TWG:  Fees

Meeting:  #9  Date:  December 19, 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
☒ Theresa Gunn, GCI
☒ Mark Joyner, ADEQ

White Paper Status
The group reviewed the final draft.
• Group agreed the cover sheet looks good
• Members stated they had no comments on Duane’s changes
• City of Phoenix has sent their dissenting opinion to Jerry and Rebecca for inclusion
• NJ fees schedule will be included as an exhibit
• Sandy to send track changes on grammar and spelling to Rebecca
• Page 2 WOTUS definition change to “will likely affect” and add a footnote
• Page 3 Benefits: line 2 change “they” to “the fees”
• Page 3 Agency Funding: line 3 change to “In talking to ADOT, they…..”
• Page 3 Water Quality Certification: Last two sentences need 404 reference to CWA 404
• Page 3 remove three comments – all resolved
• Page 3 agency funding use acronyms NWP and RGP – spell out
• Page 4 Drawbacks – Data shows …. – needs to cite or indicate where data came from
  o Members discussed the merit of leaving the last 2 sentences in the first paragraph – agreed to leave in drawbacks section
  o Add reference to the data being the Corps data with note the outliers were removed
• Page 4 Drawbacks – remove the last sentence
• Page 6 Correct the section symbol on the last heading
• Page 6 1st paragraph, last sentence – spell out states and add “s” to program
• Page 6 Nationwide Permit – 5th line add hyphen after Coast Guard-approved
• Page 7 Current ADEQ Water Quality Program Fee
  o Group discussed whether the authorizing legislation included a fees cap
  o The fee cap is included in rule not statute
• Global change to one font throughout
• Page 8 and 9 change titles to further differentiate between Application and Annual fees
  o Aquifer Protection Fees – Application
  o Aquifer Protection Fees – Annual
  o Fee Revenue Table – switch the annual fees and permitting fees columns
• Page 10 Funding Options – Section 5, paragraph 2 – change to... “ADEQ could explore federal
  funding commiserate to the portion that will be assumed by ADEQ after the assumption of the
  program this would be undertaken in such a manner to not create a gap .....?”
• Page 10 remove comments they have been resolved by the changes
• Page 11 – Add title for the table “Corps Arizona Regulatory Branch Expenses”
• Page 11 change “they” in first line to “it” and delete “probably”
• Page 11 change “which” to “that” in the second line of paragraph 3
• Page 12 second paragraph change “a third option” to “another option”
• Page 12 first paragraph add paragraph return before general fund monies
• Page 12 take out the unknown unknowns
• Page 12 General funds last paragraph change “all of the” to the “options described above”
• Page 12 change second sentence “approach legislature on an annual basis” and delete the “justify
  their existence”
• Page 12 Hourly Fees change “caped” to “cap” in the next to last sentence
• Page 12 first paragraph last sentence change “allow” to “allows” and “the” to “they”
• Page 13 Monthly Deposit – add “acceptable to sweeps by the legislature” to the end of the last
  sentence
• Page 13 Annual Fees last sentence 49 104(c) and remove “and compliance”
• Page 13 add Fees TWG strongly recommends
• Page 13 106 funds is recommended but not discussed
  o Duane to add information about using the 106 funding for program development
• Page 14 ensure no orphan headings
• Put all recommendations on the last page
• Page 15 It is believed that 106 funds can be used – need to state “ADEQ believes”
• Page 15 second paragraph add “Although funding is not currently allocated form the federal
  funding, ADEQ should purse multiple funding options”
• Add information re: Michigan
• Page 16 add “To fully fund the program and adjust for the outlier applications which will transform
  the cost model”
• Group discussed concerns that the outliers impact to the program in exceeding the cap
• Add Section 106 Funding after flat fees in the index
• List dissents in the appendix