**TWG:** Fees  
**Meeting:** #5  
**Date:** October 30, 2018  
**Time:** 10:00 a.m.

**Attendees:**
- ☒ Sandy Bahr, Sierra Club
- ☒ Mason Bolitho, Haley & Aldrich
- ☒ Jeremy Browning, Gov Group
- ☒ Marina Estrella, City of Phoenix
- ☒ Adam Hawkins, Global External
- ☐ Christopher "Kit" MacDonald, U.S. Forest Service - Coconino and Kaibab National Forests
- ☒ Amanda McGennis, Arizona Chapter Associated General Contractor
- ☒ Rebecca Hudson Nunez, Freeport-McMoRan
- ☒ Marcia Sorensen, City of Peoria
- ☒ Jerry D. Worsham II, Cavanagh Law Firm
- ☒ Duane Yantorno, Asarco

**Staff Support:**
- ☒ David Lelsz, ADEQ
- ☐ Heidi Welborn, ADEQ
- ☒ Theresa Gunn, GCI
- ☐ Kelly Cairo, GCI

**Discussion Items:**
- Permit Fees Peer Research
  - Pima and Maricopa County have both review and annual fees (one-year fees)
  - Both counties have several annual fees
  - Trevor asked the group to consider an annual fee
  - Notice of completion can be used to end the action and any annual fees
    - Roads and mining may have multi-year actions to complete the project
    - Once the construction is complete, the project is complete and done
    - Mitigation could have an annual fee to fund the mitigation monitoring program; due with annual report
  - The counties hourly fees are $125.70 and $130 per hour which are in line with ADEQs
  - Construction may feel $5,000-$10,000 fees
  - Usually there is a fee CAP
  - Some 404 professionals are saying a $100,000 is reasonable if faster and more efficient
  - The City of Phoenix does not think a $100,000 is acceptable for a permit fee
    - The City of Phoenix may also be opposed to annual fees
• Conference Call with ADEQ
  o Want conclusions/decisions based on the best data available
  o Purpose of call was to discuss the existing ADEQ model used to establish fees and its applicability to the 404 program
    ▪ ADEQ feels there is some additional information which needs to be considered in determining fees such as JDs and AJDs
    ▪ Some JDs are submitted as part of the permit not before
    ▪ Some nationwide are non-notifying and would not have a notice of completion
  o Current program cost estimate by ADEQ is $2.1 million
  o ADEQ is concerned about using surplus from other programs to fund the 404 program
  o ADEQ is a fee for service agency; there would have to be a justification to make this program general funded and is probably not realistic
    ▪ One-time general funding may be doable to start the program and ensure its success
    ▪ It can still be put in the work group report to seek general funds
  o Enforcement fees go to the general fund not the program fund

• White Paper Draft
  o Group reviewed the draft provided by Duane on the type of permits
  o Need to have transportation person review as their process is somewhat different

**Action Items:**
- (10/2) Acquire a copy of an “Emergency Operations involving the discharges of dredged and/or fill materials into waters of the U.S.” RGP (Fires – David)
- (10/16) David to see AG costs associated with challenges for Rosemont and Florence APP permits, Title 5 (Air)
- (10/16) David to check on litigation numbers regarding number of cases and costs (how funded) for NJ and MI
- (10/16) Capture Arizona AGO costs for Superfund, Air, etc. to help qualify the data
- (10/16) David to discuss fee information/preliminary figures with Trevor Baggiore; viability of general fund use and ADEQ existing fund use/sweep. (David will brief Trevor and will have an offline conversation as needed with Jerry, then the TWG)
- (10/16) David to obtain min/max/ave fees for wastewater treatment and mine/other industrial
- Send JD and AJD info to the committee (Theresa)
- Ask JD Group about how many projects don’t move forward after JD determined (Theresa)

**Action Planning:**
- Rebecca will continue progress on the white paper.
- Sandy agreed to address pros and cons of general fund, with Jeremy
- What is ADOT assuming moving forward; will they fund an ADEQ permit writer (Jerry)
- What is Pima County’s need for 404 Permits and relationship with the Corps (Duane)
• Review draft paper re: permits (All)
• Marina to help Rebecca with additional writing on the white paper

Next Meeting Agenda
• Nov 13, 2018, 10 a.m. at ADEQ, 3100A
• Review data provided by Adam on number of actions and the MI fees schedules
  o Potential to have someone from MI on a conference for the next meeting
  o Adam to coordinate with David
• Discussion of Section IV of the white paper submitted by Duane