

TWG: Fees

Meeting: #5

Date: October 30, 2018

Time: 10:00 a.m.

Attendees:

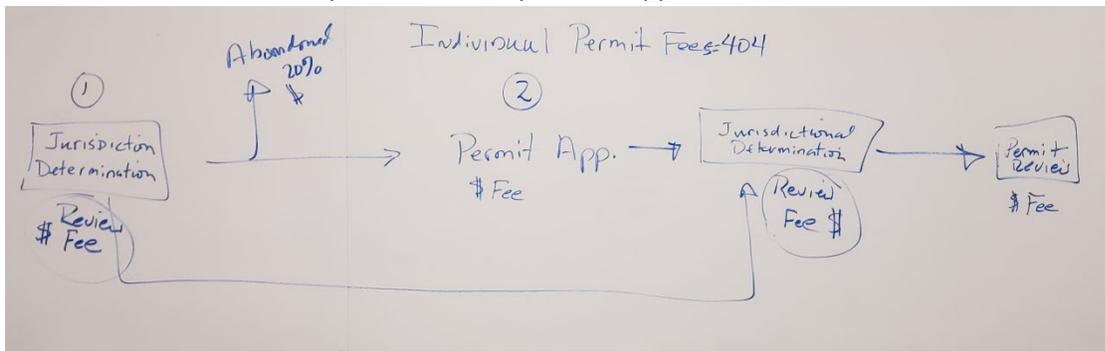
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|--|---|
| <input checked="" type="checkbox"/> Sandy Bahr, Sierra Club | <input type="checkbox"/> Amanda McGennis, Arizona Chapter Associated General Contractor |
| <input checked="" type="checkbox"/> Mason Bolitho, Haley & Aldrich | <input checked=""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

Staff Support:

- | | | | |
|---|--|---|---|
| <input checked="" type="checkbox"/> David Lelsz, ADEQ | <input type="checkbox"/> Heidi Welborn, ADEQ | <input checked="" type="checkbox"/> Theresa Gunn, GCI | <input type="checkbox"/> Kelly Cairo, GCI |
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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
 - Want conclusions/decisions based on the best data available
 - 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 AJs
 - Some JDs are submitted as part of the permit not before
 - Some nationwide are non-notifying and would not have a notice of completion
 - Current program cost estimate by ADEQ is \$2.1 million
 - ADEQ is concerned about using surplus from other programs to fund the 404 program
 - 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
 - Enforcement fees go to the general fund not the program fund

- White Paper Draft
 - Group reviewed the draft provided by Duane on the type of permits
 - 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 Baggio; 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
 - Potential to have someone from MI on a conference for the next meeting
 - Adam to coordinate with David
- Discussion of Section IV of the white paper submitted by Duane