



TWG: Significant Degradation **Meeting:** #9 **Date:** December 18, 2018 **Time:** 10 a.m.

Attendees:

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| <input checked="" type="checkbox"/> Nancy Allen, City of Phoenix | <input type="checkbox"/> Bruce Larson, Bowman Consulting |
| <input checked="" type="checkbox"/> Rion Bowers, Bowers Environmental Consulting | <input checked="" type="checkbox"/> Brian Lindenlaub, WestLand Resources, Inc. |
| <input checked="" type="checkbox"/> Jeremy Casteel, HilgartWilson | <input checked="" type="checkbox"/> Jennifer Martin, Sierra Club |
| <input checked="" type="checkbox"/> Lee Decker, Gallagher & Kennedy | <input type="checkbox"/> Karla Reeve Wise, PDEQ |
| <input type="checkbox"/> Angela Garcia, Salt River Pima-Maricopa Indian Community | <input type="checkbox"/> Monica Salguero, ASARCO |
| <input checked="" type="checkbox"/> Stanley Hart, Save the Scenic Santa Ritas | <input type="checkbox"/> Myron Smith, KGHM |
| <input checked="" type="checkbox"/> Robert Kellock, USAF Retired | <input checked="" type="checkbox"/> Van Wolf, Salmon, Lewis & Weldon, P.L.C. |

Staff Support:

- | | | |
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| <input checked="" type="checkbox"/> Heidi Welborn, ADEQ | <input checked="" type="checkbox"/> Theresa Gunn, GCI | <input checked="" type="checkbox"/> Jill Hankins, ADEQ |
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White Paper Status

The team reviewed the white paper.

- Jeremy will revise Executive Summary based on the comments received
- Group discussed the dissent opinion comment regarding public notice and loss of NEPA
 - CFR (Corps) requires public notice of permit application within 15 days and have 45 days to provide comment
 - APP and NPDES provides for public notice and comment on draft permits and assumes ADEQ would include the 404 draft permits and provide opportunity to provide comment on the alternative analysis
 - If not required, should the TWG recommend it be required to have public notice on draft that includes B1 guidelines analysis
 - The Permits TWG has a subgroup working on the public notification requirements
 - Concern about the dissent opinion being focused on loss of NEPA due to the focus of this TWG was on significant degradation and alternative analysis and not loss of NEPA
 - Acknowledge in the first paragraph that NEPA was outside of the scope of the work group
- Has ADEQ completed an economic feasible of program assumption (completed by an outside group)
 - Most states have not assumed because of the economics
- Water Quality Appeals Board applies to individual permits and can appeal if adversely affected and exercised right to comment on the action
 - Chapter 2 requires any appealable action by ADEQ requires notice and opportunity to comment
 - Lee believes there are statutory requirements providing for public notice on individual permits
- Stan to modify first paragraph based on the comments by the members
- Jeremy will send another draft for final review and then submit final to ADEQ on the 20th.

Members thanked Jeremy for his leadership.