



**TWG: Fees**

**Meeting:** #9

**Date:** December 19, 2018

**Time:** 10:00 a.m.

**Attendees:**

- |   |   |
|---|---|
| <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 checked="" type="checkbox"/> Christopher "Kit" MacDonald, U.S. Forest Service - Coconino and Kaibab National Forests |   |

**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
  - Members discussed the merit of leaving the last 2 sentences in the first paragraph – agreed to leave in drawbacks section
  - 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 1<sup>st</sup> paragraph, last sentence – spell out states and add "s" to program
- Page 6 Nationwide Permit – 5<sup>th</sup> line add hyphen after Coast Guard-approved
- Page 7 Current ADEQ Water Quality Program Fee
  - Group discussed whether the authorizing legislation included a fees cap
  - 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
  - Aquifer Protection Fees – Application
  - Aquifer Protection Fees – Annual
  - 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
  - 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