see that technical issues are addressed. Chair Klingler indicated that the December 17, 2007 letter referenced scientific data on groundwater and soils required by the MAG 208 Plan. He inquired if someone could address the issue. Ms. Riddell replied that Section 3.4.1 has the hydrologic information that was requested. She indicated that soil is not part of the application, not part of the request, and did not accompany the application for that reason. Chair Klingler inquired if the reason soil was not addressed in the document was because the Goldfield Preserve believes it is not required. Ms. Riddell replied that is correct.

Chair Klingler inquired if Parcel B would remain on septic and not be included in this plan. Ms. Riddell replied that is correct. Chair Klingler asked how the Goldfield Preserve has responded to the concerns about Parcel B. Ms. Riddell discussed specific difficulties with Parcel B. She added that if it is appropriate to include Parcel B to be served by the facility, it will be included at a later time. Chair Klingler referred to comments on commercial development. He commented that Ms. Riddell mentioned that the special use permit uses listed in the presentation are part of the approved master plan. He asked for clarification that there are not going to be other commercial uses that are going to exceed the average daily flow. Ms. Riddell responded that is correct.

Chair Klingler commented on the issue of whether the proposed facility would adversely affect the operation and financial structure of an existing facility. He stated that the Fort McDowell Yavapai Nation commented that it has the closest facility and has not received a letter on the issue. Ms. Riddell replied that she is not sure to which letter the Fort McDowell Yavapai Nation is referring. She stated that the Goldfield Preserve has responded to the concern of the Nation. Ms. Riddell indicated that the Fort McDowell Yavapai Nation facility is 3.82 miles away and on the other side of the Verde River. She added that there is no practical possibility to connect into its system. She mentioned that the Preserve at Goldfield Ranch WRF would in no way impact the operation of the Fort McDowell Yavapai Nation facility.

Chair Klingler stated that the Fort McDowell Yavapai Nation inquired about the sufficiency of the capital available for maintaining the operations in the Improvement Districts as well as the qualifications of the company that will operate the plant. He inquired if the Goldfield Preserve has addressed this concern. Ms. Riddell replied that an Improvement District was formed by Maricopa County to oversee the operation and capabilities of the facility. She stated that the Board of the Improvement District is the Maricopa County Board of Supervisors. Ms. Riddell added that a

concern about there not being proper oversight should be addressed to the Maricopa County Board of Supervisors since they are overseeing the capabilities, maintenance, and operation of the facility. She indicated that the information has been included in the document and the Nation was made aware of it. Chair Klingler inquired if there would be a private operator for the plant. Ms. Riddell replied that if a private operator is hired to operate the facility, they would be hired by the Maricopa County Board of Supervisors in their capacity as the Improvement District.

Mr. Chadwick stated that the Maricopa County Department of Transportation oversee the improvement districts. He added that the responsibilities of the County would be operator of last resort for the facility. Mr. Chadwick mentioned that on August 8, 2007, a Construction Improvement District (CID) was formed to oversee the construction of the facility. He stated that the developer would be responsible for building the facility and the CID would be responsible for reviewing it. Mr. Chadwick commented on converting the facility to an operating district once the facility is constructed and all regulatory approvals are given. He indicated that the operating district would be a water and wastewater improvement district and operated by a board of directors that would be overseen by the County. He added that the Maricopa County Board of Supervisors would be responsible if there was some default by the district. Ms. Riddell stated that the financial responsibilities of the construction fall to the developer; however, the ultimate oversight is handled by the Maricopa County Board of Supervisors.

Mr. Hollander stated that all water providers, including the City of Phoenix, are concerned about the potential impacts on groundwater quality from recharged or reclaimed water, especially if potential recovery of that water is anticipated in the future. He added that these consideration may become more important in the future with decreasing water supply. Mr. Hollander mentioned that the issue requires a very complex analysis and stated that he is not sure it is within the purview of the Committee to do such analysis. He indicated that ADEQ will have to do the analysis for the Aquifer Protection Permit and ADWR would have to do the analysis for the Underground Storage Facility and Water Storage Permits. Mr. Hollander stated that if the purview of the Committee is to render a decision on impacts on the aquifer, then the process is backwards. He indicated that the Committee is a planning body. Mr. Hollander commented on the steps that have to take place outside of the Committee. He inquired if it is the purview of the Committee to make these complex analytical decisions or for the other agencies that are responsible for making those decisions to do their part.

Chair Klingler stated that the Committee does assume that the other agencies will be doing their part; however, when there are issues, the Committee does ask questions. He added that the Committee has experts that are knowledgeable about the details and have made suggestions to the applicant. Chair Klingler mentioned that issues are generally worked out. He stated that the MAG process is set up to allow discussion between jurisdictions if a neighboring jurisdiction has a question on how it would be impacted. Chair Klingler indicated that the issues are usually worked out. He discussed the issues between the Town of Buckeye and Global Water as an example. Chair Klingler stated that the Committee has not rendered final judgements on the technical aspects that are the responsibility of other agencies; however, the Committee has given consideration in the past to other member agencies to work out the issues. He mentioned that the issue is if enough time has been given to the neighboring communities to work with the Goldfield Preserve. Chair Klingler indicated that the contention of the Goldfield Preserve is that it has tried to work with the neighboring communities and there has been a series of stops and starts and responses and nonresponses. Chair Klingler stated

that the Salt River Pima-Maricopa Indian Community and Fort McDowell Yavapai Nation are indicating that they need time to go through a thorough analysis with the Goldfield Preserve.

Rich Williams, City of Surprise, stated that Surprise has always been concerned with making sure that the neighboring jurisdictions have sufficient time to review an application and deal with the issues. He mentioned that the responsibility of the Committee is not to resolve permits. Mr. Williams indicated that one of the charges of the Committee is to make sure that everyone has had enough time to deal with, ask questions, and work through the issues. He stated that his expectation is that something will move forward in this process; however, pushing it too early does not generate resolution, coordination and satisfaction. Mr. Williams mentioned that he did not believe that the Committee should push the small plant review and approval forward too fast.

Mr. Williams moved that the Committee allow an additional reasonable period of time so that the jurisdictions could work out their issues. Chair Klingler inquired about a specific period of time. Ms. Riddell stated that the position of the Goldfield Preserve is that a recommendation is preferred. She added that if the Committee feels that the Goldfield Preserve has not done its job, perhaps that would be a recommendation for denial and the Goldfield Preserve would respect that fact. Ms. Riddell asked that the Committee make a recommendation. Chair Klingler asked if Mr. Williams would like to include a time frame in the motion. Mr. Williams replied that he does not know what additional time is needed, but 60 to 90 days would not be unreasonable. Chair Klingler asked if Mr. Williams would like to be more specific on the time frame. Mr. Williams responded 90 days. Stephanie Prybyl, Town of Gilbert, seconded the motion.

Mr. Hollander inquired if within 90 days the Committee would have more information to make a decision. He commented on making a decision at the end of the 90 days. Mr. Hollander stated that he expects the additional time would allow the parties to meet again and inquired about how much information would be enough to make a decision. He stated that he is sensitive to the motion made by Mr. Williams; however, he does not want the issue to continue forever. Mr. Hollander added that there needs to be some certainty as to what kind of information and what sufficient information would be required.

Chair Klingler stated that the intent is not to stall the agenda item. He admonished both sides to work together in good faith. Chair Klingler stated that the sense of the Committee seems to be that it does not want to keep continuing this item, but wants to give the right amount of time to work through the issues. He commented on the experience of the City of Scottsdale as a neighbor to the Salt River Pima-Maricopa Indian Community. He mentioned that the SRPMIC does take time to analyze its own development so that it results in quality development. Chair Klingler discussed the SRPMIC time frame and the positive results. He stated that the Fort McDowell Yavapai Nation is indicating that it took the time to go through and do it right when the Nation went through the same type of experience that the developer is going through on putting a plan together. Chair Klingler mentioned that he does not think the neighbors are asking more than what they went through in their experiences; however, he understands the frustration of the Goldfield Preserve. He commented that the Committee is aware that the Goldfield Preserve has some understandable interest in pursuing this project and does not want a delay for no reason.

Mr. McNeil stated that the concerns that have been raised are legitimate. He inquired about the ability of having the concerns addressed in the absence of a permit issued by ADWR or ADEQ. Mr. McNeil mentioned that the issues are very technical and legitimate. He inquired if the concerns would be resolved in the absence of the ADWR determination that recharge is feasible and impacts are negligible. Mr. McNeil asked if it is feasible to allow more time for all of the concerns to be resolved in the absence of a final permit determination by the regulatory agencies. Chair Klingler stated that he agrees that all the issues may not be resolved at this point; however, the Committee is hearing from the neighbors that there has not been a good faith attempt to resolve the concerns. He added that the Committee is also hearing from the Goldfield Preserve that there has been that attempt to resolve the issues. Chair Klingler commented on providing additional time so that the Goldfield Preserve and the jurisdictions have the opportunity to work together in good faith to try and resolve the issues.

Lucky Roberts, Town of Buckeye, commented on suggesting that, within 30 days, CMX would meet with the Fort McDowell Yavapai Nation and within the next 30 days CMX would meet with the Salt River Pima-Maricopa Indian Community. She inquired if 30 days can be set so that the Committee can make sure that meetings will be held to answer all of the questions that have been raised by the end of the 90 days. Chair Klingler inquired if Mr. Williams would like to amend the current motion. Mr. Williams replied that the idea of the motion was to allow more time for the parties to have a discussion. He stated that the Committee cannot force the parties to the table; however, he will agree to amend the motion to set an expectation of having a first meeting within 30 days, if it is legitimate for the Committee. Chair Klingler stated that the Committee can suggest a meeting to take place within 30 days. Ms. Prybyl agreed to the amended motion. She added that the Committee cannot force the parties to talk, but time can be granted for discussion. She commented on leaving the time open for a standing 90 days.

Chair Klingler asked if the amended motion is to continue the item for 90 days with an expectation that the first meeting take place within 30 days. Mr. Williams replied that is correct. He inquired if both parties can commit to meet within the 30 days. Ms. Riddell replied yes and that the Goldfield Preserve has been available to meet. She added that the Goldfield Preserve has been meeting with the Fort McDowell Yavapai Nation and has requested meetings with the Salt River Pima-Maricopa Indian Community. She expressed frustration with the Committee imposing requirements on the Goldfield Preserve that are not within its control. Ms. Riddell indicated that the Goldfield Preserve is willing to meet with the Indian Communities and have been meeting for two and one-half years.

Dr. Klopatek noted that the Fort McDowell Yavapai Nation invited the Goldfield Preserve, prior to the October 22, 2007 Committee meeting, to meet and discuss the issues. She indicated that the Nation is committed to having multiple meetings, if necessary, to work with and discuss the issues at length. Chair Klingler inquired if 30 days is a reasonable expectation. Dr. Klopatek replied that 30 days is reasonable. She added that she would need to look at the schedule of the Tribal Council; however, she will make every effort to have a meeting within the next 30 days. Dr. Klopatek stated that if Tribal Council is not available, she would make every effort to have the technical staff meet with the Goldfield Preserve within the 30 days and a subsequent meeting with the Tribal Council and technical staff could be scheduled. She added that she will do whatever she can to make it work.

Mr. Guerrero stated that he is with the Office of Congressional and Legislative Affairs for the Salt River Pima-Maricopa Indian Community. He referred to the meeting set up for December 17, 2007 and the Goldfield Preserve saying they were stood up. Mr. Guerrero indicated that various messages were left through their consultant, Larry Landry of Landry Creedon and Associates. He added that a voicemail was left with Garry Hays, the attorney representing the Goldfield Preserve, who said that the message was not received because his phone was dead. Therefore, the Goldfield Preserve arrived for a meeting that had been canceled. Chair Klingler stated that there is a lot of miscommunication and inquired if the SRPMIC would be able to have a first meeting within 30 days. Mr. Guerrero replied yes. He commented that the SRPMIC would have been willing to meet had the materials been provided in enough time. Chair Klingler asked for clarification that the materials have been provided so the Salt River Pima-Maricopa Indian Community can meet with the Goldfield Preserve within the next 30 days. Mr. Guerrero replied that is correct.

Mr. McNeil commented on language in the document being indeterminate. He mentioned that the document indicates that only effluent recharge is being considered at this time. Mr. McNeil inquired if the document is limiting in terms of methods of disposal. He asked if the Goldfield Preserve would need to come back through the process if it were to fail to obtain recharge permits from ADWR or an Aquifer Protection Permit from ADEQ and need alternative forms of disposal. Julie Hoffman, Maricopa Association of Governments, replied that the Goldfield Preserve would likely have to come back through the process if changes were made that would be inconsistent with the document that has been submitted and approved by the MAG Regional Council.

Mr. Chadwick commented on the questions from the Fort McDowell Yavapai Nation being technical issues. He added that he provided the questions to the Maricopa County technical reviewer of the 208 document. Mr. Chadwick indicated that the technical questions are interesting; however, they are not within the purview of the 208 review process. He commented on the issue of the Fort McDowell Yavapai Nation not receiving a letter to determine if the proposed facility will adversely affect the operation or financial structure of an existing facility. Mr. Chadwick mentioned that the Small Plant Review and Approval Process does not state that requirement.

Mr. Chadwick indicated that the other issues brought forth in the December 17, 2007 Fort McDowell Yavapai Nation letter were more technical than required in the 208 Process. He added that the questions provided in the letter were similar to the questions in the October 2, 2007 letter. Mr. Chadwick added that there were some additional questions in the December 17, 2007 including the question about the effects on endangered species. He indicated that Maricopa County agrees that compliance with those acts is required; however, it is above and beyond the requirements of the 208 Process.

Mr. Chadwick mentioned that Maricopa County is concerned about having specific time periods for additional time for the parties to meet. He stated that the County does not see what end there will be since there has already been a 60 day period. He inquired if the SRPMIC has been provided with the 208 document at a date earlier than when the rest of the materials were provided. Ms. Riddell replied yes. She stated that the Goldfield Preserve was present at the meeting as a result of a 60 day continuance since the Goldfield Preserve did not provide sufficient notice to the SRPMIC. Ms. Riddell added that the 208 document was provided to the Salt River Pima-Maricopa Indian

Community 10 day prior to the last meeting. She noted that the SRPMIC has had a copy of the MAG 208 document for 70 days.

Mr. Chadwick stated that Maricopa County is concerned if there will be a resolution at the end of the continuance. He added that setting a schedule of meetings for this item is not the intention of the Committee. Mr. Chadwick indicated that the technical requirements have been met and Maricopa County, as the sponsor, recommends that the item move on to the next level.

Chair Klingler stated that the Committee respects the requests of all MAG members agencies including Maricopa County. He inquired if Ms. Hoffman can respond to the question of the MAG 208 requirement about not adversely affecting the financial structure of an existing facility. Ms. Hoffman referenced the Small Plant and Approval Process Section in the MAG 208 Plan. She stated that the guidelines for small plants outside Municipal Planning Areas states that in order for a small plant to be approved for construction, a small wastewater plant (2.0 mgd ultimate capacity or less) not otherwise mentioned in the MAG 208 Plan and located outside a Municipal Small Plant Planning Area must not adversely affect the operation or financial structure of existing or proposed wastewater treatment plants. Chair Klingler inquired if the section provides information on endangered species compliance. Ms. Hoffman replied that endangered species compliance is not specifically listed as a requirement in this section. She provided copies of the Small Plant Review and Approval Process Section of the MAG 208 Plan to the Committee.

Mr. Iwanski stated that he is concerned that a 60 day extension has already been granted and his expectation was that the parties would meet, resolve the issues if possible, and come back for a final resolution at this meeting. He added that the reason for this special meeting is to respond to the 60 day deadline. Mr. Iwanski expressed disappointment that the issues were not resolved. He stated that according to Dr. Klopatek, the issues were made available and the County was aware of them at the end of September or beginning October. Mr. Iwanski added that the Goldfield Preserve was aware of the issues at the beginning or middle of October and the MAG Water Quality Advisory Committee meeting was held on October 22, 2007. He indicated that the Tribal Council then met and directed that a technical committee be formed. Mr. Iwanski mentioned that since that time, it seems there was no substantive dialogue between the parties until November 19, 2007. He expressed frustration that there was not more substantive dialogue in that 30 day period. Mr. Iwanski added that his expectation was to provide the parties 60 days to work out the issues, and if the issues were not resolved, the Committee would take vote on the item. He commented that the Committee is setting a dangerous precedent, allowing the item to continue after an expectation has been created.

Mr. Hollander referred to the letter dated December 17, 2007 from the Fort McDowell Yavapai Nation outlining 14 items. He added that the letter also states that these additional issues are not possibly all of the issues. Mr. Hollander inquired about the length of the process. He commented on the 208 questions being addressed. He mentioned that if the issues are not part of the 208 Process, the Committee needs to vote that the item to move forward and let the other agencies take their charge of the responsibilities.

Erin Taylor, U of A Cooperative Extension, commented that she is concerned about a similar situation at the end of the 90 days where the Committee will see a lot of letters going back and forth between the parties. She mentioned the continuance and delaying the process and stated that the

Committee needs to move the item forward. Chair Klingler noted that the motion encourages the parties to meet within 30 days.

Mr. Bontrager stated that, although the regulatory agencies have final say, the Committee should explore some of the opportunities that the Goldfield Preserve may present to the regulatory agencies. He commented on the Goldfield Preserve withdrawing and recharging into the same unit. Mr. Bontrager stated that he does not know how this would be done and would like to see a plan that the Goldfield Preserve would present to the regulatory agencies to demonstrate how it would work. He added that part of Committee's charge is water quality.

Chair Klingler stated that the motion is to continue the item for 90 days with a goal of encouraging the parties to begin their first meeting within 30 days. With no further discussion the motion passed through a roll call vote with Jacqueline Strong, City of Chandler; Mr. Chadwick; Mr. Hollander; Chris Ochs, City of Glendale; Ms. Taylor; and Mr. Iwanski voting no. Chair Klingler strongly encouraged the parties to respond to each others calls and take the 90 days seriously. He stated that the parties should get together and do the best they can to resolve the issues.

5. Call for future Agenda Items

Chair Klingler noted that the 90 continuance period for the Small Plant Review and Approval for the Preserve at Goldfield Ranch WRF would end in March 2008. Ms. Hoffman stated that the next Committee meeting has been scheduled for February 13, 2008 for the public hearing on the Draft MAG 208 Plan Amendment for the City of Goodyear Sonoran Valley Planning Area.

Chair Klingler asked for any suggestions on any other future agenda items. With no further comments, Chair Klingler thanked the Committee for participating and called for adjournment of the meeting.