

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Henry R. Darwin
Director

March 3, 2014

Christine Zielonka, Manager
City of Mesa
Development & Sustainability Department
P.O. Box 1466
Mesa, AZ 85201

John Kolman, Director
Maricopa County Environmental Services Department
1001 N. Central Avenue, Suite 100
Phoenix, AZ 85004-1937

Re: Analysis of A.A.C. R18-9-A309(A)(5)(a)(iii)

Dear: Ms. Zielonka and Mr. Kolman

Thank you for meeting with us on January 30, 2014 to discuss the issue of requiring a landowner in a "county island"¹ within the City of Mesa exterior boundaries to connect their home or business to the Mesa sewer system. Mesa has asked ADEQ to provide guidance as to this agency's interpretation of whether the Maricopa Association of Governments (MAG) 208 plan, as currently written, provides the specificity to meet the requirements of A.A.C. R18-9-A309(A)(5)(a)(iii) for the purposes of allowing a city to require a landowner to connect to a city sewer system if they are trying to construct a new septic system, or replace or expand an existing septic system, on a property in a county island. The answer is no.

MAG has an approved Certified Areawide Water Quality Management Plan, pursuant to Section 208 of the Federal Water Pollution Control Act and A.A.C. R18-5-302. Figure 4.21 of the MAG Plan depicts the Mesa Municipal Planning Area, which includes a number of county islands. The significance of the Mesa Municipal Planning Area is that the MAG Plan recognizes the City of Mesa may plan for, and ultimately provide, sewer service to this area. It is a planning tool, not a

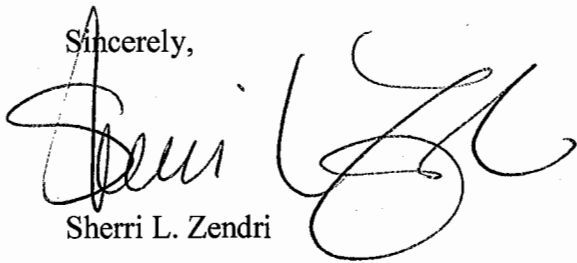
¹ A county island is an area of unincorporated land that is within the exterior boundaries of an incorporated city but not within the defined area of incorporation.

rule or an ordinance. As such, this planning area map does not demonstrate any specific intent to require specific action(s) with regard to any unit of land within the planning area.

A designation of the general planning area in the MAG 208 plan does not identify any area of Maricopa County for connection to a sewage collection system, let alone a specific county island located within the external boundaries of the City of Mesa. The MAG 208 Plan (or an adopted master plan) would need to explicitly refer to a specific area, identify that area as an area where septic tanks should be connected to the sewer, and lastly, should denote the environmental issue being addressed. As currently written, the MAG 208 Plan and its municipal planning area map do not provide sufficient policy and implementation details for such a determination.

Please do not hesitate to contact me at 602.771.2242 if you have any questions or if ADEQ can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sherri L. Zendri', written in a cursive style.

Sherri L. Zendri

Administrative Counsel