TWG: Fees

Meeting: #2          Date: September 18, 2018          Time: 1:00 p.m.

Attendees:
☐ Sandy Bahr, Sierra Club*
☒ Mason Bolitho, Haley & Aldrich
☒ Jeremy Browning, Gov Group
☒ Marina Estrella, City of Phoenix, by proxy
☒ 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

*Please note: Due to inaccurate conference call information, Sandy Bahr was unable to participate.

Staff Support:
☒ David Lelsz, ADEQ
☐ Theresa Gunn, GCI

Discussion Items:
• Starting analysis of Army Corps permitting data indicate about 8 or 9 Standard/Individual permits per year.
• ADEQ will confer with Army Corp on relevant permits for assumption of the program, as soon as possible.
• Work Group presentation on Arizona Administrative Code R18-14, Water Quality Division fee authority.
• Rulemaking would be required to amend R18-14 to allow for fees for CWA Section 404 fees after assumption.
• ADOT is not exempt from CWA 404 fees after assumption.
• What do “Other Costs” in draft ADEQ budget consist of?
• Does the current draft budget include an item for JD consultant costs or will that be an FTE?
• Will a hybrid model for funding the program, fees and general fund, be acceptable?
• How will work group estimate JD costs pre- and post-Rapanos?
• What will the EPA be looking for in ADEQ proposal related to fees?

Decisions:
• ADEQ should supply a draft 5-year budget for the 404 program to Work Group.
• ADEQ should re-examine the litigation budget on proposed draft program costs; may need to be increased or possible budget requested from AG’s Office.

Future Discussion Needed:
• Need information on how many Non-Standard/Individual Permits are likely per year.
• What fees are appropriate for Non-Standard/Individual Permits?
Action Items:
• A Hawkins will request CBO analysis of Arizona Army Corps’ operations.

Next Meeting Agenda:
• Review ADEQ analysis of Corps Permitting time frames and numbers
• Update on “Other Costs”
• Update on JD costs
• Update on EPA expectations on fees

Next Meeting:
Tue 10/2/2018, 2pm to 4pm
+1-240-454-0879 USA Toll
Meeting number (access code): 808 599 408

Join Webex meeting